

**Statement
by Ukrainian Delegation
at the OSCE Conference on Tolerance and the Fight against Racism,
Xenophobia and Discrimination**

Mr. Chairman,
Distinguished Participants,

Rising migration flows offer opportunities as well as generated challenges for policy makers and societies at large. Making migration more orderly, safer, productive and of greater benefit for all concerned will involve the development of comprehensive frameworks for migration management that should include effective protection of migrant workers and viable integration strategies.

Failure to put employees' interests at the heart of migration management schemes makes migrant workers extremely vulnerable to abuse.

Unfortunately too many migrant workers still suffer from discrimination, exploitation and abuse. Migrants, including large numbers of women employed as domestic servants, face intimidation and violence, including sexual assault, at the hands of employers, supervisors, sponsors and police and security forces. Children are especially vulnerable to labor and sexual exploitation and denial of basic human rights.

Peculiarity of Ukraine's situation lies in the fact that it is both migrant receiving and sending country. Thus it is equally concerned with protecting the rights of Ukrainian workers abroad and ensuring migrants' rights within the country.

As for the latter, the rights of migrant workers in Ukraine are protected using the same norms of internal legislation that are applied to Ukrainian citizens.

In particular Article 25 of the Constitution of Ukraine provides that foreigners and persons without citizenship, legally residing in Ukraine, have the same rights and freedoms as well as duties as the citizens of Ukraine. The Law of Ukraine "On legal status of the foreigners" (Article 8) provides that foreigners enjoy rights and freedoms in labor relations equal to those of the citizens of Ukraine.

The legal status of migrant workers in Ukraine, including their employment, dismissal, professional examinations, and their permission to stay in the country fully correspond to the European convention on the legal status of migrant workers signed by Ukraine in 1997.

Foreigners, permanently residing in Ukraine and those with the status of refugees have the right to work at the enterprises, institutions and organizations or to be in other labor activities.

Having the necessary legal foundation is important as such, but there is also a need to have effective mechanisms of its implementation.

The implementation of the relevant laws in Ukraine are monitored by the Ombudsman of Ukraine, the State Committee for Nationalities and Migration and the Ministry for Labor and Social Policy. Their actions are intended to prevent de facto discrimination.

We would like to see a similar treatment of Ukrainian migrant workers who are reportedly too often subject to discrimination and abuse.

We urge all the states concerned to ensure full application of the best endeavor clause by abolishing all discriminatory measures based on nationality which affect migrant workers, as regards working conditions, remuneration or dismissal. Ukraine stands for the necessity of the elaboration of the relevant domestic legislation where it is absent, its consistent application where it exists, as well as conclusion of the bilateral agreements in the sphere of labor migration.

Another important issue within this context is information and rights' awareness.

We have to ensure that people arriving in the country are informed and aware of their rights and do not fall prey of employers who mistreat them in terms of access to the job market, wages, contracts, promotion as well as terms and conditions including health and safety regulations.

We share the opinion, that the Governments of all receiving countries should guarantee rendering effective assistance to migrant workers - victims of racism and racial discrimination both through adoption of the adequate national legislation and providing appropriate legal protection.

The role of NGOs and the media in preventing human rights abuse as well as a broad public debate should be enhanced in order to prevent the growth of intolerance and exclusion of migrants in the whole OSCE region.

Ukraine attaches great importance to the issues of social integration of the migrant workers. Special attention should be given to elaborating training programs, pilot awareness – raising projects with a view to facilitating migrant workers' integration into the host society.