

**UNHEEDED VOICES -
ISSUES OF IMMIGRATION,
HUMAN RIGHTS AND FREEDOMS
IN UKRAINE**



**AN EAST EUROPEAN DEVELOPMENT INSTITUTE PUBLICATION
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UNHEEDED VOICES – ISSUES OF IMMIGRATION, HUMAN RIGHTS AND FREEDOMS IN UKRAINE

**PROJECT
«GIVING VOICE TO THE VOICELESS:
SURVEY OF THE VISIBLE ETHNIC (NON-TRADITIONAL) MINORITIES IN SELECTED SITES IN
UKRAINE FOR OBTAINING BASELINE DATA»**



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The present publication is a report based on analysis of the results of a comprehensive survey conducted by the East European Development Institute in 2008 among 1200 respondents, consisting of visible, ethnic minorities and immigrants in Kyiv, Kharkiv, Odesa and Vinnytsya as well as foreign students in 11 cities of Ukraine. The survey covered issues ranging from health care, education, taxation & social protection, housing and sanitation, language and cultural needs, to human rights protection of the respondents. In depth interviews along with the survey backed up the results. Conclusions and recommendations made in this report proposes Ukraine to adjust and improve several existing policies and introduce new ones, enabling the country to sustain its economic growth at current level, adhere to universal human rights standards and fulfill its international obligations.

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VINNYTSYA

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KHARKIV

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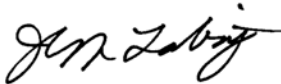
FOREWORD

The movement of people is an important global issue and one that is increasingly a priority area for Ukraine. Over its 17 years of independence, Ukraine's economy has grown while its population is continuing to decrease. The disparity between labor force expansion and shrinking population is leading inexorably towards migration as way to support continued economic growth. As such, Ukraine must confront the new waves of migration that are bringing a variety of nationalities and peoples in order to fill its goals for economic growth.

The Constitution of Ukraine and the laws currently in force have a human rights protection framework that safeguards the development of each individual. This also includes the rights of migrants and immigrants. Factual research into how this framework is applied is of utmost relevance to all those supporting the development of a state migration policy and responding to the myriad migration related challenges that must be faced.

While conducting a comprehensive survey, the East European Development Institute reached out to a significant but less researched section of Ukrainian society – the visible and ethnic minorities. The data from this report sheds light on issues relating particularly to migrants, immigrants and foreign students.

The report is an excellent source of information and provides sound recommendations on how to approach challenges arising from the cultural, linguistic and religious diversity increasingly found in Ukraine.



Jeffrey Labovitz
Chief of Mission
International Organization for Migration in Ukraine

LIST OF ABBREVIATIONS AND ACRONYMS

AI	Amnesty International
AIDS	Acquired Immunodeficiency Syndrome
CERD	Committee on the Elimination of Racial Discrimination
DFID	UK Department for International Development
EC	European Commission
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
EEDI	East European Development Institute
EU	European Union
HIV	Human Immunodeficiency Virus
IOM	International Organization for Migration
MOI	Ministry of the Interior of Ukraine
MES	Ministry of Education and Science of Ukraine
MFA	Ministry of Foreign Affairs
MOH	Ministry of Health
NGO	Non Governmental Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
OVIR	Office for Visa and Registration
SBU	Security Service of Ukraine
TB	Tuberculosis
UAH	Ukraine's national currency Hryvnya
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNESCO	United Nations Educational, Scientific and Cultural Organization
USD	United States Dollar
US	United States of America
WB	World Bank

INTRODUCTION

A number of myths have been perpetuated since the onset of Ukrainian independence in relation to ethnic, national and visible minorities in Ukraine. This relates to the use of the “Russian card” by certain lobbyists as soon as the discourse on protection of ethnic minorities starts, arguing that the interest of Russian language and ethnic minority is ignored. Amidst this politically charged scenario, the real issue of protection of other minorities, the most vulnerable ones due to their scanty numbers living on the territory of Ukraine is drowned.

Further to that, attention has been paid to the minority groups that have been settled in Ukraine since many centuries or have been settling as a result of internal migration within the USSR and later within the CIS. Due attention is not paid to these “non-traditional” immigrants, who are on the territory of Ukraine for the 17 years of independence or at least the last decade. They have become very much a part of the Ukrainian society and reality.

However, till today, they are mostly referred to as “migrants”, refugees and asylum seekers, clearly referring to their transitory and temporary status. Yet many of them have got Ukrainian citizenship or permanent residency and chosen Ukraine to be their homeland. Majority of them have opened businesses or are engaged in earning their livelihood working in Ukraine, and many of them are registered tax payers.

Data and information on these non-traditional visible minorities if not absent are too scanty and scattered among various institutions with various narrow focus mandates. In the absence of a consolidated picture, there are several myths and common beliefs, often unfairly associated with these minority groups, which are disseminated by vested interest circles, politicians and the media. These myths get rooted into popular perception and finally become the source of xenophobia and racism.

It is a pity that rise in ethnic intolerance as per reports of state statistics on crime, media publications and reports of Human rights organizations, groups of ethnic minorities became a stimulus for embarking on this study. Specifically, hate crime committed on representatives of visible minority communities has led to several murders since October 2006 only in Kyiv. Irrespective of their legal or economic status (permanent residency or citizenship of Ukraine or stateless person, legally employed or working in the informal sector, students or tourists, diplomats or business people), visible minorities are victims of growing xenophobia.

Problems faced by visible minorities are: Insecurity and incapability to articulate and address their basic security needs and legal protection; inaction and/or lack of sufficient action on part of the relevant authorities; lack or absence of dialog between the visible minorities and the local authorities; absence of a well articulated needs assessment of the visible minorities for authorities to redress the grievances as well as raising awareness of the public in general.

To the question, whether these minorities were ever asked by any state institutions about their needs, the answer is a clear negative one. Research by a team of experts from the Kennan Institute released a survey of what they called “non-traditional immigrants” in Kyiv. Our study drew a lot of inspiration from the said research, but extended it to foreign students, refugees, asylum seekers and all categories of people.

For Ukraine standing on the doorsteps to much aspired European integration, it is very necessary to have data of the basic needs of these groups. To address these issues, a project developed by the East European Development Institute attempted an empiric enquiry of these needs and the state of these visible minorities through a survey and in-depth interviews and on the basis of the data obtained, the present report with policy recommendations is being presented.

For immigrants, the survey sites chosen were all the markets (Troeshchina, Shuliavka, Svyatoshino, Nivky, Obolon) and major working places in Kyiv, Barabashovo market in Kharkiv, 7th Kilometer market,

Pryvoz markets in Odesa. In Vinnytsya, the study revealed a compactly residing community of Somali asylum seekers, which has been identified as a separate chapter.

In addition, in 11 cities of Ukraine, 697 foreign students were also interviewed and polled, which has been laid down in a separate chapter. Overall, 1200 people were surveyed. Information obtained allowed us to dispel many of the myths. We sincerely hope that the result of this work will foster healthy policy discussion, help policy makers to take action on the problems revealed by this study, enhance public vigilance and awareness on tolerance and diversity. What can be better than social capital offering the best forms of diversity?

CHAPTER 1

NATIONAL, ETHNIC AND VISIBLE MINORITIES – TERMINOLOGY AND CONCEPTUAL ISSUES

In modern science, approaches to the concepts of race, ethnicity, minority and nationality differ from that of the past. In majority of democratic societies, where there are no single but several socio-cultural groups, “discussion of any issues related to ethnicity is impossible without the term “identity”. The concept “politics of identity” means making decisions and taking actions on the bases of individuals belonging to concrete national, ethnic, racial or some other group. However, it is pertinent to note that the term “identity” or “crisis of identity”, emerged out of the “experience of emigration and immigration”. While putting forward the question of significance of racial/ethnic/national components in the overall structure of identity, scientists differentiate these components in a way as to avoid “mono-linear” unitary understanding of identity and this helps them in arriving at typologically similar conclusions. Many experts and scientific works question the understanding of ethnicity as a natural or permanent category. Instead it is considered as a relatively recent attempt to flag a concrete community of the past with the symbolic feeling of belonging to a bigger group through the strategy of juxtaposing “native” vs. “alien”. From this point of view, ethnicity is not a result or a end-product, but a changing and dynamic process, recorded by history. Therefore the analysis of racial identity is based, as a rule, on modern views of the “race” as a social construction, which is not necessarily confirmed by biological research.

Study of terminology in international documents also shows that there is no universally accepted definition of ‘minorities’, and the word is interpreted differently in different societies. The United Nations (UN) has not yet agreed on a definition of what constitutes a minority, beyond that implied in the title of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. Attempting a more precise statement has been fraught with difficulties: in some cases the motivation for a tighter definition has been to deny certain rights to certain peoples.

Thus, neither the UN charter, nor the Universal Declaration of Human Rights contain the term “national minorities”. The term “minority” is not even in the list of terms, which may be the bases for discrimination. An exception to this was the Convention on protection of Human Rights and Freedoms of 1950 (hereafter European Convention), Article 14 of which contain, among other grounds, such as gender, race, color of skin, language, religion, political and other beliefs, also national (ethnic) or social origin, pertaining to national minority etc. Until recently in international law major emphasis on the rights of national minorities is contained in Article 27 of the International Pact on Civil and Political Rights of 1966, which envisages, that “in those countries, where there are ethnic, religious and linguistic minorities, individuals, belonging to those minorities, cannot be denied the rights, together with individuals of the same group, to exercise their culture, practice their religion and customs, as well as use their native language”.

An important stage in establishing the standards of minority rights was the adoption on December 18, 1992 of a UN General Assembly Resolution No. 47/135, which includes Declaration of rights of individuals, belonging to national or ethnic, religious or linguistic minorities”. On one hand, the Declaration includes provisions for individuals, members of a minority group, to study their native language or receive instruction in their native language (para. 3 Article. 4). On the other hand, members of national minorities are also encouraged to access knowledge about the culture of the majority, thereby excluding the narrow focus only on the minorities. The title of the Declaration includes national minorities as one of the types of minorities, however, it is unclear whether nationality here means citizenship or status of any nationality within the citizenship of a single state. Germany, for example, insisted that the Declaration should refer to only those members of the minority, who are citizens of the state, whereas Nigeria cautioned that, the Declaration then would evoke enmity towards immigrants or foreigners. The text of the Declaration itself does not define minorities, as the working group of the Human Rights Commission, which drafted the text, considered that the adjectives such as “national”, “ethnic”, “religious” and “linguistic” are sufficiently self explanatory. Any proposal with regard to including the right to autonomy of the minority was rejected, even the concept “self-management”. Overall, any concept with the use of the prefix “self” in relation to minorities were unacceptable.

The Declaration contains rights of those who belong to minorities, not the minority itself, which means that the rights are individual, while their collective dimension is a matter of wider interpretation. For example, Article 1 of the Declaration envisages, that the states should protect the existence on their territories authenticity of the national and ethnic, cultural, religious and linguistic minorities (and not individuals, who belong to those minorities). Of the criteria used for determining the national minorities, historical factor should first be borne in mind. For example, such factor as choice or fate, in the case of the Hungarians of Transylvania, who never migrated but due to turns of fate were under the sovereignty of a foreign state. Constitution and legislative acts of various states identifies national minorities based on different criteria. The Act on rights of national and ethnic minorities of Hungary of 1993 establishes such criteria as living in Hungary not less than a century. Law of Estonia of 1993 on cultural autonomy for national minorities establishes the criterion of “more than three thousand people in the minority” etc. Recommendation No. 1201 of the Council of Europe with regard to the Additional protocol №10 on minority rights of the European Convention defines such criteria for national minorities: residing in the territory of the state and possessing the citizenship of that state; prolonged and deep contacts with this state; expressly revealed ethnic, cultural and other peculiarities; sufficient level of representation.

Problems of national minorities is very relevant for Ukraine, on whose territory, according to the 2001 Nationwide Census, there are 130 nationalities (see Table). Total population of Ukraine amounted to 48 million 457 thousand people as of December 5, 2001, which was 3 million less than in 1989. Number of constant population was a bit less: 48 million 241 thousand. This latter figure was used as the basis to enumerate socio-economic stratification and citizenship. According to the State Committee for Statistics of Ukraine, the number of citizens of Ukraine (out of the constantly residing population) accounted for 47 million 950 thousand people, citizens of other states – 168 thousand people, including citizens of CIS–151 thousand. Stateless persons accounted for about 83 thousand, and those who did not mention their citizenship – 40 thousand. Maximum number of the citizens of other states and stateless persons, who lived in Ukraine, were found in Crimea and Odesa oblasts, and the minimum number was in Zakarpattya and Lviv oblasts.

**TABLE 1. QUANTITATIVE CHANGES IN THE ETHNIC COMPOSITION OF THE POPULATION OF UKRAINE AFTER 1989
(based on 2001 Nationwide Census Data)**

Nationalities	2001, (thousands)	2001, %	1989, %	2001 as % of that of 1989
Ukrainians	37541,7	77,8	72,7	100,3
Russians	8334,1	17,3	22,1	73,4
Belarusians	275,8	0,6	0,9	62,7
Moldavians	258,6	0,5	0,6	79,7
Crimean Tatars	248,2	0,5	0,0	y 5,3 p.6.
Bulgarians	204,6	0,4	0,5	87,5
Hungarians	156,6	0,3	0,4	96,0
Romanians	151,0	0,3	0,3	112,0
Poles	144,1	0,3	0,4	65,8
Jews	103,6	0,2	0,9	21,3
Armenians	99,9	0,2	0,1	y 1,8 p.6.
Greeks	91,5	0,2	0,2	92,9
Tatars	73,3	0,2	0,2	84,4
Roma	47,6	0,1	0,1	99,3
Azerbaijanis	45,2	0,1	0,0	122,2
Georgians	34,2	0,1	0,0	145,3

Germans	33,3	0,1	0,1	88,0
Gagauz	31,9	0,1	0,1	99,9
Other nationalities	177,1	0,4	0,4	83,9

But the Census did not give a real picture of the ethnic composition of the population of Ukraine as the questions asked were not well formulated, and did not take into account the importance of legal framework related to the ethnic minorities in Ukraine, both in the national legislation as well as in the international legal acts, ratified by the Verkhovna Rada of Ukraine and introduced into the national legislation.

CONCEPT OF VISIBLE OR NON-TRADITIONAL MINORITIES AND IMMIGRANTS IN UKRAINE

The issue of ethnic and national minorities in Ukraine is conceptually related to the term of national identity. Therefore, in the case of our present research, while analyzing the minorities and immigrants, that have appeared in the recent past, the concept of visible minorities, as used in Canada, seems to be more appropriate than use of the term national or ethnic minorities in Ukraine.

Visible minority is a term used primarily in Canada to describe persons who are not of the majority race in a given population. It denotes a visually recognizable racial group, excluding aboriginal peoples, whose members constitute less than half of a population; an individual member of such a group. They are defined as “persons, other than Aboriginals, who are non-Caucasian in race or non-white in color.” The term is used as a demographic category used by Statistics Canada in connection with that country’s multiculturalism policies. Also, visible minorities are designated as a protected group under the Canadian Employment Equity Act. Over five million Canadians identified themselves as a visible minority in the 2006 Census, accounting for 16.2% of the total population, an increase from 13.4% in 2001.

Group	Population (2006)	% of Total Population (2006)
South Asian	1,262,865	4.0%
Chinese	1,216,515	3.9%
Black	783,795	2.5%
Filipino	410,695	1.3%
Latin American	304,245	1.0%
Southeast Asian	239,935	0.7%
Arab	265,550	0.8%
West Asian	109,285	0.4%
Korean	141,890	0.3%
Japanese	83,300	0.2%
Visible minority, n.i.e.	71,420	0.2%
Multiple visible minorities	133,120	0.2%
Total visible minority population	5,068,095	16.2%

Source: Statistics Canada, 2006 Census

In March, 2007, the United Nations Committee on the Elimination of Racial Discrimination described the term “visible minority” as racist, as it singles out a specific group. “The use of the term seemed to somehow indicate that ‘whiteness’ was the standard, all others differing from that being visible,” said Patrick Thornberry the British international law professor. “The committee is concerned that the use of the term ... may not be in accordance with the aims and objectives of the convention,” says the report. To the committee, highlighting a certain group does not appear to be consistent with Article 1 of the convention, which says racial discrimination occurs when equitable treatment is upset by “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin.” The debate

that followed is eliminating all forms of identification would raise the question: How can minorities be helped or protected if there is no definition of who they are? In the same context, the term visible minority may be used in Ukraine to define those who settled on its territory in the late years of the USSR period and in the early 90's. Research of the Kennan Institute describes them as non-traditional immigrants. For purposes of our present research, we shall use, wherever applicable these two concepts, as their use enables us to both deal with the issues in focus of this report.

NATIONAL MINORITY RIGHTS IN UKRAINIAN LEGISLATION

Legislative framework for protection of the rights of the minorities in independent Ukraine have two peculiarities:

1) it does not set any criteria for defining the national minorities, with the exception of expression of national self-awareness and a sense of community among its members;

2) titular Ukrainian nation, constituting as per the Census data almost 78% of the total population, while in some parts of Ukraine going by language, it is a minority and needs to be protected. The status of Ukraine, on one hand as that of a nation state and on the other hand as that of a multiple-nation, multi-cultural state has been codified in the 1996 Constitution, where the Preamble defines the Ukrainian nation as assembly of people of all nationalities of Ukraine, thereby the underlying concept being that the Ukrainian political nation contains elements of both the ethnic nation as well as the civic nation.

The tradition of respecting the rights of national minorities goes back to the years of the beginning of the XX century, during the times of the Ukrainian People's Republic. Within the framework of the 3rd and 4th "Universals» of the Ukrainian Central Rada as well as within the Law "On national personal autonomy" dated January 9, 1918, Russian, Jewish, Polish and other nationalities in Ukraine were given autonomy.

However, these achievements were ignored when Ukraine became part of the Soviet Union. After the declaration of independence on August 24, 1991 by Ukraine, on November 1, 1991 a declaration of the rights of the nationalities of Ukraine was adopted. First legislative act of independent Ukraine in the area of inter-ethnic relations was the Law "On citizenship" of 1991, which envisaged the "zero option" with regard to the attainment of citizenship of Ukraine – each inhabitant of Ukraine automatically had the right to be a citizen of Ukraine. The Law of Ukraine "On national minorities in Ukraine" of 1992 defines the national minorities as groups of citizens of Ukraine, who are not Ukrainians by their nationality and have a common form of identity and awareness among themselves (Article 3), therefore no criteria was put forward with regard to the size, period of stay on the territory of Ukraine etc. The state guarantees all national minorities the right to cultural autonomy: use of and learning in mother tongue or learning of mother tongue in state educational institutions or in national cultural societies, preservation and development of cultural traditions etc. (Article 6). However, as mentioned in the conclusions of the Council of Europe dated March 1, 2002, with regard to the 1999 report of Ukraine about the guaranteeing of cultural autonomy, that they are formulated too general, more specific definitions should have been made (14, para. 32). The rights of national minorities is also codified in the Constitution of Ukraine of 1996 in Article 10 (language rights of the Ukrainian nation, indigenous peoples and national minorities of Ukraine), Article 11 (national cultural issue of the Ukrainian nation, indigenous peoples and national minorities of Ukraine), Article 53 (right of the national minorities to study in mother tongue or learning mother tongue in state and public educational facilities or in national cultural societies).

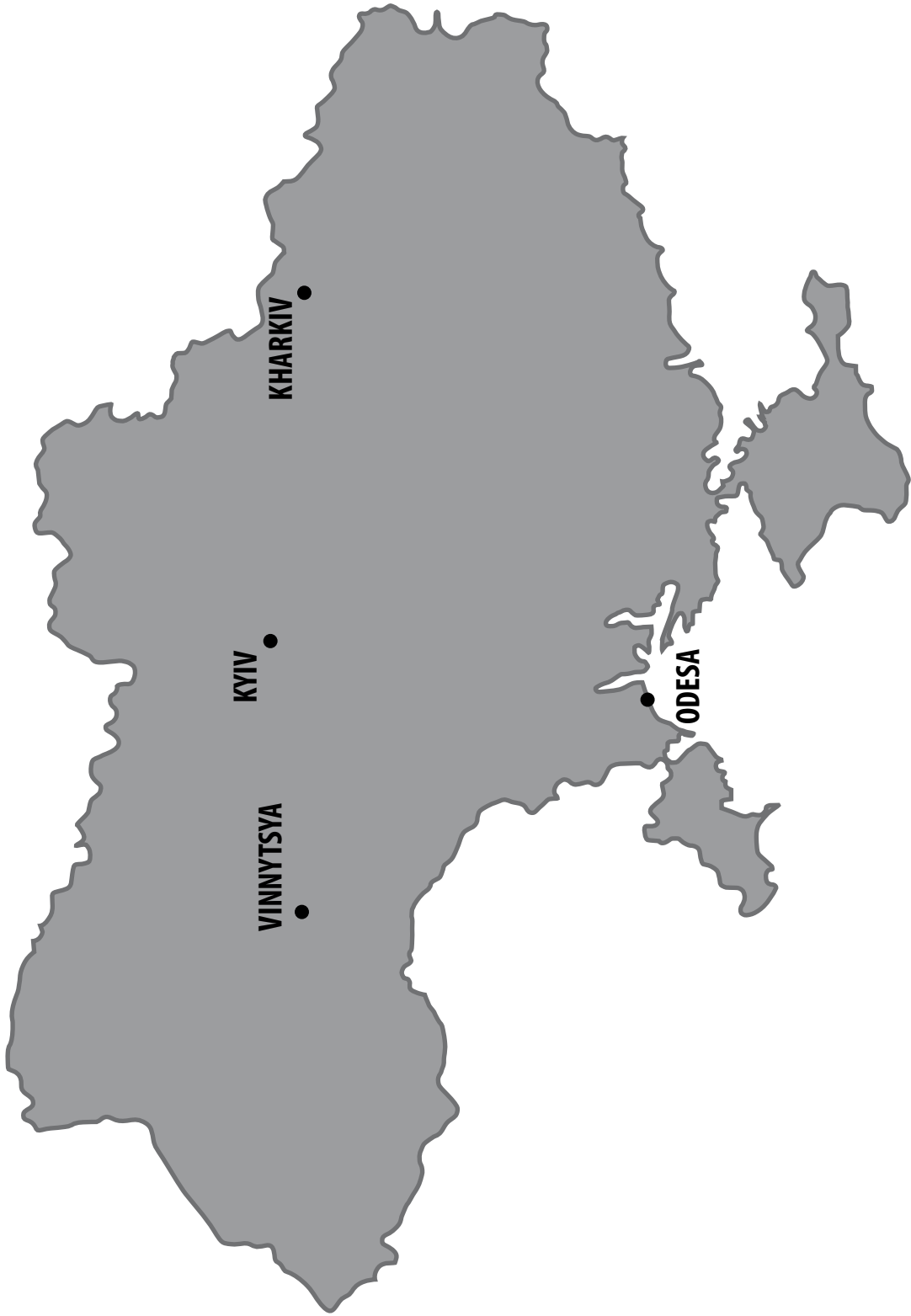
Article 11 of the Constitution of Ukraine determines the character and main content of the state policy with regard to Ukrainians, who, by their number constitute the basis for the Ukrainian nation as well as policy towards indigenous peoples and national minorities.

Despite the progressive nature of the legislation on national minorities of Ukraine, the major discrepancy is that it is declarative, and mechanisms to enforce these rights are absent. For example, Article 14 of the Law of Ukraine, "On national minorities in Ukraine" establishes that, national civil organizations have the right to put forward candidates for election to bodies of power (legislative and others), however, no provisions are made to appeal to the court or to approach the legislature itself with this issue.

Therefore, Ukrainian legislation on national minorities, although in general meeting the international standards in this area, still remains too general and declarative. Ukraine took upon itself serious commitments with regard to language rights of the minorities, their political representation, but not always can guarantee these rights.

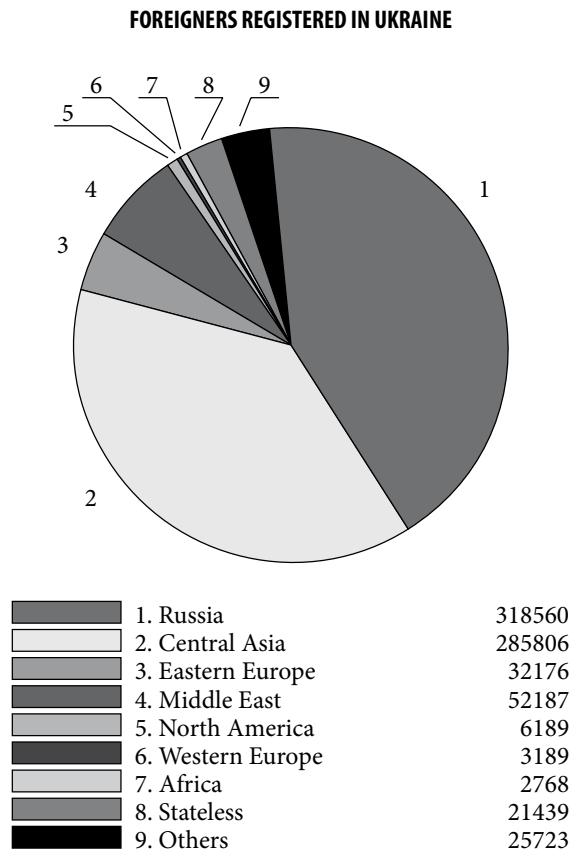
In these circumstances, how to understand multi-culturalism in Ukraine, so that the idea of dialog of cultures which was born in liberal European democracies could be feasible within the current intellectual and policy framework of Ukraine? Answers to these questions can be found in the modern discourse of the past decades, in view of the two processes of various directions: globalization and particularization, which means separation and individualization. These processes play a significant role not only in world politics, but also in day to day life, as a result of which emerges growing diversity – manifested in thoughts, values, meanings, ways of organization of activities etc. In the context of these two mutually complementing processes, it is necessary to view the concepts of multi-culturalism and national identities. Thus, state policy in this area should lie beyond support to certain groups – big or small. Its task should be – consolidation and integration of all members into one single political community, which, through the common development of all identities will attain the traits of a civic nationhood. This is a very important stage in the development of the civil society in Ukraine – accepting diversity as normal way of life.

MAP OF UKRAINE WITH LOCATIONS OF SURVEY SITES



CHAPTER 2
AIMS, OBJECTIVES AND METHODOLOGY OF THIS STUDY

Serious generational changes in stereotypes and orientations in public awareness started taking place during the past 16 years of independence and the post-orange revolution in Ukraine. Majority of citizens are inclined towards European values, although European values are perceived differently, more appreciative of material aspects of developed Europe than the depth of democracy, observance of human rights of all, including minorities and the richness of European social capital. Thus, the Ukrainian reality with regard to the problems of observance of human rights of different nationalities, especially of the national, ethnic and visible minorities, race based discrimination and xenophobia is a hangover from the lack of an open society, the totalitarian tradition of curbing civic initiatives and the culture of arbitrariness of the Soviet regime. Ukraine as a post-totalitarian state is no exception. The number of foreigners in independent Ukraine is an illustration of its openness to the world. As is seen in the following figure, the number of foreigners registered in Ukraine constitute not more than 1 million people (748037 persons), which, as a percentage of the total population of 47 million people of Ukraine is not a significant number. Visible minorities, the focus of our research, cut across several of the regions of the world and constitute even a lesser figure.



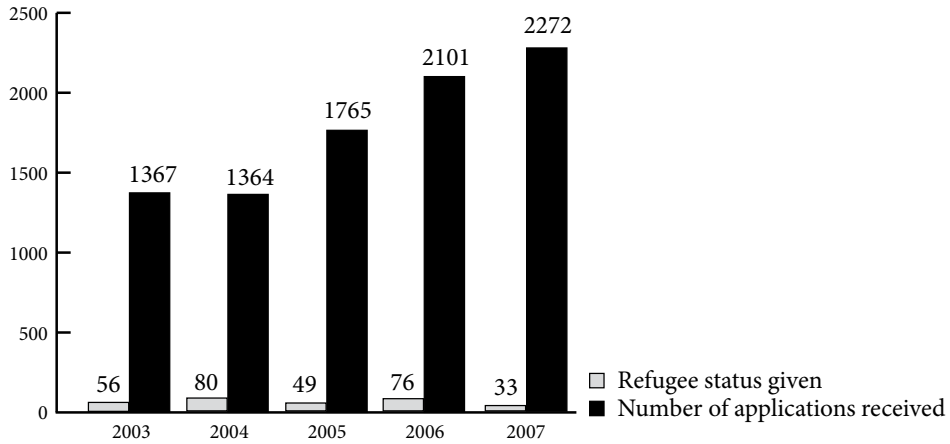
Source: Ministry of Interior of Ukraine, Courtesy- International Organization for Migration

However, the number of foreigners registered does not fully explain and even encompass those who are undocumented (termed as illegal migrants), seeking asylum, or registered refugees. The following table shows the number of undocumented people recorded by the Ministry of the Interior from 2003 to 2007 amounting to a total of 71223 people.

	NUMBER OF UNDOCUMENTED PEOPLE REGISTERED BY THE MINISTRY OF INTERIOR OF UKRAINE						from total
	2003	2004	2005	2006	2007	TOTAL	
Total	17390	15438	14441	11294	12660	71223	100%
Including by Countries of Origin							
Russia	3144	3176	2808	2222	2406	13756	19%
Azerbaijan	2340	2371	2139	1531	1712	10093	14%
Moldova	2007	1782	1795	1437	1583	8604	12%
Armenia	1314	1192	1046	862	930	5344	8%
Georgia	1114	958	1172	991	1323	5558	8%
Uzbekistan	748	1060	1226	1195	1626	5855	8%
China	1437	996	865	541	280	4119	6%
India	864	627	372	354	181	2398	3%
Pakistan	365	449	252	291	486	1843	3%
Tajikistan	373	366	352	197	267	1555	2%
Vietnam	260	303	404	240	183	1390	2%
Bangladesh	394	201	144	121	66	926	1%
Belarus		269	310	248	215	1042	1%
Afghanistan	372	218	108	32	46	776	1%
Kyrgyzstan		244	216	177	252	889	1%
Kazakhstan		235	216	84	97	632	1%
Turkey		72	50	102	206	430	1%
Nigeria		99	80	43	68	290	
Jordan		69	88	29	60	246	
Syria		74	65	44	40	223	
Sri Lanka		105	62	12	48	227	
Turkmenistan		32	76	38	54	200	
Iran		43	51	32	45	171	
Iraq		14	36	53	83	186	
Palestine		27	41	29	41	138	
Stateless		123	47	35	21	226	
Other	2658	333	420	354	341	4106	6%

Source: Ministry of Interior of Ukraine, Courtesy- International Organization for Migration

RECOGNITION RATE FOR REFUGEES 2003-2007

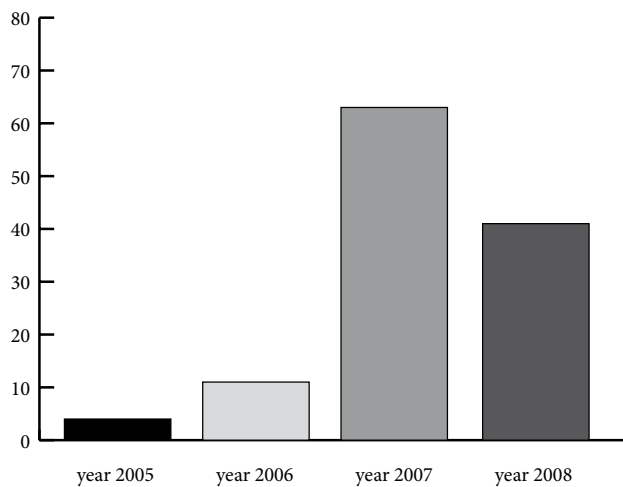


Source: Ministry of Interior of Ukraine, Courtesy- International Organization for Migration

UNHCR data of the recognition rate for refugee status to individuals during 2003-2007, show that out of 8869 applications seeking asylum, only 3% or in 294 cases refugee status was given.

Rise in ethnic intolerance has been a noticeable trend both as per reports of state statistics on crime, media publications and reports of Human rights organizations, groups of ethnic minorities. Specifically, hate crime committed on representatives of visible minority communities in Ukraine has led to several murders since 2005 only in Kyiv as noted by the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees in Ukraine, within the framework of the Diversity Initiative, a network of more than 40 institutions. Comparing the above tables and data with that of the number of attacks and murders below clearly signals a rise in xenophobia and hate crime.

STATISTICS ON SUSPECTED RACIALLY MOTIVATED ATTACKS



Source: IOM, UNHCR, AI, media, Diversity Initiative

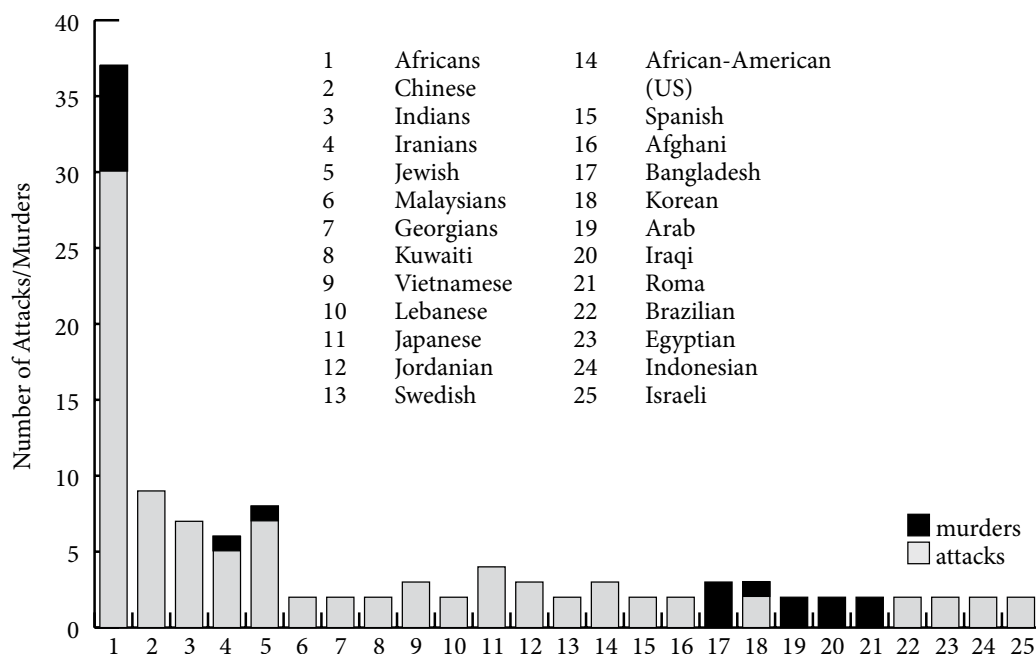
The trends in the attacks by ethnic origin points to a serious lack of immigration and integration policy on behalf of the authorities, coupled with a lack of data and information on the real state of affairs in this sector. Irrespective of their legal or economic status (permanent residency or citizenship of Ukraine or stateless person, legally employed or working in the informal sector, students or tourists, diplomats or business people), visible minorities are victims of growing xenophobia. However, most of the above mentioned groups face problems (constituting of South and South East Asians - Afghans, Bangladeshis, Iraqis, Iranians, Pakistanis, Chinese, Vietnamese, as well as Africans, Caucasians, Central Asians) in the locations at markets of Troeshchina, Svyatoshino, Nivky and Petrivka in Kyiv. They are: insecurity and incapability of visible minorities to articulate and address their basic security needs and legal protection; inaction and/or lack of sufficient action on part of the relevant authorities; lack or absence of dialog between the visible minorities and the local authorities; absence of a well articulated needs assessment of the visible minorities for authorities to redress the grievances as well as raising awareness of the public in general.

There are 40000 students from 129 countries of the world in 209 educational institutions of Ukraine, according to a Ministry of Education statement dated April 26, 2007, bringing "UAH 0.5 billion only in 2006". Although not always acknowledged by the authorities, hate crime and racist violence have affected students, as confirmed by themselves, media reports and reports from respective embassies. Besides, gaps in fulfillment of contracts by institutions vis-à-vis the students are not duly monitored by the Ministry of Education. An independent survey of the needs and problems of the students was necessary to draw attention to existing gaps between policy and practice.

In short, specific problems addressed by this study are:

- Analyzing the fact whether lack of human rights protection is the reason behind race based discrimination and xenophobia and that there is a need to address these issues comprehensively;
- Level of social inclusion of youth, minors together with visible and other minorities, transition from cruelty and violence to that of peace and understanding through dialogue;
- Level and degree of constant public vigilance of race based discrimination and xenophobia in the human rights culture (here, public vigilance does not mean vigilance on behalf of the national minority groups themselves, but mainstream human rights NGOs, advocates and judges and the local police), in short, the need for mainstreaming the issue of minority rights in the human rights debate in Ukraine;
- Level of consensus and cooperation of the authorities and the civil society sector on these issues;
- Extent of adherence to international and European standards and level of knowledge and awareness of best practices from the EU states and other parts of the world. This is one of the main issues to promote human rights dimension in the context of the European Year of Intercultural dialogue in Ukraine as part of EU neighborhood policy.

ATTACKS AND MURDERS BY NATIONALITIES, 2005-2008



Source: Ministry of Interior of Ukraine, Courtesy- International Organization for Migration

The present project intended to assess the needs of these above mentioned groups, to address issues of discrimination and xenophobia and raise awareness of the neighboring public on tolerance and diversity.

Expected outputs of the project in the form of baseline data enabled the drafting of this analytical Report containing recommendations for policy makers, local authorities, NGOs and the private sector in Ukraine to help build social capital and community development, and facilitate informed policy formulation. Round table discussion with policy makers of the draft report also led to several comments, which have been included in the final version of this report. On the bases of the results advocacy materials were also prepared for the visible minorities and for the media.

Thus, the present survey, one of the first of its kind in Ukraine, covered the visible minorities in Ukraine in three principal sites, Kyiv, Odesa and Kharkiv, especially the huge wholesale markets, the place of work for many immigrants. Another site added was Vinnytsya, where a unique case of compactly residing community of refugees and asylum seekers from Somalia was found. Apart from that, in 11 cities foreign students were polled.

Questions in the interviews and surveys covered the following areas:

- Socio-demographic profile, including: household composition, sex, age, housing conditions, type of residency in Ukraine, marital status, number of children;
- Education & occupation details of respondent, partner, parents, household income, taxpayer's status, dependency ratio;

-
- Personal and social well-being: life satisfaction, satisfaction with work, health care, education of children, meeting language and cultural needs, leisure and rest opportunities, community membership;
 - Timing of life: the life course, timing of key life events, attitudes to children's upbringing, planning for retirement and future;
 - Social role: including: political interest, efficacy, trust, electoral and other forms of participation, socio-political evaluations/orientations;
 - Subjective well-being and social exclusion; religion; national and ethnic identity, social trust, attitude to the law enforcement bodies;
 - Human Rights values scale - perceived discrimination and real discrimination.

Interview and data collection methodology:

- Simple distribution of questionnaire and waiting for 20 minutes for the person to fill up the form. Help and explanation to be provided in case of need only;
- In case the person is unable to understand, to help and explain each question and assist him/her in filling in the form;
- In depth interviews with those:
 - who show greater degree of interest and propose more questions or recommendations;
 - and in exceptional cases, when the person concerned had personal experiences (both positive and negative) that are important for the issues covered by the survey;
- Identities in all cases to be kept confidential, and only express permission of the person to be taken if his/her stories will be reflected in the report with photos or names mentioned;
- For those who were absolutely apathetic to the survey, the reason for their apathy was noted down, these reasons served as guidelines while preparing the advocacy materials for the visible minorities.;
- In all cases cooperation, politeness and patience was to be maintained to build the required level of trust.

CHAPTER 3

MAIN SITES OF THE SURVEY

Sites chosen for the study were Kyiv, Odesa, Kharkiv and Vinnytsya. All these are major urban centers of Ukraine and are located in different parts of the country – center, south, east and west respectively, symbolically reflecting the regional diversities that exist in this country. In addition, what is common for all these sites except Vinnitsa, is the creation and organization of big wholesale and retail markets during the years of the collapse of the Soviet Union and the first years of transformation in Ukraine. These markets are trading hubs, drawing multiple groups of visible minorities and immigrants into its day to day business. Most of the businesses at that time involved shuttle trade and other informal economic activity, into which both Ukrainians and non-Ukrainians were participating equally. Created largely as coping mechanisms against poverty and transition difficulties, these markets nevertheless grew up to represent a massive resource for small and medium trade and entrepreneurship.

ODESA

Seventh-Kilometer Market got its name from the distance of 7 kilometers to Odesa. Officially known as Rynok Avangard, or “Promtovarny Rynok” — it is one of the largest markets in East Europe, located in Ovidyopolskiy district of Odesa region, on the 7th kilometer of the Ovidyopol highway. It was founded as an open market in 1989. Previously, it was a dump and a garbage incinerator — paved over and torn down. In 1989, as the Soviet Union itself was unraveling, and the last Soviet city authorities of Odesa expelled the pioneers of a hitherto unknown free market from the city, banishing them to a 10-acre spot seven kilometers, or about four miles, from the city’s limits. Since then, open every day but Friday, it has emerged as Europe’s most extraordinary market, partly a third-world bazaar, partly a post-Soviet Wal-Mart, a place of unadulterated and largely unregulated capitalism where certain questions — about salaries, rents, taxes or last names — are generally met with suspicion. In the year 2006, the area of the market covered 0.69 sq. km. and gave work to about 10 000 sellers (by various estimates this figure extends up to 60000), every day about 150000 customers frequented the market. Direct employees of the market management and administration amounts to 1200 people (guards, administration, service personnel etc.). Traders come here from all over Ukraine, The market is a huge enterprise, which contributes to the state central and local budgets. Only in 2007, 7th kilometer paid UAH 65.5 million or USD 11 million to the state budget in the form of taxes and levies and rent of the trading places. Apart from that, each of the 10000 to 60000 traders working in the market also pay taxes. Daily sales were believed to be as high as UAH 20 million. The market itself now has its own web site — www.7km.net. Three health clinics provide emergency care at no cost, there are a fire station and modern toilet facilities. Popularly known as “Tolchok”, it is a source of stable income for traders from at least 50 nationalities, who live in harmony and friendship. A Gagauzi trader said that even if one does not have work and approaches the market administration, the latter would offer a day laborer’s work and the aggrieved will not go in empty hands. However, Tolchok competes with other emerging markets and supermarkets in the city. According to one of the Nigerian sellers in the market, related to this is the alleged political rivalry between the Party of Regions, which by hearsay, “controls” the Tolchok, while a rival political group Nasha Ukraina party is setting up another market and “wooing away” traders by offering them huge discounts on containers.

KHARKIV

People call the Kharkiv market in different ways: Barabashovo, Barabashova, Barabashovka or simply Barabashka. In 1996, when the market was created, it was situated next to the metro station which carries the name of the Academician Barabashov Nikolaj Pavlovych, astronomer, Academician of the Ukraine SSR Science Academy who died in 1971. Hence the name. The trade

center “Barabashovo”, one of the biggest in Ukraine, is visited by 100-180 thousand purchasers every day and has 18 000 equipped trading sites. Last year the overall official turnover of the market equaled UAH 100 million. The owner of the market, Kharkiv company “AVEK”, claims the trade center “Barabashovo” to be the biggest wholesale and retail trade center of Ukraine. Built on an unpopulated deserted site in 1996, which was considered not fit for construction, the Barabashovo market is the only wholesale market in Ukraine which works at night. For those traders who work at the market, night trips are very comfortable in order to get supply of goods. During the day “Barabashovo” works approximately from 7.00 till 14.00-15.00 h and at night it works from 20.00 till dawn (however, majority of the sellers leave the market after 2 a.m.). Prices in the day and night do not differ much. The difference is in the range of goods (some trading sites in Kharkiv work only at night and only with wholesale purchasers) and in type of clients. Wholesale buyers come mostly at night, and during the day there are both, wholesalers and retailers. Mostly the goods are made in China and Turkey, as well as in Russia and Belarus. Lots of garments are made in Kharkiv itself. Trade takes place without intermediaries; due to this the prices are low. The market is enormous and each part has its own name: “Yama” (Hole), “Skovorodka”(Frying pan), “Perekryostok” (Crossroads). There are specific goods and working time in each part of the market. Shop owners pay \$70 thousand for the lease of their trading place for 20 years. Otherwise, the monthly rent ranges from 250 to some thousand dollars. The market administration keeps a tight watch over the maintenance of order in the market with the help of the dozens of its staff. If any entrepreneur puts out his goods before the official business day starts or wishes to stay beyond business hours, he/she will be fined. During all these years of work, the sellers, buyers and goods have changed. Trade center “Barabashovo” has grown from a small clothes market to one of the biggest wholesale and retail trade centers of Ukraine. The owner of the market is “AVEK”, a Kharkiv concern, whose leadership is associated with the name of a parliamentarian of Ukraine, Alexander Feldman. Once, the market also received some help from the former governor of the Kharkiv oblast, Yevhen Kushnaryov, who ordered a transfer of the Blagoveshchensky market to the metro station Barabashovo. At that time, sellers feared loss of their business, but it was in vain, as today, every third citizen of Kharkiv is linked to “Barabashovo”. By 2010 a big contemporary trading and exhibition center will be constructed on the site of the present market.

KYIV

Markets in Kyiv as big sale centers emerged during the 1990s, in Nivki, Shuliavka, Obolon, Petrivka and other areas. One of the “Tolkuchka” (literal meaning - crowd of people pushing each other) worth mentioning was a makeshift bazaar around the Republican Olympic stadium in 1991-1992 organized by a company called “Mercury”. Later it was removed to Volodymyrskiy bazaar, where a separate section for non-agricultural goods was opened in 1993-1994. Infighting between groups of shadow economy entrepreneurs in those days for gaining influence on market aggravated and part of traders from this market went to Troeshchina and a market was set up there by 1994-1995. According to first traders who had settled, there was a lot of discontent in the beginning among those who were forced to go to this site as well as among the local inhabitants, who protested against the emergence of any market, arguing about the historic relevance. First historical records show this place as Churilovshchyna as early as 1026 A. D. and then in XVI century it was the land of the Troitskiy monastery of the Kyiv Pechersk Lavra, from where the name “Troeshchina” has been derived. Massive construction efforts were under way in this region since 1983 and in 1988, this area was included as the Vatutyn (now renamed Desnyanskiy) district of Kyiv. Troeshchina market now is the biggest and one of the most popular market for retail goods, spread over more than 6 hectares of land. More than 20000 entrepreneurs and traders engage in business here including foreigners and immigrants from at least 40 countries of the world. Although by infrastructure and amenities, it is lesser than 7th kilometer or Barabashovo, the sectors in Troeshchina are divided among traders of various

nationalities, Vietnamese, Chinese, Pakistanis etc. According to information of the founders of the market “Rynok-1”, soon a big shopping and entertainment complex will be constructed on the site of the market, with an area space of 150 thousand sq. km. The period of the project’s implementation is 8 to 15 years. The management of Rynok-1 promises to keep the work places for those who work here. Shuliavka and Svyatoshino are lesser size markets located on the far west end of Kyiv, hosting immigrants’ shops. Petrivka is famous for a big book bazaar, while there is also a big retail goods market nearby called the Obolon.

WORK IN MARKETS

For many visible minorities and immigrants, there is no choice rather than to continue living in Ukraine, due to their family ties with the Ukrainian society. More than 90% of these people are engaged in private business in the market, as it is the only way to survive and sustain their families. They claimed that due to absence of access to the Ukrainian labor market for non-Ukrainians – among whom there are qualified economists, engineers, medical doctors, computer programmers, agronomists and individuals with others qualifications – they become vendors in Kharkiv, Odesa and Kyiv markets.

Many African nationals are working with the Afghan, Indian, Syrian, Pakistan, Egyptian businessmen as vendor. According to their statements, working in the market is the only option they have right now. Working in the market is not an easy job, they said. Sometimes, they are working for 12 hours, sometimes they are working during the night, mainly individuals working in the wholesale sector are often working for more than 12 hours through the night. It was also observed that in the Kharkiv market, mostly individuals from one country or same ethnic origin have a tendency to group and work together. The foreigners working in the market may be broken down into the following categories: owners/entrepreneurs, vendors, porters, fulltime workers, part time workers, habitual traders and traders (marketers and percentile workers).

1. OWNERS/ENTREPRENEURS

This group of businessmen are individuals who have shops or containers for whole sale. He/she employs many sellers and porters, in many cases the sellers are from his/her community, foreigners from other nations or Ukrainians who have good relations with the owners of shops or family member of that same nationality (wives, children, relatives ...etc). These businessmen usually protect their employees from illegal arrest and harassment. In case police approach for no valid reason, they offer protection.

One Ethiopian man, working in Prevoz market in Odesa, told that, several years ago he used to work for an Afghan businessman, later he became business partner of his former employer. In spring 2007, he was stopped in the shop of the Afghan businessman. Police asked him for his document and the work permit, he showed him his document, told him that he never carries his work permit, usually all private businessmen are keeping their work permits at their work places. Then police ordered to follow him to the near by police station. At that moment the owner of the shop (the Afghan businessman) told that police that “the law does not say that all private businessmen should carry their work permit when ever they want to buy goods, you are violating the law. Could you please show me an order to detain individuals who has no work permit?” He also told the police that if the latter takes the Ethiopian to the near by police station, he wants to know the reason and protocol of the arrest. The Afghan businessman telephoned the police department, told about this incident and asked for clarification. Later he asked the surname of that police man and the police district he is working, told that he would complain against him to the district police department, if he continues doing unlawful activities. The policeman had nothing to reply and he left the Ethiopian in peace.

2. VENDORS

All foreigners who are working in the market as sellers or vendors are strictly tied to the owners/entrepreneurs of their country of origin or with other foreigners. According to the vendors, having contact with foreigners is easier than with the local population or other

businessmen. Vendors/sellers said that “we foreigners support each other and people who have been for a long time in this country help us to get job, and also tell us about the culture and tradition of the people of Ukraine. They advise us how we should behave in public transport, in the market and at work place. They give good guidance with regard to how to reply to the police, what should we do in case of detention, how we should behave in response to police provocation and maltreatment. They say that the relations between employees and employers satisfied both sides.

3. PORTERS

It was noticed that in many cases porters (Grushchyky) are newly arrived foreigners, or mostly, individuals who have no valid document (OVIR registration) or visa (which may have expired) on his/her national passport, asylum-certificate, refugee certificate. Usually these persons are not residents of the city where they work, but they do have valid document (OVIR registration from another city, or village). Such category of people are more exposed to police arrest and harassment in case they work as vendors. The authorities of the tax office also issue identification code to these individuals. The only chance they have for survival is working as porter legally. For example, a former higher office holder of the Ethiopian army was working as a porter in a big market. He worked from early morning till late evening, but was happy that he had a job and support himself. The salary he received satisfied his basic needs. Later he legalized his status and registered with the tax office.

4. FULL-TIME WORKERS

As a rule, full-time workers are individuals who have legal status with full work permit. Apparently, problems faced by those in semi-legal or undocumented status are more acute than this category, however, foreigners and minority groups, who have all valid documentation, often even Ukrainian citizenship, are discriminated by authorities through racial profiling. According to them, officials are reluctant to listen to their problems, “whenever we approach the local authorities for the same problem as Ukrainian citizens, authorities often ask for our documents and nationality before looking into our problem.” The officials are very suspicious and often ask some questions completely unrelated to the reason they have been approached. The same problems are also faced when they approach the tax office to submit declaration or renew their work permit.

5. PART TIME WORKERS

Many students, asylum-seekers and other foreigners are also working in the market. Others are working for construction company as part time work or seasonal work, especially during April- September during the season for construction. The pay usually ranges from UAH 85 to 100 per 8 hour working day.

Students and asylum-seekers often work in the market part time, mainly for whole sale, from 15:00 p.m. to 2:00 a.m. or until 10:00 a.m. Wages are sufficient to cover basic needs, depending on duration, place and time (daytime or night time). Individuals working at night receive more.

6. MARKETERS (REALIZATORS)

Some individuals (Ukrainian and foreigners) who have valid document, work permit and patents are often approached by manufacturers, who negotiate to collect their goods and sell it. Usually such group of people are categorized as marketers /distributors or “realizators”. Individuals have good or long term business relations and are trusted by the owner/manufacturer of goods. “Realizators” stated that they are working very hard than the manufactures, because if they do not sell the goods, the manufactures do not give them any more for sale. Although working as realizator is a good way to earn more money than being hired by someone, because

as one of them said, “no body asks for a share of the profits you earn and no body will tell you to come late or early. It is up to you, if you want more money you should start work early and stay until market is closed.”

7. PERCENTILE WORK

Some people prefer to work by the percentile system, which he/she would negotiate with the owner/manufacturer of the goods. Individuals working in this profile are market professionals, and always aware of the needs of buyers, getting latest models and seasonal goods, high quality with low price and then attracting the attention of the buyers. They stated percentile business is a high profit one, while the risk of loss is also high. They say that a minute’s mistake can bring heavy loss.

FUTURE PERSPECTIVE

Most representatives of visible minorities in the markets share the same opinion with regard to the future prospects of their work or businesses. For small and medium traders in the Barabashovo market of Kharkiv, due to sudden, often unfounded changes in the pricing policies of the market management petty businesses and vendors often lose their jobs and trading places. For example, during mid-2007, the price of one container was USD 150-300 in Barabashovo, depending on the location. Now the market management removed all containers and built shops, which they rent between USD 1850-5700. Minimum sale price for a 3 X 5 square meters shop is USD 60,000-80,000. To cope with this the businesses and vendors could not increase the prices of their goods, as in that case nobody would buy. Another planned change, according to traders in Barabashovo, is to install cash desk machines (kasoviy aparat) in each shop and then on the basis of that extort tax. Under that circumstances, only businesses with high capital flows will remain, while all small businesses and self employed people will turn into vendors, porters and percentile sellers. Almost $\frac{3}{4}$ of the small businesses will perish or go underground, with no fiscal gains of such moves. In addition, particular political forces also exert their influence on these markets and on the market management, as a result of which there are political sways in decisions on pricing. In the Odesa market situation is a bit different. The administration has no plans to change the existing trading procedure as this is the most costly trading place, keeping the containers, whose rent ranges from USD2000 to USD6000. However, businesses are affected due to problems of import from abroad in time, which however are overcome via semi-transparent procedures and arrangements. The situation in Troeshchina and other markets in Kyiv is no different, depending on location, shop rent ranges from USD400-500 to USD1200-1500 and sale prices range from USD5000 to USD50000-60000.

PROSPERITY AND WELL BEING

Prosperity and economic well being depends on the stability of businesses, enabling environment for small entrepreneurship and government tax policy. A 46 year-old Nigerian citizen working in Barabashovo as seller believes that there is no perspective to continue working in this market, people are here not to do real business, but to earn daily survival money. Holder of a Ph.D. in economics he is said to have written several articles on the Barabashovo market, one of which was entitled “Mafia and the administration of the Barabashovo”. As an average trader, his monthly expenses reach the level of USD 3000 per month, with the following breakdown:

1. Fee for rent of trading place – USD 2000
2. Minimum tax – USD 40
3. Apartment rental – USD 300-400
4. Food expenses – USD 150-200
5. Transportation 200-250 per month, (including transportation of goods from Odesa to Kharkiv once a week and fee for loading and unloading of goods)

Truly, these markets have not fully come out of the shadow economy. So there is absence of transparency and good business practices in this market. According to him, “mafia” and market administration are working hand in hand. An Ethiopian businessmen confirmed that since the market administration introduced system of shops, trading activities have gone down twice. He had two containers, two sellers and had good income, but now, he has only one small shop with no vendor and has to work about 12-16 hours a day, all earnings go to cover just the monthly expenses.

LIFE OF INDIVIDUALS

Many individuals, including asylum-seekers, immigrants, stranded former students, students of different countries reported that work at the market brought positive changes in their lives. Individuals married to Ukrainian nationals also stated that their living standards became better. Most of them do not rent apartments, as they live in the apartment of their spouses. Individuals married to Ukrainian nationals are relatively well protected by the Ukrainian government. He/she has the right to appeal for permanent residence permit. In Kharkiv, one Nigerian national working in Barabashovo market thinks that he got residence permit and has fully legal business since he is married to an Ukrainian national. Unlike individuals living in the camp (asylum seekers, undocumented persons), the financial situation of simple daily vendors, traders is better as they do not only depend on the financial assistance of the authorities. They dress up well, have sufficient food to eat, money for transportation and even some reserves. No health problems were noticed.

UNDOCUMENTED IMMIGRANTS IN THE MARKET (KYIV, KHARKIV AND ODESA)

In all sites, Kyiv, Kharkiv and Odesa the situation of undocumented immigrants is the worst. Constant fear of detention, deportation and lack of legal protection from Ukrainian state or non-state entities make them most vulnerable. Many of those whose applications to Ukrainian authorities for legal stay were rejected have both the right and the intent to appeal. But they do not know how to do it and also do not have the finances for this procedure. Undocumented foreigners and individuals usually work for his/her compatriots’ businesses and work in isolated places, where police would not find them. Usually they work as porters and cooks, as for example, in Odesa. They are even easily identifiable by their physical appearances, attire and psychological state.

INDIVIDUALS LIVING IN THE REFUGEE RECEPTION CENTER

About 186 refugees and asylum-seekers live in the Odesa state run refugee reception center. Interviews with asylum-seekers from Sudan, Somalia, Eritrea, Ethiopia, Afghanistan, Syria, Palestine, Iran, Iraq and Egypt, revealed that they all have valid government document, renewed every three months and they are entitle to temporary work. Reception center authorities also supported them with food kit. Three persons are accommodated in a room of about 16-19 square meter. The rooms, kitchens, corridors are clean, beds have mattresses, sheets, blankets. The only problem is that this center is far from the city center and from the markets, where some residents of this center work. However, duration of stay in this center is limited and regulated but it is a safe and good place to start a new life for the most vulnerable. One Ethiopian refugee, living as a vagrant, now lives in the center and works in 7th kilometer for an Indian trader. With plans to have his own trading place in the market and rent an apartment, he is grateful for this temporary shelter.

Contrarily, an Afghan family (husband, wife and three children) with no jobs and problems of getting children enrolled in kindergarten and schools, complained about the center’s small rooms, inadequate food kit, frequent stoppage in supply of water and electricity. However, they live there just because they do not have any other place. A Sudanese asylum-seeker, who with his wife and four children is in this center for more that a year, reported that the Ukrainian

authorities rejected his asylum claim, and he feared eviction from the center. With no start-up capital for business, he and his family members are in very critical situation. Thus various asylum seekers view the situation in the center based on their own problems.

WORK IN THE MARKETS HAVE BOTH POSITIVE AND NEGATIVE ASPECTS IN TERMS OF SOCIAL INTEGRATION AND ADAPTATION OF VISIBLE MINORITIES AND IMMIGRANTS

1. People from any continent come to these markets without a single cent, but later come out of the vicious circle of poverty. The credo for most is: if you work hard you would reach your dream. Therefore, the markets are good starting point or coping mechanism in dire circumstances, especially for the most vulnerable.
2. Working in the markets forces the immigrants to get spontaneously adapted to local customs, languages and manners as well as tricks.
3. Markets also provide some rudimentary hands-on skills for small and medium business development, organizational capacity, time management and survival strategies, again at no public cost.
4. One of the most important aspect is that the immigrants do not wait for any state aid or budgetary support for their sustenance. Asylum seekers (even those who get a limited amount of assistance), refugees start to earn money and stand up on their own.

Several negative aspects mar the apparent positive effects of working at markets for immigrants.

1. Even after more than a decade, major operations in most of the markets, which are sites for the present survey, still remain under shadow economy, without clear and transparent dealings and procedures. This covers all areas and especially relates to the process of hiring of foreigners at work as well. Moreover, there are serious considerations for removing the markets or changing them to modern shopping malls and plazas. In such circumstances, attachment to the market cannot be a sustainable long term option for the immigrants who wish to stay permanently in Ukraine.
2. Spontaneous adaptation of the immigrants to local milieu involves picking up of street Russian and a few cultural nuances, which is not sufficient for the emerging cultural and social integration needs of today's society in Ukraine. To suit the needs of the Ukrainian labor market, knowledge of Ukrainian language, laws and procedures is important, and that can be obtained only through induction courses. So far there are no such courses on the local level for these categories of people.
3. Although the immigrants get some rudimentary skills of small shopkeepers and managers' skills, they are not sufficient to deal with businesses in a modern sense of the term. Even after a decade of hands-on work, none of the traders are able to put together a business plan, apply for bank loans or start some production. On the contrary, the basic qualification that they have – such as computer programmers, engineers, architects, teachers etc. are wasted and not used, giving rise to functional illiteracy.
4. Disputes around the land plots where the markets are situated, around issues of political control over the markets etc. are dangerous as they have the potential for social tension. Keeping the immigrant population under such circumstances for a long term period with no role in participatory decision making or information sharing may provoke unrest.
5. Due to the factor that most of the markets operate within the shadow economy, which is an ambiguous category and the line between informal and criminal is blurred, immigrants in the market are stereotyped as being associated with the criminal world, which is again a factor of increase in xenophobia and racism.

Most people working in the market, construction and other institutions realize that the market trade is a short time panacea. For many others, this realization is yet to emerge. Since most people working in these markets believe that they can build their lives on their own than by waiting for unthinkable miracles to happen. With the following measures, policy makers

of Ukraine could make full use of this “diversity capital” labor force in a constructive and harmonious way for the development of Ukraine as well as for the socio-economic well being of these people:

- Clear immigration policy rules, and quota, tagged to the needs of the country, a particular region, city or even village;
- Sustainable development plan of specific areas, cities and villages, calling for the need of particular experts from the immigrant community;
- Allocation of resources for development and training in small and medium enterprises for immigrants and for their cultural adaptation;
- Bringing market-based trade out of the shadow not by putting more regulations or constructing huge malls, but by stimulating entrepreneurship and production among immigrants.

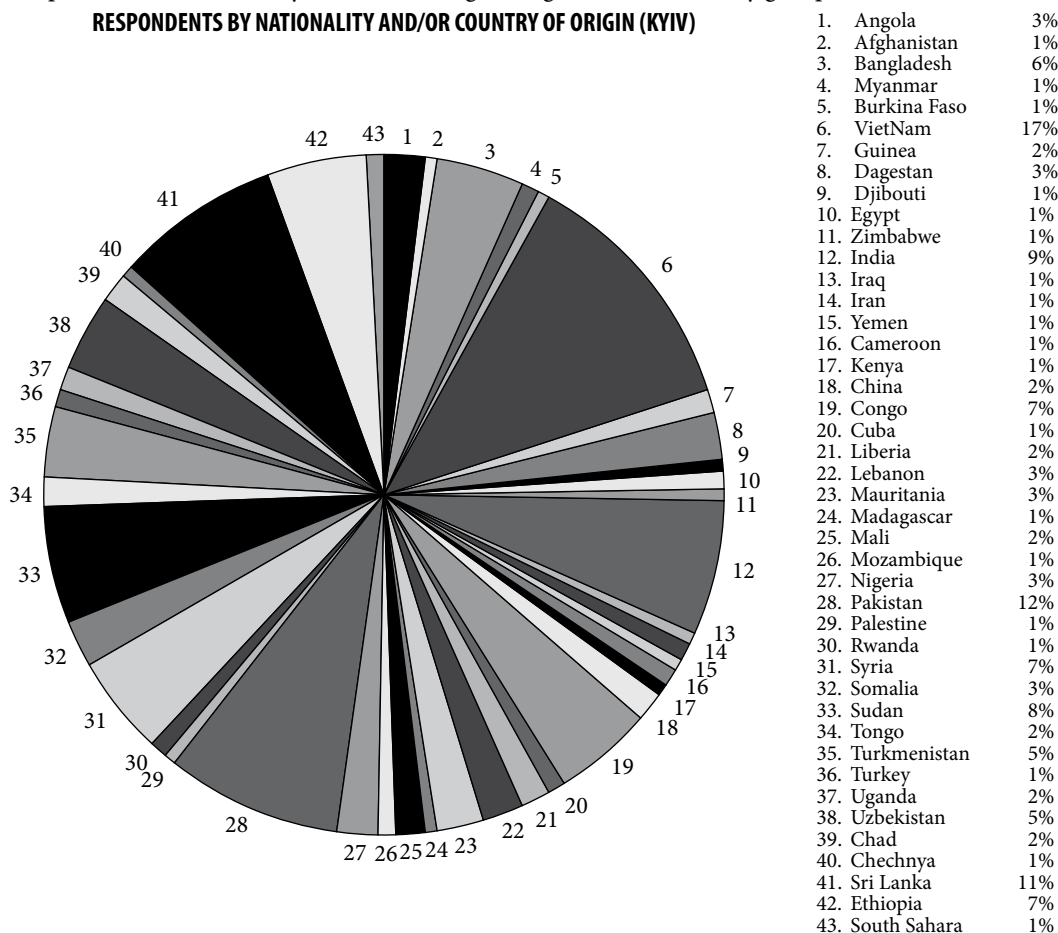
“Without a valid legal document the relation between foreigners and Ukrainian law enforcement characterized like the relation between rats and cats in an agricultural field. Without document you are not considered a human being. Police beat you, ridicule you, extort money. They abuse their power and also incite you to violate the law and then send you to prison.” – a Nigerian national married to an Ukrainian, trader in Barabashovo in Kharkiv.

CHAPTER 4
RESULTS OF THE SURVEY – PROFILE OF THE RESPONDENTS

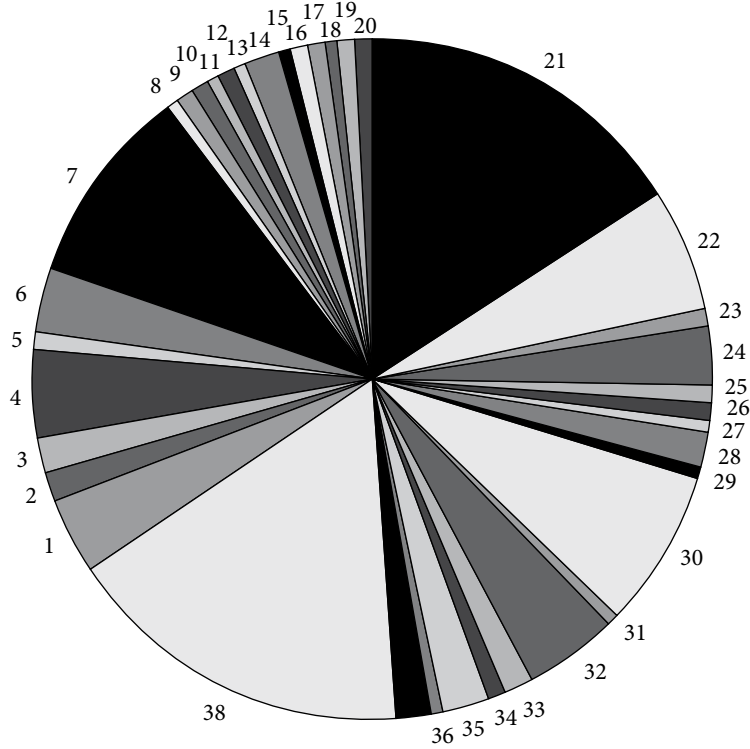
A questionnaire was designed to undertake the survey, which served as one of the tools to reach the project goal - prevention of race based discrimination through collection of baseline data. All information and data obtained in this survey has been carefully processed, analyzed and based on the conclusions, appropriate policy adjustments and proposals have been made for decision-makers, so that such policy changes help improve the lives of visible minorities and foreigners in Ukraine. Respondents were asked to be open and frank and to independently fill up the questionnaire, with minimum supervision and intervention on part of the data collector/interviewer. To overcome the barrier of language, questionnaires were made available to respondents in appropriate language versions. Both the questionnaire and interviewing was anonymous, except for the cases of in-depth interviews, where express consent was obtained. Therefore, it may be said that in general the responses obtained correctly reflect the situation as perceived by the respondents. Respondents' profile was determined according to their nationality (ethnic group and/or country of origin) sex and age. The responses obtained show that predominantly majority of the respondents are inhabitants of urban centers, which correlates to the survey sites, namely Kyiv, Kharkiv, Odesa and Vinnytsya. Overall, responses have been processed based on the interview sites, cities of Kyiv, Odesa and Kharkiv. The following diagrams show that people from 43 countries of origin were interviewed in Kyiv, from 38 countries of origin in Kharkiv and from 34 countries of origin in Odesa.

In addition to their location, Kyiv, Odesa, Kharkiv or Vinnytsya, questions with regard to their duration of stay and the year of first arrival as well as their desire to stay in Ukraine was also asked. This allowed us to see the potential of each survey site in receiving immigrants and minority groups and the overall enabling

RESPONDENTS BY NATIONALITY AND/OR COUNTRY OF ORIGIN (KYIV)

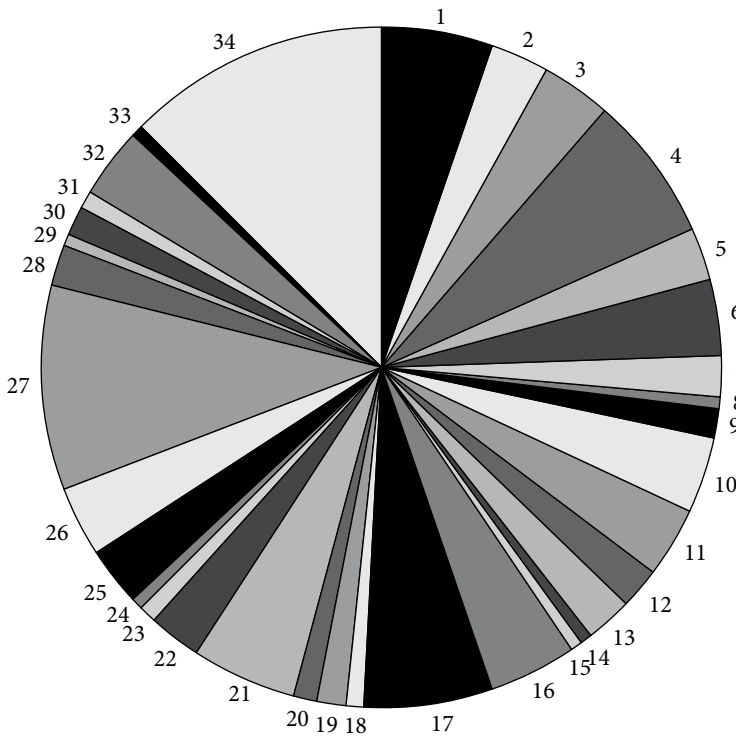


RESPONDENTS BY NATIONALITY AND/OR COUNTRY OF ORIGIN (KHARKIV)



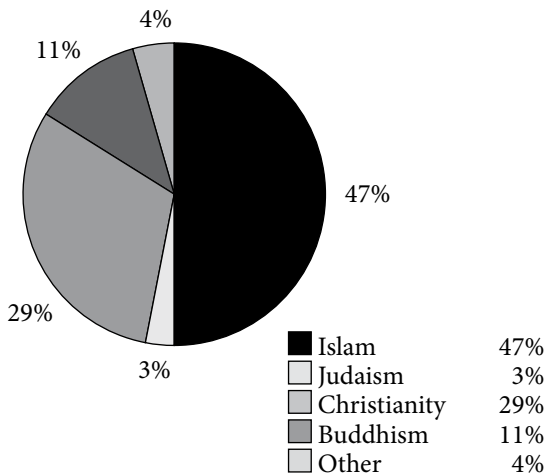
1. North Korea	2%
2. Somalia	2%
3. Sudan	6%
4. Tanzania	1%
5. Eritrea	4%
6. Ethiopia	13%
7. Burkina Faso	1%
8. Ghana	1%
9. Djibouti	1%
10. India	1%
11. Kenya	1%
12. Congo	1%
13. Cote d'Ivoire	2%
14. Liberia	1%
15. Mali	1%
16. Nepal	1%
17. Rwanda	1%
18. Uganda	1%
19. CAR	1%
20. Pakistan	5%
21. Vietnam	22%
22. Afghanistan	8%
23. Bangladesh	1%
24. Burundi	4%
25. Guinea	1%
26. Dagestan	1%
27. Egypt	1%
28. Zambia	2%
29. Ingushetia	1%
30. Iraq	10%
31. Iran	1%
32. Cameroon	6%
33. China	2%
34. Korea	1%
35. Moldova	3%
36. Rwanda	1%
37. Namibia	2%
38. Nigeria	23%

RESPONDENTS BY NATIONALITY AND/OR COUNTRY OF ORIGIN (ODESA)

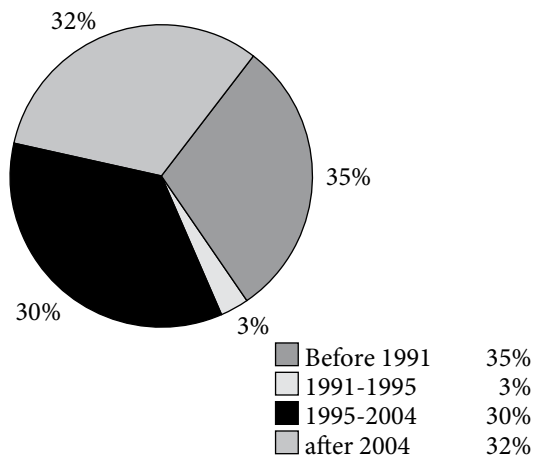


1. Azerbaijan	8%
2. Algeria	4%
3. Armenia	5%
4. Afghanistan	10%
5. Bangladesh	4%
6. Vietnam	5%
7. Gagauz	3%
8. Georgia	1%
9. India	2%
10. Iraq	5%
11. Iran	5%
12. Yemen	3%
13. Cameroon	3%
14. Cambodia	1%
15. China	1%
16. Congo	6%
17. Kurd	9%
18. Laos	1%
19. Libya	2%
20. Moldova	2%
21. Nigeria	7%
22. Pakistan	4%
23. Palestine	1%
24. Russia	1%
25. Syria	4%
26. Somalia	5%
27. Sudan	14%
28. Tajikistan	3%
29. Tunisia	1%
30. Ukraine	2%
31. Chad	1%
32. Chechnya	5%
33. Eritrea	1%
34. Ethiopia	18%

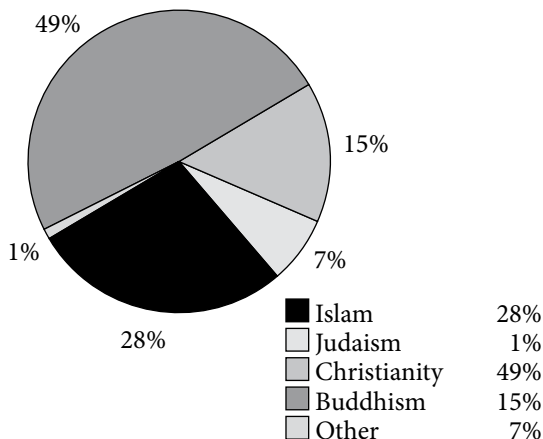
RESPONDENTS BY RELIGION (KYIV)



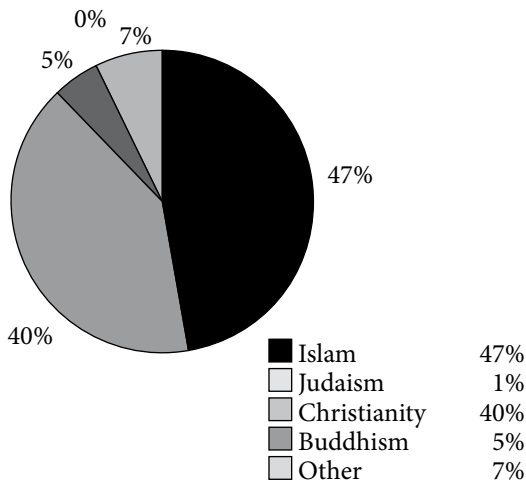
ARRIVALS IN UKRAINE



RESPONDENTS BY RELIGION (KHARKIV)



RESPONDENTS BY RELIGION (ODESA)



environment for their human development. With regard to the duration of stay and the year of first arrival, those who arrived before 1991 constitute 35%. This mainly includes those who came during the Soviet period. Between 1991-1995, there was severe instability, inflation and economic uncertainty in Ukraine. Old bilateral agreements on students' exchange were severed and new ones were still not in place. Ukraine did not yet accede to international agreements on acceptance of refugees and asylum seekers. In addition, there was no macroeconomic stability to foster market and trade related activity. This period also coincided with the absence of Ukraine's national currency, the Hryvnia, which was introduced in 1996. Therefore, rate of arrivals from all fronts declined sharply, constituting a meager 3% of the total respondents polled in this survey. Arrivals regularized during 1995-2004 and the period after 2004, constituting 30% and 32% respectively of the total. This allows us a fair distribution across 17 years, each period represented by about one-third of the respondents.

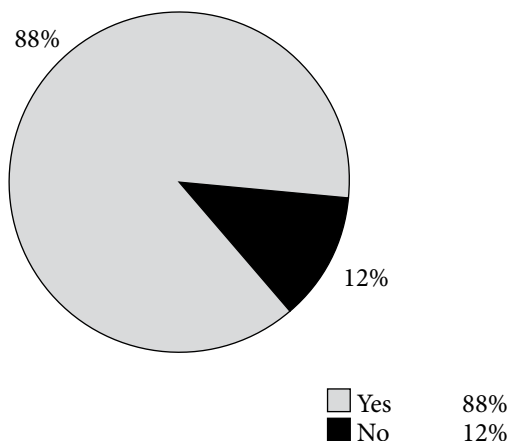
It may therefore be concluded that the level of adaptation and the status of the minority representative depends on the factor of time of arrival and the socio-economic and political policies in place at that time in Ukraine.

Distribution of the respondents on the bases of their faith shows that most of the world religions are represented in this research. Age of the respondents range from are years 17-53 years in

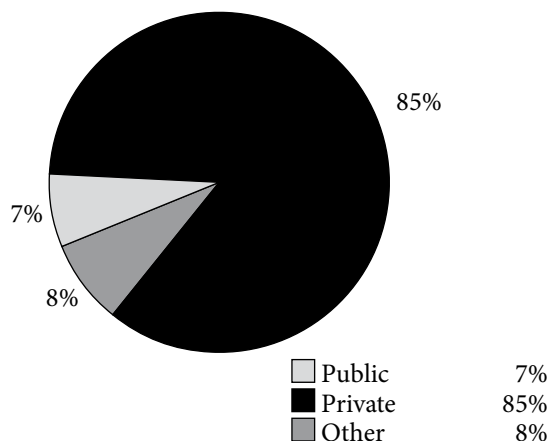
Kyiv, 19-56 years in Kharkiv and 14-59 years in Odesa. Therefore, overall the age group ranges from 14 to 59 years.

As most of the respondents are of working age, to the question whether they were gainfully employed or have occupation, most of them, that is 88% in Kyiv, 57% in Kharkiv and 85% in Odesa replied in the positive. Among those who are not employed are students or pupils 43% in Odesa, 75% in Kharkiv and only 12% in Kyiv. Due to the fact that most of the respondents belong to working age, the number of pensioners is fully absent. Also absent are registered unemployed people in Kharkiv and Odesa, while there are 13% of the such respondents in Kyiv. Eight percent in Kyiv and 3% in Odesa are employed part time or periodically. No respondents were there with part time work in Kharkiv. Also, there were no respondents on maternity leave in Odesa or Kharkiv, while this indicator accounts for 4% of respondents in Kyiv. Six percent in Odesa, and 8% in Kharkiv and 10% in Kyiv said they are not employed and are seeking work. There are handicapped among respondents from Kyiv, constituting 12%. Undocumented persons account for a significant share - 41% in Kyiv, 31% in Odesa and 15% in Kharkiv. Their number coincide with those who do not have work permits. However, there are other categories of people, who may have valid documents such as passports or residence permits but may not have work permits. The share of undocumented people in this response however does not mean that they were not working. Almost all of them work unofficially with no benefit for meeting their social protection needs, only contributing to the informal economy of Ukraine. In responses to questions related to economic adaptation and paying taxes to the Ukrainian state, to be dealt with in this report further, the response of these people prove the loss incurred by the state or local budgets. As is clearly seen, majority of the respondents are employed in the private sector. Consequently, the responses also show that 85% in Kyiv, 92% in Kharkiv and 98% in Odesa are engaged in trading and services in the huge wholesale markets. Eight percent responses from Kharkiv, 2% from Odesa and 7% from Kyiv came from employees of the public sector, namely, relatives of the groups surveyed and local state officials. The category “others”, constituting 8% of responses from Kyiv reflect the representatives of minorities working in companies, or members of the diplomatic corps, international and national NGOs, media and culture.

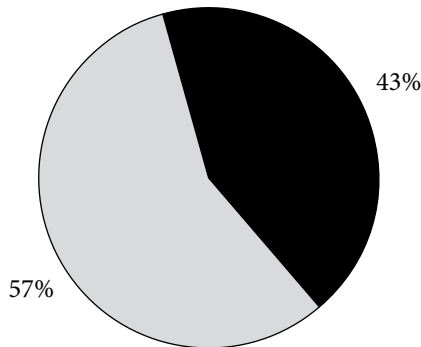
ARE YOU EMPLOYED NOW? (KYIV)



IF YOU ARE EMPLOYED, YOU WORK IN WHICH SECTOR? (KYIV)

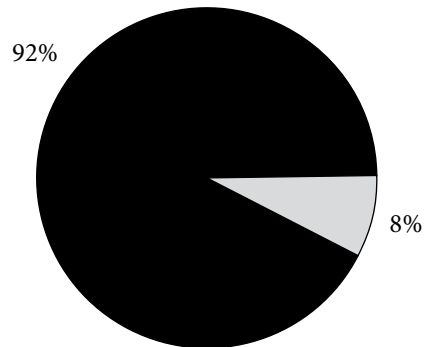


ARE YOU EMPLOYED NOW? (KHARKIV)



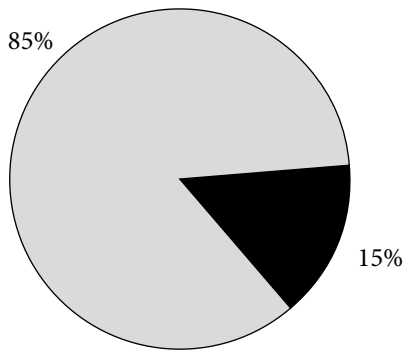
Yes 57%
No 43%

IF YOU ARE EMPLOYED, YOU WORK IN WHICH SECTOR? (KHARKIV)



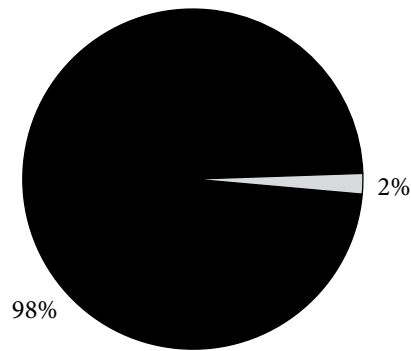
Public 8%
Private 92%

ARE YOU EMPLOYED NOW? (ODESA)



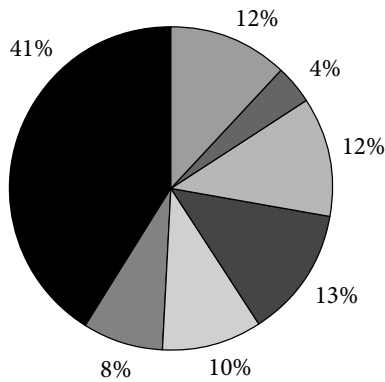
Yes 85%
No 15%

IF YOU ARE EMPLOYED, YOU WORK IN WHICH SECTOR? (ODESA)



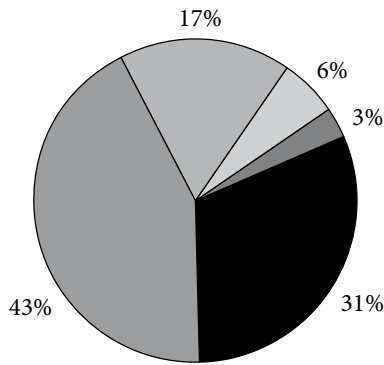
Public 2%
Private 98%

IF YOU ARE NOT EMPLOYED, YOU ARE: (KYIV)



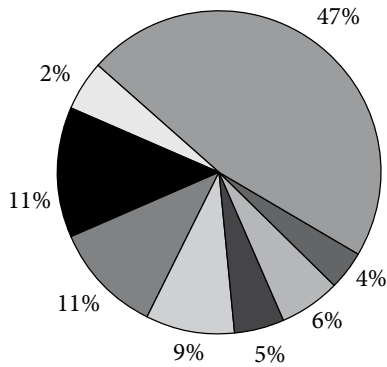
Pensioner 0%
Housewife 0%
Student or pupil 12%
On maternity leave 4%
Disabled 12%
Registered unemployed 13%
Temporarily not employed and looking for a job 10%
Work part time or periodically 8%
Do not have required documents 41%

IF YOU ARE NOT EMPLOYED, YOU ARE: (ODESA)



Pensioner	0%
Housewife	0%
Student or pupil	43%
On maternity leave	0%
Do not have work permi	17%
Registered unemployed	0%
Temporarily not employed and looking for a job	6%
Work part time or periodically	3%
Do not have required documents	31%

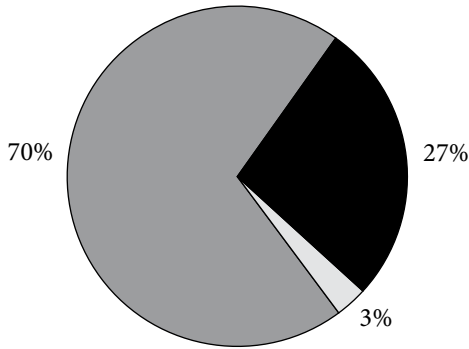
IF YOU ARE NOT EMPLOYED, YOU ARE: (KHARKIV)



Pensioner	2%
Housewife	5%
Student or pupil	47%
On maternity leave	4%
Disabled	6%
Registered unemployed	5%
Temporarily not employed and looking for a job	9%
Work part time or periodically	11%
Do not have required documents	11%

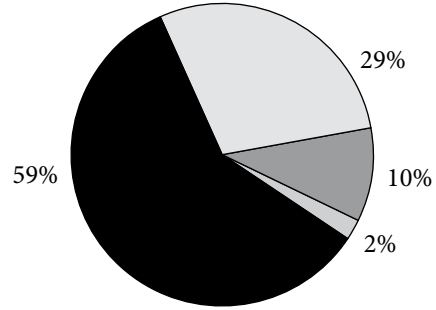
To determine the level of adaptation and the need for integration, a question asked to the respondents was how long they plan to stay in Ukraine. Answers to this question varied according to the status of the respondent. While those in business/service were tied to concrete period of stay or assignment or studies (in case of students), and consequently their responses were more concrete and they could predict for how many years plan to stay in Ukraine. This issue raised more indefinite answers among those who are asylum seekers, refugees and undocumented persons. Due to lack of safety and not sufficient guarantee of earning livelihood or a more or less stable future, they often responded “cannot say” and expressed their desire to resettle in a different country. Such responses constitute the majority, 70% in Kyiv, 68% in Odesa and 46% in Kharkiv. In addition, it may be noted that the desire to stay permanently is more among 51% respondents of Kharkiv, among 31% of those interviewed in Odesa and 27% of those in Kyiv. This is related to their marital status.

HOW LONG DO YOU PLAN TO STAY IN UKRAINE? (KYIV)



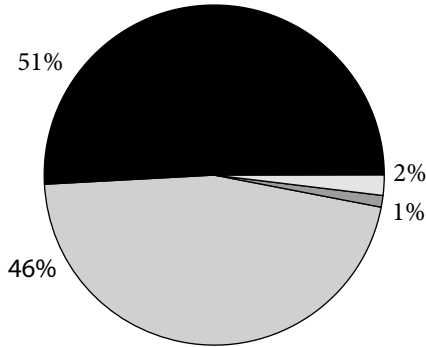
Forever	27%
For at least 1 year	3%
Can not say	70%

MARITAL STATUS OF RESPONDENTS (KYIV)



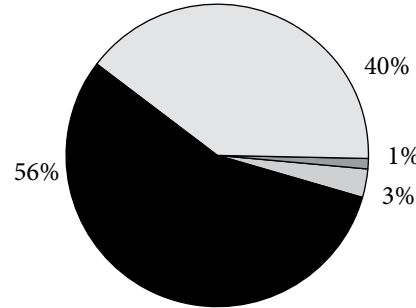
Single	59%
Married	29%
Live in Partnership	10%
Separated	2%
Widower (widow)	0%
Divorced	0%

HOW LONG DO YOU PLAN TO STAY IN UKRAINE? (KHARKIV)



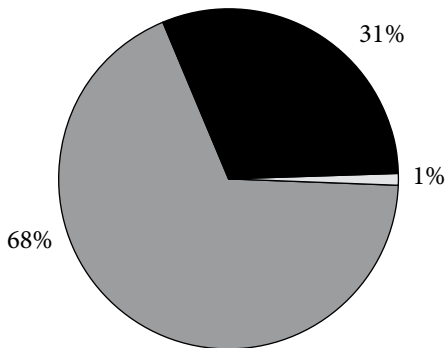
Forever	51%
For at least 1 year	2%
For at least 1 to 2 years	1%
Can not say	46%

MARITAL STATUS OF RESPONDENTS (KHARKIV)



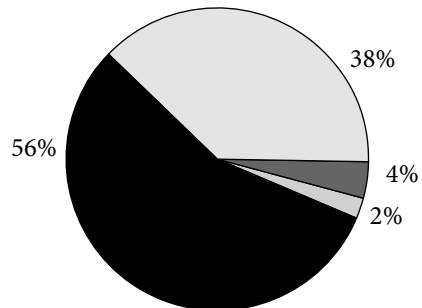
Single	56%
Married	40%
Live in Partnership	1%
Separated	3%
Widower (widow)	0%
Divorced	0%

HOW LONG DO YOU PLAN TO STAY IN UKRAINE? (ODESA)



Forever	31%
At least 3 years	1%
Can not say	68%

MARITAL STATUS OF RESPONDENTS (ODESA)



Single	56%
Married	38%
Live in Partnership	0%
Separated	4%
Widower (widow)	0%
Divorced	2%

For those immigrants and foreigners who are married to citizens of Ukraine and especially among those who have children, stay in Ukraine is undoubtedly a life long issue. The following figures show the marital status of the respondents in the three sites.

Forty percent respondents in Kharkiv, 29% in Kyiv and 38% in Odesa stated that they are married. Curiously, with 56% in Kharkiv and Odesa and a large 59% in Kyiv being singles, this research attempted to analyze the role and place of marital knot in resolving residency and work permit issues in Ukraine. Interestingly, several in depth interviews allowed us to reveal that the system of fictitious marriages to receive social, citizenship and other benefits is not a matter of practice in a wide scale. To the question, if the way of fictitious marriages would have helped the immigrants with more stable status, those interviewed replied that there is no change in the attitude of the police and the authorities towards the fact if an immigrant is married or not. However, our observations show that major points in Ukrainian legislation with regard to immigration still favor those who are married to Ukrainian nationals.

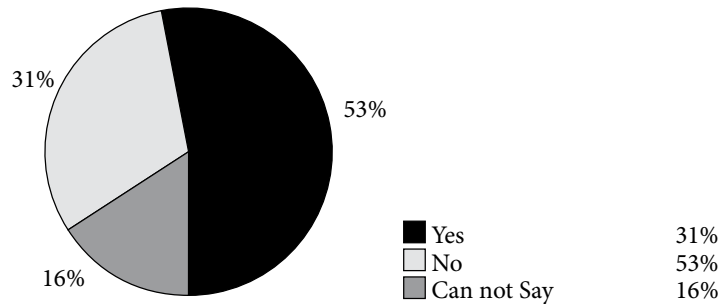
Therefore, fictitious or bona fide, the question of marital status of the respondent is important from this point of view. As is noted in the figure, the legal and visa status of those interviewed were correlated to their marital status. In Kyiv, 54% had permanent residency and 46% had temporary work permit.

In most cases, nationality of the spouse or partner is Ukrainian and the mother tongue is either Ukrainian and/or Russian. Related to this was the issue of citizenship, and in this case it was found that if one of the spouses (often wife) is a citizen of Ukraine, then the immigrant or representative of the minority group is either having a permanent residency or temporary residency. Most of the respondents who have children said that they are under 18 years of age and in most cases the citizenship of these children are also Ukrainian.

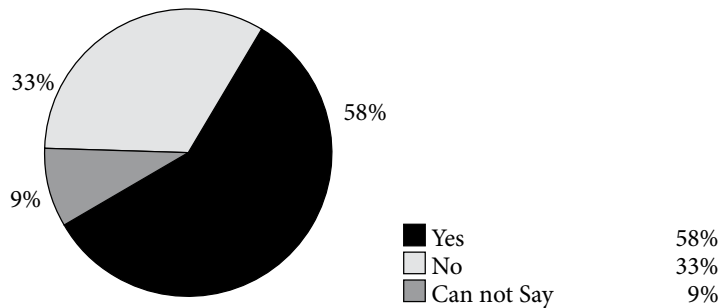
CHAPTER 5
HEALTH, HOUSING, WORK AND LEISURE

A number of questions were devoted to issues of basic or primary health care for the respondent and members of his/her family, including their access to state health care system. This was to be reflected in the fact of their undergoing regular medical check ups or going to a certain institution in case of illnesses. A more developed and well protected form of health care – medical insurance coverage was also surveyed. It was also analyzed whether that insurance was that of an Ukrainian company or a foreign company.

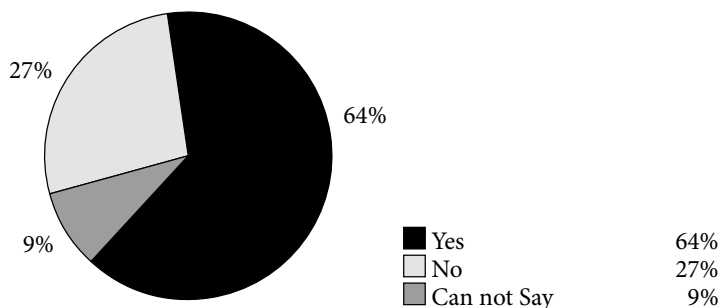
DO YOU AND MEMBERS OF YOUR FAMILY HAVE ACCESS TO STATE HEALTH CARE SYSTEM? (KYIV)



DO YOU AND MEMBERS OF YOUR FAMILY HAVE ACCESS TO STATE HEALTH CARE SYSTEM? (KHARKIV)



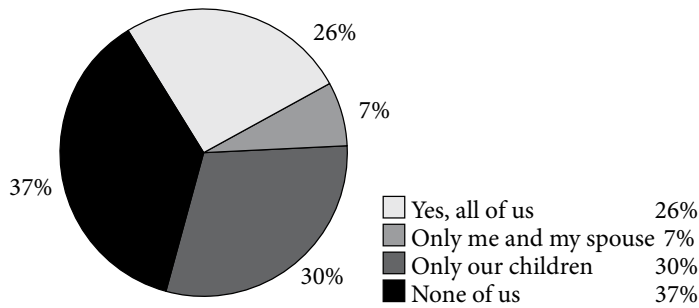
DO YOU AND MEMBERS OF YOUR FAMILY HAVE ACCESS TO STATE HEALTH CARE SYSTEM? (ODESA)



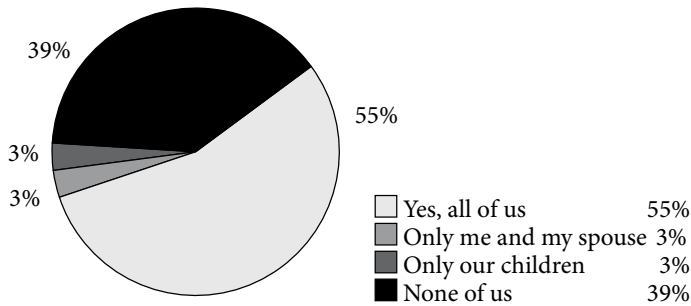
The diagrams show sharp contrasts in responses: in Kharkiv 64% and in Odesa 58% have said that they have access to health care system, while only 31% in Kyiv has access. People with no access constitute 27% of respondents from Odesa, 33% from Kharkiv and a staggering 53% for Kyiv. Consequently, 37% have no regular check ups in Kyiv, but 30% said that their children have regular check ups.

The situation in Kharkiv may seem a lot better, where 55% are said to have regular check up but another 39% have no check ups at all. Worse than that is Odesa, with its 71% not being checked up at all, and only 29% undergoing regular medical screening. In a city known for its HIV/AIDS and TB epidemic for a decade, this is a serious point to consider.

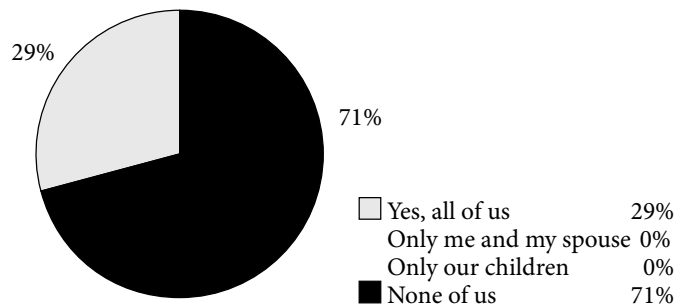
DO YOU/MEMBERS OF YOUR FAMILY UNDERGO REGULAR MEDICAL CHECK UPS? (KYIV)



DO YOU/MEMBERS OF YOUR FAMILY UNDERGO REGULAR MEDICAL CHECK UPS? (KHRKIV)

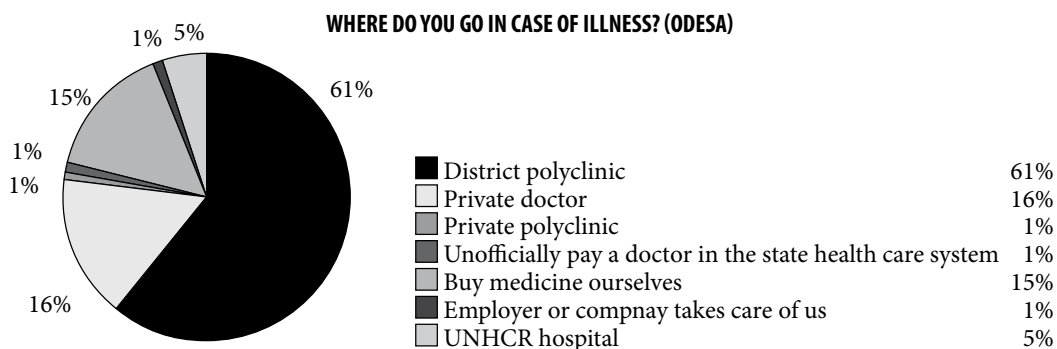
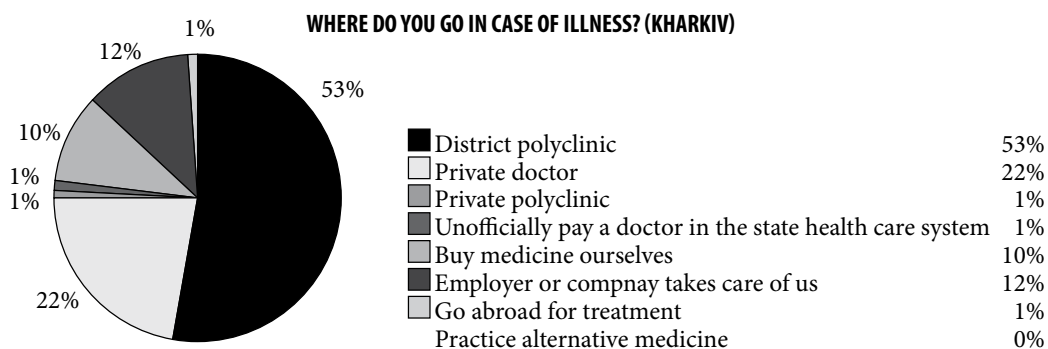
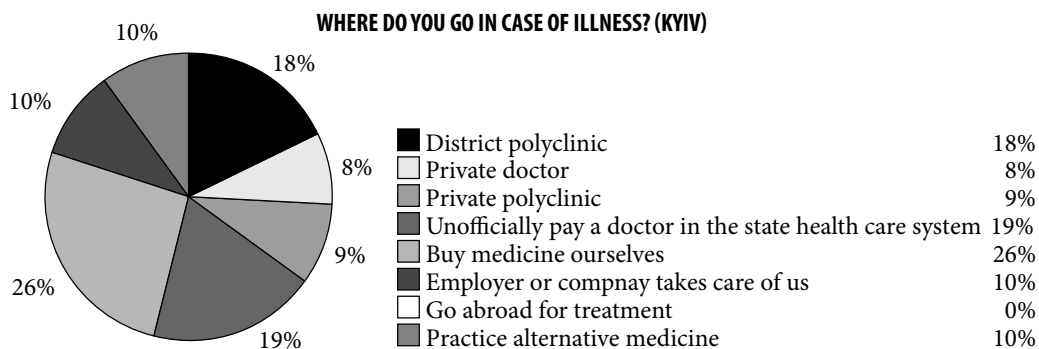


DO YOU/MEMBERS OF YOUR FAMILY UNDERGO REGULAR MEDICAL CHECK UPS? (ODESA)



To the question “where do you go in case of illness?”, the options provided were eight: We go to the district polyclinic/private doctor/private polyclinic/we unofficially pay a doctor in a state health care system/ we buy medicine and heal ourselves/Our employer or company takes care of everything/we go abroad for treatment/we practice alternative medicine. Responses from both Kharkiv and Odesa show that majority of the respondents go to the district polyclinic. In case of Kyiv the responses are more equally distributed, demonstrating the variety of people polled. As far as the category of self healing is concerned, all the cities show a fair level from 26% in Kyiv, to 10% in Kharkiv and 15% in Odesa. The share of those who visit private doctors or clinics is also fairly high. The concept of private doctors, private clinics and unofficially paying a doctor in state run hospital were separated in the questionnaire, due to the fact that often doctors in state run hospitals offer services for pay and have agreements with patients. The share of those who unofficially pay doctors is the highest in Kyiv (19%) but negligible in Kharkiv and Odesa. Although the concept of private medical practice is limited to certain areas of medicine only, data shows that in Kharkiv and Odesa, 22% and 16% respectively pay private doctors. In Kyiv this percentage is 8%. To add to that 9% go to private clinics in Kyiv, while only 1% go to private clinics in both Kharkiv and Odesa. Going to a foreign country for medical treatment is a far cry for the most. Equally problematic is medical care to be provided by the

employer, as seen in Odesa (1%). However, in Kharkiv and Kyiv, 12% and 10% of those polled respectively said that their employers/companies provide for their medical needs. Another specific aspect about Odesa is that part of the respondents being refugees, could avail of the medical services of the UNHCR supported hospital. Additionally, the percentage of those who practice alternative medicine was represented only in Kyiv, accounting for 10% of the respondents.

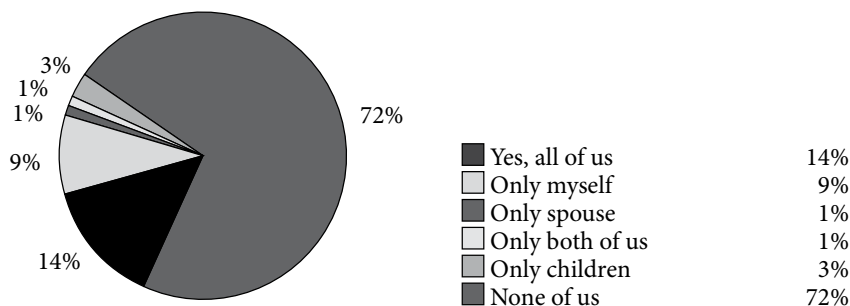


Under conditions of market economy and restriction of state medical funding, it is customary that people should opt for medical insurance. Such is also the practice in Ukraine although health care system for the majority of the population is still state financed. In the question “Do you and members of your family have health insurance?” the answer options were: Yes all of us/No none of us/Only me/Only spouse/Only both of us/Only children. The diagrams show that majority of those interviewed did not have any medical insurance, the highest percentage is in Kyiv (72%), followed by Odesa (57%) and Kharkiv (53%). At the same time, 38% responded in Kharkiv and Odesa and 14% in Kyiv that they and members of their families are covered by medical insurance. Nine percent of responses in Kyiv and Kharkiv and 4% in Odesa showed that insurance coverage is available for the respondents only and not for their family members. With regard to

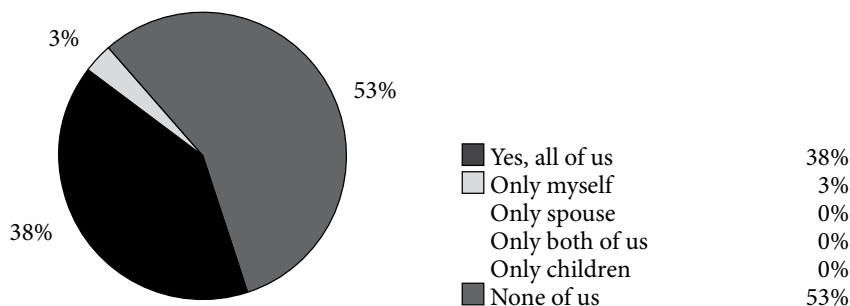
coverage of other family members, the level is negligible in all three sites. In most cases the insurance policy is that of an Ukrainian company.

A general question was also posed whether all foreigners should get access to free basic medical care, irrespective of their status. The obvious response for the respondents, whose resources are restricted was an overwhelming “yes”, accounting for 81% of responses.

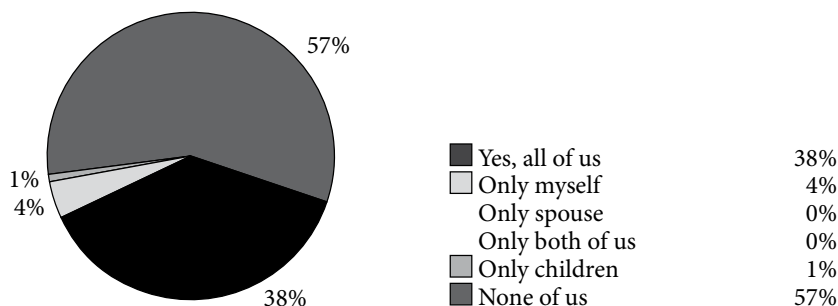
DO YOU AND MEMBERS OF YOUR FAMILY HAVE HEALTH INSURANCE? (KYIV)



DO YOU AND MEMBERS OF YOUR FAMILY HAVE HEALTH INSURANCE? (KHARKIV)



DO YOU AND MEMBERS OF YOUR FAMILY HAVE HEALTH INSURANCE? (ODESA)



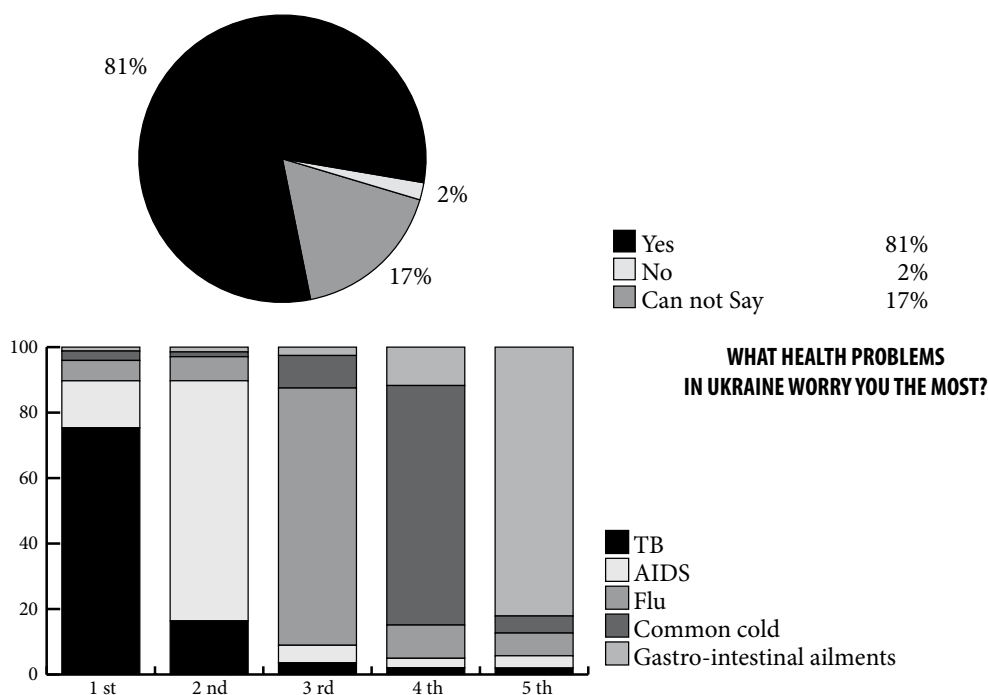
Last but not the least was the question “What health problems in Ukraine worry you the most?” The answers were “TB, AIDS, flu, cold, gastric-enteric diseases” – to be written in order of priority from scale 1 to 6, 1 being the highest priority. The following diagram shows cumulatively the results of this prioritization for all three cities.

Seventy-six percent place TB on the first place and 74% place AIDS on the second place. People putting flu in the third place account for 78% of the respondents, and 68% place cold in the fourth place and lastly comes the diseases of the gastro-intestinal tract, placed in the fifth place by 78% of respondents.

Thus, this cumulative picture of all the categories show that people are most afraid of TB and then AIDS, followed by flu, common cold and gastrointestinal diseases. This is not coincidental, as most of the respondents have to work in crowded areas, live in congested apartments and do not always have time

and resources for maintaining a healthy life style. Therefore, it may be pertinent for the policy makers to consider at least mandatory annual screening of TB for all who work in markets and crowded surroundings, considering the epidemic situation in Ukraine. From the point of public health, it is also necessary to disseminate more information and awareness raising materials on the topical health problems in a language and medium, appropriate for the understanding of the minority groups in these locations.

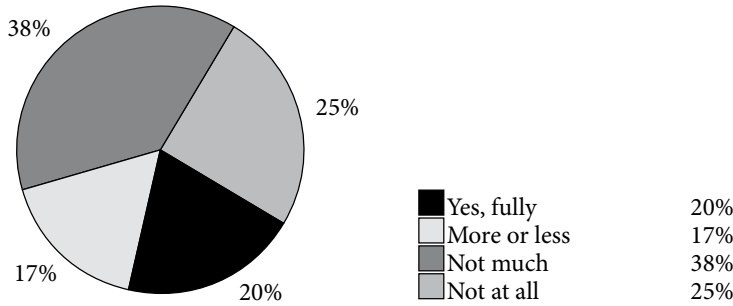
EVERYONE SHOULD HAVE ACCESS TO FREE PRIMARY MEDICAL CARE?



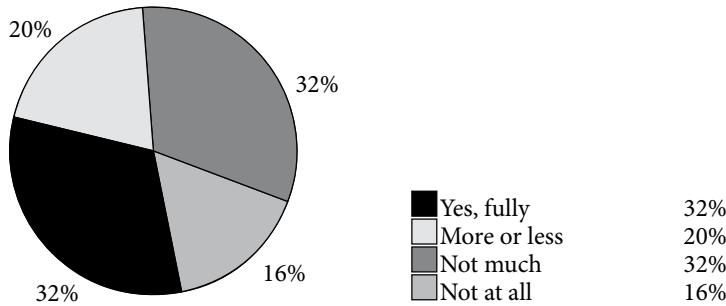
HOUSING

With regard to the housing conditions of the respondents the options given in the questionnaire were one general question and another particular question. The first general question was to estimate the level of satisfaction of the respondents with their housing conditions. The following diagrams show the state of satisfaction of the respondents with their housing conditions in Kyiv, Kharkiv and Odesa. If in Kharkiv, the respondents are equally divided (32% each) in being fully satisfied and in being not so satisfied with their housing, in Kyiv the level of satisfaction covers only 16% and in Odesa 20%. Forty-six percent in Kyiv and 38% in Odesa are not quite satisfied with their housing, partly due to the soaring apartment rental and purchase prices, and the monopolistic, not dynamic nature of the real estate market. For the same reason in both Kyiv and Odesa, 25% of the respondents are not at all happy with their housing conditions, while this figure is a bit better (16%) in Kharkiv. The second question was to estimate the details of the housing conditions of the respondents, if they own the apartment they live in, or he/she rents an apartment for himself/herself or their family. The figure below shows the distribution of categories of housing, enjoyed by the respondents in Kyiv, Kharkiv, and Odesa. Only 17% of respondents in Kyiv, 26% in Odesa can boast of owning their own apartments. This figure is significantly higher in Kharkiv (40%). Those who rent an apartment constitute 25% in Kyiv, 30% in Odesa and 24% in Kharkiv.

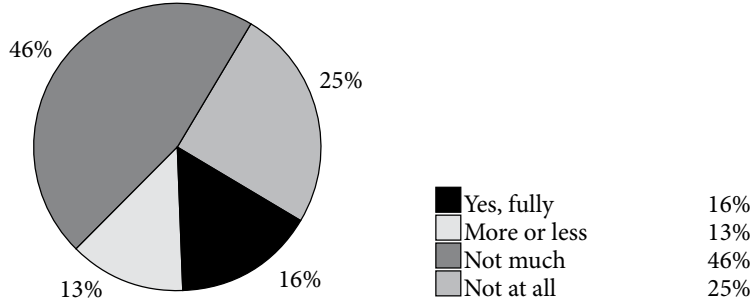
ARE YOU HAPPY WITH YOUR HOUSING CONDITIONS? (ODESA)



ARE YOU HAPPY WITH YOUR HOUSING CONDITIONS? (KHARKIV)



ARE YOU HAPPY WITH YOUR HOUSING CONDITIONS? (KYIV)

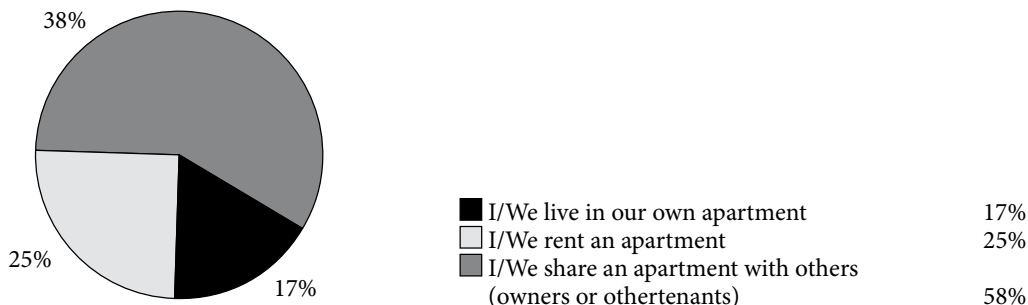


With regard to the living of foreigners in a particular district or neighborhood, it has been generally seen that the proximity to their place of work, which is often the markets, is the main criterion. Less frequent is the criterion of getting an apartment close to friends and relatives. However, this situation is showing some change due to the following reasons. Firstly, given the high rental prices, the option of sharing an apartment with a number of people, who are not family members is also widely practiced. This is true especially for cities like Kyiv, Kharkiv and Odesa. The diagrams show that 58% of respondents in Kyiv, 36% in Kharkiv and 25% in Odesa have said that they share the apartments with owners, friends or other tenants. An additional component in the diagram for Odesa is the Refugee camp, where 19% of the respondents were housed.

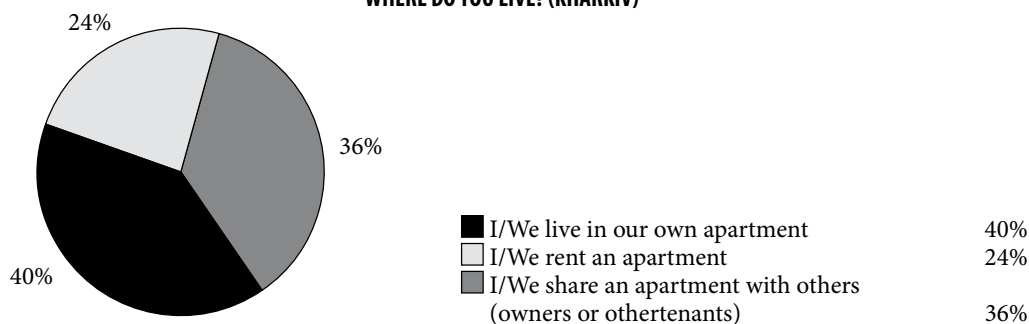
In most cases, asylum seekers, refugees as well as some students prefer this option, which paves the way for group or “compact” areas of living for certain ethnic groups. Secondly, growth in xenophobia and frequent attacks on visible minorities also have forced representatives of many communities and their families to stay close to each other. Hence they seek renting apartments in a certain district, if not in the same building or neighborhood. The situation with renting an apartment is the worst for the asylum seekers and refugees as most of the apartment owners rent out their apartment “unofficially” without declaring the income they earn as rent. Apartment owners are also not interested in registering the asylum seekers or

refugees temporarily in their apartments. Temporary registration is often a requirement for most foreigners in Ukraine. This undoubtedly leads to extortion from unfair police officials and other circles who offer “fake” registration for money. Under these conditions the issue of registration and transparent rental practices would be a safe option for all immigrants and minority groups.

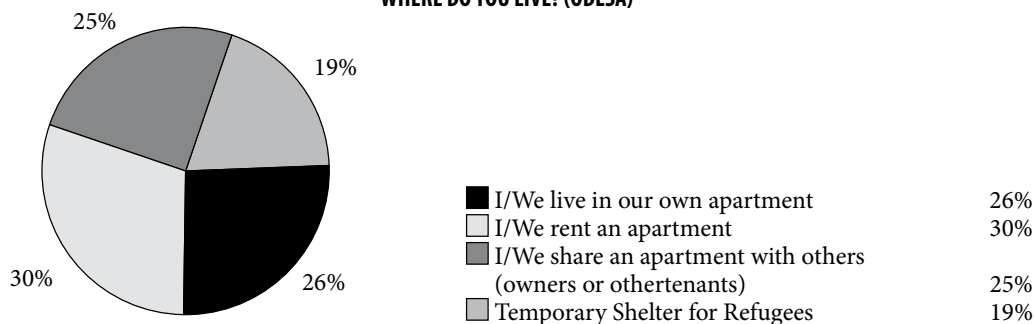
WHERE DO YOU LIVE? (KYIV)



WHERE DO YOU LIVE? (KHARKIV)



WHERE DO YOU LIVE? (ODESA)



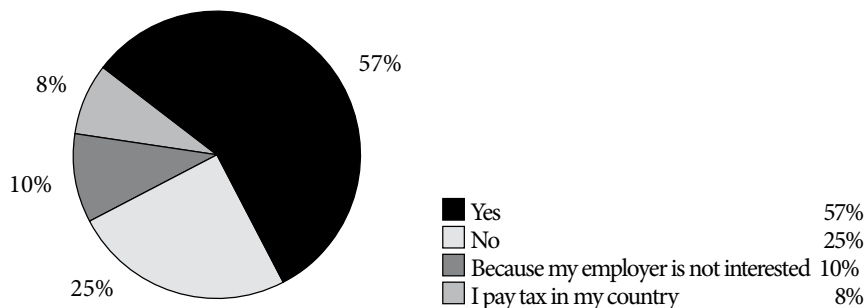
Overall, the trend is to buy apartments when there are sufficient financial resources. As the survey results show, the income of the respondents have not been as high as to enable majority of them to purchase apartments. In addition, many foreigners are not eligible for the loan and credit facility from banks, mortgage programs. So even if they have the desire to improve their housing conditions, they are unable to do so. Mostly, those who are married to Ukrainian nationals may avail of such loans in the name of the spouse. Therefore, more transparent rules and the eligibility criteria for those, who regularly pay taxes should be made.

EMPLOYMENT AND OCCUPATION

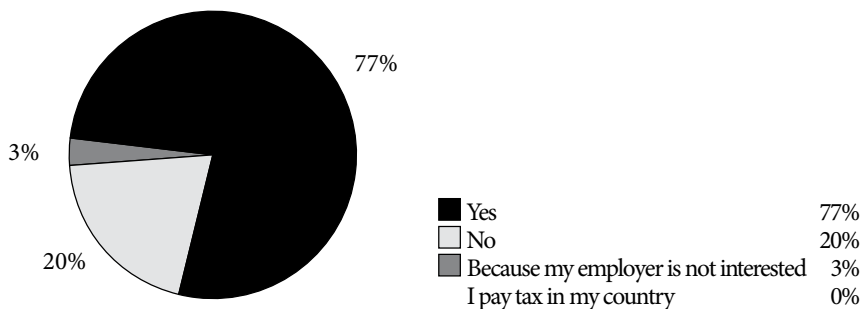
As it is generally observed, in all the sites surveyed, the respondents were engaged in occupation, which did not necessarily mean a job in any sector. Overall, due to chronic unemployment or periodic erratic

employment, 25% in Kyiv, 20% in Kharkiv and 24% in Odesa admitted that they are not registered as tax payers. The reason for them not to be registered is more of the nature “my employer is not interested”, constituting 3% in Kharkiv, in Kyiv and 5% in Odesa. Rarely the responses were “I do not know how to apply for a tax registration in Ukraine”, which means that lack of knowledge and awareness was not the issue. Responses of the type “I/we pay taxes in my own country” were also rare, except in cases where the respondents had secure employment and enjoys all ancillary benefits.

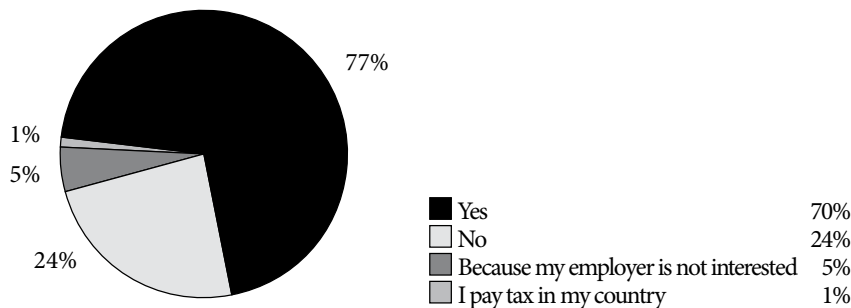
ARE YOU REGISTERED AS A TAXPAYER? (KYIV)



ARE YOU REGISTERED AS A TAXPAYER? (KHARKIV)



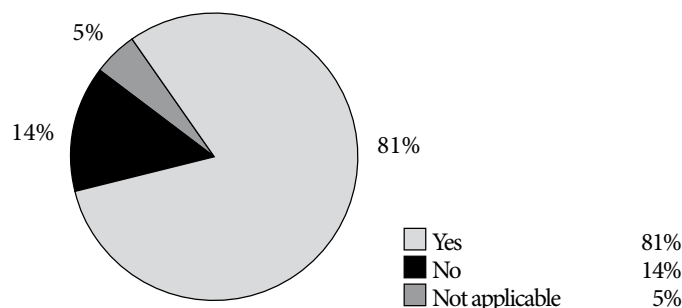
ARE YOU REGISTERED AS A TAXPAYER? (ODESA)



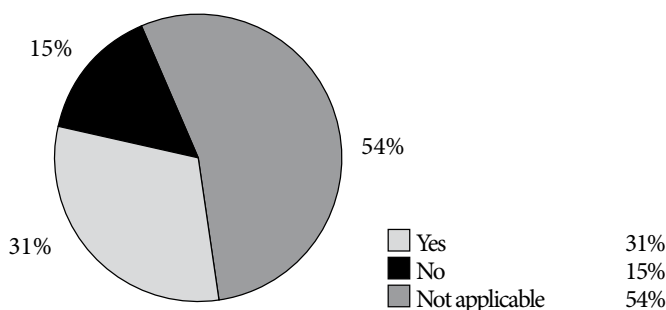
Due to reasons of not equal treatment in the labor market, as well as of low pay, several of the minority groups opted for private entrepreneurship or self employment, registering themselves as small and medium scale businesses. The tax regime in Ukraine sets a flat monthly or quarterly rate for such categories of businesses, enabling them to hire up to ten people within their enterprises. The flat tax rate varies but is around UAH 200 for an annual income equivalent to USD100000, beyond which the entrepreneur is obliged to pay a progressive tax. Therefore, estimating the level of taxes paid by the respondents showed that 57% in Kyiv, 77% in Kharkiv and 70% in Odesa are registered as taxpayers either by their employers or by themselves as self employed entities. Even though several aspects of market-based trade may fall within the informal economy, rate of tax payment data of these entrepreneurs show that revenue generated out of their trade in

these huge whole sale markets is significant. This adds up to the already notable contribution to the state budget at national or local levels in terms of rental of shops or storehouses.

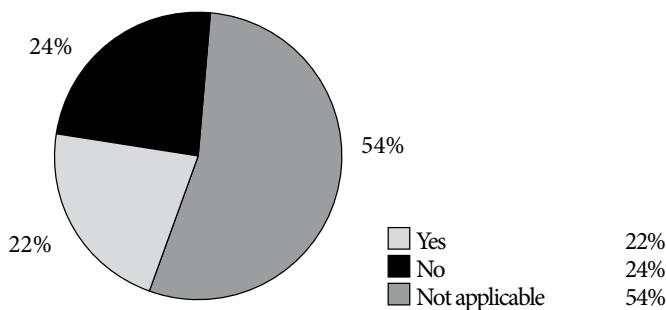
WOULD YOU LIKE TO BE REGISTERED AS A TAXPAYER IN UKRAINE AND GET PENSION BENEFITS? (KYIV)



WOULD YOU LIKE TO BE REGISTERED AS A TAXPAYER IN UKRAINE AND GET PENSION BENEFITS? (KLHARKIV)



WOULD YOU LIKE TO BE REGISTERED AS A TAXPAYER IN UKRAINE AND GET PENSION BENEFITS? (ODESA)



As most of those working in the markets would like to plan for their future, majority think of registering themselves as taxpayers with the idea that they would be able to enjoy pension in their old age. Their percentage constituted 81% in Kyiv, somewhat less (31%) in Kharkiv and 22% in Odesa. While people who were unsure and had difficulty in answering in the positive to this question constituted more than half of the respondents (54% each) in Kharkiv and Odesa, in Kyiv their number equaled a meager 5%. Negative responses accounted for 14% in Kyiv, 15% in Kharkiv and 24% in Odesa.

DEPENDENCY

Immigrants and minority representatives live either with their families in Ukraine, or in case they do not have a family in Ukraine, there are dependents whom they support materially. It is no secret that money transfers made by immigrants and foreigners working in their countries of domicile to their countries of origin sometimes surpasses the level of official development aid and also constitute a fair percentage of the GDP of that country. Ukraine is no exception.

Money Transfers From Migrants Exceed Aid And Investments Taken Together

On October 17, 2007 in Rome, the International Fund for Agricultural Development (IFAD) and Inter-American Development Bank (IDB) published a report ahead of the International Forum on Money Transfers, held October 18-19, 2007 in Washington, containing the results of global research on money transfers. According to the data presented in the report, 150 million migrant workers, working in industrially developed countries, transferred in their countries of origin in 2006 more than \$300 billion. The volume of money transfers by migrant workers surpasses the overall volume of development aid to developing countries given by donors (which amounted to \$104 billion in 2006 according to OECD data) and the volume of foreign direct investments to developing countries, which amounted to \$167 billion as per data from the International Financial Institute. Major money transfers were made in 2006 to countries of Asia - \$114 billion, followed by Latin America and the Caribbean (\$68 billion), East Europe (\$51 billion), Africa (\$39 billion) and the Middle East (\$29 billion). If we take individual countries into account, maximum amount of money transfers went to India - \$24,5 billion, followed by Mexico (\$24,2 billion), China (\$21 billion), Philippines (\$14,6 billion) and Russia (\$13,7 billion). Out of the CIS, highest level of money transfers were made (after Russia) to Ukraine - \$8,4 billion, followed by Kazakhstan (\$4,9 billion), Uzbekistan (\$2,9 billion), Belarus (\$2,3 billion), Azerbaijan (\$1,8 billion), Georgia (\$1,5 billion), Armenia (\$1,1 billion), Moldova and Tajikistan (\$1 billion each), Kyrgyzstan (\$846 million) and Turkmenistan (\$358 million). A Russian web resource "Rockefeller" on October 19, 2007 informed that Russian emigrants transfer more money to Russia than people "coming to" Russia do. According to the Bank of Russia, only \$6 billion was sent out of Russia. However, the situation changed this year - in the first six months of this year, total amount of money transfers to Russia reached \$742 million, and from Russia - \$3.4 billion. The amount of \$13.7 billion received in 2006 by Russia from her migrant workers was only 1.4% of its GDP, while money transfers from migrants constitute largest shares of GDP in Tajikistan (36.7%), Moldova and Kyrgyzstan (31.4% each) and Uzbekistan (17%). In other parts of the CIS, as is the case in Russia, these transfers have little impact on the economy and constitutes 8% of the GDP of Ukraine, 6.5% of the GDP of Kazakhstan; 6.3% of that of Belarus; and 3.4% of that of Turkmenistan.

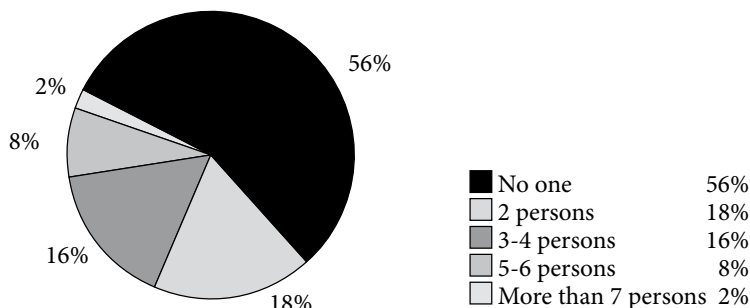
(In the Same Boat, EEDI Bulletin, 1st Issue, November 2007)

Responses showed that a sizable percentage of the immigrants and minorities have no dependents, which means that the myth often spread by politicians that there is a huge money drainage from Ukraine due to these immigrants is not true. Rather, more than half of these respondents show the social virtue of providing support to near and dear ones who depend on them. Often, the in laws (in case the respondents are married to Ukrainian women) hope for the support of their sons in law, contrary to the usual practice of "getting help" from parents by young couples.

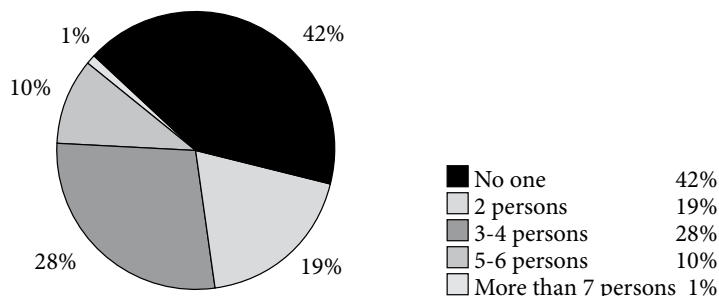
REST AND LEISURE

According to article 45 of the Constitution of Ukraine, everyone who works has a right to leisure and this right is guaranteed by offering a six-week paid leave, or shortened working day/hours for certain categories of profession, lesser work hours in case of night-time work. Maximum duration of working hours or leave, holidays etc. are to be regulated by law. These provisions are followed more in the state and budget financed sector, less in the private sector. In the case of the present survey, the target groups that we have focused on do not work in the state sector and also are seldom employed in the private sector. Most of them are self employed and have to manage their own time. Those few who are employed under these self employed people also have targets to fulfill and have to manage their time. Rest and leisure for them are not regulated by law in real life but are sacrificed due to the necessity to earn and fight for survival

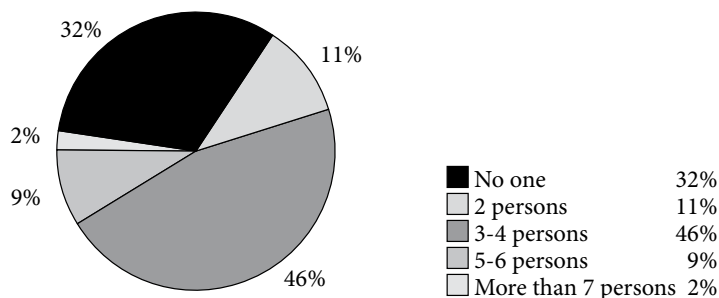
HOW MANY FAMILY MEMBERS ARE DEPENDENT ON YOU? (KYIV)



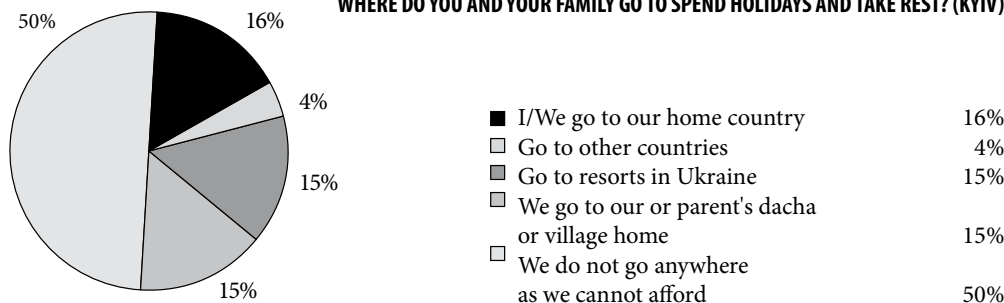
HOW MANY FAMILY MEMBERS ARE DEPENDENT ON YOU? (KHARKIV)



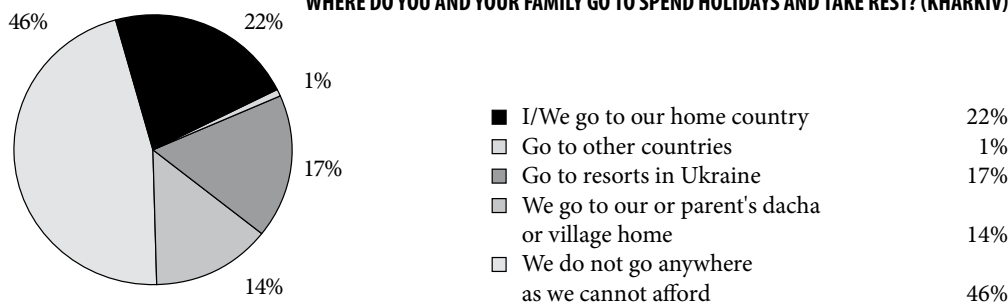
HOW MANY FAMILY MEMBERS ARE DEPENDENT ON YOU? (ODESSA)



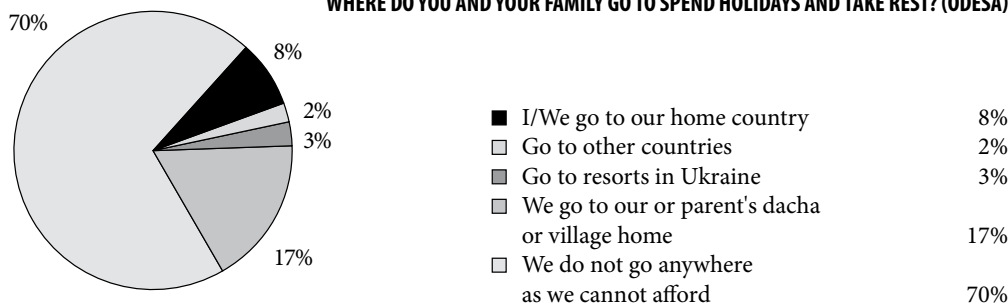
WHERE DO YOU AND YOUR FAMILY GO TO SPEND HOLIDAYS AND TAKE REST? (KYIV)



WHERE DO YOU AND YOUR FAMILY GO TO SPEND HOLIDAYS AND TAKE REST? (KHARKIV)



WHERE DO YOU AND YOUR FAMILY GO TO SPEND HOLIDAYS AND TAKE REST? (ODESA)



As the responses show, most respondents (46%) in Kharkiv said that they cannot afford to go anywhere due to financial constraints. This figure accounts for 70% of responses in Odesa and 50% in Kyiv. Certain percentage - 14% in Kharkiv, 17% in Odesa and 15% in Kyiv prefer to visit their in-laws in cottages or village homes. Share of those who visit various resorts of Ukraine constitute 17% in Kharkiv, 3% in Odesa and 15% in Kyiv. The lesser value in Odesa is partly due to the fact that Odesa itself is a sea resort and holiday place during summer. So people working and living do not consider rest in Odesa as travel to resorts in Ukraine. There also are responses indicating travel to their country of origin, constituting 8% in Odesa, 22% in Kharkiv and 16% in Kyiv. This applies to those who could afford traveling home and speaks of relative material well being, represented by those working in companies and with stable earnings.

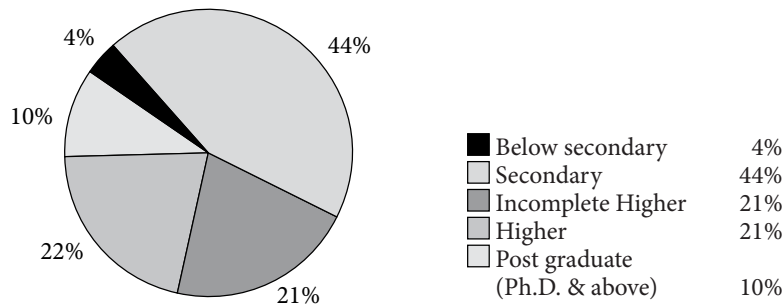
Traveling to foreign countries is not affordable by most, as shows the responses, only 4% in Kyiv, 2% in Odesa and 1% in Kharkiv. In-depth interviews with many of the respondents revealed that leisure for them are some days of official holidays, when the market activities are low and when they get together as a community and go for a picnic or sightseeing. Patterns of leisure and rest are also related to the marital status of the respondents. Those who are married to Ukrainians spend more time in the village homes with their children and their grandparents. Travel to foreign lands is also related to the nationalities of the respondents, due to which frequent traveling to countries other than their home countries is problematic and related to visa restrictions in those countries. Curiously, many tourist companies offering tours to Ukrainian citizens until recently were reluctant in offering such tours to foreigners resident in Ukraine, often charging them twice higher prices. This trend has however not seen now, proved by enquiries made to ten leading tourism companies. Overall, as the next set of responses on education and upbringing of children and related cultural activities will show, the concept of rest and leisure are also related to these issues. Immigrants and visible minorities use their resources more for the upbringing of their children and less on themselves. The desire to have children develop in better circumstances and have more opportunities than they had had is something natural for all of them.

Why Not?	Why?
<p>In 2001, 33 year old Roman from a small village of the Lviv oblast did not know what to do after years of unemployment and uncertainty. He was engaged to Maria but could not marry as had too little resources for himself. He was offered to leave Ukraine and go to Portugal. At that time Ukrainians were going to work on construction sites. Roman joined without even thinking about it. Today, Roman lives in Lisbon, is married to Maria who joined him later. They have a 3 year old daughter. He still works for the construction company, has bought an apartment and is paying the loan he got from the bank. He pleasantly recalls those hard days and is now proud that Ukrainian hands were useful in constructing stadiums for the football championship hosted by Portugal in 2004. But he does not want to come back to Ukraine and has applied for Portuguese citizenship. He thinks it is better to live in Portugal, as he says “in real Europe”. Why not?</p>	<p>No one could say in 1988 that Mr. D from Rwanda, an expert in defense industry construction, then student in Odessa, will face such ordeals in Ukraine. After the end of his studies, he could not go back, as there was civil war in his home country. Hoping to find shelter, he was an asylum seeker in Ukraine for many years, then only after Ukraine acceded to the Geneva Convention in 1999, he was recognized as a refugee. Till today, he faces difficulty in finding work. No one likes to employ a refugee, although by law he is entitled to all rights as Ukrainian citizens except the right to vote and be elected. Moving from bazaar to bazaar, going on errands and small deals, he makes his both ends meet. He gets warned by the landlord, who, every month raises the rent. It seems there is no end to his sufferings. Friends advised – get an Ukrainian citizenship and then everything will be all right. He has submitted an application and is waiting. Everything is uncertain. Why?</p>

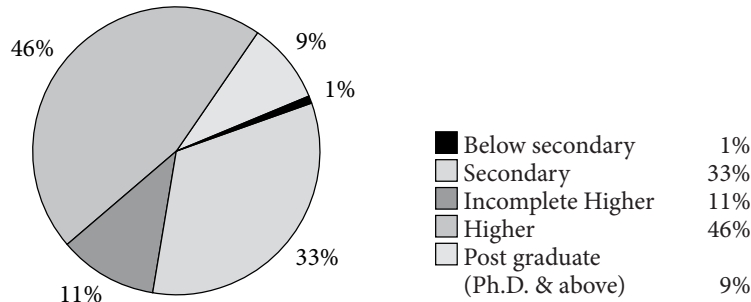
CHAPTER 6
EDUCATION, CULTURE, COMMUNITY AND INTEGRATION

Ascertaining the educational level of the immigrants and minorities is especially important, under conditions when there are no clearly articulated immigration policy followed by the state, except accession to certain international conventions and agreements. The educational level and skills of the minorities, that is, the available human capital, if properly used, may yield better results both from the point of sustaining the economic growth of Ukraine as well as support the process of building social capital. It is also important to know if and whether there are chances of continuation of education or skills upgrading for individuals entering this country. Questions to this effect were posed during the survey. Level of education of respondents varied according to the groups interviewed.

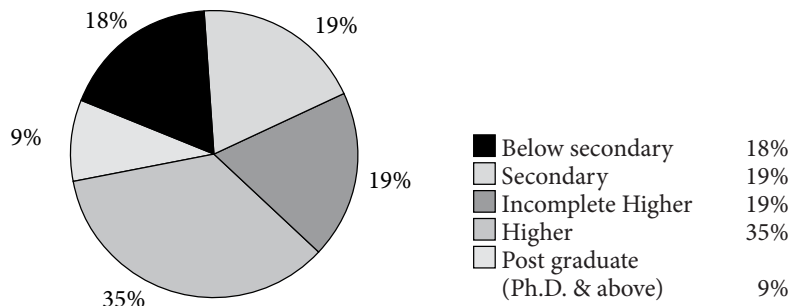
LEVEL OF EDUCATION OF RESPONDENTS (KYIV)



LEVEL OF EDUCATION OF RESPONDENTS (KHARKIV)

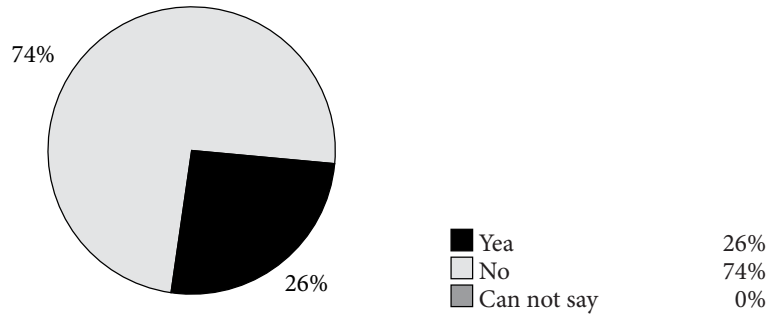


LEVEL OF EDUCATION OF RESPONDENTS (ODESA)

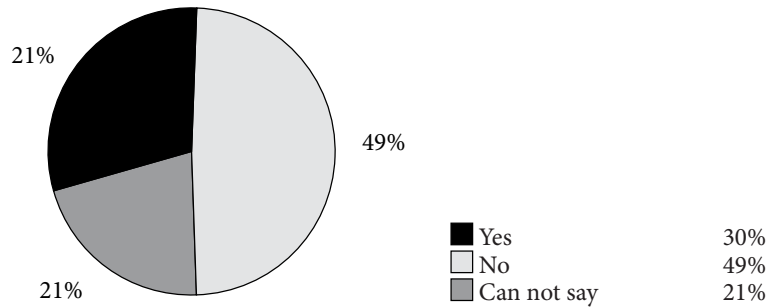


Twenty one percent of the respondents in Kyiv, 46% in Kharkiv and 35% in Odesa respectively have higher education. Another striking fact is that 9% each in Kharkiv and Odesa and 10% in Kyiv possess post-graduate and Ph.D. level qualifications. This question was complemented with an enquiry on whether the occupation of the respondent matches or at least have correlation with the degree or education received.

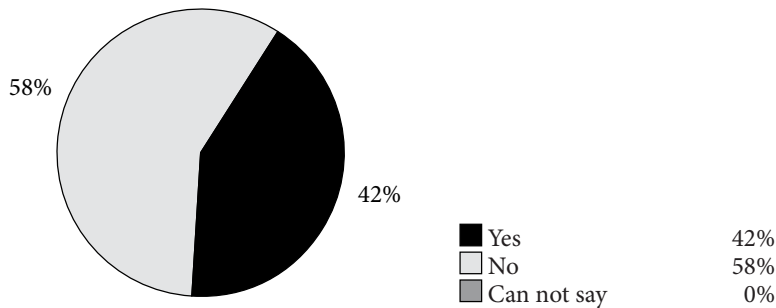
DOES YOUR AREA OF SPECIALIZATION MATCH WITH YOUR OCCUPATION? (KYIV)



DOES YOUR AREA OF SPECIALIZATION MATCH WITH YOUR OCCUPATION? (KHARKIV)

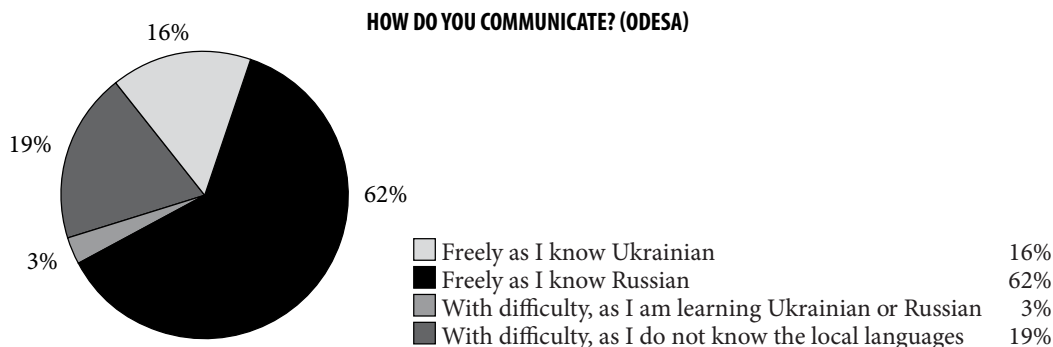
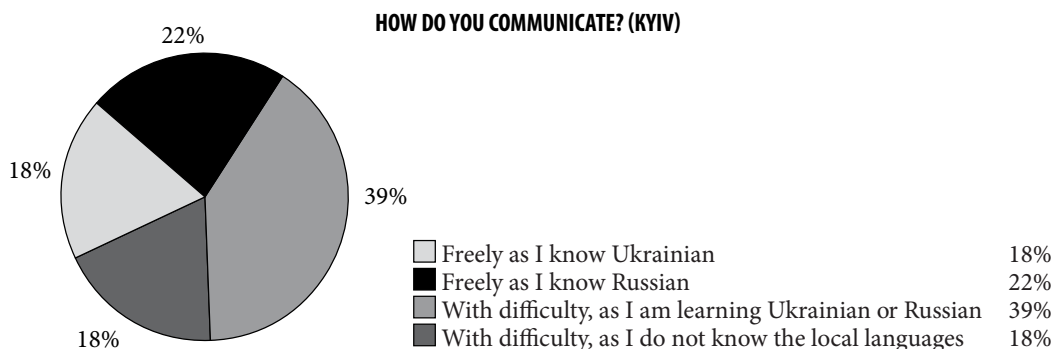


DOES YOUR AREA OF SPECIALIZATION MATCH WITH YOUR OCCUPATION? (ODESA)



An interesting observation is that in the sites surveyed, most immigrants who arrived prior to 1991 or until 1996 have higher education, have a reasonable level of communication, comprehension and analytical skills in Russian, enabling them to fully qualify for any job according to their profile of specialization. However, the responses obtained show that 58% respondents in Odesa, 74% in Kyiv and 49% in Kharkiv are engaged in occupation that were not related to their area of specialization, indicating the inappropriate application of skills and human resources for the economy. Although those arriving later did not have the same chances of getting higher education, but also have coped with the harsh realities facing them and have picked up the level of communication skills in Russian, enough for working as sales persons in markets. In most cases, the specialization or degrees obtained are not related to their present occupation, which is

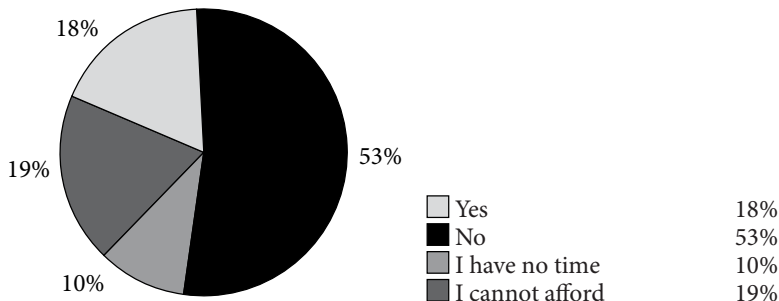
known as functional illiteracy - a term coined to express the sea changes in employment pattern of transition economies, when the skills obtained are not used for earning livelihood.



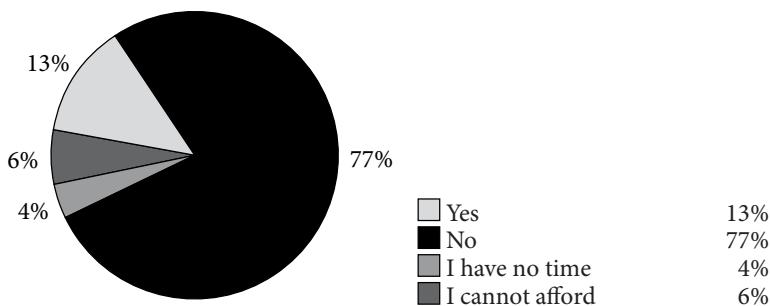
Questions related to communication and language skills received varied results - 63% and 62% in Kharkiv and Odesa respectively confirmed their communication skills in Russian, while in Kyiv only 22% confirmed the same. Part of the reason is that in Kyiv, various groups were polled, among whom were more fresh arrivals in all walks of life, in business, diplomacy and immigrants. The figures illustrate that the linguistic problems of Ukraine are characteristic of the situation with minorities and immigrants. In Kharkiv only 6% said that they knew sufficient Ukrainian for communication, this percentage was a bit better for Odesa (16%) and for Kyiv (18%). Difficulties are faced by most of the Kyiv based respondents – 39% of those who do not know and 21% of those who are just learning the local languages. It needs to be pointed out that Russian remains the language of communication among most of the the visible minorities in Ukraine, due to no fault of their own. Enforcement of the general application of Ukrainian language and basic induction courses sponsored by the state or local NGOs supporting visible minority groups are practically non-existent. This is one of

the reasons why groups identified as ethnic, non-traditional or visible minorities are often associated with aliens to Ukrainian culture, “agents of Moscow” and as a result, the xenophobic attitude on part of radical nationalist groups are aggravated.

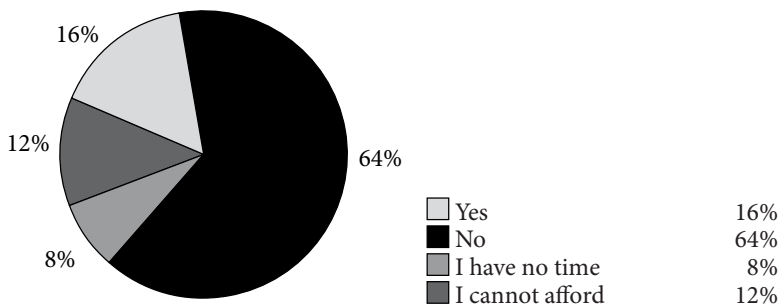
WOULD YOU LIKE TO CONTINUE YOUR EDUCATION? (KYIV)



WOULD YOU LIKE TO CONTINUE YOUR EDUCATION? (KHARKIV)



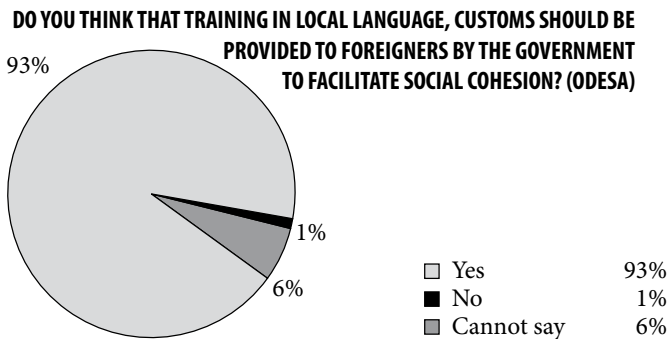
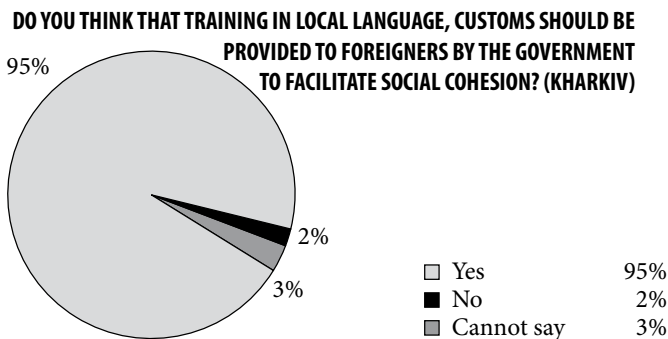
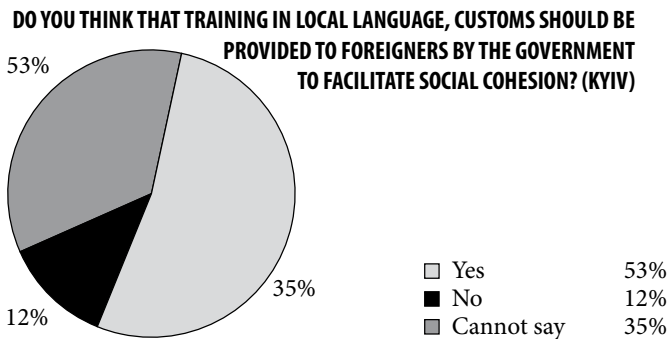
WOULD YOU LIKE TO CONTINUE YOUR EDUCATION? (ODESA)



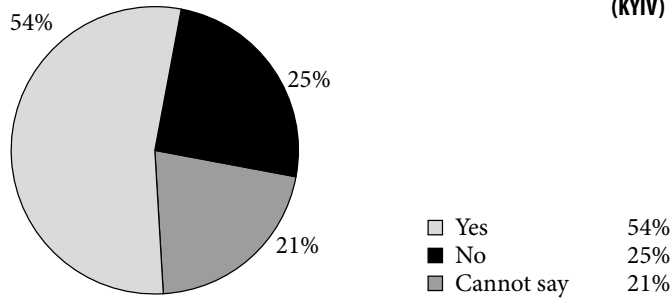
A question whether the respondents would like to study further and get qualification appropriate for their trade and commercial profession was asked to all respondents. The answer options were yes, no, I do not have time and I do not have resources. The following diagrams show that lion’s share of the respondents in all the three cities answered in the negative, and as reason they did not mention specifically time or money. For Kharkiv this percentage reached 77%, for Kyiv it was 53% and 64% for Odesa. In-depth interviews revealed that firstly, this is in part due to the perception that further investment in education and enhancing qualification will not bring a notable change in the legal status of most of the minority groups, nor will it lead to social and economic advancement. Secondly, education earlier obtained by many of the respondents was not put to use, so its further continuation does not make sense. Thirdly, situation of corruption in the Ukrainian education system is also another factor that deters these groups from getting admitted to any

courses, which will entail more expenses. Fourthly, in Ukraine there are no systems for evening schools organized by and for communities. However, very positive responses followed when asked about the issue of learning Ukrainian.

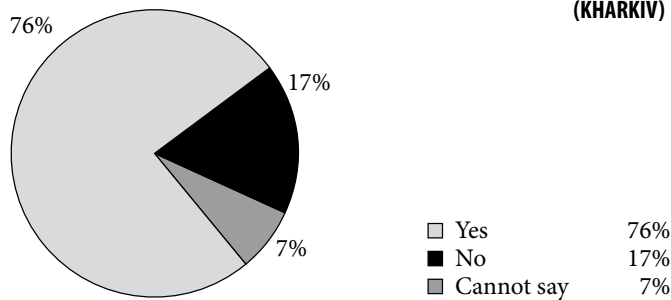
As noted earlier, although most have adapted and are proficient in Russian, surprisingly, a fact true for all groups irrespective of the category they belong to is their level of comprehension of Ukrainian and their desire to learn the language, local history, customs etc. To the question whether training in local language (the questionnaire specifically mentioned Ukrainian) and customs should be provided to foreigners and immigrants by government to facilitate adaptation, social cohesion, there was almost an unanimous positive answer from all categories of respondents – 95% of them from Kharkiv and 93% from Odesa, while 53% from Kyiv.



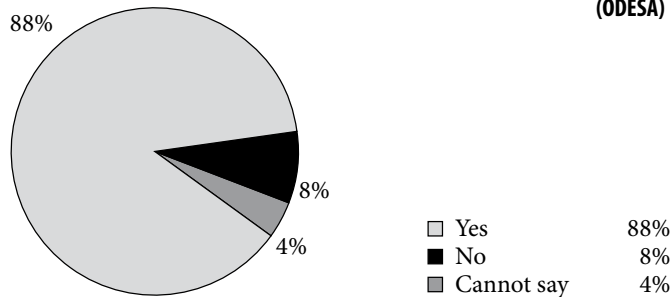
**ARE YOU READY TO PAY MODERATE FEE FOR COURSES OF UKRAINIAN LANGUAGE?
(KYIV)**



**ARE YOU READY TO PAY MODERATE FEE FOR COURSES OF UKRAINIAN LANGUAGE?
(KHARKIV)**



**ARE YOU READY TO PAY MODERATE FEE FOR COURSES OF UKRAINIAN LANGUAGE?
(ODESA)**



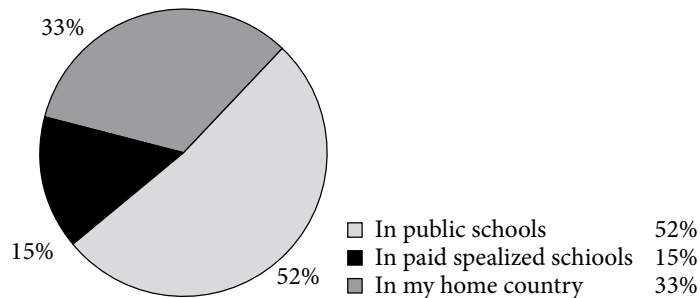
The percentage of those who are ready to pay for such activities as learning Ukrainian language is also significant. As is seen in the diagrams, 54% in Kyiv, 88% in Odesa and 76% in Kharkiv are ready to pay for such courses. The reason behind this lies perhaps in the following: communities of the respondents have been building their lives with minimum investment, support and help of the state or any other bodies. Needless to mention that these groups surveyed, during the unstable years of transition and beyond, learnt and did not wait for doles from the state or were nursed paternalistically by the independent Ukrainian state. They had built and are building their own destiny without massive support from NGOs and international institutions. And the underlying concept that all labor is worth a price to be paid is deep set in the minds of the respondents.

CULTURAL NEEDS

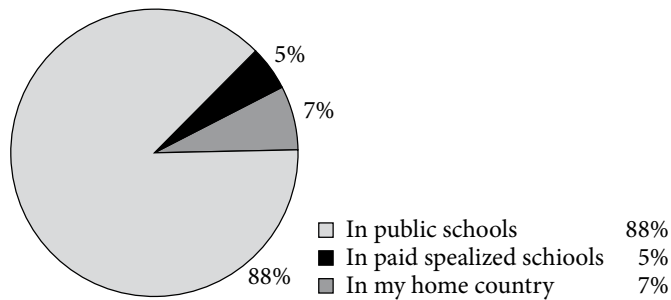
Cultural needs of immigrants and visible minorities are a part and parcel of their overall well being, no less important than their material, economic and social advancement. As demonstrated in earlier figures, most of those surveyed possessed higher education. In view of that, one of the questions in the survey was

in connection with the education of their children, the place of their education – in ordinary schools, in paid special schools or in their home country. The following figures show that most of the respondents said that their children study in the same schools as do local children, although the percentage varies from 91% in Odesa to 88% in Kharkiv and 52% in Kyiv. The reason for a lower percentage in Kyiv is because of the fact that the contingent of people polled in Kyiv included diplomats, businessmen and others, who often opt for education of their children in their countries. Another factor is that in Kyiv there are more paid and private educational institutions.

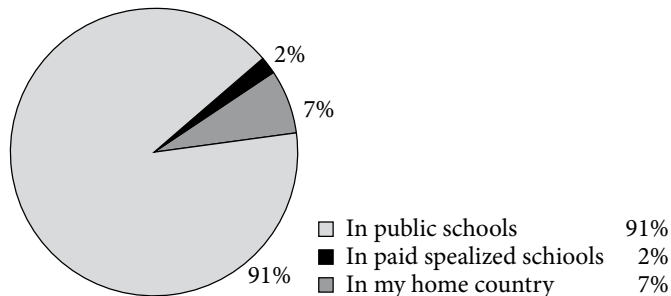
HOW ARE THE EDUCATIONAL NEEDS OF YOUR CHILDREN MET? (KYIV)



HOW ARE THE EDUCATIONAL NEEDS OF YOUR CHILDREN MET? (KHARKIV)



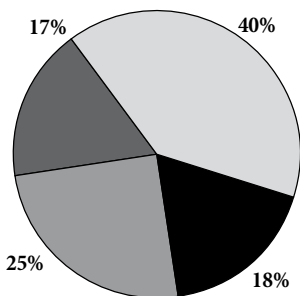
HOW ARE THE EDUCATIONAL NEEDS OF YOUR CHILDREN MET? (ODESA)



Due to the fact that most of the children of the respondents were in secondary or primary schools, a question with regard to their future higher education in Ukraine gave interesting responses. About 40% of the respondents agree in favor of their children's higher education in Ukraine. However, the percentage of those, who are either taken aback by the level of corruption in the educational system of Ukraine or do not have the required level of resources to pay for the educational expenses constitute 18% and 25% respectively,

and those who simply would like their children to pursue higher education abroad constitute 17%. Together, these three groups account for a staggering 60%.

DO YOU WANT YOUR CHILDREN TO GET HIGHER EDUCATION IN UKRAINE?

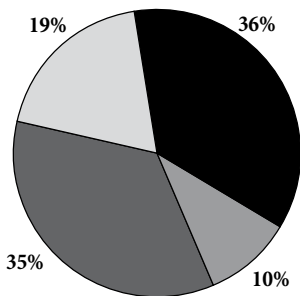


□ Yes	40%
■ No, I am afraid of the corruption	18%
▒ No, I cannot afford	25%
■ No, I want my children to study abroad	17%

COMMUNITY AND CULTURAL NEEDS

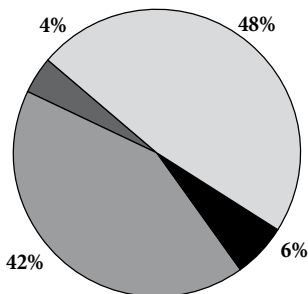
To the question whether the children of the respondents speak the languages of their parents or one of the parents (in case of a mixed marriage couple), the responses obtained were mixed, but in most cases (with the exception of Odesa, where the children do not speak any of the languages of the parents) children were capable of knowing the language of one or both of the parents. This is true for those parents who have the time and the possibility to train their children with communication skills in their native languages, because related infrastructure and in-built capacity in Ukraine to teach minority languages from those faraway countries of the world is yet to emerge.

DO YOUR CHILDREN COMMUNICATE IN YOUR OR YOUR SPOUSE'S MOTHER TONGUE? (KYIV)



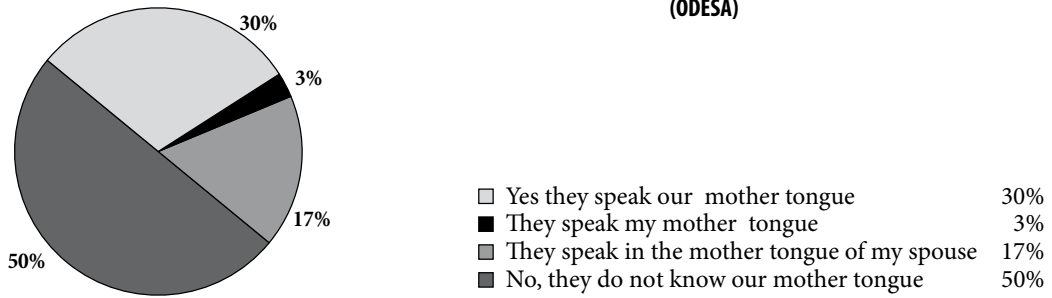
□ Yes they speak our mother tongue	19%
■ They speak my mother tongue	36%
▒ They speak in the mother tongue of my spouse	10%
■ No, they do not know our mother tongue	35%

DO YOUR CHILDREN COMMUNICATE IN YOUR OR YOUR SPOUSE'S MOTHER TONGUE? (KHARKIV)



□ Yes they speak our mother tongue	48%
■ They speak my mother tongue	6%
▒ They speak in the mother tongue of my spouse	42%
■ No, they do not know our mother tongue	4%

**DO YOUR CHILDREN COMMUNICATE IN YOUR OR YOUR SPOUSE'S MOTHER TONGUE?
(ODESA)**

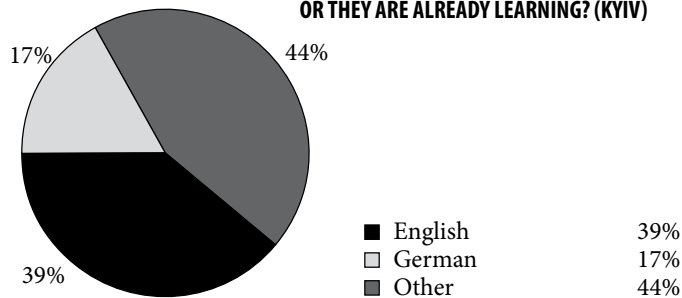


Among foreign languages which are more often taught in Ukraine, such as English, French, German, even Arabic, Korean or Chinese, the respondents wished their children to learn English mainly, followed by German and French. The percentage of those wanting their children to pick up Arabic or Chinese and Korean were also significant, depending on the survey site and the member of the community the respondent represented. Thus we find English to be the choice for 78% respondents in Kharkiv, 60% in Kharkiv and 39% in Kyiv, while the percentage of other languages is the highest in Kyiv – 44%.

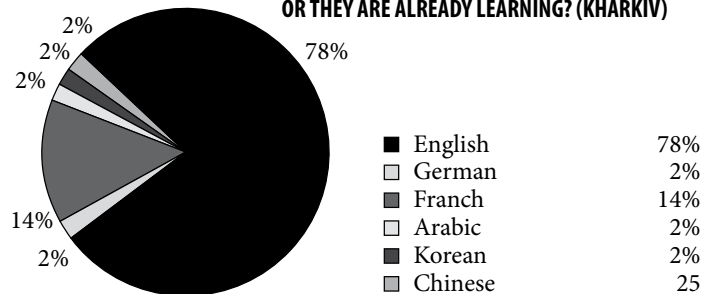
ACCESS TO CULTURE AND LITERATURE

Learning of the local language is important from the point of the process of integration and adaptation, which most of the children of the respondents go through without major problems and hurdles. The issue of learning about the culture of one or both of the parents (who are representatives of minority and new immigrant groups) and accessing them is an issue that is not easily resolved. However, responses to such a question, whether children can access various elements of culture was a staggering positive of 89% and 92%

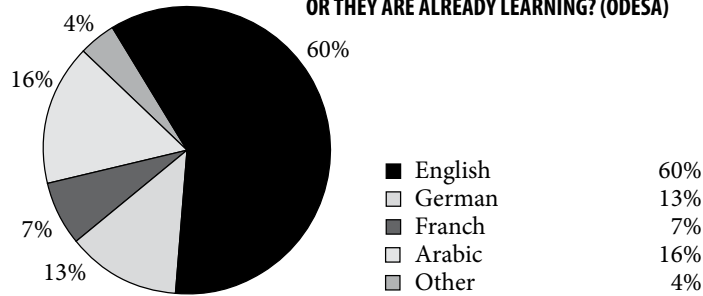
**WHICH FOREIGN LANGUAGES WOULD YOU LIKE YOUR CHILDREN TO LEARN
OR THEY ARE ALREADY LEARNING? (KYIV)**



**WHICH FOREIGN LANGUAGES WOULD YOU LIKE YOUR CHILDREN TO LEARN
OR THEY ARE ALREADY LEARNING? (KHARKIV)**

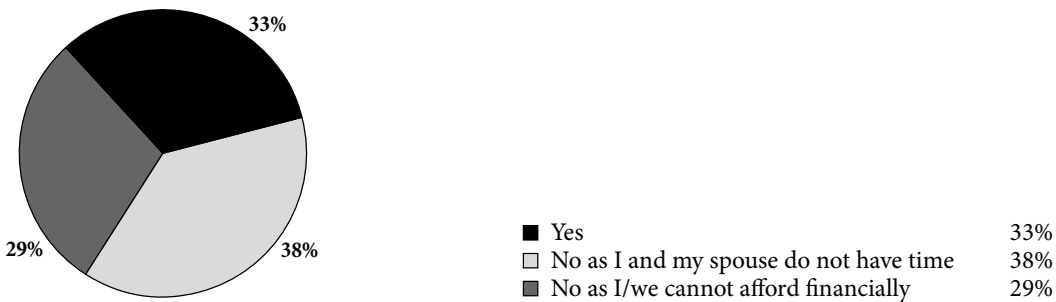


WHICH FOREIGN LANGUAGES WOULD YOU LIKE YOUR CHILDREN TO LEARN OR THEY ARE ALREADY LEARNING? (ODESA)

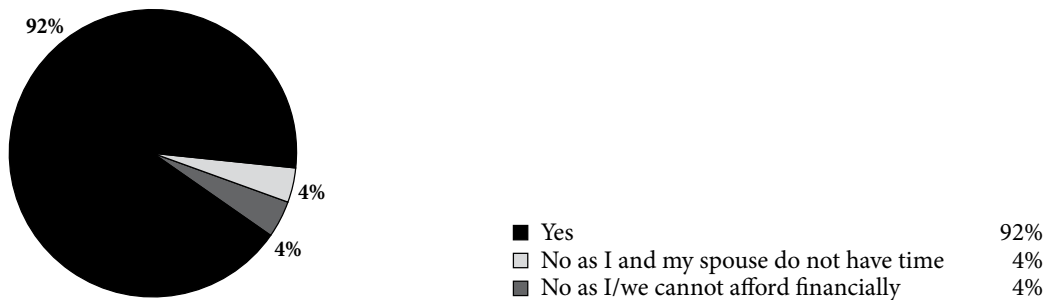


in Odesa and Kharkiv respectively, while this figure is surprisingly low in Kyiv, a mere 33%. Arguments justifying such a trend that there is no time or financial resources did not affect the Kharkiv and Odesa respondents, who, by all means, as is seen from their other responses on income etc. are in no better position than those in Kharkiv and Odesa.

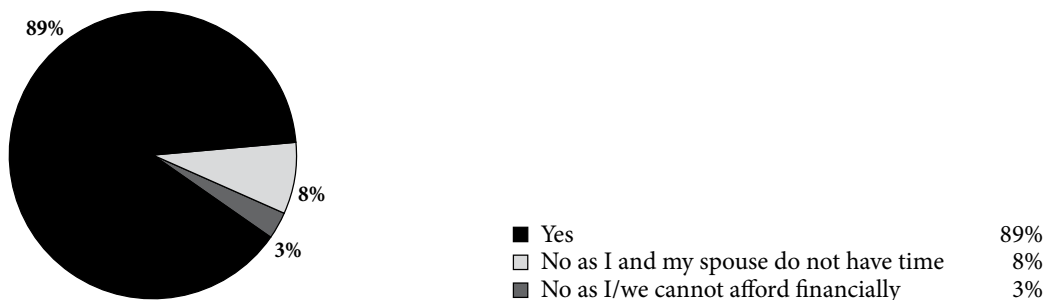
DO YOU AND YOUR CHILDREN GET ACCESS TO YOUR CULTURE? (KYIV)



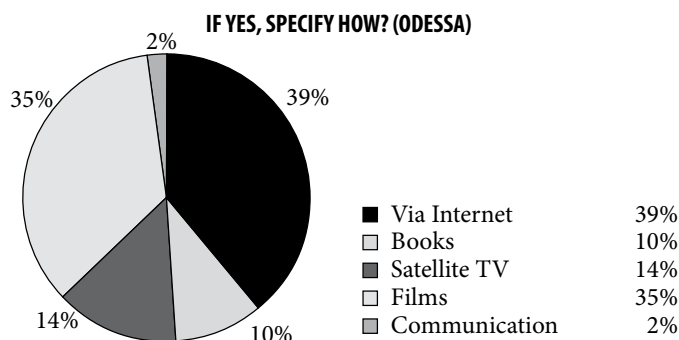
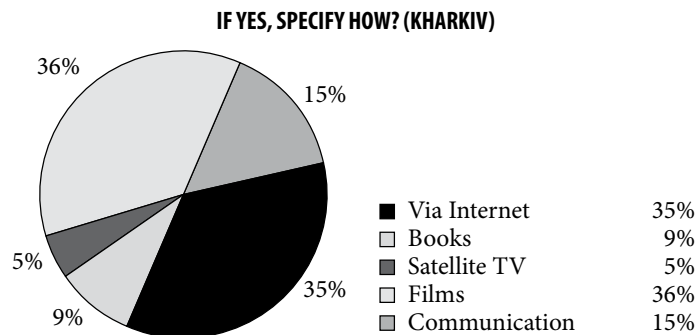
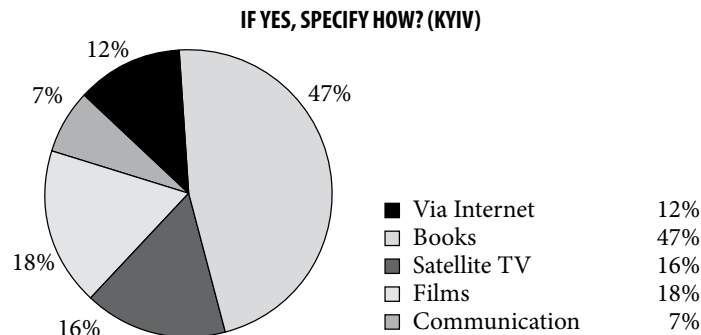
DO YOU AND YOUR CHILDREN GET ACCESS TO YOUR CULTURE? (KHARKIV)



DO YOU AND YOUR CHILDREN GET ACCESS TO YOUR CULTURE? (ODESA)



The probable reason is that in Kharkiv and Odesa, the level of community network, organization and availability of facilities of culture is better. Also, another explanation to this response can be found in the following figures, which show in what ways these elements of culture are accessed. Thus, access to internet, books, films, satellite TV constitute the lion's share of accessing culture, while the share of personal communication, unfortunately is low with a fair 15% in Kharkiv to 7% in Kyiv and only 2% in Odesa. Overall, another important aspect has to be emphasized. The widespread myth that most of the immigrants are not educated and their children will, consequently also follow their parents falls apart as is noted in the statistics obtained. Most new information tools are accessed by parents for enriching the cultural lives of their own and their children

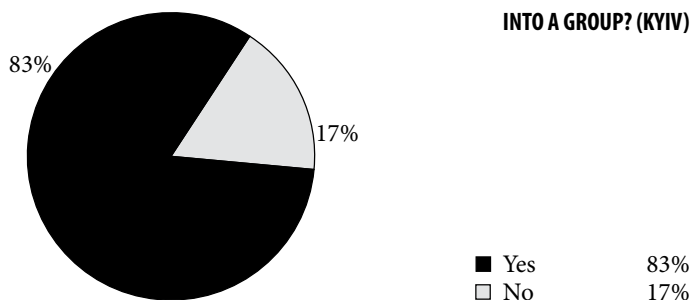


ORGANIZING THE COMMUNITY

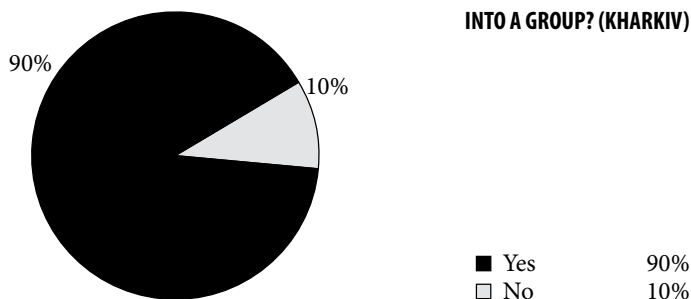
Community organization is a key feature in all integration processes related to immigrants and visible minorities. With regard to the question, whether there are sufficient number of members in a community to engage in such organization, the responses received were 83%, 92% and 90% for Kyiv, Odesa and Kharkiv

respectively. Consequently, 17% in Kyiv, 8% in Odesa and 10% in Kharkiv answered in the negative. These were representatives of those communities, whose number is not sufficient.

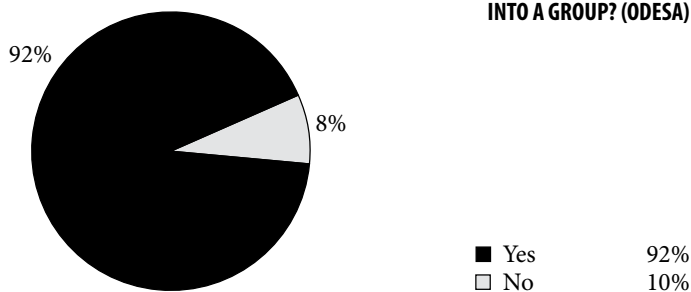
DO YOU HAVE ENOUGH MEMBERS OF YOUR COMMUNITY TO ORGANIZE THEMSELVES INTO A GROUP? (KYIV)



DO YOU HAVE ENOUGH MEMBERS OF YOUR COMMUNITY TO ORGANIZE THEMSELVES INTO A GROUP? (KHARKIV)

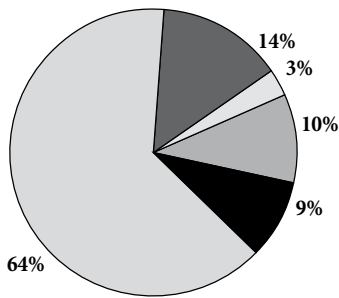


DO YOU HAVE ENOUGH MEMBERS OF YOUR COMMUNITY TO ORGANIZE THEMSELVES INTO A GROUP? (ODESA)



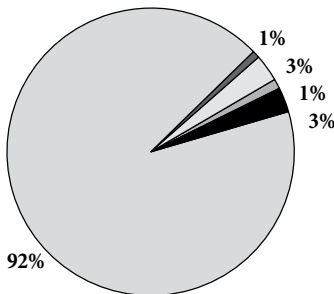
WHO SHOULD TAKE THE RESPONSIBILITY FOR ORGANIZING THE COMMUNITY?

On issues of community and taking the responsibility for organizing it, none of the following institutions – the Embassies of respective states, local authorities, Ukrainian or international NGOs - could gain as much confidence as did the communities themselves. Most responses were in favor of the option of self reliance (64% in Kyiv, 71% in Odesa and 92% in Kharkiv) that members of the communities should organize themselves and they are best empowered to do it. This indeed is a welcome trend as none of these communities would wait for paternalistic support from the state or donors, but rather would organize their lives and communities themselves, something important from the aspect of human rights protection in the long term perspective.



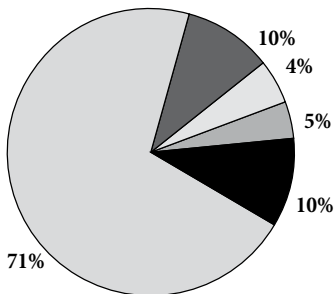
WHO SHOULD TAKE THE INITIATIVE AND ORGANIZE CULTURAL EVENTS AND ACTIVITIES? (KYIV)

■ Embassy	9%
□ Community members themselves	64%
■ Ukrainian local government	14%
□ Ukrainian NGOs	3%
■ International organizations	10%



WHO SHOULD TAKE THE INITIATIVE AND ORGANIZE CULTURAL EVENTS AND ACTIVITIES? (KHARKIV)

■ Embassy	3%
□ Community members themselves	92%
■ Ukrainian local government	1%
□ Ukrainian NGOs	3%
■ International organizations	1%



WHO SHOULD TAKE THE INITIATIVE AND ORGANIZE CULTURAL EVENTS AND ACTIVITIES? (ODESA)

■ Embassy	10%
□ Community members themselves	71%
■ Ukrainian local government	10%
□ Ukrainian NGOs	5%
■ International organizations	4%

COMMUNITY DEVELOPMENT

Mostly all foreigners have their communities in the respective cities. Vietnamese community in Kharkiv is one of the most organized, Nigerian, Afghan, Ghanaian and Cameroon are also well organized. Leaders of the communities stated that they have the intention to strengthening their communities, they believe that without having strong community, the rights of their compatriots would not be protected. In Odesa, African nations have founded an organization called the African Association, led by refugees and individuals who have permanent resident permit in Ukraine, registered with the Ministry of Justice. Leaders of this organization stated they are closely working with the city administration, police and migration service on the problems of foreigners, particularly of the integration and adaptation of foreigners who decide to live in Ukraine forever. They said that they are trying to get accesses in to all social benefit “housing, healthcare, right to rest, right for pension” at par with any Ukrainian national. Mostly, members of the organization assist individuals in translating, filling out migration forms, translating at OVIR, court and police departments. Another

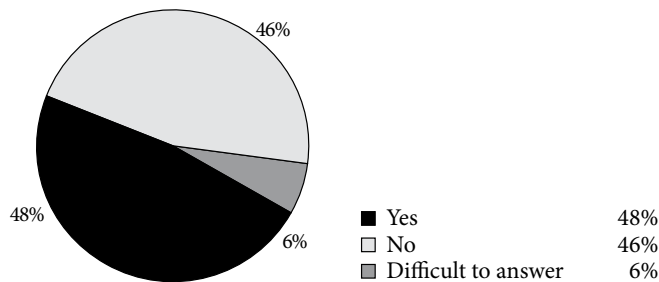
organization with a similar name and function also is very active in Odesa, this organization is supported by the one of the local NGOs and Odessa migration service. The Afghan community is the strongest nation-based community in Odessa, followed by Nigeria, Vietnam Sudan, Azerbaijan, Armenia, Ethiopia and Cameroon. Communities of other nationalities are not so active. Overall, in Odessa foreigners have close contact with each other, they have good relations among their respective communities and individuals.

CHAPTER 7

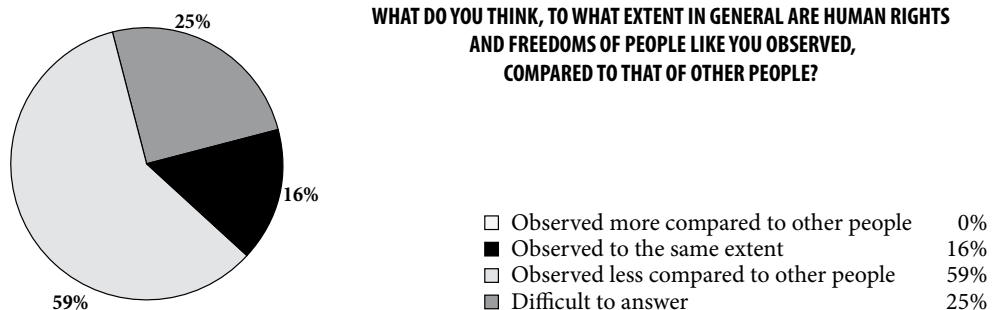
PERCEPTION OF PERSONAL SAFETY AND HUMAN RIGHTS PROTECTION BY RESPONDENTS

Visible minorities, immigrants and broader group of foreigners are of various categories, depending on their visa and residence status: staff of embassies, foreign missions, international NGOs, companies as well as students, immigrants, asylum-seekers, refugees and stateless persons. Irrespective of their status, all foreigners having valid legal basis to reside in Ukraine enjoy legal protection and their fundamental human rights and duties are guaranteed by the Constitution of Ukraine. The framework legislation regulating the life of foreigners in Ukraine is the Provision for Foreign nationals in Ukraine, adopted in February 4, 1994, which is a revised version of the previous Provision in place during the Soviet era. Till 2007 it has had many addenda and amendments. The present survey concentrated on various issues of human rights, from the broadest – overall awareness of human rights, perception of violation, attitude of people around, to relations with the bodies of power and the law enforcement. Overall awareness of rights and duties of people in Ukraine show that 48% are aware, 6% have difficulties in saying and 46% are not aware. More than half of those surveyed were not aware of rights and duties.

ARE YOU AWARE OF THE RIGHTS AND DUTIES OF PEOPLE LIVING IN UKRAINE?



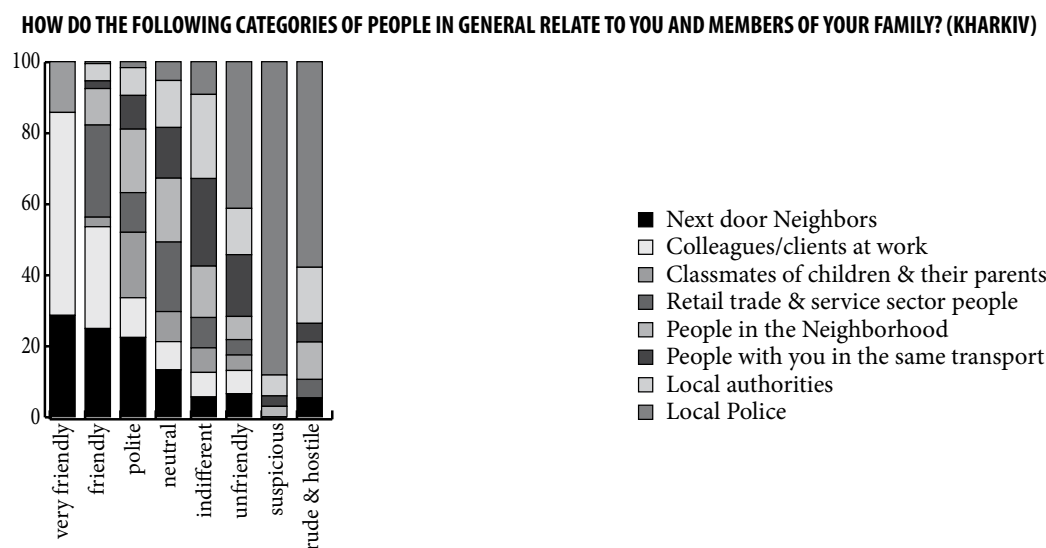
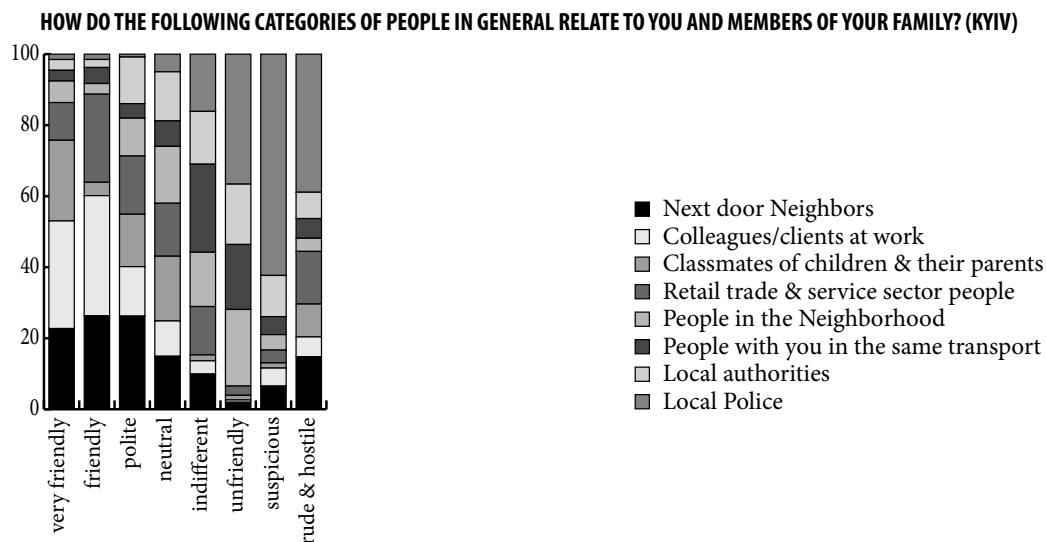
WHAT DO YOU THINK, TO WHAT EXTENT IN GENERAL ARE HUMAN RIGHTS AND FREEDOMS OF PEOPLE LIKE YOU OBSERVED, COMPARED TO THAT OF OTHER PEOPLE?



Understanding that awareness of rights and duties may require special knowledge and induction, the question asked to assess awareness level was to what extent the respondents find their rights and freedoms in general are observed in Ukraine in comparison to that of the local population. This was done in order to enable the respondents to make a comparative assessment of their situation. Among the answer options, 59% said that their rights are observed less than that of others, only 15% thought that they are equally observed and 25% could not say, while there was no answer in favor of the fact that their rights are observed

more than that of the others in Ukraine. As will be analyzed below, many of the problems related to human rights violation emanates from this lack of overall awareness.

Another way to assess the subjective perception of the respondents of the attitude of people towards them was to allow them to state about various social situations and relations on a scale from “very positive” to “rude and hostile”, starting from next door neighbors to local authorities and the police. Although subjective, this enabled the respondents to reflect on everyday situations and put them on a eight category scale and allowed some measure of the sources of xenophobia and the resulting violation of human rights. It is seen that in Kharkiv and Odesa as well as in Kyiv, most negative perceptions were felt about the local authorities and police than people in general. In most cases the most positive perceptions were from next door neighbors and colleagues at work.



HOW DO THE FOLLOWING CATEGORIES OF PEOPLE IN GENERAL RELATE TO YOU AND MEMBERS OF YOUR FAMILY? (ODESA)



Staff of embassies, foreign missions and of international NGOs and organizations are protected by their respective governments and organizations they represent in Ukraine. However, individuals arriving in Ukraine as students as well as those who do not have any affiliation to institutions, namely the asylum seekers, undocumented immigrants for different reasons are less protected despite the fact that the above Provision allows them to enjoy almost all rights as Ukrainian nationals, except that to elect and be elected and to compulsory conscription.

Students: Many students from Asia, Africa, Latin America and Caribbean countries study in the universities and institutes of many Ukrainian cities. The largest groups of foreign students are concentrated in Kyiv, Kharkiv, Donetsk, Luhansk, Dnipropetrovsk, Poltava and Odesa. Individuals who have student visa would not face police arrest and harassment. However, students reported that they are seldom out of their hostels without carrying national passports with them, because student identifications issued by a respective university or institute is perceived as “not enough valid document” for the police. In many cases police charged students with their identification cards but without national passports as having violated article 203 of the administrative code. Unfortunately, such cases have been reported in all cities surveyed by this research. Students have been arrested and were held in custody for about 24 hours and then taken to the court. In almost all cases court set them free without charge or warning.

Asylum-seeker: Asylum-seekers, having received certificate from the Migration Service and been registered with the bodies of the Ministry of Interior are legal and free from police arrest. According to the Ukrainian Law “On Refugees”, asylum-seekers whose application for refugees status determination is in process, are entitled to temporary job and work permit. However, in practice this law is not enforced. Employers tend not to recruit asylum seekers, at least formally and legally, paying wage bill taxes, social insurance etc. Due to this discrepancy asylum-seekers are isolated from job opportunities and resort to informal employment in the markets.

Refugee: Individuals recognized as refugees by the Ukrainian government and registered with the bodies of the Ministry of Interior have equal rights and duties as citizens of Ukraine except specific exceptions set up by laws of Ukraine. Refugees have equal right for job, medical and social service, education and other related issues. However, practice shows that the law is violated and refugees are not able to get jobs, free medical assistance and other social and legal benefits as mentioned in the law. Due to this disproportional

approach qualified and skilled refugees are also forced to work underground in the markets, selling plastic packets, tea or some other goods for survival.

Undocumented migrants: Other stateless persons are treated the same way as refugees and asylum-seekers. Of them the worst is the situation of the undocumented migrants. Mostly they end up in Ukraine on their route to Europe, as promised by the agents and are victims of trafficking in people. For valid reasons these groups of people are exposed to police arrest. Court charges fine in the amount of UAH 340 (USD 68), and they are often charged with violation under Article 32 of the Administrative code of Ukraine and are ordered to leave Ukraine voluntarily. Often they do not return voluntarily and apply for asylum and continue to stay in Ukraine.

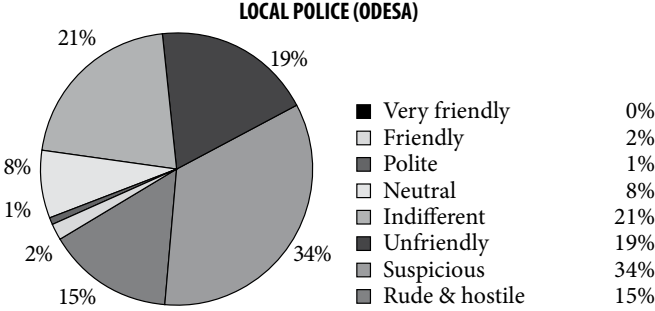
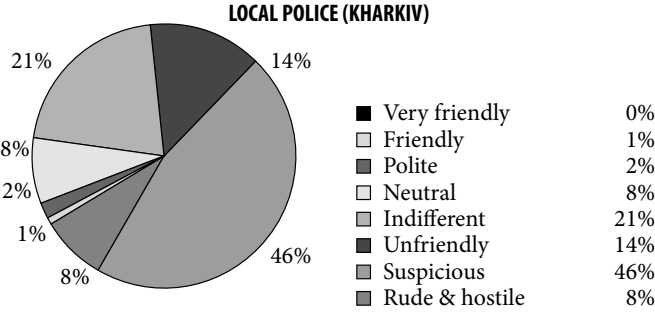
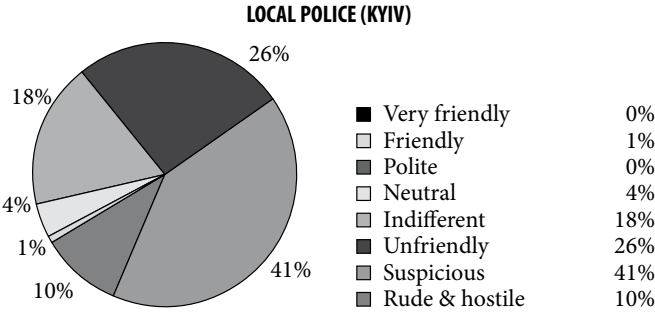
RELATION WITH LAW ENFORCEMENT AND THE LOCAL AUTHORITIES

As is seen from the survey data, police harassment and arrests, abuse of power, detention, unlawful acts and maltreatment is the most common problems faced by all categories of foreigners in Ukraine. In all the sites, Kharkiv, Kyiv and Odesa, racism and xenophobia among the law enforcement officers exist, but the worst situation is in Kyiv. In all markets the local population do not harass the immigrants. Buyers are neutral, they are interested in the quality and price of goods they want to buy. In Kharkiv and Odesa markets, immigrants feel more free and work as the market administration takes special care to see that police harassment is minimum. In Kharkiv, police was reported to have harassed immigrants with arbitrary document check ups only beyond the territory of the market. The same is true for Odesa, while in Kyiv, immigrants in the Troeshchina market repeatedly reported arbitrary document check ups, strangely coinciding with days preceding holidays in Ukraine, such as the Christmas, Easter, May day holidays etc. Most of these check ups have no real motive of fighting crime or illegal migration as all immigrants are set free after they have paid bribes or “fine”. These arbitrary check ups also were reported to have been “organized” by one group of foreigners against others, working hand in glove with the police. Many a time, immigrants have complained that when they had planned to leave one employer (who is often their own compatriot) to go for a better option, they were harassed by the police. In those cases, the fines extorted were such big that they had to borrow the money from their present employer and thus continue working for free, paying off the “fine”. Thus instead of protection from the police, they face harassment and suspicion. One immigrant even said that he fears the police more than organized criminal groups. As a result, immigrants lose trust in the police and whenever they have problems with local criminals, hooligans, raiders and some vicious individuals, they try to find compromise than reporting such incidents to the police.

One Somali refugee stated that he was attacked by a group of skinheads. He did not approach the police and reported about this incident as he thinks that no action will be taken against the perpetrators. There are even cases when police try not to open criminal cases against Ukrainian nationals and harass the foreigner. An Ethiopian asylum-seeker complained that he was attacked by a group of skinheads in Kyiv. On that very same day he approached the police and attempted to submit his complaint. Police read his application and asked for his document. He showed his refugee certificate issued by the Kyiv city Migration Service, which is a valid document and has MOI (OVIR) registration. He reported that police asked where he is living, he told the address and the apartment where he is living. Then the officer on duty of that police department told him that he violated Article 203 of the Administrative Code of Ukraine and said, “You should sit and wait for police patrol, then you should show your apartment and with whom you are living. If you are renting the apartment you should show the agreement you signed with the owner of the apartment and you should give a written explanation why you decided to live in that apartment.” Police asked him where he is working, in which company, is he working legally or illegally, is he paying tax etc. etc. After all these questions the police officer told, “You should show the place where you were attacked by these citizens of Ukraine.” The

Somalian refugee stated that the police instead of urgently protecting him, tried to look for ways to charge him. This is one illustrative case of the many, showing why foreigners prefer not to approach police in case of attacks and unpleasant incidents.

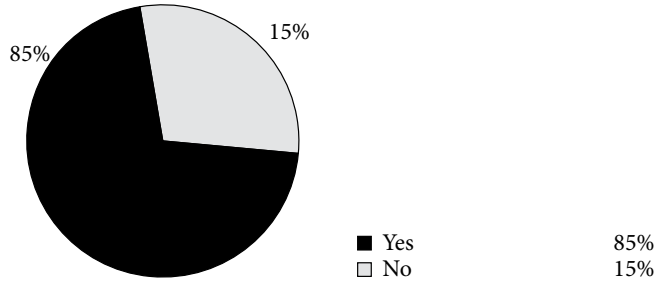
The following graphics also illustrate the attitude of the police in all survey sites to be perceived as rude and hostile and suspicious, 15% and 34% respectively in Odesa. Nineteen percent were negative and 21% were indifferent.



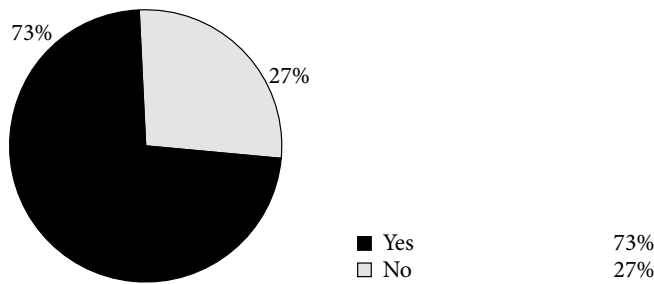
In Kharkiv 46% are suspicious, 8% are rude and hostile, 14% are negative and 21% are indifferent towards the respondents. Only 1% is positive and 0% is very friendly, 2% is polite and 8% is neutral. In Kyiv the situation is worse as 39% are suspicious, 9% are rude and hostile, 25% are negative, 18% are indifferent, while only 1% is friendly, and 8% is neutral, There were zero responses in favor of “very friendly” and “polite”, while only 1% was friendly.

The following graphics explain the levels of police abuse vis-à-vis immigrants and visible minorities, as told by 73% of respondents in Kharkiv, 71% in Odesa and 85% in Kyiv. Most of these abuse of power was related to check up of documents, affecting all groups, irrespective of visa and residency status in Ukraine, constituting 95% in Kharkiv, 93% in Odesa and 96% in Kyiv.

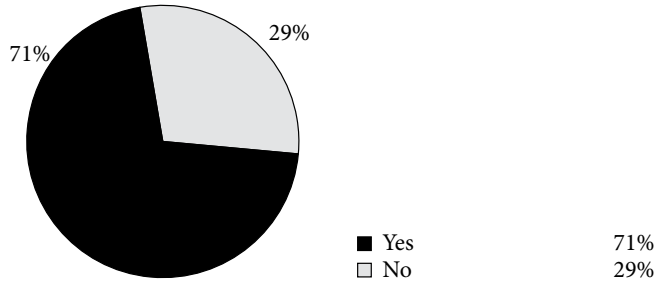
DID YOU SUFFER FROM ABUSE OF POWER BY THE POLICE? (KYIV)



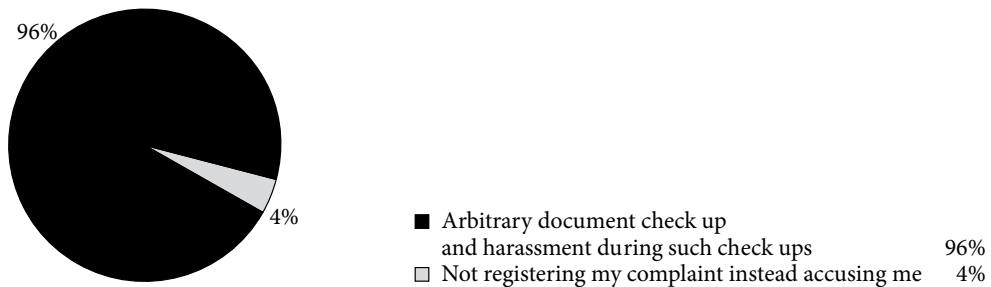
DID YOU SUFFER FROM ABUSE OF POWER BY THE POLICE? (KHARKIV)



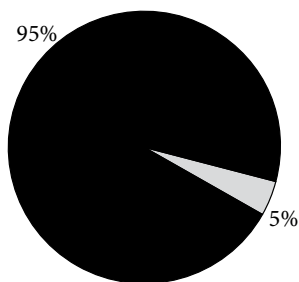
DID YOU SUFFER FROM ABUSE OF POWER BY THE POLICE? (ODESA)



IF YES, HOW WAS THE ABUSE OF POWER MANIFESTED? (KYIV)

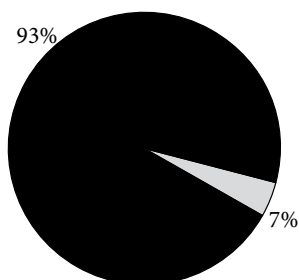


IF YES, HOW WAS THE ABUSE OF POWER MANIFESTED? (KHARKIV)



■ Arbitrary document check up and harassment during such check ups 95%
 □ Not registering my complaint instead accusing me 5%

IF YES, HOW WAS THE ABUSE OF POWER MANIFESTED? (ODESA)



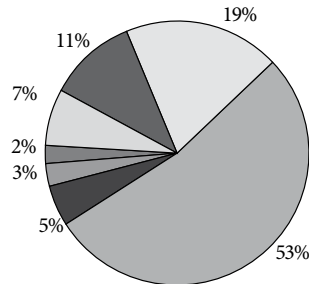
■ Arbitrary document check up and harassment during such check ups 93%
 □ Not registering my complaint instead accusing me 7%

WHICH AUTHORITY WILL YOU APPROACH IN CASE YOUR RIGHTS ARE VIOLATED?



Attitude of the local authorities in all the sites of the survey are seen to be mostly indifferent and neutral, rather than negative, suspicious, rude and hostile. In Kharkiv, 53% are indifferent, 19% are neutral and 11% are polite, even 7% are friendly, while the percentage rude and hostile 2%, suspicious 3% and negative 5%.

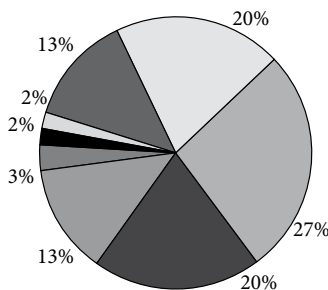
LOCAL GOVERNMENT (KHARKIV)



■ Very friendly	0%
□ Friendly	7%
■ Polite	11%
□ Neutral	19%
■ Indifferent	53%
■ Unfriendly	5%
■ Suspicious	3%
■ Rude & hostile	2%

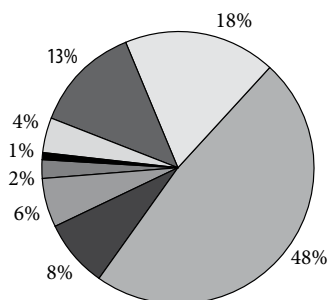
In Kyiv the situation also looks similar, 27% are indifferent, 20% are neutral, 13% are polite, 2% each friendly and very friendly, while 3% and 13% respectively are hostile, rude and suspicious

LOCAL GOVERNMENT (KYIV)



■ Very friendly	2%
□ Friendly	2%
■ Polite	13%
□ Neutral	20%
■ Indifferent	27%
■ Unfriendly	20%
■ Suspicious	13%
■ Rude & hostile	3%

LOCAL GOVERNMENT (ODESA)



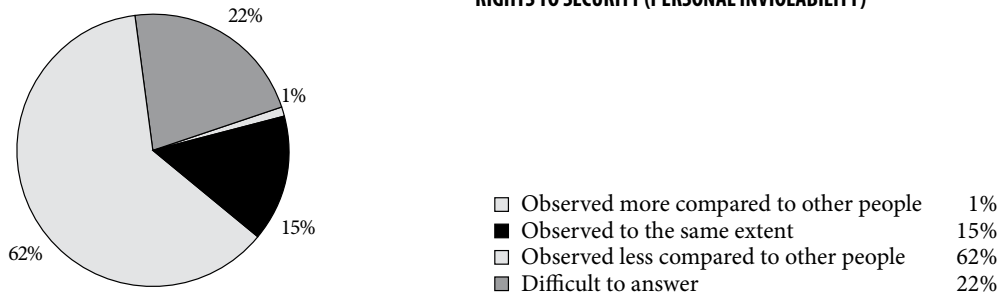
■ Very friendly	1%
□ Friendly	4%
■ Polite	13%
□ Neutral	18%
■ Indifferent	48%
■ Unfriendly	8%
■ Suspicious	6%
■ Rude & hostile	2%

Respondents in Odesa perceive that in 48% of cases police are indifferent, in 18% of cases they are neutral, 13% polite, 4% friendly and 1% very friendly. Overall, in 8% cases they harbor negative attitude, in 6% are suspicious and in 2% are rude and hostile.

As noted above, especially acute is the physical safety of persons, foreigners and visible minorities, irrespective of residency and visa status. Monitoring by IOM, UNHCR and other organizations of the

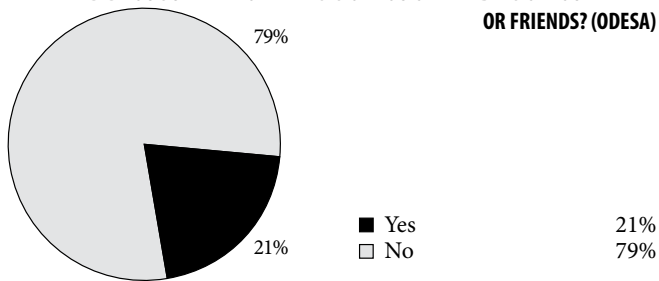
Diversity Initiative show that only in 2008 until July, there have been 60 attacks out of which 6 resulted in death and there are grounds to suspect that these were race motivated murders.

RIGHTS TO SECURITY (PERSONAL INVIOABILITY)

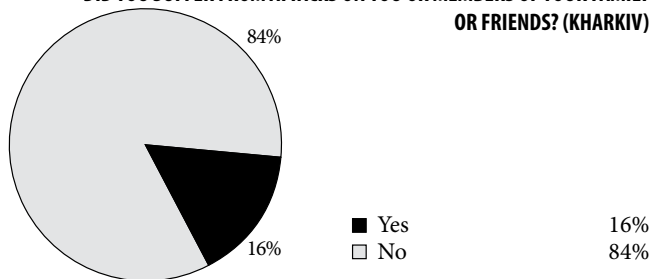


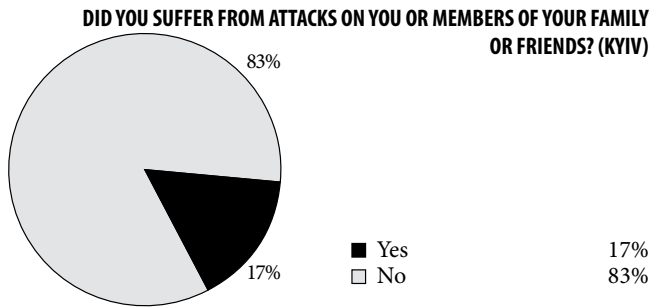
Within the framework of the present survey, a question was asked to the respondent, to what extent is their right to personal safety observed in Ukraine. Sixty-two percent of the respondents think that their right to personal safety is guaranteed less in relation to others, while 15% think that they are equally protected and 22% found it difficult to answer. Only 1% think that their right to personal safety is protected better than that of others. In this context, it was interesting to estimate the level of incursions or attacks on personal safety experienced by the respondents or members of their family or friends. As is seen from the graphics below, 21% in Odesa, 16% in Kharkiv and 17% in Kyiv said that they were attacked. In case of Vinnytsya, 13.5% of the Somali refugees and asylum seekers responded that they were attacked. These are very high levels of intrusion into personal inviolability of the person in peaceful times in a democratic society.

DID YOU SUFFER FROM ATTACKS ON YOU OR MEMBERS OF YOUR FAMILY OR FRIENDS? (ODESA)

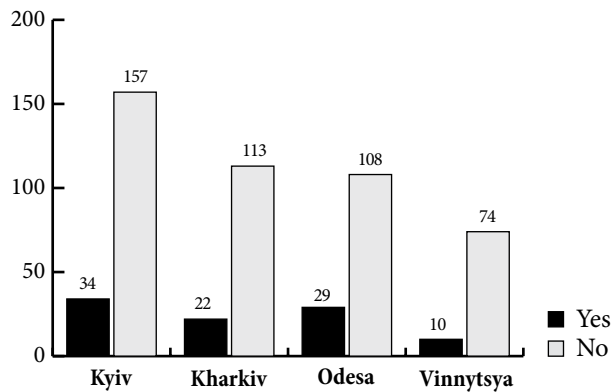


DID YOU SUFFER FROM ATTACKS ON YOU OR MEMBERS OF YOUR FAMILY OR FRIENDS? (KHARKIV)





DID YOU SUFFER FROM ATTACKS ON YOU AND/OR MEMBERS OF YOUR FAMILY OR FRIENDS?



Based on the above, several conclusions and recommendations can be made:

1. Awareness levels of human rights is a basic problem both for those whose rights have to be protected and those who are there to protect these rights. As much as public information announcements are helpful for the public to be knowledgeable, police should also be made aware of all international conventions acceded to by Ukraine and the implications of their non-observation.

2. While the visible minorities and immigrants should be encouraged to report incidents of violation of their rights, conditions should be created so that their complaints are dealt with in a transparent manner. Victims should not be victimized, such as if an asylum seeker complains of an offense, the officer turns a deaf eye to the complaint and instead expedites the legitimacy of the victim's status. These cases should be treated as an offense punishable by law and abuse of power by the police.

3. In all cases of police abuse of power - negligence, corruption, especially if the case involves an immigrant or foreigner who is a bona fide document holder, or if there is racial profiling – these should be dealt with in the toughest manner, starting from demotion of rank, firing and to court procedures. Such punishments should also be made public.

4. In cases of abuse by police involved in document check ups, immigrants should be empowered. It is sufficient to have a name and number badge on the visible place of the officer's uniform for the immigrant to remember the number (in case the person does not read the local languages) and the name as practiced in many countries.

5. There is corruption in the ranks of the police with regard to false documents, permissions for residency etc. which the police themselves are fully aware of. The reason for checking of documents is a staged event to show their fight against "illegal migration". These violations of rights by the police should be acknowledged. In the first place the involved police officers should be charged and tried.

6. It is necessary to fight irregular migration, and in this context Ukraine should pay attention to international legal instruments more, such as signing readmission agreements not only with the EU states but also with the other surrounding neighbors. It is known that the eastern borders of Ukraine are the most porous for entry and smuggling of goods and people to Ukraine.

7. It is also necessary for the police to establish direct contacts with the communities of visible minorities and foreigners living in Ukraine at all levels. Existing advisory bodies have less capacity, awareness of problems and experience and do not have required level of contacts and the representation of the target groups themselves. It is only through real participation in decision making of the groups of immigrants, foreigners, students, refugees that problems will be addressed. In short, to address the issues of immigrants, the immigrants themselves should be consulted. This is crucial in case Ukraine aspires to set up a migration coordinating and controlling body of the European type within the umbrella of the Ministry of the Interior. Thus, several existing mechanisms should be removed and new ones should be created.

The Case of Singapore: Open Door Immigration Policy for Vibrant Economic Growth

The government of this island state, seeking to keep the economy globally competitive, is driving a shift in the country's population make-up. This carries with it the political risk that locals will object to the influx of white-collar foreign workers who in droves are taking up the island state's highest-paying corporate jobs. Now one out of every five residents in Singapore is a foreigner; six out of every 10 new jobs created last year went to expatriates; and a record 14,000 people gave up their home passports to become Singaporeans in 2007. Those figures are indicative of the official red carpet rolled out to lure highly educated, ambitious and preferably wealthy foreigners to work and take up permanent residence in Singapore. The government's bid to lure so-called "talent capital" is driven by its new-economy ambitions, where innovation, cutting-edge research, niche marketing and techno-capitalism are seen by officialdom as the key to long-term economic and national success. Singapore has recently emerged near the top of the global finance industry, with its sovereign wealth funds taking up strategic stakes in some of the world's most prestigious, but recently financially unstable, investment banks. The country is also emerging as a regional hub for biotechnology, biomedical and alternative-energy industries. Whether the nation of nearly 5 million people will be able to sustain growth and profitability in those high-end industries will come down to human resources. And the demographic trends are not promising. The local talent pool is constrained by a low fertility rate, which fell to as low as 1.24 in 2004 before rising last year to 1.29 as the state urged couples to have more children. That's well below the 2.1 replacement level and means Singapore now faces a declining population growth rate in the absence of immigration. Minister of Home Affairs Wong Kan Seng has been charged since 2004 with overseeing the national population committee, a state body tasked with both formulating and implementing measures aimed at curbing the declining birth rate and achieving a government-devised ideal population size and composition. As those growth-promoting measures come up short, the government is now redoubling its efforts to lure top-notch foreigners to fill the corporate corridors. The government first started to woo foreign talent in 1988, when it initiated the offer of permanent residency to qualified Hong Kong candidates. More than 60,000 were offered Singapore residency, but only about 5,000 took up the offer as of the early 1990s. However, foreign acceptance rates are now firmly on the upswing, judging by recent immigration statistics. In 2006, new citizen acceptances were up to 13,200, nearly double the average annual figure of 7,000 over the previous four years. A number of factors are believed to be driving the positive migratory trend. A survey by business consultants Mercer ranked Singapore this year as the city with the best quality of life in Asia, higher than both high-earning Hong Kong and Tokyo. The study considered factors that included the political and social environment, medical and health systems, public services, transport and housing. Singapore was built on open immigration policies, said Gavin Jones, a scholar at the Asia Research Institute at the National University of Singapore. Established as a British trading colony in 1819, the island territory's history and fortunes have been closely intertwined with waves

of migration. A fast-expanding economy coupled with open-door immigration policies drew in large numbers of immigrants, mostly laborers from China, India and the Malay archipelago, in the 19th century. That meant the population quickly grew from a few hundred in 1819 to half a million by a 1931 census. After achieving independence from colonial rule, fertility rates hit 4.7 and in response the government launched intensive campaigns to reduce the national birthrate, including state-led family planning, induced abortions, voluntary sterilization and other incentives and disincentives aimed at reducing fertility. Those sometimes heavy-handed measures were driven by government concerns about how the tiny island state would survive after its separation from Malaysia in 1965 and with the loss of its traditional economic hinterland and natural resources. Those slow-birth messages hit home, but by the 1980s the trade-gear economy was rapidly expanding and the government changed tack by encouraging Singaporeans to have more children to bolster the workforce.

- Megawati Wijaya, a Singapore-based journalist

CHAPTER 8

COMPACTLY RESIDING COMMUNITY OF REFUGEES IN THE CITY OF VINNYTSYA

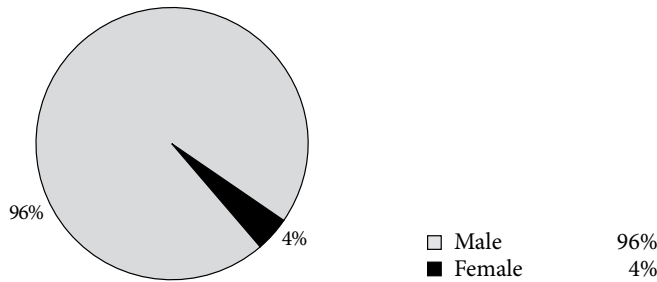
This present survey did not attempt to put refugees and asylum seekers as a separate category, the primary focus of the study being obtaining baseline data for visible minorities, irrespective of their status. However, during the survey we had found out the fact of compactly residing community of Africans, in particular Somali community in Vinnytsya, a city in center west Ukraine. The survey revealed interesting data, which was decided to be put out as a separate chapter, not from the position of asylum and refugee status aspect but from the point of integration, overall human rights protection, economic and cultural adaptation. The community interviewed consist of Somali immigrants, asylum-seekers, refugees and students. Approximately 150-200, immigrants, asylum-seekers, refugees and students from Somalia are residing in Vinnytsya.

Somalia is one of the refugee producing country among the east African countries. With no effective government for the past 17 years, Somalia has been ruled by clan based warlords, and in 2006, the radical Muslim movement controlled Mogadishu, the capital city, and declared the Shariat law in Mogadishu and other cities towns and villages under their control. Fighters of the Islamic groups disarmed militias of the clan based warlords in the south, east and southwest Somalia, who controlled 90% of the territory of Somalia, except the break-away republic of Somali land. As a result of the expansion of the Somali Islamic movement, many Somali left the country and became refugee all over the world - most of them are in neighboring and Arab countries and some left for European countries including Ukraine. In December 2007, when Ethiopia with the support of the US government ousted the Islamic radical groups, the third phase the flow of displacement has started, hundreds of thousands of Somali left the country of origin, some of them have thus reached Ukraine.

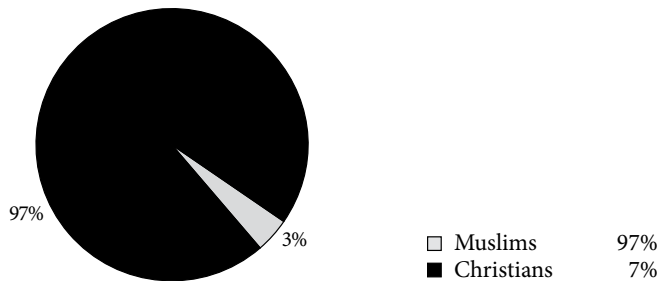
The reason for this compact residence could be explained by a number of factors. Traditionally Somali individuals preferred to live together, supporting each other in difficult situations, especially when they are in foreign countries. This tradition is perpetuated in Vinnytsya, Ukraine. Many Somali students completed their education in Vinnytsya. Others are enrolled in Vinnytsya Medical University. Students reported that they chose Vinnytsya because in comparison with Kyiv, Odesa, Kharkiv and Donetsk, the cost of living in Vinnytsya is lower, fees for education is also less than in Kyiv, Odesa, Kharkiv and Donetsk, there is less police arrest and harassment, public opinion and relation with the local population is relatively peaceful. Immigrants, refugees and asylum-seekers reported, that upon their arrival in Ukraine they look for any Somali in the country. Because none of the Somali immigrants, refugees and asylum-seekers speaks Russian or Ukrainian languages, in order to get information about Ukraine, they look for Somali students or individuals who know Russian or Ukrainian languages. Invariably, Vinnytsya is a place where there are such people and hence the reason for their compact settlement from any other part of Ukraine. With regard to community organization, the Somali community was confident and organized and believe in self empowerment than any other entity helping them in community development.

Overall, out of the persons interviewed, 96% were males and 4% females. Average age being 21.5 years, we could conclude that this was a group of very young asylum seekers. Nationality of all was Somali, with the exception of one Burundian. Except one person, all arrivals were between 2004-2007, and 99% of them are single. Only one has permanent residency in Ukraine who arrived earlier in the mid 1980's, while the rest are asylum seekers. By faith 97% were Muslims and 3% Christians.

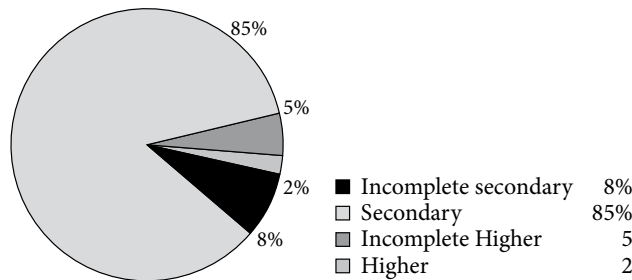
RESPONDENTS IN VINNYTSYA BY GENDER



RESPONDENTS IN VINNYTSYA BY RELIGION



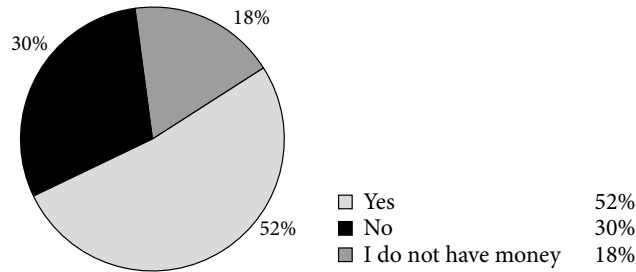
LEVEL OF EDUCATION OF RESPONDENTS (VINNYTSYA)



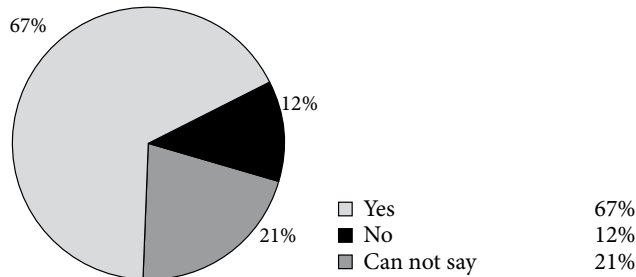
Many were students. Educational level of these persons showed that 8% of them had below secondary education, 85% completed secondary education, 5% had incomplete higher education and only one had higher education. While 52% said they would like to continue studies and become experts in technology, medicine, economists, 30% said they do not want to study and 18% said they cannot afford. This is a significantly lower number than in other survey sites.

Only 7% could communicate as they knew Russian, 17% with difficulty but are learning the language and 76% have extreme difficulty as they do not know any local languages. Many of them are willing to continue their education, if they get opportunities, in the meantime, they have great willingness to learn Ukrainian or Russian languages. Most are prepared to learn Ukrainian and think that the state should institute such courses in languages and customs, and 67% of the respondents said they are also prepared to pay moderate fees for that.

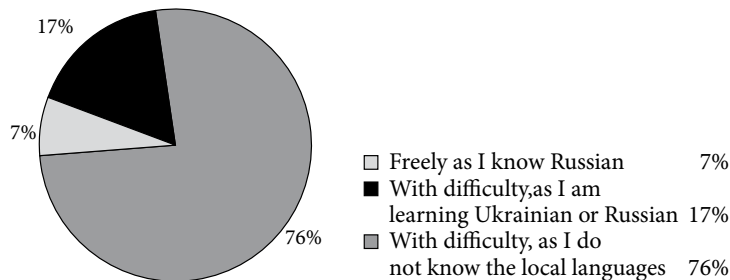
DO YOU WANT TO CONTINUE YOUR EDUCATION?



ARE YOU READY TO PAY MODERATE FEES TO STUDY UKRAINIAN?



HOW DO YOU COMMUNICATE?



Except students all Somali immigrants are asylum seekers and have applied for refugee status in Ukraine. Their asylum claim is motivated by war conditions and they put themselves into the category of war refugee (some of them stated that during the war their parents, siblings and relatives were killed, their properties were taken away by gunmen). They think that they have no guarantee for their lives, others stated that they were discriminated by members of the majority clan and they became strangers in their home country. Yet others said that they left their country of origin due to absence of peace and security. Presence of the Ethiopian soldiers in Somalia are a source of discontent for many. “The presence of the Ethiopians bring to Somalia death, disappearance and torture for the Somali population,” said Nasir Ali Summatar, an asylum-seeker, who left after the Ethiopians captured Mogadishu. Safety is the main reason to leave, he said. Somali immigrants, asylum-seekers and refugees reported that they have similar problems like any other African individual living in Ukraine. The main problem is, absence of proper documents and registration. Related with it are access to the labor market, housing, education (academic and vocational training courses), language and cultural course and access to health care.

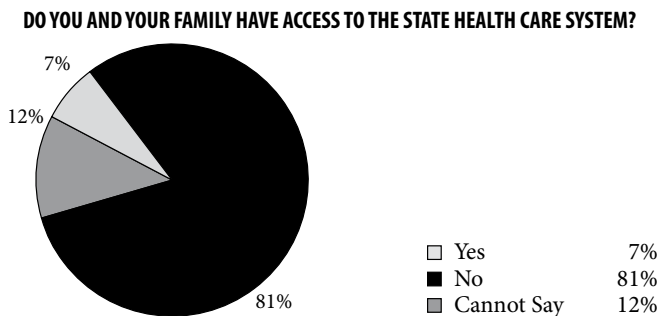
Apart from students and refugees recognized by the Ukrainian government, majority of Somali individuals are asylum-seekers. Some asylum-seekers have identification papers, which confirm that the holder of such identification has approached the Ukrainian migration authorities and have applied for asylum and his/her case is pending at the Migration service. Many do not have any document issued by the Ukrainian competent authorities. Some have protection letter issued by the UNHCR office. Individuals with no identification issued by the Ukrainian migration service and registration of MOI often are detained by the police and pay penalty or have to “negotiate” with police on the spot.

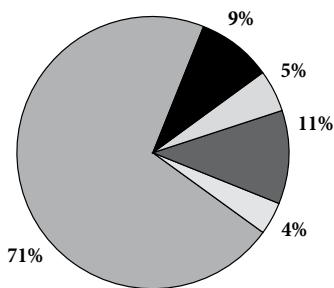
When asked they reported that they have no access to the Ukrainian labor market. This is related to their legal status – many of them are asylum seekers, waiting for the decision on their refugee status. Employers are not willing to hire asylum seekers and do not want to get problem with the tax office. As a result most are not gainfully employed, either working part time or periodically, or temporarily unemployed and looking for a job. Consequently, most are not registered as taxpayers. Only one respondent said that he/she is a state employee and is registered as a tax payer. Sixty six said they do not know whether they want to be registered as taxpayer or not, rather that the status of tax payer does not apply for them.

With regard to housing they all share apartments and live compactly but are not happy with their living conditions. They stated that they are sharing one apartment with 4 to 6 persons, the economic situation does not allow them to rent apartment independently.

Those who do not have access to health care system constitute 81%, only 7% have access. Consequently, the same percentage do not undergo regular check ups. In cases of need, percentage of those who go to the district polyclinic constitute 9%, those who visit private doctor and/or private polyclinic constitute 5% and 11% respectively. Unofficially paying to state hospital doctors, a trend in most sites, was not typical in this case and only 4% of the respondents go for this option. Those who buy medicine themselves constitute the bulk - 51%. Only 6 people have Ukrainian health insurance policy while the rest do not have any. In this situation, it is quite obvious that with regard to free medical aid from the state they are unanimously in favor. Similar to the trends in other sites, the diseases they are most afraid of are illustrated in the following diagram: TB and AIDS are in the first place followed by flu, cold and gastrointestinal diseases.

Most cannot afford to go anywhere and take rest and spend their leisure time, although most do not have dependents.





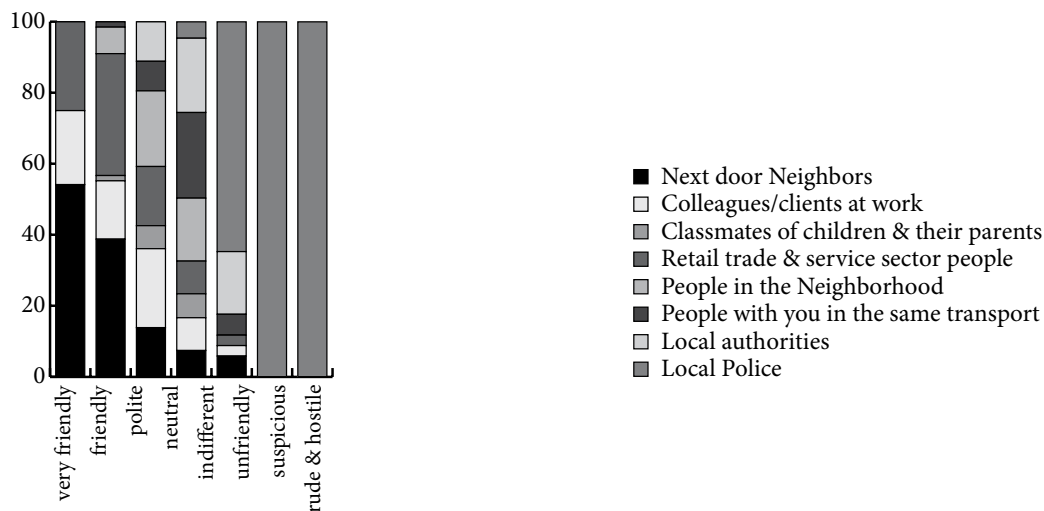
WHERE DO YOU GO IN CASE OF ILLNESS?

■ District polyclinic	9%
□ Private doctor	5%
■ Private polyclinic	11%
□ Unofficially pay a doctor in the state health care system	4%
■ Buy medicine ourselves	71%



Overall human rights situation shows that attitude of the surrounding people vary from friendly to rude and hostile. General population starting with next door neighbors, colleagues at work, people in markets and public transport and neighborhood are mostly polite, neutral and indifferent, while relations with the local authorities at the best is indifferent, and at the worst negative. Most responses show that relations with the local police is negative, suspicious and even hostile.

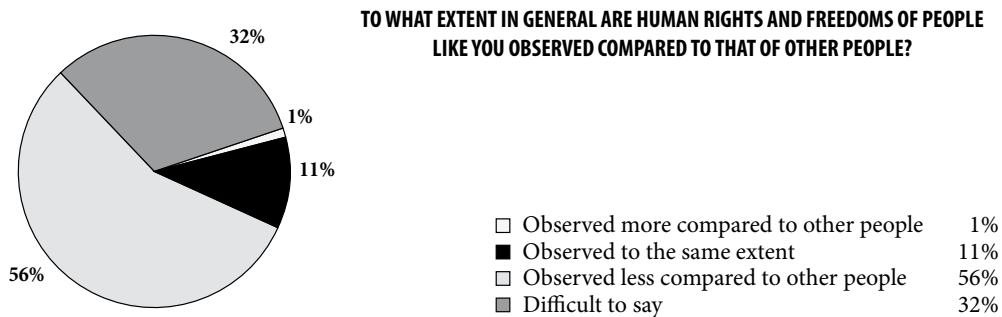
HOW DO THE FOLLOWING CATEGORIES OF PEOPLE IN GENERAL RELATE TO YOU AND MEMBERS OF YOUR FAMILY? (VINNYTSYA)



Few reported to have suffered from xenophobic or hooligan attacks, but most complained of harassment by the police, in document check ups, in signing protocols and papers, contents of which were not known to them due to lack of translation.

When asked which institution they would appeal to in case of harassment from the police, most showed lack of awareness and said that they do not know. The same pattern of answering was observed to the question if they are aware of the rights and duties of people living in Ukraine.

In response to the question, to what extent the rights and duties of people of their category were observed in Ukraine, 56% responded that they were observed less than the local population, and also a significant number, 32% responded that it is difficult to answer. Eleven percent think that their rights are observed in the same extent as that of the local residents, while 1% thinks that their rights are observed more than that of the local people. Serious lack of awareness among this group was observed. However, the positive sign is that they acknowledge this gap and low level of awareness.



CHAPTER 9

FOREIGN STUDENTS IN UKRAINE – AN OVERVIEW

Foreign students constitute one of the most important target groups of the present survey of visible minorities in Ukraine. According to estimates of the Ministry of Education of Ukraine, during the academic year 2005-2006, there were about 2.5 million Ukrainian and 40000 foreign students from 131 countries in 190 educational institutions of Ukraine, all together contributing about 0.5 billion UAH in fees and charges paid for their education. For the first time their number underwent a record increase by 4.8 thousand students since the Soviet times. However, to compare, in the Federal Republic of Germany, the total number of foreign students during the same academic year 2005-2006 constituted 115445.

FOREIGN STUDENTS (BILDUNGS AUSLÄNDER*) FROM THE 15 MOST STRONGLY REPRESENTED COUNTRIES OF ORIGIN IN WINTER SEMESTER 2005 / 2006

COUNTRIES OF ORIGIN	NUMBER
China	26061
Bulgaria	12423
Poland	12301
Russian Federation	9826
Morocco	7190
Turkey	7077
Ukraine	6928
Cameroon	5389
France	5293
Austria	4225
Spain	3976
Korea, Republic	3875
Romania	3781
India	3583
Italy	3517
TOTAL	115445

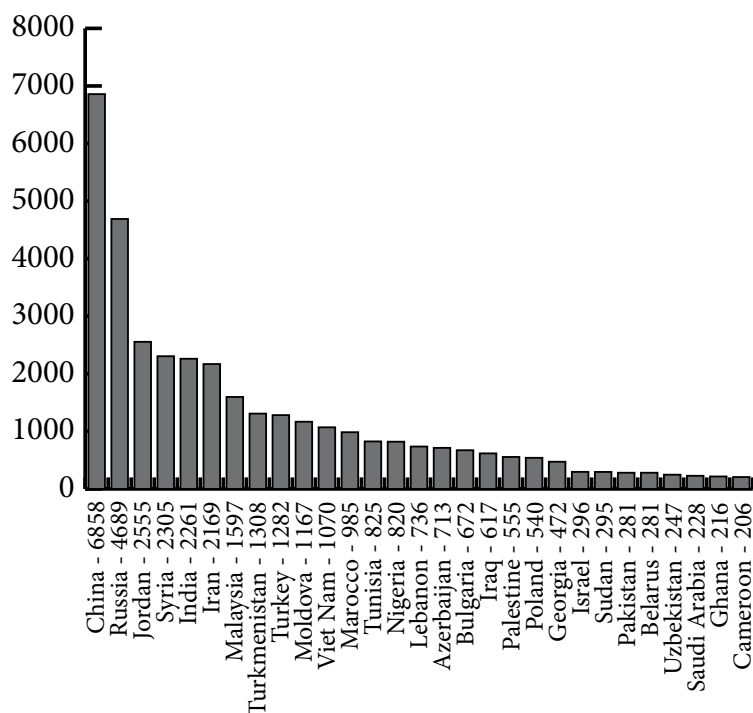
Source: Higher Education Statistics of the Federal Statistical Office

* *Bildungsausländer*: Foreign students who gained their higher education entrance qualification abroad and came to Germany to study

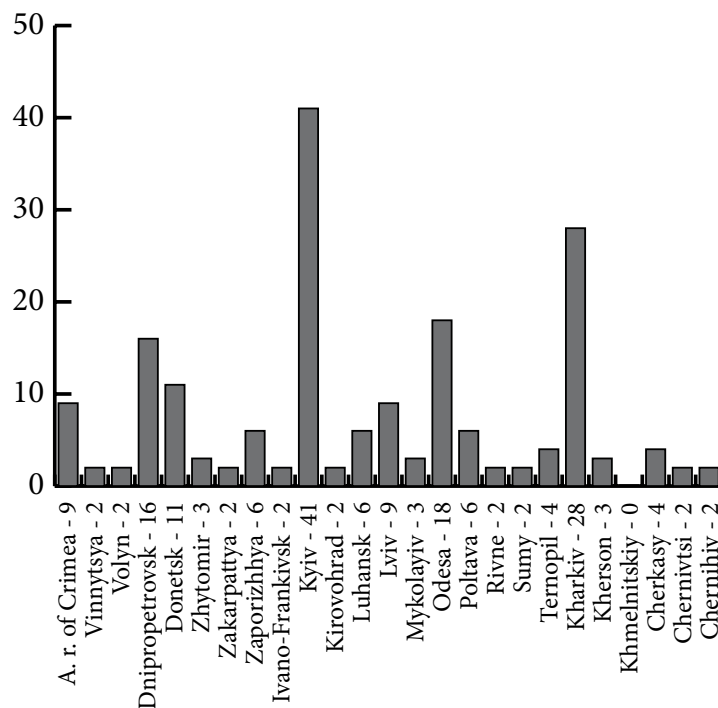
Biggest centers of learning for foreigners is the capital Kyiv, and Kharkiv, hosting 7.5 thousand students each. On the third place is Odesa – 3.7 thousand. However, largest number of foreigners are studying in the Crimean Medical University and the Kyiv Polytechnic University – 2000 each.

History of students from developing countries coming to Ukraine for their higher studies and specialized training dates back to the days of the former USSR. A decade after the World War II period, in the late 50's and early 60's, when the wave of decolonization started, and the new independent states in the continents of Asia and Africa started emerging, there was a crucial need for training of personnel for these new economies

FOREIGN STUDENTS BY COUNTRIES OF ORIGIN (ACADEMIC YEAR 2006-2007)



NUMBER OF INSTITUTIONS LICENSED TO TRAIN FOREIGNERS IN EACH REGION OF UKRAINE



and societies. State to state bilateral programs were established with this purpose. A major turn in the attitude of post-Stalin USSR in 1957 was an International Youth Solidarity Festival held in Moscow, which brought together activists and youth organization with leftist inclinations. This was the first time that foreign youth were allowed to visit in a mass scale. This event was followed by the establishment of the People's Friendship University in Moscow in February 1960, later named after Patrice Lumumba. First groups of students came under bilateral agreements between respective states and the Soviet Union, through non-governmental organizations and inter-party links between the CPSU and the respective leftist parties in the concerned countries. The students were distributed all over the Soviet Union in respective institutions in a centralized manner via the USSR Ministry of Education. Ministries of Education of the respective republics had agreements with the USSR Ministry of Education. All issues of coordination, instructions and establishment of standards and norms pertaining to the foreign students, were strictly formulated, implemented and monitored by the USSR Ministry of Education. Among centers for training of foreigners were leading Ukrainian institutions in Kyiv, Kharkiv, Odesa, Lviv, Donetsk, Luhansk, Simferopol, Vinnytsya etc. Since 1946, it is estimated that more than 200 thousand students from 160 countries of the world received their education in Ukrainian institutions.

Education was used as an ideological tool of influence on the elites and experts of the developing countries by the USSR. This influence ran in tandem with the course of the cold war. During the late 70's early 80's, at the peak of the cold war, USSR made arrangements to train specialists from developing countries in lieu of its subscription to UNESCO. Financial arrangements were adjusted at the level of this contribution of USSR to UNESCO, which many countries considered as ideological indoctrination, using international organization for education promotion as a cover. As a result of this, Great Britain and the US left this organization in protest. However, this ideological influence was more perceived from outside than real. In the days of Brezhnev era, stagnation and then the shake up and reshuffle of Gorbachev's perestroika, not ideology, but the taste of market economy was felt more and the need for consumer goods to the USSR was a dire necessity. Unlike the Soviet citizens, foreign students, who were allowed to travel freely, could easily get all necessary consumer items and then sell it at the black market at very high prices. This was part of the student lifestyle and more pocket money to which the authorities always turned a blind eye. After all, the limited stipend paid by the USSR government could not be backed up in any other way, as foreign students did not have the right to work, even part time. Therefore, many risked this trade, routes of which moved from West Berlin in the 80's to Turkey and later to Singapore in the 90's. Some of those former students, who have now settled down in Ukraine were interviewed and they had expressed that this whole idea of having foreigners catering to the very banal consumption needs was something unique in the Soviet Union only. This linkage with the underground trade or market has had its impact till today as students till today do not have right to part time work and some seeking to earn pocket money work in the retail markets, unofficially.

Since the collapse of the Soviet Union, situation with regard to training of students deteriorated. Infrastructure created for training foreigners during the Soviet period was not adapted to the modern needs of the market economy. Therefore, major shifts towards the negative were, orientation towards "market" and payment for education via contracts from students (regardless of merit tests). This gave rise to a general fall in both the standards of education and the quality of the students coming in. Teaching standards also fell due to the fact that teachers pays were dramatically less. Accreditation issues were also pending as recognition of degrees of Ukrainian universities and institutions needed further diplomatic and international efforts on part of Ukraine. Gradually, higher educational institutions started taking students on a paid basis in a more organized manner. Now, even though the system is full of flaws due to lack of quality control and regulation,

there is a quota for foreign students for each institution, there are bilateral agreements with respective states at the Ministry level and other stipulations in place.

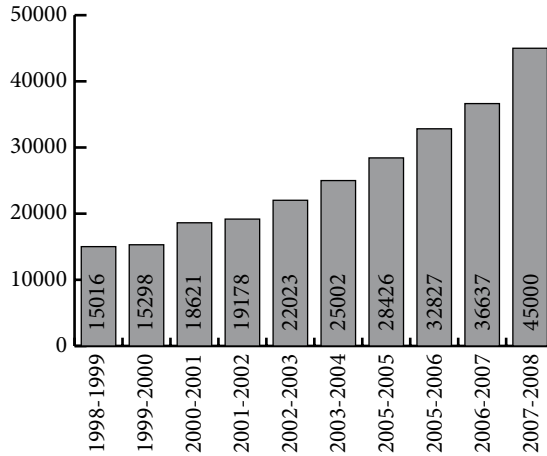
Among those other stipulations is the selection process of foreign students. Although decentralized, it has undergone institutional changes, when the Ministry tried to set up a separate entity within the Ministry to regulate these processes. According to part 2 of Article 11 of the Law of Ukraine “On the system of permits in the area of economic activity” as of October 5, 2006, pt. 6 of the Cabinet of Ministers resolution dated 5.09.1998 № 1238 “On Approval of the Provision for Receiving Foreign Students and stateless persons for education to higher educational institutions” and pts. 3-16 of the “Rules for selection of foreigners for education in Ukraine”, were annulled, as per a Decree of the Ministry of Education and Science of Ukraine dated 12.08.2003 p. № 544. Now various intermediary organizations such as the Ukrainian State Center of International Education (USCIE) of the Ministry of Education and Science of Ukraine, is authorized to organize selection and invitation of foreigners for study in Ukraine. Upon prior agreement with higher educational institutions, USCIE via bilateral or trilateral agreements, enters into liaison with companies and firms, both in Ukraine and abroad for bringing students to Ukraine. USCIE includes those companies and firms, with which it signs agreements. Excerpts from the register are given to the Ministry of Foreign Affairs of Ukraine and to the State Border Guard Administration.

Invitation forms are prepared on special order of the MES and are numbered, as they are considered to be serious accountable documents. Information about used or unused invitation forms are given by the educational institutions twice a year before December 31 and before June 30, the unused forms are returned by the educational institutions once a year before the year end – December 31. Irrespective of their form of ownership and range of subservience, all educational institutions may have these forms, but they should have the licenses allowing them to train foreign students. The invitation forms are given to the selected students by the educational institutions of Ukraine, through their authorized representatives or companies such as the USCIE. USCIE also deals with issues of placement of the students, providing students with juridical and medical services, assistance with visa confirmation, etc. even meeting the students at the Kyiv airport. USCIE has a receiving counter in the Borispol Airport from August 15 till November 15, time when majority of the students arrive.

According to information from USCIE, languages of training in Ukrainian universities are Ukrainian, Russian and English. English is provided for separate specialties. Foreigners (except for those taking degree of a candidate or doctor of science and postgraduate students) who do not speak the Ukrainian language or any other language of studies are admitted to the preparatory faculties (departments) for foreigners of higher educational institutions for one year pursuant to the results of testing. At the preparatory faculty foreigners study as usual Ukrainian language, history of Ukraine, regional geography, mathematics, physics, chemistry, biology, geography and other subjects, depending on the profession they wish to master. At the end of academic year all students pass final examinations, students who pass successfully their final exams receive a copy at the appropriate certificate.

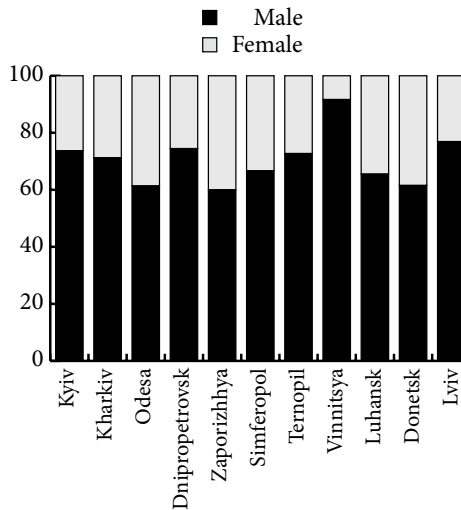
With regard to work or employment the USCIE materials make a reference to the fact that foreigners constantly living in Ukraine have the right to work at enterprises, organizations, etc at par with citizens of Ukraine, otherwise for working in Ukraine foreigners need the special permission for employing, that is issued and provided by State Center of Employment, Ministry of Labor and Social Policy of Ukraine. But it does not specify whether the students have the right to part time work, implying they do not have.

NUMBER OF FOREIGN STUDENTS IN UKRAINE



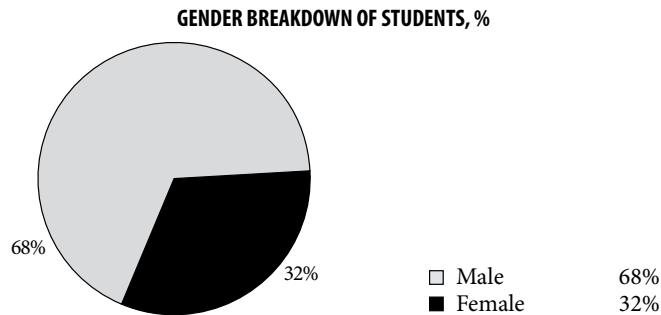
During the 2006-2007 academic year the Ministry expected to increase the number of foreign students till 37 thousand, as training experts from overseas is a priority of the international work of the ministry and the higher educational institutions of Ukraine. To this end, days of higher education of Ukraine were conducted in Cameroon, Syria, Nigeria, Tunis and India.

FOREIGN STUDENTS POLLED IN VARIOUS CITIES OF UKRAINE

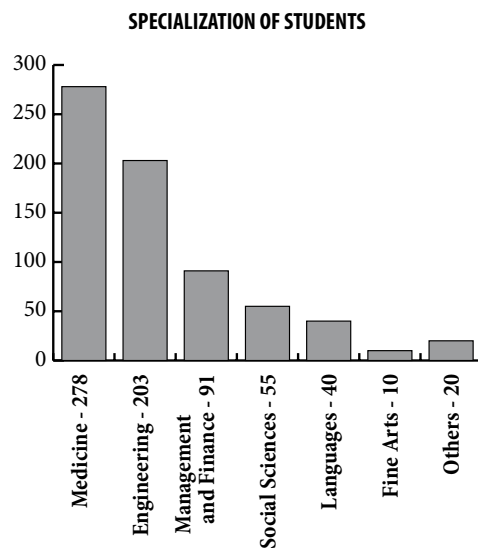


The Ministry also planned to have its representation offices in Syria, Iran, Tunis, India and China. Unfortunately, the well being of these foreign students, observance of their fundamental human rights and freedoms, above all their security is vested on the university authorities and there are no independent authorities to appeal in case of any violation. With the idea of obtaining a wide cross section of data across the country, within the framework of this present research, more than 600 students were polled and

interviewed. Nationalities of the students included China, India, Turkey, Azerbaijan, Syria, Iran, Jordan, Armenia, Lebanon, Peru, Sierra Leone, Guinea, Kenya, Nigeria, Malaysia, Indonesia, Vietnam, Somalia, Georgia, Ecuador, Palestine, and Turkmenistan.



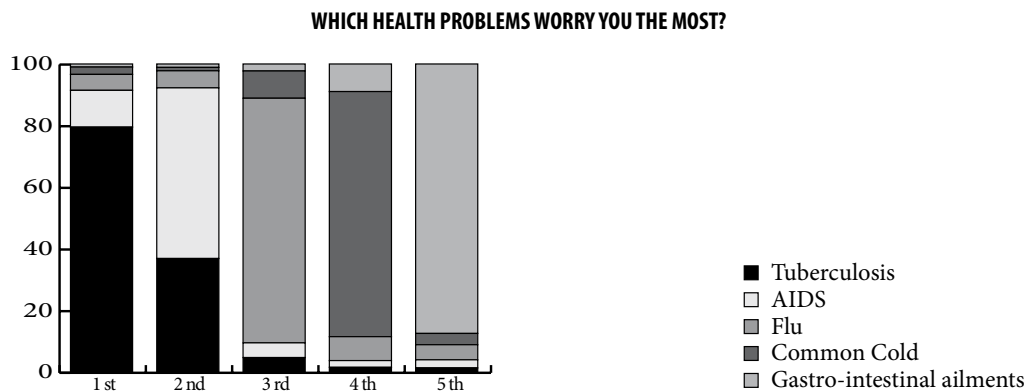
Gender distribution shows 68% to be males and 32% to be females. Age group ranges from 19 to 27 years. Sites surveyed are major urban centers in Ukraine, which are locations of institutions and universities - Kyiv, Kharkiv, Odesa, Lviv, Ternopil, Zaporizhyya, Dnipropetrovsk, Donetsk, Luhansk, Simferopol and Vinnitsya. Year of arrival in Ukraine for most of the students range from 2002 till 2006, and their average year of stay is around 5-6 years. It is also interesting to note that no single respondents among the students said that they would like to stay in Ukraine forever or for a long time, average period of their planned stay extended from 3 to maximum 6-7 years. Only a minuscule percentage was married, while the majority of them were single. None of them had children or families. In as much as the students are from various countries, their citizenship consequently coincided with their countries of origin, with the exception of 24 refugees and asylum seekers in Vinnitsa and unlike other categories covered by the present survey. Educational level for all students was either completed secondary or incomplete higher, a few were pursuing postgraduate studies in Ukraine. Areas of specialization are mainly technical, engineering, medical less frequent are social or humanitarian sciences. Certain percentage of students also study languages. By areas of specialization, the following graphic shows that most foreign students opt for medical or engineering disciplines than other areas.



Another specific difference from the other categories is that most of the students are able to communicate either in Russian and Ukrainian and do not face difficulties. Also overwhelming majority of 85% of all students are willing to learn Ukrainian. With regard to the issue of adaptation, it is easier for the students for this reason. However, problems of students' adaptation are related to other issues, which will be dealt with later in this chapter.

As far as housing conditions are concerned, most foreign students are provided with dormitories for stay, while some still prefer to rent apartments. In Kyiv, 100% of the responses showed that they stay in hostels. Most are not very satisfied with their accommodation, while they try to adjust and invest their own resources to improve the facilities. In Luhansk, most students were unhappy with their dormitories and they complained of lack of supply of water, especially hot water and heating.

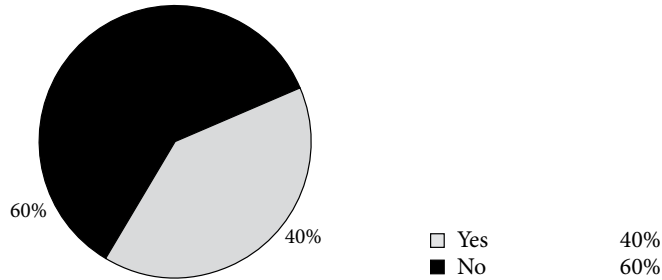
Health care of foreign students, according to arrangements made with the host university or institution, lies with the local polyclinic, while the costs are to be reimbursed by insurance companies. Almost all students undergo a medical check up and necessary tests before their admission and entry to Ukraine. Even though most students are formally provided with medical care, often they do not make use of them in times of need, due to cumbersome procedures and lack of interest on behalf of the clinic authorities to honor the obligations of the insurance policies. Doctors and paramedical staff have to be tipped in addition to the real costs incurred. Therefore the student prefers to bypass the insurance facility and for day to day needs go to private doctors or engage in self-healing by buying medicine. In fine, students face the same problems of the health care system that the Ukrainians face. Health problems that worry the students most reflect the same pattern as those feared by the immigrants as seen in the graphic below.



It should be borne in mind that foreign students are not provided with materials or advise on prevention or precaution from certain diseases, such as HIV/AIDS and TB, which have attained epidemic levels in Ukraine. Nor are the foreign students encouraged to get tested regularly for TB or AIDS, which is a serious flaw from the point of public health.

To support themselves, many students engage in work, although they do not have a right to do so. Those working regularly constitute 15%, working periodically (occasionally) 25%, while 45% said that they would like to engage in part time work during summer or holiday times, another 15% said they would not like to work in Ukraine.

DID YOU SUFFER FROM ATTACKS ON YOU OR ON YOUR FRIENDS?



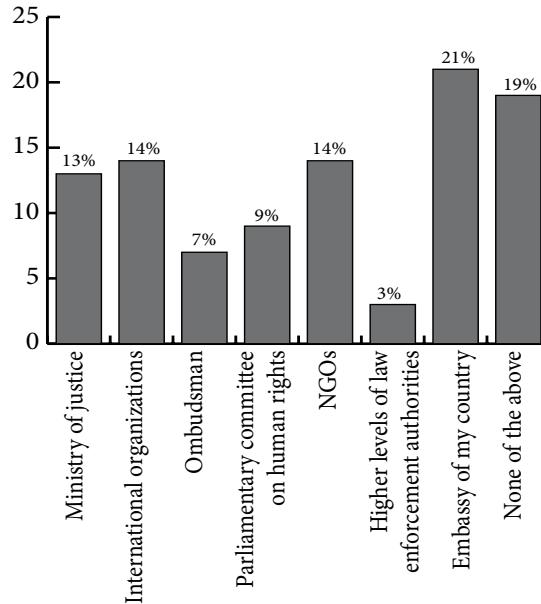
Unlike the system of country-based communities of foreign students (*zemlyatstvo*) uniting them within each city or place of study, which was supported by the respective embassies and the authorities, today in Ukraine, foreign students organize themselves spontaneously. In many cases, the respective embassies do offer significant help. Foreign students also maintain connection with their home countries and culture via the Internet. They also spend their holidays mostly by going home or abroad.

Reports of growing xenophobia and attacks on foreigners led us to analyze the level of personal protection and safety of students. As seen above, 40% of respondents reported that they themselves or their friends were attacked. Often these cases were not reported to the police and even if they were reported, the victims were unhappy about the follow up.

In several interviews, the students alleged that their complaints were not registered and they were intimidated and harassed instead. If and when they managed to record the incident of attack, they also had grievances. Ninety percent of the respondents said that the language (Ukrainian), in which the diary or protocol was written at the police station, was not understandable to them. No translation was provided and so they had to sign without properly understanding it. Secondly, no copies of the document were provided to them, with which they could pursue the case with the embassies or international dean's office, according to the opinion of 93% of respondents.

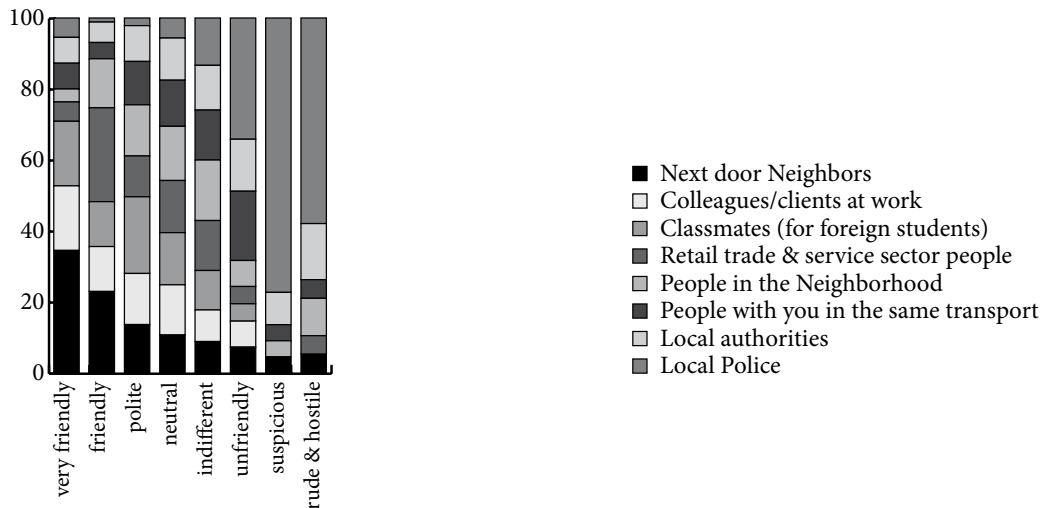
In addition, 85% of all foreign students complained of being harassed by the police, precisely their documents were checked and in 65% of such cases, the students had to bribe the police to get their documents back or to put an end to the harassment. In response to our question whether they reported these incidents to anyone, 75% of the students response was that there is no use to report them, while 25% do not know where to report such complaints. When several options of institutions were offered and the students were specifically asked the question which particular institution among the proposed options he/she will approach, the responses were a bit different as the following diagram shows.

WHICH INSTITUTION WILL YOU APPROACH TO COMPLAIN AGAINST ABUSES BY THE POLICE?



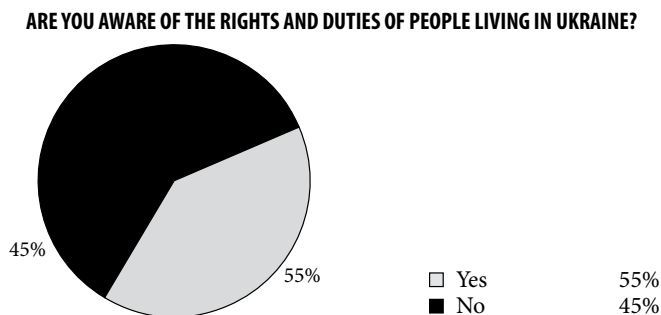
It is seen that maximum number would like to seek help of their own embassies, followed by independent sources such as NGOs and international organizations. Governmental institutions including the parliamentary committee, ombudsman and higher levels of the law enforcement bodies are less relied on. Sizeable percentage also spoke in favor of “none of the above” institutions.

HOW DO THE FOLLOWING CATEGORIES OF PEOPLE IN GENERAL RELATE TO YOU AND MEMBERS OF YOUR FAMILY?



Perception of foreign students of the attitude of people around them is somewhat similar to that of the other categories of respondents, with the only exception that neutral and indifferent attitudes are dominant and are fairly equally distributed. A more extreme polarized view is seen in case of local police, harboring unfriendly, suspicious, rude and hostile attitudes to the students.

Overall, the level of awareness of human rights of the foreign students leaves much to be desired as 45% of those polled acknowledged that they are not aware of the rights and duties of people living in Ukraine.



Certain observations should be made of a group of 24 students (22 male and 2 female) from Somalia residing in Vinnytsya who are refugees and/or asylum seekers. For purposes of analysis we have isolated this group from the rest of the students. Their average age is 20.2 years, their religion is Islam. Fifteen of them have completed secondary education, 7 have incomplete higher and 1 has higher education. In response to all questions their pattern of responses were the same as that of the students from all other countries, except the fact that they have no hostel accommodation and share apartments, they do not go home or abroad on holidays as they cannot afford. Most have access to learning languages, to local health care facilities. None of them work even part time. About 20% of them suffered from attacks, but did not report. Surprisingly, all of them reported police abuse during the checking of documents. All of them would like to have police protocols be translated and copies be given to them. Fourteen of them or 58.34% know the rights and duties of people living in Ukraine, while 10 of them or 41.66% do not, figures similar to that of the rest of the students.

At the time this research was undertaken, several problems were raised by the respondents, which lie more in the realm of transparency and accountability of the education system in general and the administration of institutions in particular, where the students taking part in the survey were affiliated to. Even though not within the scope of this research, these problems have a heavy impact on the overall well being of the students, their social integration into the Ukrainian society and finally on the role that education should play in training experts.

The above problems are reflected in poor quality of service providing, poor quality of education rendered and the process of tests and examinations. Foreign students usually pay for their education in Ukraine, while the quality of education received does not match their international counterparts for the same degree. Standards are set by the Ministry of Education and Science of Ukraine, quota for training foreign students is also allocated by the same authorities, and only with respective endorsements from the Ministry of Education and Science are the students issued Ukrainian entry visa for study. However, all responsibilities seem to end there, as the particular institutions are responsible for providing all facilities to the students.

Life & Experience of Foreign Students in Kyiv

During an ongoing project with the cooperation of the Diversity Initiative to reveal trends in the treatment of foreign students by their university staff and their campus and the local community, I have encountered some disturbing results. We are assessing the situation through a questionnaire-based survey and focus groups among those foreign students living and studying in Kyiv. The questions include the process of coming to Ukraine, orientation and integration, the students' relations with university staff and students, issues of documentation, language education, freedom of movement, and the situation regarding dormitories. Our final report, to be available soon, will detail the following preliminary findings:

1. Serious Language Discrepancy: Focus group participants were frustrated by the fact that their preparatory course was in Russian and then their classes were in Ukrainian. "If I had been told I would be studying in Ukrainian, I never would have studied Russian," was what they said.

2. Perennial problem of Violence: Some participants identified physical violence as being a "regularly occurring part of living in Ukraine." One student was able to identify the changes in response time by doctors over the last two years as this student has had injuries sustained from beatings treated as often as every other week.

3. Personal Safety problems: Students had found that the route from their dormitory is well-known to people and is not safe to walk alone. The students tend not to use public transport from their dormitory to their campus and return (which must be done due to the long distance) unless they are in a group or they feel forced to take a taxi.

4. Denied or Delayed Entry to Ukraine: Students universally have problems at the airport, even if they have the correct documentation upon arrival. The problems range from extended questioning to automatic segregation from the rest of the travelers to detention and in severe situations, deportation. In some cases, students were detained for more than twenty-four hours. One student was held for eight days. The universities were aware of these cases of detention as the students had contacted their universities during this time of detention.

- Elise Garvey, Fulbright research fellow/Diversity Initiative Project

According to information obtained from interviews with students, often, the particular institutions via their agents in respective countries make advertisements for education in Ukraine. A representative from that particular institution later travels to that particular country and conducts personal interviews for selection of students for admission. Those selected on the basis of a personal interview (no written tests or objectively verifiable process) are later given official letters of invitation with the endorsement of the Ministry of Education and Science. In a separate communication the total fees to be paid for the whole period of study and the details of other provisions are laid down. The students then have to apply for visas, pay fees for one year of their studies.

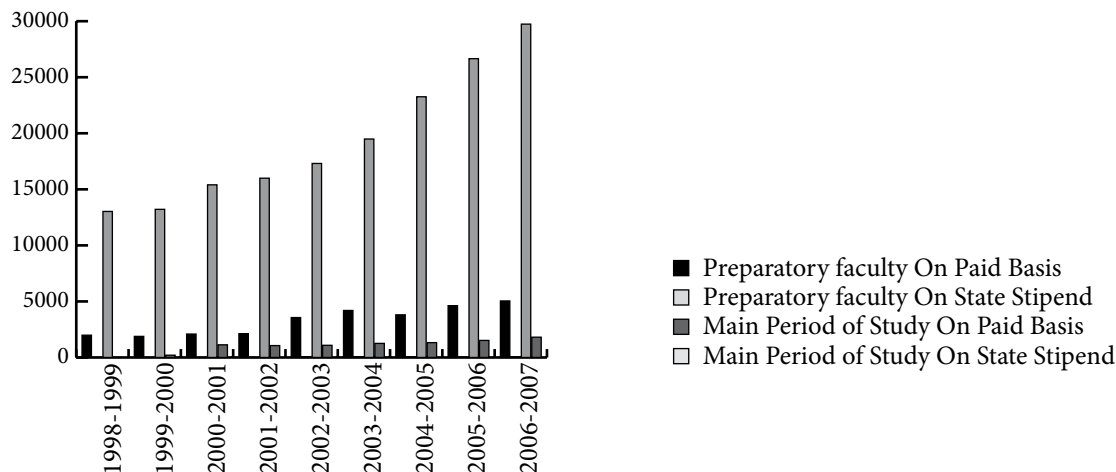
Later, upon their arrival in Ukraine, they are provided a contract in Ukrainian for signature. No translation and copies are provided. Responses of all students polled confirmed that they are not given any briefing materials, which may introduce them to the way of life, rules, customs and cultural aspects of the Ukrainian society, not to speak of the rights and duties of foreigners etc. As a result, students are left to learn them spontaneously and constantly face problems and social exclusion. The height of social exclusion and open discrimination practiced by certain institutions is putting the foreign students into separate hostels from that of their Ukrainian counterparts, which immediately build a wall and force the foreign students to be viewed with suspicion by the Ukrainians. A direct result of such practices is the rise in xenophobia and racism as phenomena.

Many institutions promise the medium of instruction to be English, the quality of which is highly questionable, going by the fact that historically Ukraine has not been an English speaking country, nor was English used as the medium of instruction before, so that there is tradition of using English. Students therefore are not obliged to learn Ukrainian as a state language. Depending on the location, the east or west of Ukraine, students pick up Russian and Ukrainian at a working level, not sufficient for professional but household and street use. Absence of language skills also disable them from being included into the labor market and being employed part time.

In some institutions, the original of all educational certificates of the student, medical documents etc. are taken away from the student and kept in a file, which remains with the institution. Some students complained that in case they do not "behave" properly, administration of the institutions threaten to destroy these files. Students cannot complain about poor hostel, food and other conditions as allocation of rooms is also not a

transparent process. In most institutions, diet requirements of students from other cultures and cuisine are not handled in a sensitive manner. Health care formally is to be provided by the local clinics, but at each step, tipping or bribing is practiced. To redress any grievances, students usually approach their embassies or try to resolve issues and fall prey to non-transparent methods.

SOURCES OF FINANCING EDUCATION FOR FOREIGN STUDENTS IN UKRAINE



Payment of tuition fees, hostel accommodation etc. is done at the start of every academic year in September. Often the payments charged are increased; argument in favor of such increase being inflation and institution's policy changes. It is necessary to point out that, on average a foreign student for a whole year of study in the preparatory course, according to respective Resolution of the Cabinet of Ministers, should pay not less than USD1000. Upon entry to the main course the fees are not less than USD 1500, in post graduate level – USD 2500 per academic year and for research – USD 300 per month. But, depending on the popularity of the institution, its location and fame, this sum can be many times more. Some institutions get from USD 4000-6000 from each student per year. About 35000 students (30000 in main course and 50000 in preparatory course) were paying for their education in Ukraine during the academic year 2006-2007. Some of the educational institutions which benefit from the fees paid by the foreign students, could refurbish their campuses and buildings, buy equipment and even timely pay their teaching and other staff with those resources. According to estimates by experts of one such institution, Ukraine gets about USD 80 million by training foreign students.

Approach of the authorities and the administration of particular institutions is thus based purely on financial gains that is received from the foreign students. The argument used is comparing Ukraine's cheap prices to that of developed countries, while giving opportunities to foreign students for part time or periodic work that these countries offer. Germany, where 175 thousand students are studying, aims to double this number. To recall education is free of cost for all in Germany, for German students as well as for foreigners. In addition, foreign students are not only allowed to work, they are assisted in all ways to find work for themselves. Moreover, the graduates may stay on for 2 to 3 years in Germany and work. Germany views this as attracting high quality skilled personnel, as head hunt or brain drain for its own economy. In Ukraine the situation is totally different. The question and suspicion is put forward that a foreign student may engage in trade or become illegal migrant or join the ranks of criminals. These attitudes are reminiscent of the past, when every foreigner was viewed as a spy and now, every foreign student from Asia and Africa is an illegal

migrant or terrorist. Despite the problems the world and Ukraine confronts after 9/11, policy in the area of human rights of students cannot be built on suspicion. Therefore, the need is to urgently address all these issues. It is said that with the help of an inter-ministerial commission, led by MES and with both the Ministries of Interior and that of Foreign Affairs as well as other bodies participating, a common strategy will be drawn up with regard to foreign students.

Ministry of Education and Science of Ukraine is currently working on a new draft "Provision on the foreign students in Ukraine". According to information from the Director of the Department of International Cooperation and European Integration of the MES Omelyan Sukholitkiy, the new draft should be introduced by 2008, whose aim is to eradicate the problems of the foreign students enrolled in Ukraine and also increase their number significantly. Among the novelties are a simplified procedure of nostrification, access to all forms of education. Until now students could take only full day form of study, now they will have access to correspondence and distance learning options. Also, this provision envisages paying state stipends to foreign not one year as now, but up to two years. MES is also working on the "Program of work with foreign graduates of Ukrainian institutions" A first congress gathering foreigners-graduates of all Ukrainian higher educational institutions is planned during 2009-2010.

Summing up, the following conclusions and recommendations can be made:

1. Ukraine's education system has acceded to the Bologna process and Ukraine has a number of bilateral and multilateral agreements in place in the area of education. Ukrainian students are studying abroad, mostly by winning scholarships and grants from foundations. However, most foreign students pay for their studies in full. The thrust so far is more on the side of commercial and material gain. Information on Ukrainian government offering stipends for students of developing countries shows that the provisions are insufficient. Therefore in reality, awarding more foreign students with partial and full stipends, depending on their merit and performance levels could be made in order to attract high quality students.
2. Quality control of the educational process and monitoring of adherence to standards is formally vested on departments of the MES. On the other hand, the institutions licensed for training foreigners are free in most or all of their operations and inspections results are not open to the public. USCIE is not empowered to exercise monitoring or quality control functions. In view of the existing corruption problems of the education sector, acknowledged by the authorities, these functions need to be performed by the Ministry in a transparent manner and information should be available to the public.
3. Selection process of students are left with commercial companies in various countries, intending to make money and not necessarily adhere to best practice. Standard tests or clear criteria should be made for all such selection companies and in this process, more coordination and supervision should be exercised by the education and cultural departments of the Ukrainian embassies abroad. Ukrainian embassies should not only be visa issuing authorities in those countries, from where many students are arriving every year.
4. Data base on students and countries from which they hail are not maintained in an open and centralized manner, accessible to all, under the pretext of confidentiality of personal data. Personal data of students should always be protected. However, cumulative abstract data of countries and number of students, if made open, would serve as an indicator for assessing international education in Ukraine.
5. Basic integration needs of students should be seriously and systematically addressed by developing instruction manuals, briefing booklets on survival tips for Ukraine, introducing the students to Ukrainian language, folklore and culture, organizing excursions around Ukraine etc.
6. At par with the above, a policy of social inclusion should be followed in all aspects of training foreigners, for example, no segregation of living space into "for foreigners only" and "for Ukrainians only" zones, such as hostels and dormitories should be allowed.

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7. Another important aspect is that, depending on their performance, the foreign students should be encouraged to engage in temporary and/or part time work in Ukrainian enterprises and organizations, including educational institutions. Kyiv Mohyla Academy practices “engaging” students in voluntary work in lieu of pay or voluntary donation to the development fund of the institution. Apart from earning pocket money, foreign students could be also useful as additional skilled human resources for the Ukrainian economy. In addition, this is also one of the best tools for educating a person to work ethics, social integration and adaptation.
 8. Apart from monitoring of the quality of education, the issue of human rights of foreign students should also be monitored by the MES or by any other independent institution. In cases of serious violations of such rights (when students are killed or attacked in campuses), management of those institutions should be penalized (for example, by suspension of license for training foreigners for a certain period or by decreasing the rating, depending on the severity of the violation). Financial compensation should be paid to the sufferers and victims by the respective institutions, which signed contracts with them. All these processes should be made public via mass media.
 9. It is also important to have foreign students’ councils at all levels to empower the foreign students and those councils should have the same rights as that of the Ukrainian students’ self governance councils or foreign students should have equal rights (except political rights) to participate in councils of Ukrainian students.
 10. Foreign students should be provided option by MES to change their place of study within Ukraine in case of need or in case the educational standards are not met by the institution, failure to do so should imply adequate compensation to the student and financing his/her trip back home.
 11. Institutions in Ukraine training foreigners could be rated, not going by the number of students they are training or the amount of money earned, but by the quality of education offered and the way the students’ needs were addressed and their human rights protected. These ratings should be participatory, so that criteria for such ratings could be worked out in consultation again with foreign students themselves. These ratings also should be openly available for all via Internet, so that applicants from abroad can make conscious and informed choice of institutions.
 12. It is necessary to attract and use the talents and capacities of students from all over the world, which is diverse human capital, described as “diversity capital”. Thus, the concept of international (transnational) education will be enriched and will cease to be based only on a “market-all” approach.
 13. Last but not the least is the issue of international cooperation in the area of education. Ukraine had had technical assistance from all major bilateral and multilateral donors to support reform of the education process. Most of it was related to the teaching and research staff in various areas. Impact assessment of such programs should be made to see whether the system really benefited from such efforts, especially those institutions, which are attracting most foreign students and to what extent the management capacities of the educational administration have been strengthened. To improve administrative transparency and accountability a two way approach could be adopted: 1) Capacity of existing institutions to be improved with the help of technical assistance partnership programs with quality institutions from all over the world and 2) By opening doors to foreign universities and institutions to open up branches and operate in Ukraine, so that they serve as competitive models.

CONCLUSIONS AND RECOMMENDATIONS

Based on the survey results, analysis of the situation and results of the interviews, the following conclusions have been made:

1. Statistics on the visible minority groups are not available in a consolidated and coherent way. Hence a lot of surmise and manipulation led to the myth that at least more than one million illegal migrants are in Ukraine, no one knows their real number. And these illegal people stay on to become legal. Our estimates show that those immigrants and visible minorities, residing on the territory of Ukraine are registered by appropriate authorities and are clearly accounted for. Undocumented persons consisted a fraction of those surveyed, at the best they all had documents of asylum seekers.

2. Statements by politicians manipulate demographic estimates and show that by 2050 one third of Ukraine will be inhabited by Asians and Africans if the authorities do not do anything. Demographic estimates show overall increase in mortality and decrease in birth rate and does not make prognosis of migration waves or relate them to demographic projections.

3. There is also a myth that immigrants are ready to work for low pay for extended work hours and therefore their massive onslaught will lead to “catastrophic consequences” for the living standards and pay levels of Ukrainians. Our survey showed that most are self employed and those who are employed by bigger businesses already enjoy better pay because of their added skills (knowledge of other cultures and languages) which, under Ukrainian labor legislation are paid higher.

4. Related to the above is another myth that the immigrants are going to take away the jobs of the Ukrainians. Suffice it to say that Ukrainians as never before are suffering from labor shortage, with almost 8 million of their own people working abroad as migrant laborers. The situation rather is the opposite, in most cases, several Ukrainians have been employed by the immigrants in their small businesses.

5. Immigrants’ employment is bad for the economy as they transfer a large part of their earning abroad. This is not always a myth but a general truth. However, in the case of today’s Ukraine, our survey showed that this is a myth. Majority of the respondents not to have many dependents abroad and are therefore not in dire necessity of transferring most of their income to them. Transfers made by Ukrainians working abroad show that out of the CIS, highest level of money transfers were made (after Russia) to Ukraine - \$8,4 billion in 2006. Moreover, the amount of offshore capital drained from Ukraine every year also accounts for a major share of money drainage from the economy. Therefore, the immigrants do not contribute to drainage of resources.

6. Health statistics of the immigrants are absent, hence the myth unsubstantiated by statistics has been actively disseminated by many groups and media, that they are the sources of “exotic” and infectious diseases in Ukraine. Health care of the immigrants and visible minority is a necessity and an issue of state concern for Ukraine, especially in view of the epidemic of tuberculosis, which is air borne and spread through long term contacts in Ukraine. Survey data shows that despite being having no regular check ups and working in stress and harsh conditions, visible minorities demonstrate good health and use opportunities available to resort to medical care.

7. Another myth spread is that the visible minorities do not like to integrate and live compactly within their own communities. Survey results showed great interest and willingness among all respondents to learn Ukrainian and Ukraine as well as the fact that they are even ready to pay for them. Even students, who come to study on paid bases, are not given due attention and help to access cultural and language training in Ukrainian and about Ukraine. In addition, there are no compact settlements seen in Ukraine, except when institution or university authorities place all students from some or one country in one dormitory, and one case with the Somali asylum seekers in Vinnytsya, which is largely due to their lack of knowledge of local language and culture.

8. A myth related to the above is that these communities are breeding grounds for terrorism. So far in Ukraine there have not been a single case of terrorist plots hatched or planned, not to speak of being executed. However, if integration efforts of the state and the society are not extended and visible minorities not encouraged to integrate, such a policy of separation and seclusion will lead to alienation, give rise to fractured communities.

9. Our survey showed that abuse by police of their powers to control illegal migration on one hand and the lack of awareness and vulnerability of the visible minorities on the other, pave the way for major human rights violation. While policing is a much needed instrument to fight organized crime and trafficking, the human rights dimension must also be observed. Otherwise, action by the police is targeted to the victims and not to the perpetrators, shooting at the effect, not at the cause.

10. Since Ukraine became independent, the debate with regard to the definition of who is an Ukrainian has been marred with political realities of the past history of Ukraine, its relations with Russia and the western neighbors. An inward focus revealing the identity of an Ukrainian was not based on the ethnic model, but more on the citizenship model, further narrowing the choice for naturalization and obtaining of permanent residency by foreigners and visible minorities. Presently there are attempts by certain circles to revert the concept of being Ukrainian to an ethnocentric model, which has raised concern among human rights activists, members of the civil society and international community.

In view of the above conclusions, a number of recommendations may be made and policy options proposed for improvement of the situation.

1. Ukraine's concept to build a modern European society should distance itself from the ethnocentric model in the narrow sense of the term. How best to include and involve the richness offered by diversity of nations and peoples for development of Ukraine's culture, language and the arts is the challenge before the policy makers today. Cultural integration of peoples and exemplary projects from all over Ukraine can act as approbations of such an approach. It is worth mentioning that a project in Melitopol on intercultural dialog has enabled it to become an European inter-cultural city in this memorial year 2008 – Year for intercultural dialog in Europe (also in Ukraine). Access to Ukrainian culture and language remains a matter of individual effort and not that of state support and encouragement, while it should be the latter way.

2. Greater coordination is needed among state agencies and institutions with regard to maintenance of statistics and information about the visible minorities. This would allow to dispel speculations with regard to the demographic threat to Ukraine's local population etc. The setting up of a civil body on migration issues with special status within the executive branch of state power is a welcome option.

3. Demographic statistics and projections indicate depopulation, related to decline of birth rate, aging of the population and higher mortality rate. To add to this is the outflow of Ukrainians abroad for work. In view of these changes, the crucial task before the policy makers of Ukraine is to sustain the development of Ukraine and its economic growth. To support this, appropriate migration policy with clearly set goals for immigration in the short, medium and long term perspective should be worked out.

4. However, before the above is attempted, serious work needs to be done in getting the existing state of affairs with regard to immigrants, refugees and asylum seekers in order, including:

a. Streamlining of policy and coordination among state bodies, extended cooperation with a wider network of NGOs, including those who deal with or represent ethnic communities are needed. Procedures and their application should be unified, with clear eligibility criteria and ensure the maximum possible level of transparency. Immigration quotas need to be published in nationwide state financed newspapers and the list of persons accepted as citizens or issued permanent residence permits should also be published openly. This does not in any way refer to refugees or asylum seekers.

b. Advocacy to enhance social acceptance of diversity, of humanitarian support given to people who flee from persecution is an aspect that is to be covered by the bodies articulating educational and public information policy.

c. Not only stricter penalties for use of hate speech, xenophobic attacks and racism in the media and cyberspace, by politicians and parties as well as among the public, but these penalties should be enforceable and reaction of the authorities to inflammatory speech and conduct should be quick and efficient, irrespective of position or status of the media, politician or party.

5. Access to basic needs – primary health care and labor market at par with the local population are attributes of a healthy market economy, which targets minimum support to all for maintaining a high standard of public health and workforce. These are also in tune with the European standard of living.

6. While in Ukraine, secondary education for children may be accessed and afforded by all children, the quality of higher education provided on paid basis to foreign students need to be improved. This relates to security of foreign students, staffing of universities, control of the fulfillment of contracts by individual universities vis-à-vis the students, conditions of living of the foreign students, medical care given to them. In addition, the students should have the legitimate right to appeal to any appropriate authorities in case of violation of their human rights as well as terms of the contract with them. Decisive role of the Ministry of Education in this sphere is expected.

7. Last but not the least is the human rights of the visible minorities and the policing dimension of the issue.

a. Needless to say that several valuable steps have been taken and slowly changes are noticeable. Changes are seen in the process of detection and identification of race-based discrimination or attack (and

murder) cases, as well as in adjudication – recently in two cases the perpetrators were sentenced under article 91.

b. In order to turn policing into a Police service and not just a Police force with coercive capacity, the police officers should be reprimanded of their bad conduct (and seriously penalized). People in relation to whom such conduct occurs need to be enabled to complain: such simple things as the identity number, name and surname of the police officer may be placed on the uniform in the form of a name badge, so that the “victim” of abuse may remember by looking at the officer his/her name etc. In that case establishing the identity of the officer will not be difficult. This especially applies to those who are on their regular patrols checking documents. Checking of documents should also have consistency, one person after being checked in the morning, should be given a check clearance card, with which at least for some specific time (to be determined) he/she will not experience any checks.

c. System of promotion of officers to higher ranks and also offering prizes and perks to them should be tied to their conduct with the public, wherein cases of abuse and misconduct should act as serious hindrances to promotion

d. Additionally, in the cases of the visible minorities not knowing local languages, all documents that are signed by the latter, should be translated and made understood to the person signing it and also authentic copies should be made for the person making the complaint. This follows from one of the unanimous responses of the present survey.

ANNEXES

STATUS OF RATIFICATION OF MAJOR INTERNATIONAL AND REGIONAL INSTRUMENTS RELEVANT TO MINORITY AND INDIGENOUS RIGHTS BY UKRAINE AS OF OCTOBER 2007

Country	
Ukraine	
	International Convention on the Prevention and Punishment of the Crime of Genocide 1948
p	
	International Convention on the Elimination of All Forms of Racial Discrimination 1965
pu	
	International Covenant on Civil and Political Rights 1966
p1	
	International Covenant on Economic, Social and Cultural Rights 1966
p	
	Convention on the Elimination of All Forms of Discrimination against Women 1979 Convention on the Rights of the Child 1989
p	
	ILO 111 Discrimination (Employment and Occupation) Convention, 1958
p	
	ILO 169 Convention Concerning Indigenous and Tribal Peoples in Independent Countries 1989
p	
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990
p	
	ICC Rome Statute of the International Criminal Court 1998 European Charter for Regional or Minority Languages 1992
p	
	Framework Convention for the Protection of National Minorities 1995
p	

p Ratification, accession or succession.

P Signature not yet followed by ratification.

pu Ratification of ICERD and Declaration on Article 14.

pU Ratification of ICERD and Signature of Declaration on Article 14.

p1 Ratification of ICCPR and Optional Protocol.

p! Ratification of ICCPR and Signature of Optional Protocol.

P! Signature of ICCPR and Optional Protocol.

UNIVERSAL DECLARATION ON CULTURAL DIVERSITY

ADOPTED BY THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AT ITS THIRTY-FIRST SESSION ON 2 NOVEMBER 2001

The General Conference ,

Committed to the full implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized legal instruments, such as the two International Covenants of 1966 relating respectively to civil and political rights and to economic, social and cultural rights,

Recalling that the Preamble to the Constitution of UNESCO affirms “that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern”,

Further recalling Article 1 of the Constitution, which assigns to UNESCO among other purposes that of recommending “such international agreements as may be necessary to promote the free flow of ideas by word and image”,

Referring to the provisions relating to cultural diversity and the exercise of cultural rights in the international instruments enacted by UNESCO, 1

Reaffirming that culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs, 2

Noting that culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy,

Affirming that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security,

Aspiring to greater solidarity on the basis of recognition of cultural diversity, of awareness of the unity of humankind, and of the development of intercultural exchanges,

Considering that the process of globalization, facilitated by the rapid development of new information and communication technologies, though representing a challenge for cultural diversity, creates the conditions for renewed dialogue among cultures and civilizations,

Aware of the specific mandate which has been entrusted to UNESCO, within the United Nations system, to ensure the preservation and promotion of the fruitful diversity of cultures,

Proclaims the following principles and adopts the present Declaration:

Identity, diversity and pluralism

Article 1 - Cultural diversity: the common heritage of humanity

Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.

Article 2 - From cultural diversity to cultural pluralism

In our increasingly diverse societies, it is essential to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together. Policies for the inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace. Thus defined, cultural pluralism gives policy expression to the reality of cultural diversity. Indissociable from a democratic framework, cultural pluralism is conducive to cultural exchange and to the flourishing of creative capacities that sustain public life.

Article 3 - Cultural diversity as a factor in development

Cultural diversity widens the range of options open to everyone; it is one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence.

Cultural diversity and human rights

Article 4 - Human rights as guarantees of cultural diversity

The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.

Article 5 - Cultural rights as an enabling environment for cultural diversity

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons should therefore be able to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons should be entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

Article 6 - Towards access for all to cultural diversity

While ensuring the free flow of ideas by word and image, care should be exercised so that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

Cultural diversity and creativity

Article 7 - Cultural heritage as the wellspring of creativity

Creation draws on the roots of cultural tradition, but flourishes in contact with other cultures. For this reason, heritage in all its forms must be preserved, enhanced and handed on to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among cultures.

Article 8 - Cultural goods and services: commodities of a unique kind

In the face of present-day economic and technological change, opening up vast prospects for creation and innovation, particular attention must be paid to the diversity of the supply of creative work, to due recognition of the rights of authors and artists and to the specificity of cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods.

Article 9 - Cultural policies as catalysts of creativity

While ensuring the free circulation of ideas and works, cultural policies must create conditions conducive to the production and dissemination of diversified cultural goods and services through cultural industries that have the means to assert themselves at the local and global level. It is for each State, with due regard to its international obligations, to define its cultural policy and to implement it through the means it considers fit, whether by operational support or appropriate regulations.

Cultural diversity and international solidarity

Article 10 - Strengthening capacities for creation and dissemination worldwide

In the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level.

Article 11 - Building partnerships between the public sector, the private sector and civil society

Market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development. From this perspective, the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed.

Article 12 - The role of UNESCO

UNESCO, by virtue of its mandate and functions, has the responsibility to:

(a) Promote the incorporation of the principles set out in the present Declaration into the development strategies drawn up within the various intergovernmental bodies;

(b) Serve as a reference point and a forum where States, international governmental and non-governmental organizations, civil society and the private sector may join together in elaborating concepts, objectives and policies in favour of cultural diversity;

(c) Pursue its activities in standard-setting, awareness-raising and capacity-building in the areas related to the present Declaration within its fields of competence;

(d) Facilitate the implementation of the Action Plan, the main lines of which are appended to the present Declaration.

1 Among which, in particular, the Florence Agreement of 1950 and its Nairobi Protocol of 1976, the Universal Copyright Convention of 1952, the Declaration of Principles on International Cultural Co-operation of 1966, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), the Convention for the Protection of World Cultural and Natural Heritage of 1972, the UNESCO Declaration on Race and Racial Prejudice of 1978, the Recommendation concerning the Status of the Artist of 1980, and the Recommendation on Safeguarding Traditional and Popular Culture of 1989.

2 This definition is in line with the conclusions of the World Conference on Cultural Policies (MONDIACULT, Mexico City, 1982), of the World Commission on Culture and Development (Our Creative Diversity , 1995), and of the Intergovernmental Conference on Cultural Policies for Development (Stockholm, 1998).

DECLARATION ON THE HUMAN RIGHTS OF INDIVIDUALS WHO ARE NOT NATIONALS OF THE COUNTRY IN WHICH THEY LIVE

Adopted by UN General Assembly resolution 40/144 of 13 December 1985

The General Assembly,

Considering that the Charter of the United Nations encourages universal respect for and observance of the human rights and fundamental freedoms of all human beings, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the Universal Declaration of Human Rights proclaims further that everyone has the right to recognition everywhere as a person before the law, that all are equal before the law and entitled without any discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of that Declaration and against any incitement to such discrimination,

Being aware that the States Parties to the International Covenants on Human Rights undertake to guarantee that the rights enunciated in these Covenants will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Conscious that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recognizing that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live,

Proclaims this Declaration:

Article 1

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

Article 2

1. Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.

2. This Declaration shall not prejudice the enjoyment of the rights accorded by domestic law and of the rights which under international law a State is obliged to accord to aliens, even where this Declaration does not recognize such rights or recognizes them to a lesser extent.

Article 3

Every State shall make public its national legislation or regulations affecting aliens.

Article 4

Aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

Article 5

1. Aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, in particular the following rights:

(a) The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law;

(b) The right to protection against arbitrary or unlawful interference with privacy, family, or correspondence;

(c) The right to be equal before the courts, tribunals and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;

(d) The right to choose a spouse, to marry, to found a family;

(e) The right to freedom of thought, opinion, conscience and religion; the right to manifest their religion or beliefs, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others;

(f) The right to retain their own language, culture and tradition;

(g) The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.

2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in this Declaration, aliens shall enjoy the following rights:

(a) The right to leave the country;

(b) The right to freedom of expression;

(c) The right to peaceful assembly;

(d) The right to own property alone as well as in association with others, subject to domestic law.

3. Subject to the provisions referred to in paragraph 2, aliens lawfully in the territory of a State shall enjoy the right to liberty of movement and freedom to choose their residence within the borders of the State.

4. Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.

Article 6

No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.

Article 7

An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

Article 8

1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations under article 4:

(a) The right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interests of national security or public order or for the protection of the rights and freedoms of others;

(c) The right to health protection, medical care, social security, social services, education, rest and leisure, provided that they fulfil the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.

2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they are present, such rights may be specified by the Governments concerned in multilateral or bilateral conventions.

Article 9

No alien shall be arbitrarily deprived of his or her lawfully acquired assets.

Article 10

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he or she is a national or, in the absence thereof, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he or she is a national in the State where he or she resides.

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