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**Statement by the Delegation of Ukraine:
Responding to anti-Semitic and hate-motivated crimes: the role of governments,
institutions, legislation, law enforcement and civil society
(OSCE Conference on Anti-Semitism and other Forms of Intolerance,
Cordoba, 8 and 9 June, 2005)**

**Mr. Chairman,
Distinguished Participants,**

Ukraine considers the issue of responding to anti-Semitism and other hate-motivated manifestations in a wide context of combating intolerance, discrimination and xenophobia through the development and strengthening a dialogue among cultures and civilizations with a special emphasis on prevention policies and practices.

Being a multiethnic and multicultural state, Ukraine for the years of its independence has accumulated a vast experience in this regard. Its positive record in promoting the culture of tolerance, inter-ethnic and inter-religious peace and harmony is widely known. We are proud not to have any serious incident witnessed which could be considered in the context of anti-Semitic or other hate-motivated violation in recent years in Ukraine. Nevertheless, we remain vigilant.

The general mechanisms of combating anti-Semitic and hate-motivated crimes are determined by the norms of Ukrainian national legislation, in which the relevant provisions of international conventions have been implemented.

Ukraine has a solid legal framework of securing rights of national and religious minorities. The foundations of the Ukraine's policy in this field have been laid by its Constitution and the Declaration on Rights of Nationalities in Ukraine.

Our state is a party to the Framework Convention on Protection of National Minorities. The UN International Convention on the Elimination of All Forms of Racial Discrimination (1966), the UN Declaration on the Elimination of All Forms of Racial Discrimination (1963) are currently in force in Ukraine. The definition and the rights of national minorities as well as foreigners and persons without citizenship are determined in the Laws *On National Minorities of Ukraine, On Local Self-Government, On Associations of Citizens, On Printed Mass Media (Press) in Ukraine, On legal status of foreigners and persons without citizenship* and other legislative acts of Ukraine.

The Criminal Code of Ukraine which entered into force in September 2001 in its *Article 67* provides that racial, national or religious enmity and hostility are specific aggravating circumstances for the purposes of imposing a punishment.

The main criminal law provision in the field of combating racism and intolerance is *Article 161* of the Criminal Code. This Article provides for punishment of *willful actions inciting national, racial or religious enmity and hatred; humiliation of national honor and dignity, or the insult of citizens' feelings in respect of their religious convictions; and any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based, inter alia, on "race", color of skin, political, religious and other convictions, ethnic and social origin, linguistic or other characteristics.*

All these prohibited acts carry heavier penalties if they involve violence or threat of violence or fraud or if they are committed by a public official. The penalties are further increased if they are committed by a group of persons or if the prohibited acts have caused loss of life or other grave consequences. Criminal investigation of the cases under the aforementioned Article 161 is carried out by the Prosecutor General's Office of Ukraine.

The State Committee for Nationalities and Migration takes part in the development and implementation of the state policy in the field of relations between different ethnic groups in Ukraine. The Committee drafts relevant legislation and carries out analyses of the social, economic and cultural life, and the demographic situation of national minorities.

An important role in the fight against racial and ethnic discrimination and racism in the country plays the Authorized Representative of the Verkhovna Rada (Parliament) of Ukraine on Human Rights (Ombudsman).

The Government of Ukraine co-operates closely with international organizations, research establishments, scientific institutes, cultural societies, experts, who are deeply involved in the issue of inter-ethnic relations, protection of rights of national minorities.

Now in Ukraine we witness further development of understanding and mutual respect between representatives of various ethnic and religious groups as a result of combined efforts and increasing partnership between the Ukrainian government institutions and non-governmental organizations, both secular and religious.

Our experience proves that the role of NGOs and other civil society's institutions in monitoring the trends in manifestation of intolerance, in awareness raising and promoting intercultural dialogue in the society can hardly be underestimated. The government alone cannot create tolerance and understanding but it must provide a safe and secure environment in which every member of a multiethnic society could preserve and develop his or her cultural heritage and make it familiar to people of other ethnicities.

To our conviction the joint efforts of governments, institutions and civil society should be aimed, first of all, elaborating the most efficient ways to prevent intolerance and anti-Semitic tendencies. One should be aware how sensitive and delicate are the issues of minorities' rights and how fragile peace in the society might become if even the subtle manifestations of the ethnical or religious intolerance, anti-Semitism included, go unnoticed and do not meet an adequate response from public institutions and the society itself.

Therefore Ukraine welcomes further strengthening of the OSCE activities in the field of tolerance and non-discrimination. In this context we support and look forward for expansion of the ODIHR's Hate Crime Training Program for Law Enforcement Authorities, which, to our mind, would contribute to the development of the OSCE participating States' capacities in preventing, identifying, investigating and responding to anti-Semitic and hate-motivated crimes. We would welcome a proposal to the Ukrainian law enforcement representatives to participate in the Program's activities.

Thank you, Mr. Chairman.