



International Convention on the Elimination of All Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1776th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 2006, at 3.00 p.m.

Chairperson: Mr. de GOUTTES

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The meeting was called to order at 3.15 p.m.

Draft statement by the Committee on the situation in Lebanon
(CERD/C/69/Misc.12)

1. The CHAIRPERSON recalled that on 3 August 2006 the Committee had held a general debate on the worrying situation in Lebanon (see CERD/C/SR.1763), during the course of which it had considered the question of adopting a statement on this issue. On the morning of 11 August, the Human Rights Council, which had convened in extraordinary session to consider the situation in Lebanon, had heard a statement by the United Nations High Commissioner for Human Rights. Several members of the Committee had deemed it appropriate to use this opportunity to make the Committee's voice heard and had jointly drawn up a draft statement which could be approved by the Committee as a whole. The proposed statement read as follows:

"The Committee on the Elimination of Racial Discrimination,

Having held a debate on the situation in Lebanon on 3 August 2006;

Deeply concerned that the continuation of the conflict may intensify racial discrimination and hatred in the region and in the wider world,

Fully supports the statements made by the Secretary-General and by the High Commissioner for Human Rights in this regard before the Human Rights Council on 11 August 2006."

2. After an exchange of views in which Mr. EWOMSAN, Mr. AMIR, Mr. ABOUL-NASR, Mr. KJAERUM and the CHAIRPERSON participated, the text of the draft statement was put to the vote.

3. *The draft statement by the Committee on the situation in Lebanon was adopted by nine votes to zero, with seven abstentions.*

4. Mr. LINDGREN ALVES, explaining his vote after the vote, said that he subscribed fully to the content of the adopted statement, although he feared that it would reach the Human Rights Council too late to be of any real use.

5. Mr. SICILIANOS indicated that it was precisely for this reason that he had abstained from voting. He said that the text was important, but that it should have been adopted several days earlier.

6. Mr. AMIR considered that any text aligning itself with the statement made by the High Commissioner for Human Rights could only reinforce the position of the latter and promote settlement of the Israeli-Lebanese conflict.

The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE
CONVENTION (agenda item 4) (*continued*)

Seventeenth and eighteenth periodic reports of Ukraine (CERD/C/UKR/18;
HRI/CORE/1/Add.63/Rev.1; list of questions for discussion, document without a
symbol distributed at the meeting, in English only)

7. *At the invitation of the Chairperson, the members of the Ukrainian delegation took places at the Committee table.*

8. Mr. RUDYK (Ukraine) said that several important events had taken place in his country since the submission of the previous periodic report in 2001. In March 2006, for the first time since the start of the post-Soviet era, democratic legislative and municipal elections had allowed citizens to exercise their vote freely and with full knowledge of the facts, as confirmed by the Organization for Security and Cooperation in Europe (OSCE).

9. Mr. Rudyk also emphasized that in implementing the recommendations formulated by the Committee when it considered the fifteenth and sixteenth periodic reports of his country (A/56/18, para. 374), Ukraine had taken numerous measures to facilitate the resettlement and rehabilitation of the Crimean Tatars. Several modifications had thus been made to the policy of integrating Tatars of this nationality and other nationalities who had been deported in the past on the grounds of their origin. As at 1 January 2006, more than 140,000 Tatars had returned to Ukraine, i.e. 12% of the total population of the Autonomous Republic of Crimea. The representation of Crimean Tatars within government bodies had also increased: Crimean Tatars currently had two representatives in the Ukrainian Parliament.

10. Mr. Rudyk added that on 11 May 2006 a five-year national programme had been adopted to promote the integration and resettlement of deported persons, aimed principally at resolving problems facing Crimean Tatars in economic, social, political and cultural life. Although certain problems, such as, for example, that of the restitution of land rights, had still not fully been resolved, the Government was constantly striving to make progress in this regard. To date, 76,000 plots of land out of the total of 378,000 available in the Autonomous Republic of Crimea had been redistributed to Crimean Tatars.

11. Furthermore, Ukraine had taken various measures to implement the recommendation in which the Committee, in 2001, had advocated that it adopt provisions allowing it to counter any tendency to target, stigmatize or stereotype, which could lead to racial profiling of particular population groups by police and immigration officers, as well as in the media and society at large (ibid., para. 375). Thus, on 31 May 2005, the law on refugees (para. 181) had been amended. From that date, the status of refugee had been accorded not for three months only, but for the entire period during which the situation in the country of origin justified the granting of such status. Furthermore, certificates issued by the authorities for one year could be extended. In order to guarantee that the rights of refugees were respected and to prevent discrimination from being exercised against refugees by police officers, training manuals had been developed which referred to the principal international instruments relating to human rights and, more specifically, to Ukraine's international obligations with regard to the protection of refugees and migrant workers. As at 1 July 2006, the total number of refugees in Ukraine was approximately 2,300, of whom 1,800 originated from Asia, 318 from Africa, 150 from Europe and 16 from other countries. Of these, thirty had been naturalized in 2006, compared with 121 in 2005.

12. Mr. Rudyk added that his country also had to tackle the numerous problems stemming from the constant increase in the number of illegal immigrants. In 2005, the border control services had detained no fewer than 5,000 illegal immigrants, the majority of whom originated from Moldova, China and India.

13. Since May 2004, the State Committee on Nationalities and Migration (para. 54) had been the main consultative body charged with guaranteeing social

stability and harmony, as well as the observance by Ukraine of the international legal obligations which it had entered into. This body initiated procedures for amending existing laws or drafting new bills aimed at implementing the rights of national minorities and regulating interethnic relations in the State. With the participation of central government bodies and voluntary national minority associations, a bill on amendments and additions to the Ukrainian National Minorities Act (para. 56) had been drawn up. This bill had been favourably received by Council of Europe experts.

14. Mr. Rudyk said that the Ukrainian authorities were determined to do everything possible to improve the level of education of Roma children, which remains the lowest in Ukraine. Given that 40% of the 47,600 Roma living in the country considered the Roma language to be their mother tongue, major efforts had been made to bring Roma children into the general education system. To this end, the State Committee had developed and coordinated a sectoral programme centred on the economic, social and cultural rights of the Roma, which would have to be terminated at the end of 2006 unless the authorities found the financial resources necessary for it to be extended. School curricula would in future contain modules on Roma customs and traditions, and new teaching methods had been designed with Roma children in mind.

15. Mr. SICILIANOS (Rapporteur for Ukraine) said that he had followed closely the efforts made by Ukraine in recent years to comply with its international obligations. In particular, Ukraine had ratified the seven main UN conventions and was one of the few European countries to have ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Mr. Sicilianos was of the view that the periodic report under consideration contained an impressive amount of information on implementation of the Convention, but that, unfortunately, the authors of this document had not adhered to the established guidelines for the drafting of reports.

16. With regard to implementation of article 2 of the Convention, Mr. Sicilianos noted with interest that a bill prohibiting discrimination had been brought before Parliament, and stressed the necessity of adopting legislation that would cover both direct and indirect discrimination in fields such as employment, education, housing and access to public and social services and public places (CRI (2002) 23, para. 20), following the example of the European Commission against Racism and Intolerance (ECRI), which had emphasized this in its second report on Ukraine (December 2001). He said that he would like to obtain more precise information on the implementation of this legislation, notably with regard to Russian religious minorities, which according to information passed on to the Committee were victims of latent discrimination, as well as on the application of the new legislation on refugees.

17. Mr. Sicilianos also noted that the Ukrainian authorities were refusing to take specific measures to protect national minorities on the grounds that, pursuant to article 24 of the Constitution, “there shall be no privileges or restrictions based upon race, colour of skin, or political, religious or other beliefs” (para. 45). However, he recalled that special measures which may be taken for the benefit of certain racial or ethnic groups were not deemed by the Committee to be discriminatory provided that such measures did not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they would not be continued after the objectives

for which they were taken had been achieved (art. 1.4 of the Convention). Consequently, Mr. Sicilianos said that he would like the Ukrainian authorities to review their position on this issue.

18. With regard to the implementation of article 4 of the Convention, Mr. Sicilianos noted that several inquiries had been opened following the publication in the press of a number of articles containing racist sentiments. He said that he would like to know whether these inquiries had been opened in application of article 3 of the Print Media (Press) Act, which prohibited the use of the press with a view to inciting racial, national or religious hatred (para. 50), or of article 66 of the Criminal Code, which made it a criminal offence to incite inter-ethnic hatred (para. 215).

19. Noting that, according to the Organization for Security and Co-operation in Europe (OSCE), the phenomenon of anti-Semitism was widespread in Ukraine and that, according to the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe, newspapers which had published articles of an anti-Semitic nature had been condemned by the Ukrainian courts, Mr. Sicilianos said that he would like to know more about these condemnations, in particular about the nature of the sanctions imposed, and asked what measures the Government and judicial bodies were taking to combat anti-Semitism.

20. With regard to paragraph b) of article 4 of the Convention, the Rapporteur noted that article 4 of the Law on Associations listed the grounds on which an association could be prohibited, in particular justifying fascism, but that racist organizations were not mentioned there. The Rapporteur therefore wished to know if this article could be modified so that racist organizations were specifically mentioned in it, and asked the Ukrainian delegation to give examples of cases in which this article had been applied.

21. Regarding paragraph a) of article 5 of the Convention, Mr. Sicilianos drew the attention of the delegation to the content of observations communicated to the Committee by the European Roma Rights Centre, dated 16 June 2006, (document without a symbol, distributed at the meeting in English only), according to which Roma living in Ukraine did not have access to justice, in particular to legal assistance, owing to the fact that they did not generally have identity papers. Referring to General Recommendation XXXI of the Committee concerning racial discrimination in the administration and functioning of the criminal justice system, the Rapporteur said that the State party should show greater flexibility with regard to these persons when they found themselves outside the law, so that all persons had access to justice in Ukraine without discrimination.

22. As regards paragraph b) of article 5 of the Convention, the Rapporteur noted that, according to several sources, asylum seekers of Chechen, Uzbek, African and Asian origin were victims of maltreatment in all the countries of the Commonwealth of Independent States (CIS) and, in particular, that incidents of this type had taken place in Kiev in early 2005. He asked the Ukrainian delegation to provide more detailed information on these incidents and to comment on the behaviour of the police, who, according to the European Roma Rights Centre, decided in advance on the guilt of Roma suspects and subjected them to maltreatment while they were being detained so as to extract confessions from them.

23. In respect of the right of minorities to own property, the Rapporteur, while noting the efforts made by the Ukrainian government to resettle the Crimean Tatars, asked the Ukrainian delegation to explain why only 20% of the Tatars who had returned to Crimea had been able to acquire a plot of land, while 80% had been deprived of their lands during the course of the privatisation process.

24. On freedom of religion, the Rapporteur noted that, according to the Advisory Committee on the Framework Convention for the Protection of National Minorities, several sites of worship belonging to minorities in various regions of the country had been vandalised and that, according to a report published in 2006 by Amnesty International, several synagogues in Ukraine had been subject to attacks and looting. He also said that, according to a report on Ukraine published in 2005 by the U.S Department of State, certain religious communities, particularly Muslim communities, were forced to wait for a very long time before being able to register. Mr. Sicilianos said that he would like to know the views of the Ukrainian delegation on these matters.

25. With regard to freedom of expression, the Rapporteur noted with satisfaction that Ukraine had adopted a law on languages, that the media broadcast programmes in various languages, particularly in Russian, and that Ukraine had ratified the European Charter for Regional or Minority Languages. However, he noted that the Advisory Committee on the Framework Convention for the Protection of National Minorities considered that there was still progress to be made with regard to the transmission of radio and TV programmes in the Tatar language.

26. As far as social, economic and cultural rights are concerned, Mr. Sicilianos stressed that the Roma were the victims of discrimination in terms of access to employment and social services because they did not possess identity documents, and that the rate of unemployment among them was particularly high. He therefore suggested that the Ukrainian public authorities developed programmes for assisting Roma, particularly the illiterate, to obtain identity documents, since the exercise of their social, economic and cultural rights depended on this.

27. Mr. KJAERUM noted with concern the highly critical and categorical opinions concerning the Roma contained in the report (para. 87). Furthermore, noting that the media which spread prejudices about these people by linking them to crime and drug-trafficking were hardly ever troubled by the judiciary in Ukraine, he said that he would like to know what measures were taken to ensure that complaints lodged against the authors of these rumours were subject to investigation and, in appropriate cases, judicial prosecution, and how many such cases had been brought before the courts. He said that he would also like to obtain more detailed information on the training of police officers with regard to human rights issues in general and the Convention in particular.

28. Recalling that in its oral presentation the Ukrainian delegation had stated that there were no interethnic conflicts in Ukraine, Mr. Kjaerum pointed out that, according to non-governmental organizations, relations between repatriated Tatars in Crimea and the local population currently settled on lands which belonged to the Tatars were very tense. He wished to know what mechanisms for the peaceful settlement of differences were in place for resolving these land disputes and whether members of the police force were trained to react impartially in cases of conflict between communities. Finally, Mr. Kjaerum asked whether the Council of Representatives of All-Ukrainian National Minority Voluntary Associations

(para. 54 of the report) collaborated with the Mediator and how the latter planned the peaceful settlement of conflicts which might arise in problem areas where Roma and Tatars lived together.

29. Mr. AVTONOMOV said that he was astonished to learn that the numbers of almost all the national or ethnic minorities living in Ukraine had decreased spectacularly in the period between the population census of 1989 (HRI/CORE/1/Add.63/Rev.1, para. 6) and that of 2001, the Russian and Jewish minorities, for example, having lost a third and three-quarters of their members respectively. He therefore asked the Ukrainian delegation to indicate what the causes of this phenomenon were and to explain why the Crimean Tatars were not mentioned among the ethnic minorities listed in paragraph 14 of the report, given their large population (250,000).

30. With regard to the Roma, Mr. Avtonomov said that he would like to know if the State party had taken account of General Recommendation XXVII of the Committee, on discrimination against Roma, in the measures which it had taken for the benefit of this minority, in particular the recommendation that members of this minority be recruited to work in law enforcement bodies. Furthermore, he wished to know whether the Roma in Ukraine led a sedentary or nomadic way of life. He also wished to obtain more detailed information on measures taken to preserve the Karaim language and culture (para. 59 of the report), and on the attitude of the State party to the use of Russian, knowing that in certain cities, such as Kharkov and Odessa, Russian could be said to be a regional language, since this language was used by a large number of speakers who did not necessarily, however, belong to the Russian minority.

31. Having read with satisfaction in the report that a draft Presidential Decree had been prepared regarding the institution of a Holocaust Day in Ukraine (para. 66), Mr. Avtonomov nonetheless noted with concern that certain newspapers were publishing articles glorifying the heroes of military units which had sided with the German army during the Second World War and taken part in reprisal operations. In this regard, he said that he would like to know if the aforementioned draft Decree contained provisions prohibiting this kind of propaganda. Furthermore, knowing that in 2006 a monument had been erected in Ukraine in memory of Symon Petliura, a notorious anti-Semite who organized a large number of pogroms in 1918 and 1919, Mr. Avtonomov wondered if this monument might not reinforce the belief of neo-Nazi groups in the legitimacy of their existence and their propaganda.

32. Mr. VALENCIA RODRIGUEZ, noting with satisfaction that Ukraine, an essentially multiethnic country, was perhaps the only one of the states which had emerged as a result of the collapse of the Soviet Union to have succeeded in preserving interethnic harmony, and also noting the existence of a Committee on Nationalities and Migration (para. 62 of the report), said that he would like to know whether this body included among its members representatives of ethnic minorities, what the scope of its recommendations was and to which government bodies these recommendations were addressed. He also wished to know whether this Committee was authorized to receive and examine complaints from private individuals concerning alleged acts of racial discrimination and, if any such complaints had arisen, what decisions it had taken in this regard.

33. With regard to the implementation of article 4 of the Convention, Mr. Valencia Rodriguez stated that Ukrainian legislation punished the dissemination of racist

ideas and incitement to racial hatred and prohibited organizations promoting racial hatred, which meant that in general terms the State party satisfied the requirements of the aforementioned article of the Convention. He said that he would, however, like to know whether the Ukrainian courts had had occasion to apply these provisions.

34. Taking good note of the information provided in paragraphs 53 and 121 ff. of the report, regarding the repatriation of Crimean Tatars, Mr. Valencia Rodriguez said that he would like to obtain further information on the procedure for the granting of Ukrainian nationality to members of this minority, as well as on the number of persons who have been repatriated, the difficulties arising in the repatriation process and the approximate number of persons whom it has not yet been possible to repatriate. Noting with satisfaction that the Crimean Tatars were represented in a number of political bodies, he said that he considered it desirable that the strategy described in the report (para. 126) should continue to be applied, in order to strengthen this representation. Furthermore, he asked what the planned amendments to the National Minorities Act (para. 56) involved and what the current state of progress on this matter was.

35. Mr. Valencia Rodriguez saluted the efforts made by the State party to foster the conditions for and encourage the revival of the ethnic identity of national minorities (para. 60), and noted that these efforts had to be supported both by Ukrainians and by the Roma community. He also took note of the programmes being implemented in the field of education, which he said were essential for putting a definitive end to discriminatory practices, and stressed that the State had to make known the objectives of the Convention and ensure that there was sufficient harmonization of the legal provisions mentioned in paragraph 135 of the report to avoid duplication of effort and to make the best use of the resources available.

36. The expert noted with satisfaction that the numerous cultural organizations established by national minorities did considerable work to promote their own distinctive identities while at the same time strengthening national unity. He said that their efforts should be encouraged.

37. Mr. Valencia Rodriguez welcomed the rules governing the prohibition of discrimination in the fields of employment and health, and asked whether the State had received any complaints in this respect. He said that he would like to know what measures had been taken to facilitate access to housing for members of minorities who lacked sufficient funds of their own and for refugees. Finally, he asked if Ukrainian legislation conformed fully to the provisions of article 6 of the Convention, notably with respect to the granting of compensation or reparation to victims of racial discrimination.

38. Mr. TANG Chengyuan noted with satisfaction that Ukraine was committed to promoting harmony between the numerous ethnic groups present in the country. However, he was finding it difficult to gain a clear overview of the situation with regard to racial discrimination: in paragraph 82 of its report, Ukraine declared that it had eliminated racial discrimination, while the subsequent paragraphs were devoted to the difficulties encountered by the Roma minority in asserting its fundamental rights. He referred to information according to which numerous Roma had been arbitrarily detained by the police and said that he would like to know why Roma representatives were not in agreement with the declaration by Ukraine that racial discrimination no longer existed in the country.

39. Mr. Tang Chengyuan noted with satisfaction that the State devoted a great deal of attention to the Crimean Tatars, but asked what specific measures the authorities were adopting to assure their return and reintegration into society. According to a number of European non-governmental organizations, the living conditions of the Crimean Tatars remained poor and their access to basic services limited. He requested the delegation to provide more detailed information in this regard.

40. Mr. PILLAI said that he would like the delegation to reply to the second question from the list of questions for discussion (CERD/C/UKR/18) regarding the reasons for the decrease in the population of ethnic minority origin. He noted that, according to the State party, major progress had been achieved in the promotion and assertion of the rights of minorities, but said that he would like to obtain concrete information, including numerical data, in order to gain a more accurate picture of the situation. He wondered what the programme for the spiritual development of Roma referred to in paragraph 62 of the report comprised, and in conclusion said that he would like to obtain more information on the contribution made by Ukraine's voluntary associations to the strengthening of interethnic relations (para. 96 of the report).

41. Mr. LINDGREN ALVES said that he would like to obtain information on the Antimonopoly Committee, which, according to the list presented by the Permanent Mission of Ukraine, was chaired by the head of the Ukrainian delegation. He asked why the State party was making efforts to foster the conditions for the integration of minorities into Ukrainian society (para. 153 162), while simultaneously fostering the conditions for and encouraging the revival of the ethnic identity of national minorities (para. 60). He wondered whether these two objectives were not contradictory.

42. Noting in paragraph 69 that all citizens of Ukraine, regardless of race or nationality, had the right to participate in the conduct of public affairs, to elect their representatives and to be elected to government bodies, Mr. Lindgren Alves said that he would like to know whether quotas for each minority existed in the government bodies.

43. The expert was surprised at the manner in which the State party described the problems of the Roma community in paragraph 87 of the report. He wondered if the image presented of the Roma matched the reality, and invited the delegation to give its point of view on this matter.

44. Finally, Mr. Lindgren Alves said that he would like to know why the Crimean Tatars benefited from special treatment compared with other minorities. He asked to what extent the Autonomous Republic of Crimea really was autonomous and particularly wished to know whether the representatives of this Republic were directly elected by the population.

45. Mr. THORNBERRY asked whether the National Minorities Act applied only to those members of minorities who have Ukrainian citizenship. He welcomed the fact that an extensive bill on combating discrimination was being drafted, but noted that, if he understood correctly, the concept of de facto discrimination unfortunately did not feature in it. He asked the delegation to clarify the matter precisely. Finally, he regretted the manner in which the State party described the Roma minority in paragraph 87 of its report.

46. Mr. RUDYK (Ukraine) said in response to Mr. Lindgren Alves that the Permanent Mission had made an error when drawing up the list of the delegation. In actual fact, he was the head not of the Antimonopoly Committee but of the State Committee on Nationalities and Migration.

47. Mr. ZADVORYI (Ukraine) said that the large number of pertinent questions from members of the Committee testified to their keen interest regarding the application of the Convention in Ukraine. On behalf of the Human Rights Commissioner of the Ukrainian Parliament, Mr. Zadvoryi presented the members of the Committee with a compilation of the conclusions and recommendations of the UN treaty bodies, which the Ukrainian Government had just published in three languages (Ukrainian, Russian and English) and which was intended, in particular, for all the country's government employees. He said that the experts on the Committee would also find information there on the powers and competences of the Human Rights Commissioner of the Ukrainian Parliament. This compilation was testament to the importance attached by the Ukrainian authorities to the work of the UN treaty bodies.

The meeting rose at 6.05 p.m.