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Ukraine: Treatment of ethnic minorities, including Roma; state protection

1. Statistics

Citing data provided by the 2001 Ukrainian census, the US Central Intelligence Agency reports that Ukrainians comprise 77.8 percent of the population (US 17 July 2012). According to the national 2001 census, ethnic minorities include Russians (17.3 percent), Belarusians (0.6 percent), Moldovans (0.5 percent), Bulgarians (0.4 percent), Crimean Tatars (0.5 percent) and other ethnic groups (MRG n.d.; US 17 July 2012). Other ethnic minorities include Hungarians (0.3 percent), Romanians (0.3 percent), Polish (0.3 percent), and Jews (0.2 percent) (ibid.).

2. Violence Against Ethnic Minorities

Several sources report that there is racial discrimination, xenophobia, and racially-motivated violence against ethnic minorities in Ukraine (US 24 May 2012, 35; Euro-Asian Jewish Congress [2012]; ECRI 21 Feb. 2012, 34). The US Department of State's *Country Reports on Human Rights Practices for 2011* indicates that there are no official statistics available on the number of racially-motivated attacks (US 24 May 2012, 35). However, the Euro-Asian Jewish Congress, an organization that defends the rights of the Jewish people and monitors hate crimes in Euro-Asian region (Euro-Asian Jewish Congress n.d.), reported that there were 109 victims of racist attacks between 2009 and 2012, including 1 death (ibid. [2012]). *Country Reports 2011* states that, according to NGOs, in 2011, there were 23 racially-motivated attacks involving 40 victims (US 24 May 2012, 35). For instance, media report that a Jewish man was attacked by skinheads in Kiev in April 2012 (European Jewish Press 9 Apr. 2012; *Haaretz* 9 Apr. 2012; *Voz iz Neias* 10 Apr. 2012). Sources indicate that he suffered from serious head injuries and had to be hospitalised (European Jewish Press 9 Apr. 2012; *Haaretz* 9 Apr. 2012). According to the sources, as of April 2012, police officials were investigating the matter (ibid.; European Jewish Press 9 Apr. 2012). Information on the results of the investigation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Nationalist Movements

Country Reports 2011 lists the most active xenophobic groups: unregistered Ukrainian National-Labour Party, the Patriots of Ukraine organization, White Power-Skinhead Spektrum, the Ukrainian Movement Against Illegal Immigration, Ukrainian branch of Blood and Honour, and the World Church of the Creator Ruthenia (US 24 May 2012, 36). The US Department of State further indicates that "such groups appeared to be marginal and poorly organized" (ibid.). The European Commission Against Racism and Intolerance (ECRI) indicates that neo-Nazis and other skinheads groups display Nazi symbols and banners and "make Nazi shouts and gestures during football matches, often directed at players or supporters with dark skin" (ECRI 21 Feb. 2012, 23). For instance, media sources report instances of racist acts, such as Nazi saluting, as well as anti-Semitic and racist

chanting during football matches in Ukraine (*Irish Independent* 16 June 2012; *The Daily Telegraph* 30 May 2012).

ECRI reports that extreme right-wing and neo-Nazi groups choose Ukraine for organising concerts, where they also share extreme right-wing ideas and messages (ECRI 21 Feb. 2012, 22-23).

3. Discrimination and Violence Against Ethnic Minorities

Sources state that ethnic minorities continue to face "discrimination" in Ukraine (US 24 May 2012, 1; The Advocates for Human Rights 29 June 2009). Sources indicate that ethnic minorities are discriminated against in the workplace (ibid.; ECRI 21 Feb. 2012, 9). According to ECRI, discrimination in private sector employment affects mostly Roma, asylum seekers, refugees and Crimean Tatars (ibid.). The Advocates for Human Rights, a Minneapolis-based non-profit organization that raises human rights awareness and documents human rights practices in countries around the world (The Advocates for Human Rights n.d.), states that ethnic minorities are underrepresented in politics, educational organizations and the media in Ukraine (ibid. 29 June 2009).

3.1 Crimean Tatars

Crimean Tatars are a traditionally Muslim, Turkic ethnic group (The Advocates for Human Rights 29 June 2009). Human Rights Watch states that Crimean Tatars face discrimination in the fields of employment, education, as well as unequal land allocation (20 Jan. 2010). According to *Country Reports 2011*, Crimean Tatars complained of discrimination by the ethnic Russian majority in Crimean peninsula and in Sevastopol (US 24 May 2012, 37). For instance, Crimean Tatars stated that "discrimination by local officials deprived them of equal opportunities for employment in local administration and that propaganda campaigns, particularly by pro-Russian groups, promoted hostility against them" (ibid.).

3.2 Jewish population

According to the Advocates for Human Rights, the Jewish population in Ukraine experienced discrimination, acts of vandalism against synagogues and anti-Semitic expressions in the media (The Advocates for Human Rights 29 June 2009). The Ombudsman's office also expressed concern about the

manifestations of anti-Semitism (Ukraine 2010, 148). *Country Reports 2011* indicates that, according to the Association of Jewish Organizations and Communities of Ukraine, there were 11 incidents of vandalism of Jewish property in 2011, compared to 16 incidents in 2010 (US 24 May 2012, 32). For instance, media report that a Jewish cemetery was vandalized in the city of Rivne in June 2012 (*The Times of Israel* 7 June 2012; Israel National News 8 June 2012). According to sources, in June 2012, police was investigating the matter (ibid.; *The Times of Israel* 7 June 2012). Information on the results of the investigation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3 Roma

The European Roma Rights Centre (ERRC) states that, according to a 2001 national census, there are 47,587 Roma in Ukraine (ERRC 23 Apr. 2012, 3). However, "unofficial statistics" indicate that the number of Roma living in Ukraine could be between 120,000 and 400,000 (ibid., 3). According to ECRI, negative stereotypes, hate speech and prejudice against Roma are widespread (ECRI 21 Feb. 2012, 8). Similarly, *Country Reports 2011* states that Roma face governmental and societal discrimination (US 24 May 2012, 36). Many Roma in Ukraine do not have basic identity documents (ibid.; ECRI 21 Feb. 2012, 8), which affects their access to social rights and the right to vote (ibid.). ECRI reports that the situation of Roma concerning housing, education and access to employment has not improved (ibid.). Similarly, ERRC indicates that Roma face discrimination in housing and states that lack of documents certifying property rights for land or house makes Roma vulnerable to forced evictions (ERRC 23 Apr. 2012, 6). ERRC also states that Romani children face discrimination in education (ibid., 6). According to ERRC, some children could not enrol in schools because of the lack of personal documents (ibid., 6). *Country Reports 2011* notes that 15 percent of Roma are infected with tuberculosis (US 24 May 2012, 36). The report indicates that one-third of Roma do not have money to pay for medicine or doctors (ibid.).

Human Rights Watch reports that physical attacks on Roma continue (20 Jan. 2010). A representative of the ERRC indicated, in correspondence with the Research Directorate, that several attacks against Roma have been documented by the Centre (ERRC 22 Aug. 2012). For instance, in April

2011, a Romani woman was killed by skinheads in Donesk (ibid.). Other attacks described by the representative involved beatings of Romani people by the police (ibid.). For instance, in Beregovo, police detained and beat around 90 Roma persons during an investigation on a fight, which was reportedly initiated by Romani men in a bar (ibid.). Corroboration on the above-mentioned incidents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports 2011 states that police officers "ignored and sometimes abetted violence against Roma and referred to Romani ethnicity in crime reports" (US 24 May 2012, 36). Sources report that Roma experience arbitrary detentions and arrests, fingerprinting (ibid.; ECRI 21 Feb. 2012, 9), extortion, threats and beatings at the hands of police (ibid.). For instance, in January 2012, the special police unit of the Ukrainian Interior Ministry broke into Romani dwellings in the town of Uzhhorod and "brutally beat" Romani men and women in their homes in front of their children while shouting "racist insults" (Romea.cz 25 Jan. 2012). Police denied the accusations, stating that the raid was a "normal part of their investigation and prevention of crime" (ibid.). Corroboration could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

ERRC reports that there are nearly 90 Romani NGOs in Ukraine; however, ERRC expressed the opinion that they "lack practical experience on how to effectively promote Roma rights" (ERRC 23 Apr. 2012, 5). The report of the Ombudsman suggested the implementation of a comprehensive national action plan on Roma to address the socio-economic, educational and cultural needs of Roma (Ukraine 2010, 59). Further information on the action plan could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. State Protection

4.1 Legislation

Article 161 of the criminal code of Ukraine prohibits "actions inciting national, racial or religious enmity and hatred" (ECRI 21 Feb. 2012, 13; Human Rights First [2009]). In addition, the code allows the racist or other bias motives of the offenders to be taken into account by the courts as "aggravating circumstances" when sentencing (ibid.).

Sources report that legislative provisions addressing hate crimes are not regularly enforced (US 24 May 2012, 28, 35; Human Rights First [2009]). Sources indicate that racist offences are often prosecuted as ordinary offences or they are reclassified as “hooliganism” (ECRI 21 Feb. 2012, 8; US 24 May 2012, 35). *Country Reports 2011* states that Ukrainian authorities did not prosecute security officials who committed abuses against ethnic minorities (ibid., 1).

Human Rights First states that “prosecutors have been reluctant to bring charges under Article 161 or request more serious penalties under the provisions in article 67” (Human Rights First [2009]). However, in 2008, there were three guilty verdicts handed down under Article 161 (ibid.). For instance, on 17 April 2008, four suspects were convicted for the murder of a Nigerian citizen (ibid.). Further information on the charges handed down under Article 161 and Article 67 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

ECRI states that reliable data on the number of prosecutions and convictions were not readily available (ECRI 21 Feb. 2012, 15). According to ECRI, the number of prosecutions and convictions is lower than the number of racist incidents reported (ibid.).

4.2 Police

Amnesty International (AI) reports that Ukrainian police subject ethnic minorities or anyone who “looks ‘different’” to frequent identity checks, detentions, extortion and other abuses (AI 12 Oct. 2011, 23). The report indicates that

[e]thnic or racial profiling occurs when the police include criteria such as skin colour, language, religion, nationality or ethnic origin in identifying individuals who they intend to question or arrest. ... According to the Article 11 of the Law on the Police of Ukraine, the police are authorised to ask for identification documents from any person they suspect of having committed a crime, but many people are stopped by the police simply because of their appearance. (ibid.)

Similarly, *Country Reports 2011* and the Advocates for Human Rights report that police subject people with “darker skin” to unlawful identity checks

and arbitrary detentions (The Advocates for Human Rights 29 June 2009; US 24 May 2012, 36).

For instance, *Kyiv Post* reported that, in November 2010, police detained hundreds of Kyiv street market workers with "non-Slavic" appearance (*Kyiv Post* 5 Nov. 2010). The workers were packed on to buses and forced to spend a night at the police station without access to a lawyer; they were also asked to pay bribes (*ibid.*). According to *Kyiv Post*, most of the detainees have been repeatedly taken into custody in the past, despite the fact that many are Ukrainian citizens (*ibid.*). According to the police, they were looking for illegal immigrants, and detentions were part of "their legitimate law enforcement duties" (*ibid.*). ECRI also reports that refugees and migrants, including children, risk abusive treatment at the hands of police and arbitrary detention (ECRI 21 Feb. 2012, 9).

Sources report that police do not respond effectively to racially-motivated crimes (US 21 Feb. 2012, 3; The Advocates for Human Rights 29 June 2009). According to the report of the Ukrainian Parliamentary Commissioner for Human Rights, some victims of racist violence do not report incident to police because of the presence of xenophobia among police officers (Ukraine 2010, 63). The *Kyiv Post* reports that police often classify racially-motivated attacks as "domestic offence" or "hooliganism" (21 Apr. 2010).

4.3 Ombudsman

The Office of the Parliamentary Commissioner for Human Rights (Ombudsman) was established in 1998 (AI 12 Oct. 2011, 31). Amnesty International indicates that the Ombudsman's office is not empowered to carry on investigations into allegations; it passes complaints to the General Prosecutor's office (*ibid.*). However, according to the Ombudsman's website, the Ombudsman "conducts inquiries and investigations on the basis of petitions by Ukrainian citizens, foreigners, stateless persons and their representatives" (Ukraine 9 Dec. 2011). The website indicates that complaints should be submitted to the Ombudsman within a year of the "act of violation of human and citizens' rights and freedoms" (*ibid.*). *Country Reports 2011* indicates that 164,146 individuals filed complaints with the Ombudsman's office in 2011, out of which approximately 45 percent were related to civil rights, such as the right to a fair trial, and abuse by law enforcement officers, among others (US 24 May 2012, 27).

Other complaints included: violations of social rights (15 percent), economic rights (13 percent), individual rights (13 percent) and political rights (12 percent) (ibid.).

According to the report of the Ombudsman, published in 2010, "the Ombudsman's role has not been specifically extended to cover issues pertaining to racism and racial discrimination" (Ukraine 2010, 148). However, the report indicates that the Ombudsman's office initiated a monitoring program on the status of national minorities (ibid.). Further information on the program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.4 State Committee for Nationalities and Religion

ECRI reports that the State Committee on Nationalities and Religion, which was responsible for combating racism and racial discrimination, was disbanded in December 2010 (ECRI 21 Feb. 2012, 17). Similarly, the US Department of State's *July-December, 2010 International Religious Freedom Report* indicates that in December 2010, the president announced that the State Committee on Nationalities and Religion would close and most of its function would move to the Ministry of Culture (US 13 Sept. 2011). According to ECRI, no final decision have been taken by the government as to which public body the role of coordinating the Ukrainian authorities' efforts to combat racism and discrimination will be attributed (ECRI 21 Feb. 2012, 17).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organization were unsuccessful: Advocates on behalf of Jews in Ukraine, UN Office in Ukraine.

Representatives of the following organizations were unable to provide information within the time constraints of this Response: Embassy of Ukraine in Ottawa, International Organization for Migration in Ukraine.

Internet sites, including: L'Aménagement linguistique dans le monde; *Chaz Zakarpattia*; Council of Europe; ecoi.net; European Commission; European Court of Human Rights; European Union Agency for Fundamental Rights; Factiva; Freedom House; Institute for War and Peace Reporting; International Federation for Human Rights; Minorities in Focus; National Academy of Science, Ukraine, Kuras Institute of Political and Ethnic Studies; Radio Free Europe/Radio Liberty; Refugees International; Reporters Without Borders; RT.com; Soros Foundation; Transitions Online; Ukraine — Embassy of Ukraine in Ottawa, Government Portal, Official Website of the President of Ukraine; UN — Integrated Regional Information Networks, Office on Drugs and Crime, Office of the High Commissioner for Human Rights, UNHCR Refworld, UN Women; Unrepresented Nations and Peoples Organization.

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