

# *Danish Immigration Service*

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## **Report on the Fact-finding Mission to Ukraine**

**9 to 18 February 2000**

**Copenhagen, September 2000**

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### 1. Introduction

During the period from 9 to 18 February 2000, the Danish Immigration Service and the Norwegian Immigration Service carried out a joint fact-finding mission to Ukraine in order to gather information on the conditions faced by the Jewish minority in Ukraine.

The delegation held meetings with embassies, international and national human rights organisations, authorities, lawyers and Jewish organisations in Kiev and Odessa. (See Annex 1, which contains a map of Ukraine, and section 11, which contains a list of the persons consulted.)

The delegation was warmly received wherever it went. An interpreter was used at most of the meetings. With one exception – a Western embassy – none of the mission's sources requested anonymity.

The aim of the mission was to obtain information and conduct enquiries in accordance with the following terms of reference:

In a fact-finding report following meetings with the relevant authorities, international and national organisations and NGOs (non-governmental organisations) etc., the delegation will examine the following matters with regard to the situation faced by the Jewish minority in Ukraine:

Demography

General social, economic, educational and political conditions  
Religious conditions

Legal conditions

- Legislation relating to minorities, including Jews
- Religious freedom
- Circumstances surrounding documents and the issuing of documents

Relations between Jews and other sections of the population

- Possible anti-Semitism
- Possible anti-Semitic groups

Relations between Jews and the authorities

The legal system/enforcement of the law, including the right to lodge complaints and complaint procedures in cases of injustice

Circumstances with regard to entering and leaving the country.

## **2. History**

Until the 17th and 18th centuries, what is now Ukraine was occupied by Poles, Lithuanians, Hungarians, Tartars and Ottoman Turks. After a brief period of independence in the mid-1700s, Eastern Ukraine became part of Russia while Western Ukraine became part of Poland and later Hungary and the Habsburg Empire. It was only after World War I and the Russian October Revolution in 1917, when the Communist Bolshevik regime had to cede Eastern Ukraine to the German army under the terms of the Treaty of Brest-Litovsk, that Ukraine experienced a brief period of independence. In January 1918 Eastern Ukraine declared itself the Independent Ukrainian People's Republic, and Western Ukraine likewise declared itself an Independent People's Republic in November 1918 following the collapse of the Habsburg Empire. In January 1919 the two Ukrainian People's Republics were formally united. The Russian Bolsheviks' unsuccessful attempts to invade Poland in early 1919 led to parts of Western Ukraine having to be ceded to Poland, Czechoslovakia and Romania under the terms of a peace agreement. Following the Red Army's repeated invasions of Eastern Ukraine, a Ukrainian Soviet Republic was established in early 1920 at the third attempt, thereby dividing Ukraine once more. At the end of World War II Ukraine was reunited through the reincorporation of those areas of Western Ukraine which had been ceded to Poland, Czechoslovakia and Romania, but the country still formed part of the Union of Soviet Socialist Republics. It was only when the Soviet regime disintegrated at the end of the 1980s that Ukraine was able to proclaim its sovereignty (in July 1990) and, when the Ukrainian Supreme Soviet declared an independent state on 24 August 1991, Ukraine became a united, independent and autonomous country for the first time in its history.

The history of the East Slavic Jews goes back thousands of years and is marked throughout that period by anti-Semitism at both State and popular level in the form of persecution, pogroms, discrimination and segregation. Such conditions led to large-scale Jewish emigration between 1870 and 1914, and this is why a large proportion of British and North American Jews are Russian and Polish Jewish emigrants. In addition, many Jews were prompted to participate in the revolutionary activities which took place in the 19th and 20th centuries: the Jewish "Bund" party was thus the only Russian workers' party in existence at the turn of the century. After the February Revolution in 1917 and the fall of the Russian Tsarist regime, one of the first tasks undertaken by the provisional government which had been installed was to create a legal basis granting Jews equal rights. Following the October Revolution in the same year and the establishment of the atheistic and anti-nationalist Soviet regime, the country became a totalitarian state, affecting not only Jews but all other Soviet citizens too.

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From the mid-1930s (during the Stalin era<sup>1</sup>) onwards, Jews were subjected to State-imposed discrimination in the form of restrictions on their education and employment. As far as education was concerned, however, Jews already formed an excessively large proportion of the well-educated. Hence, in the mid-1940s, 50% of lawyers in St Petersburg and 10% of the members of the Soviet science academy were Jews. However, Jews were barred from public office and prevented from wielding any political influence. Consequently, Jews were not represented in the government, the Communist Party leadership, the diplomatic service or the military leadership. Even though Jews had "Jewish" entered as their nationality in documents, they were not represented in the Council of Nationalities (as were all the other ethnic nationalities in the Soviet Union) and thus had no political say. In contrast to most ethnic minorities in the Soviet Union, the Jews did not have their own cultural institutions, nor were they given an opportunity to teach in their own language (Yiddish or Hebrew).

The Nazi Holocaust of the Jews during World War II resulted in the proportion of Soviet Jews in the Soviet population falling from 2,5% to 1% and Jewish casualties were four times higher than those suffered by the rest of the population. This particular state of affairs was concealed by the Soviet leadership and it was only the intervention of Russian intellectuals, including the Russian author Yevgeny Yevtushenko, that stopped Babi Yar in Kiev – the site of the first large-scale Jewish massacre in the Soviet Union, or in Europe, in September 1941 – from being turned into a recreational area.

The war in the Middle East in 1967 and 1973 led to intensive anti-Israeli, anti-Zionist, anti-Semitic and anti-Jewish campaigns in the Soviet Union and between the early 1970s and the early 1980s around a quarter of a million Jews emigrated to Israel.<sup>2</sup>

According to the Ukrainian Helsinki Committee, the Jews played an extremely active role in Ukraine's fight for independence in the late 1980s. Many Jewish leaders were also active in Ukrainian organisations during that period and this led to friendships being struck up between Ukrainian and Jewish dissidents (critics of the prevailing political regime). This good relationship was exemplified by the fact that the Israeli flag was flown by the Ukrainians and the Ukrainian flag (before it became official) by the Jews. The political organisations which came into being during the struggle for independence did not include any anti-Semitic slogans in their manifestos. As soon as Ukraine gained independence, all laws with an anti-Semitic content were repealed.

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<sup>1</sup> A large number of Jews were among those arrested, executed or sent to labour camps during the purges of Communist parties and in connection with the Moscow Trials in the mid-1930s. The victims of the purges included more Jews than any other nationality, commensurate with the high proportion of Jews among the older Bolsheviks against whom the purges were directed. Shortly before Stalin's death in 1952, preparations were under way for a new Moscow Trial, this time targeted at Jewish doctors.

<sup>2</sup> Sources: L. Kochan (Ed.): *The Jews in Soviet Russia Since 1917*, Oxford 1978, and Dr Andrew Wilson: *Ukraine, History*, contained in: *Eastern Europe and the Commonwealth of Independent States 1999*, London 1998.

### 3. Demography

Today's Jews are a mixture of descendants of converts and descendants of the original Israeli Jews. Judaism is currently practised by persons from a variety of ethnic backgrounds. There are a number of major Jewish groups: the Eastern European and North American Ashkenazic Jews, Sephardic Jews from the Mediterranean, Arab and Yemeni Jews, Persian and Ethiopian Jews, Kaifeng Jews from China and small groups of Jews in southern Libya, Burma and India. According to legend, groups of African Jews and indigenous American Jews have also existed. In Uganda there is a group of Abayudaya Jews (these are Jewish converts, however).

Within Judaism there are three major religious schools of thought: Conservative Judaism, Orthodox Judaism and Reform/Progressive Judaism. There is also an offshoot of Conservative Judaism known as Reconstructionist Judaism. In addition, all the major groups are divided up into several subgroups. The main religious movement in Eastern Europe is Hasidism. The word "Hasidism" comes from "hasid", meaning pious. The movement was founded by Rabbi Israel Ba'al Shem Tov, also known as Besht, and came into existence in Ukraine and Russia in the 18th century. Hasidism differs from other religious movements in that it attaches great importance to the Kabbalah, part of the Talmud.<sup>3</sup>

According to the Israeli Embassy, a Ukrainian citizen who wishes to emigrate to Israel is regarded as a Jew if he can prove that he has either a Jewish grandfather or a Jewish grandmother (see the section on documents). The Embassy thus accepts only the genetic definition as a criterion for Jewishness. A person who converts to Judaism is therefore not regarded as a Jew and consequently cannot emigrate to Israel on that basis. Moreover, a person who has converted to Judaism is not recognised in Orthodox Israel if he has converted to a movement other than Orthodox Judaism.

The Jewish Council informed us that a Jew is a person who subjectively regards himself as a Jew and has an interest in Jewish culture. Furthermore, a person is genetically Jewish if he has Jewish parents and a Jewish grandmother or grandfather. There are 32 different groups of ethnic Jews living in Israel.

According to the Jewish Community of Odessa, only persons who are genetically and religiously Jewish (as a result of having a Jewish grandmother) may be regarded as Jews. Many persons who claim to be genetically Jewish for emigration purposes are not spiritually Jewish.

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<sup>3</sup> Source: Shamas, the Jewish Internet Consortium, Hebrew College's Centre for Information Technology, Brookline, MA, USA, January 2000.

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According to the 1989 census, Ukraine has a total of 52 million inhabitants. Of those 52 million, 14 million (approx. 27%) are of an ethnic origin other than Ukrainian. The largest group of non-Ukrainians are Russians (approx. 22%), while Jews make up the second largest group (approx. 1%). Belarussians, Bulgarians, Poles, Hungarians, Moldavians, Germans, Romanians, Greeks and Tartars are among the other nationalities residing in Ukraine.

The State Committee of Ukraine for Nationalities and Migration reported that the 1989 census had revealed a total of 486 000 Jews residing in Ukraine. Most Ukrainian Jews are urban, with the 1989 statistics showing a total of 481,000 living in towns and cities (principally in Kiev (20,7%), Odessa (14,2%), Dnipropetrovs'k (10,3%) and Kharkiv (10,1%)). In Odessa, 60% of inhabitants are of an ethnic origin other than Ukrainian.

### *3.1. Emigration*

However, many Jews have emigrated since 1989, mainly to Israel, the USA and Germany. Emigration to Germany takes place under the German emigration programme for Jews from CIS Member States<sup>4</sup>. The programme aims to enable more Jews to emigrate to Germany and constitutes a form of atonement ("Wiedergutmachung"). Ukrainian Jews make up the largest proportion of Jews emigrating from the CIS Member States. According to figures based on information provided by the State Statistical Committee and presented by the State Committee of Ukraine, a total of 311 637 persons have emigrated to Israel, while according to Israeli data - also supplied by the State Committee - emigration to Israel involves a total of 242 187 persons. (See Annex 2.)

The State Committee reported that emigration from Ukraine has fallen since independence in 1991 and the drop in numbers relates to all ethnic groups (including Jews). In 1990 Jews constituted the largest group of emigrants (90 000 persons). At the time, Jews were able to emigrate with a view to family reunification. In 1996 Jews accounted for 37% of emigrants and in 1997 36%. At present, Ukrainians make up the largest ethnic group of emigrants to Israel, followed by Russians. In 1997 21 000 persons emigrated to Israel, of whom 7 000 were Jews. The remainder were non-Jews emigrating with a view to family reunification. The State Committee believes that emigration has thereby lost its ethnic nature.

The Israeli Embassy issued around 24 000 visas in 1999 on the basis of the Israeli law on the admission of Jewish Ukrainians wishing to emigrate to Israel. A further 3 000 to 4 000 Jews emigrate to other countries and around 10 000 emigrate to Germany each year. The Embassy reported that only 36% of those emigrating to Israel are Jewish.

The Israeli Embassy was of the opinion that Jews are emigrating solely for economic reasons. The same view was held by the Jewish Council, which added that many Jews are incorrectly citing anti-Semitism as the reason for their emigration. According to the Association of Jewish Organisations, most emigration is taking place solely on economic grounds, although 20% are emigrating because of anti-Semitism.

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<sup>4</sup> CIS = Commonwealth of Independent States.

The Ukrainian Conflict Resolution Association reported that most emigration from Ukraine involves ethnic Jews and ethnic Germans and is linked to the poor economic situation and negative expectations with regard to the future.

According to the Jewish Community of Odessa, it is the most active Jews who have left the country. The poor state of the economy is undoubtedly the reason for Jewish emigration and the Ukrainian State would rather see the Jews remain in the country.

### 4. General social, economic, educational and political conditions

#### 4.1. *Social and economic conditions*

All sources reported that Ukraine is in the midst of serious economic difficulties. According to the Jewish Council, this is due to some extent to the transition from a planned economy to a market economy. Some citizens are well-off and have a high standard of living, while others - in particular, pensioners and the unemployed - are extremely poor. Approximately 20% of the population are unemployed, while the pension amounts to between 50 and 85 hryvnas<sup>5</sup> per month. According to the Danish Embassy, the nationally established statutory minimum wage is 57 hryvnas per month and this figure is used by the State to calculate pensions and social security benefits. The Odessa Organisation of the International Society for Human Rights informed us that the average income is 70-80 hryvnas per month. It believed that 25% of the population are registered as unemployed, but added that the actual figure is higher as many unemployed people are not registered. Its President told us that he himself was unemployed and received 27 hryvnas (= DKK 41) per month in unemployment benefit. A Western embassy pointed out that, as an example of public-sector wages, a police officer receives a monthly salary of 400 hryvnas.

According to the Helsinki Committee, the Jewish organisations mostly operate on a charitable basis. This was confirmed by the Association of Jewish Organisations, which said that it provides charitable assistance to the elderly among others. In addition to providing medical assistance etc., it also runs a soup kitchen in Kiev which feeds 2 000 people each day. The Jewish Community of Odessa informed us that it is a humanitarian organisation which provides assistance in the form of food and medicine and runs two children's homes, one for boys and one for girls.

According to the Helsinki Committee, there are a number of Jewish businessmen who donate money to social work which benefits not just Jews but other Ukrainian citizens too.

The Odessa Organisation of the International Society for Human Rights said that the humanitarian organisations - some of which exist only on paper - receive donations from countries including Germany in the form of medicine and money. It stressed that the economic conditions are the same for everyone regardless of ethnicity.

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<sup>5</sup> According to the exchange rate at 28 January 2000, 10 Ukrainian hryvnas (UAH) = DKK 13,53.

#### 4.2. Education

According to the State Committee of Ukraine for Nationalities and Migration, there are five Jewish schools providing instruction in Yiddish and Hebrew. There are ten kindergartens and 63 Sunday schools. There is also a Jewish university - the Solomon University in Kiev. According to the Jewish Council, 70% of students at the university are non-Jewish. In addition, there is a department within the Science Academy's Political and Ethnopolitical Institute which carries out research into Jewish culture. There are four State-owned Jewish theatres in Kiev (according to the Jewish Council, there are a total of six Jewish theatres), which are partly funded by the Ministry of Culture. According to the Israeli Embassy, the Jewish schools teach Jewish history in accordance with the guidelines laid down by the Israeli Ministry of Education. In the opinion of the Helsinki Committee, the Jewish schools are better equipped than the ordinary schools as they receive financial assistance from the Jewish diaspora. The Association of Jewish Organisations stated that it provides assistance to young people in connection with their education. The Jewish Community of Odessa said that Odessa has three Jewish schools and a Jewish library and it would like to set up more schools. The first school was established seven years ago by an Israeli rabbi. Today, children are educated at the schools in order to strengthen their Jewish identity. It is thus the children who teach their parents about Jewish culture, as their parents were denied such an education when they themselves were growing up in the Soviet Union.

The leader of the Jewish Community of Odessa said that he was the headmaster of a Jewish school - the Ohr Somayach School. According to him, Jewish schools must prove that they comply with the education programme laid down by the State in order to obtain a government licence. The schools receive money from various sponsors, but do not receive any financial assistance from the State as there are no funds available. He admitted, however, that his school did not wish to receive any government subsidies as it did not want the State to interfere in its affairs. In his opinion, Ukrainian schools are generally of poor quality and there are often problems with the payment of teachers' salaries. Consequently, an increasing number of teachers are seeking employment in the Jewish schools. Furthermore, with regard to further education, young Jews can study at the University of Jerusalem in Israel without having to fulfil the usual entrance requirements, under a special educational programme called *Odessa*. The programme focuses mainly on scientific and technical studies. He regretted the fact that most young students remain in Israel and do not return to Ukraine, with their families emigrating to Israel at a later stage.

The Ukrainian Conflict Resolution Association reported that the proportion of educated people is twice as high among Jews as it is among the rest of the population. Hence, for every 1 000 Ukrainian citizens, 120 have had a higher education, while the corresponding figure for Jews is 450. The organisation added that, although these are rough figures, they do give a true picture of the proportions. Jews are educated mainly in the fields of medicine, the arts, law and science.

### ***4.3. Jewish organisations***

According to the State Committee of Ukraine for Nationalities and Migration, the Jewish minority made a valuable contribution to Ukraine's fight for independence. After independence, the Jews helped to bring about a general ethnic renaissance in Ukraine. They were the first to establish their own organisations, press and educational and cultural institutions, etc., thereby setting an example to other ethnic groups. The Jews led the renaissance process by setting up organisations at national level in accordance with the principle of cooperation. For example, the National Council for Ethnic Ukrainians, an umbrella organisation for all Ukrainian ethnic groups, was founded by Jews and is now led by a Jew. In the State Committee's opinion, Jews are loyal to the Ukrainian State as they operate within the boundaries of Ukrainian legislation. The State therefore treats them in the same way as other Ukrainian citizens. (See Annex 3.)

In accordance with the Law on civic associations, all associations must be registered on the basis of the submission of their memoranda of association and rules of management, etc., and must then be approved by the Ministry of Justice. According to the State Committee, there is a network of Jewish associations. The two largest Jewish organisations are the Association of Jewish Organisations and the Jewish Council. Both organisations have the status of national (all-Ukrainian) organisations as they both have branches and affiliated organisations in almost every town in Ukraine. The Association of Jewish Organisations, for instance, has 205 branches in 80 towns. One of the aims of the Jewish Council is to commemorate the Jews put to death by the Nazis; this is done partly through the Babi Yar Foundation. As part of the Foundation's work, 2 000 Ukrainians have been accorded special recognition for rescuing Jews during the German occupation. In 1999 the All-Ukrainian Congress was established by the Jewish businessman Vadim Rabinovich with the aim of uniting all Jewish organisations under one banner. This goal has not been achieved, however, and the Jewish organisations remain divided.

The Jewish Community of Odessa informed us that it was established and held its first meeting in Odessa – home to 40 000 Jews – in 1988, when the country was still part of the Soviet Union. This was a difficult period, with the organisation under surveillance by the Soviet intelligence service (the KGB). The organisation added that it now has no problems with the authorities.

The Helsinki Committee confirmed that all Jewish organisations are now able to operate freely.

### ***4.4. Political conditions***

According to the Ukrainian Conflict Resolution Association, Jews are well integrated into the political system and there are many well-known politicians who are ethnic Jews. Examples include the leader of the Ukrainian Social Democratic Party, the former Minister for Chernobyl, the former Mayor of Odessa, one of the mayoral candidates in Kiev (who came second in the election) and Yurkym Zvyahilsky, Prime Minister from 1993 to 1994.

Moreover, according to the Jewish Council, Vinnytsa and Yalta - like Odessa - have also had Jewish mayors and there have been several deputy ministers and one deputy prime minister of Jewish origin. The Israeli Embassy pointed out that there are currently between 12 and 14 Jewish Members of the Ukrainian Parliament.

The Jewish Community of Odessa said that, although there are no overtly Jewish parties, Jewish voters prefer Jewish candidates.

Although the Jewish Council does not think that Jews are prevented in any way from engaging in political activities, it believes that Jewish Members of Parliament find it difficult to work within the political administration and structure as no-one explains the system to them. Furthermore, Jewish MPs do not deal specifically with Jewish issues.

#### ***4.5. The Jewish press***

According to the State Committee of Ukraine for Nationalities and Migration, 20 Jewish newspapers are published, some of which are State-aided. The Parliament publishes a newspaper called *Voice of Ukraine* which includes six different supplements, one of which contains Jewish news. In addition, a Jewish programme called *Jakhad* ("together") is broadcast on the national television channel. The Association of Jewish Organisations publishes two newspapers and told us that the Jewish minority brings out a total of 30 publications. The Jewish Community of Odessa publishes two Jewish newspapers in Odessa, where two Jewish television programmes are also broadcast.

### 5. Religious conditions

According to the Association of Jewish Organisations, Ukrainian Jews are mostly Orthodox Jews, although there is a small group of Reformists with around 20 communities. Most of the Orthodox Jews are Hasidic Jews. 5% of Ukrainian Jews observe the religious laws, but the Association's head was of the opinion that all Jews are believers at a fundamental level and there are no Jews who are not religious. The Jewish Community of Odessa did not have any information on the proportion of Jews in Ukraine or Odessa who are believers.

In 1992 Ukraine issued a decree ordering that buildings which used to belong to religious groups and which were confiscated during the Soviet period should be returned either for their free use or into their ownership. The State Committee of Ukraine for Nationalities and Migration informed us that 20 buildings which had been synagogues during that period had been returned to the Jewish community.

The Association of Jewish Organisations was dissatisfied with the way in which property has been returned, as the Jews in Kiev have hitherto had only one of 17 buildings returned to them; moreover, the return process is proving very slow. For instance, there are only two synagogues in Kiev, which is currently home to 100 000 Jews. Bearing in mind its finances, although the Association has been offered other buildings, it wants to be given back only those buildings which have not been badly damaged and which can affordably be restored.

The Jewish Council confirmed that the Jews have had one synagogue returned to them in 1992. It added that other religious groups have also had religious buildings returned to them. The Council stressed that the problems connected with the return of former religious buildings affect not only Jews but also other religious groups, e.g. Christians.

According to the Jewish Community of Odessa, there are two synagogues in Odessa. One was returned following the change of regime and had previously been used as a gymnasium during the Soviet era <sup>6</sup>.

The Ukrainian Conflict Resolution Association said that the problems relating to the return of religious buildings are connected with the generally poor economic situation, as the new owners are demanding financial compensation for the returned buildings and the State does not have sufficient funds to purchase them. In L'viv, legal proceedings are currently in progress in connection with the amount of compensation to be awarded to the present owners.

In the opinion of the Israeli Embassy, the problems which have arisen in connection with the return of former religious buildings are also attributable to the fact that the Jewish organisations are having difficulty in putting in order and administering the buildings in question.

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<sup>6</sup> The delegation visited the synagogue and was able to confirm that it was in a serious state of disrepair; on the ceiling of the hall, traces of painted Communist slogans could still be seen.

## 6. Legal conditions

### 6.1. Legislation relating to minorities, including Jews

According to the State Committee of Ukraine for Nationalities and Migration, the criteria of international law are used to define minorities in Ukrainian legislation. Pursuant to the legal definition, Ukrainian citizens of non-Ukrainian ethnic origin are regarded as ethnic nationalities. At a personal level, nationality is determined on the basis of a feeling or awareness of belonging to a specific ethnic group.

The State Committee of Ukraine for Nationalities and Migration said that the Law on national minorities in Ukraine was adopted in 1992 and covers all ethnic minorities in Ukraine; consequently, there is no specific legislation relating to Jews (the Law is attached to this report as Annex 4). Furthermore, a new law is currently being drafted. The present Law, which guarantees the rights of minorities in a wide range of areas, has been recognised by the Council of Europe. In the Committee's opinion, the State still needs to work on applying the Law to national minorities at a practical level. In addition, in 1997 the Ukrainian Parliament ratified the Council of Europe's Framework Convention for the Protection of National Minorities and in December 1999 Ukraine was the ninth country in Europe to ratify the European Charter for Regional or minority Languages. The Charter lays down four types of obligations and Ukraine has committed itself to the highest level of obligation. According to the Committee, this will involve a certain amount of expenditure, but the State accords high priority to achieving ethnic peace. Moreover, Ukraine had already complied with many of the provisions prior to ratification, e.g. there are 2 500 schools for the Russian minority. Finally, the linguistic, cultural and religious rights of minorities are guaranteed by Articles 10 and 11 of the Ukrainian Constitution, which was adopted in June 1996.

The Jewish Council was of the opinion that the Law on minorities, while satisfactory, was being poorly administered in practice. The International Organisation of Human Rights thought that the Law on minorities was not being put into practice.

With regard to cultural institutions for minorities, the Jewish Council thought that cultural activities should be financed by the State, though at the same time it acknowledged that the State had no funds available.

### 6.2. Religious freedom

Several sources, including the Association of Jewish Organisations, the Jewish Council, the Odessa Organisation of the International Society for Human Rights and the Helsinki Committee, stressed that there is currently religious freedom in Ukraine and that all religious groups – including Jews – are free to practise their religions. (See section 5 on religious conditions.)

### *6.3. Circumstances surrounding documents and the issuing of documents*

According to the State Committee of Ukraine for Nationalities and Migration, ethnic origin is no longer indicated on passports or other documents issued by the public authorities. Examples of such documents include employment contracts, educational certificates and marriage certificates.

This change came into effect in 1992, with the adoption of the Law on passports and the registration of births, and citizens were to have exchanged their old passports and birth certificates after that Law entered into force. The plan was for such exchanges to be carried out before 1 January 2000, after which date all old documents would become invalid. However, the exchange programme proved difficult to implement and hence there are still a few old documents in existence, including internal passports, which have not yet been exchanged and which are therefore still valid. The Committee added that not all ethnic minorities are happy with the current legislation on documents as they would like to see some acknowledgement of their ethnicity and hence their identity.

According to the Jewish Council, Jews and children of mixed marriages used to conceal their identity during the Communist era, but now the situation is reversed. According to the Israeli Embassy, it used to be possible to change one's name or adopt one's spouse's name in the Soviet Union and many Jews changed their names in the 1950s in order to conceal their ethnicity. Today, many Jews wish to rediscover their ethnic identity and reassume their original names. However, it is currently extremely difficult to change one's name in Ukraine.

The State Committee of Ukraine for Nationalities and Migration said that ethnic origin is currently recorded only in the migration statistics, and only in cases where emigrants wish to provide details of their ethnicity.

Several sources, including the Jewish Community of Odessa, the Israeli Embassy and a Western embassy, agreed that there are many false documents in circulation which ostensibly attest to Jewish identity. The Israeli Embassy has inspected a selection of the documents submitted and has established that 40% of the documents in question are false. The reason for the forgeries is that documentation attesting to Jewish ethnicity opens the door to emigration to Israel, Germany, the USA and other countries. According to the Israeli Embassy, it is possible to purchase all kinds of documents and the quality depends on the amount of money that can be paid. However, the Embassy is able to assess the authenticity of any document. It noted that Israel has identified up to 45 people who have emigrated to Israel on the basis of false documents and have turned out to be non-Jewish. A Western embassy commented that it does not recognise any documents issued since 1989, because of the many forgeries in existence.

According to the Danish Embassy, personal data is recorded by the Passport and Visa Registration Office (*Otdel viz i Rgistratsii* (OVIR)) and registration takes place in the municipalities on a decentralised basis. Registration is compulsory and the internal passport shows the most recent address.

## **7. Relations between Jews and other sections of the population**

All sources stated that anti-Semitic incidents may occur in private, while adding that most instances of anti-Semitism are verbal in nature. According to the Norwegian Embassy, there have been no cases of anti-Semitism degenerating into violence during the past three years. Only one source, the Association of Jewish Organisations, could cite a case in which a Jew had been exposed to physical violence because she was Jewish. The person in question was a Jewish woman who had been shopping at the market and had turned up her nose at a pig's head, whereupon which she had been hit in the face by a drunken man. She then hit the man with a tin and knocked him off his feet. None of the other sources, including the Israeli Embassy, knew of any cases in which a Jew had been exposed to physical violence because he or she was Jewish. Nor did any of the sources know of any cases in which a Jewish woman had been raped for being Jewish.

The US Jewish law firm Frishberg and Partners, which has had an office in Kiev since 1991, said that relations with Jews have improved considerably since Ukraine became independent and that Ukrainian citizens generally have no interest at present in matters relating to nationality. Jews are now well integrated into Ukrainian society - for instance, one of the President's advisers is Jewish. However, attitudes may be a little less enlightened in the regions. The firm referred to a case it had dealt with in Western Ukraine, where the planned purchase of an ancient Jewish religious ground had proved problematic and had not succeeded. However, the firm could not rule out the possibility that the problems with the purchase had been linked to the fact that the purchasers were foreigners rather than the fact that the land in question was Jewish.

In the opinion of the Jewish Community of Odessa, any anti-Semitism which does occur in everyday life manifests itself in cruder terms in rural areas than in towns. The organisation placed advertisements asking any Jews who had suffered any kind of assault to come forward. A number of people responded, but they had experienced financial and social problems rather than assaults, and consequently the organisation is not aware of any instances in which Jews have been physically attacked.

The head of the Association of Jewish Organisations said that he had been subjected to a few verbal attacks. He also said that, although the Association keeps a record of anti-Semitic incidents, it cannot provide details of the number, scope or nature of such incidents. People are used to being the target of anti-Semitism and therefore do not come forward with information about such incidents. It is hooligans and crackpots who are anti-Semitic and, when Jews say that they are afraid to live in the country because of anti-Semitism, they have good reason to feel that way.

The Odessa Organisation of the International Society for Human Rights did not think that anti-Semitism was a problem in Ukraine at present and especially not in Odessa, which it described as a multinational city.

According to the Helsinki Committee, isolated anti-Semitic incidents have taken place in connection with the mayoral, parliamentary and presidential elections, in particular during the mayoral elections in Kiev, in which a Jew stood as a candidate. Some well-known political populists, who are nevertheless not particularly influential, said that some Jewish rival candidates had "odd" (i.e. non-Ukrainian) names.

According to the Ukrainian Conflict Resolution Association, anti-Semitism has historically been linked to the Orthodox Church, but this is no longer the case. Today, marginal groups are the source of anti-Semitism.

In the opinion of the Ukrainian Conflict Resolution Association, anti-Semitism has its origins in envy, as Jews are generally better educated than the rest of the population. According to the Association of Jewish Organisations, anti-Semitism manifests itself in private as a result of the poor state of the economy. The Helsinki Committee also adhered to this view.

The Odessa Organisation of the International Society for Human Rights said that mafiosi may harass prosperous Jews.

### **7.1. *Forms of anti-Semitism***

According to the Norwegian Embassy, anti-Semitism can take the form of harassment, while the Ukrainian Conflict Resolution Association reported that it manifests itself as abusive language. The Helsinki Committee said that anti-Semitism may be expressed verbally in shop queues on an occasional rather than a daily basis; moreover, some people may be very sensitive to it. Furthermore, if a physical assault were to take place, the system itself – despite its shortcomings – would protect the injured party. Frishberg and Partners thought that anti-Semitism could manifest itself as jokes and anecdotes, although these may also be directed at coloured people and foreigners, for example. According to the Jewish Community of Odessa, there have been cases where anti-Semitic graffiti has been painted on the walls of houses in connection with disputes between neighbours.

### **7.2. *Anti-Semitic press***

All sources said that anti-Semitism also manifests itself in newspaper and magazine articles.

According to the Jewish Council, there is a small group of five or six newspapers which occasionally publish anti-Semitic articles. Four of those newspapers are: *Idealist*, with a circulation of 1 000, *Za Vilny Ukrainu*, *Non-Conquered Nation* and *Vechernij Kiiv*. However, the Council stressed that this figure should be considered in the light of the fact that a total of around 2 500 newspapers are published in Ukraine.

The Association of Jewish Organisations said that the newspapers which carry anti-Semitic articles are read by a negligible number of people and the articles in question are mainly published in connection with elections. The Association keeps a record of all such articles. A children's newspaper published by a State-subsidised cultural foundation in Kharkiv, called *Prosjeta*, has attracted particular criticism from the Association, which has instituted legal proceedings (see the section on legal conditions).

The Helsinki Committee confirmed that some newspapers carry anti-Semitic articles, but the same edition may also contain articles from Jewish organisations. The attention which Jews pay to such articles itself makes the articles better known than they would be otherwise. In addition, a few books are published with an anti-Semitic content. However, the total circulation of such newspapers is very small (between 3 000 and 5 000 copies). According to the Committee, Jews have instituted legal proceedings pursuant to section 66 of the Penal Code (see the section below on the legal system).

The State Committee of Ukraine for Nationalities and Migration said that a committee of experts has been set up within the Ministry of Information to collect anti-Semitic articles and the State Committee can institute legal proceedings against the publisher or author if it considers such action necessary. The *Idealist* newspaper, which is published in Western Ukraine, has published articles with an anti-Semitic content.

According to the Ukrainian Conflict Resolution Association, articles with an anti-ethnic content are prohibited under the Law on mass media, which states that it is illegal to stir up conflict between the groups. In addition, Jews themselves can institute court proceedings with regard to specific articles. The organisation was not aware of any newspapers which are consistently anti-Semitic.

The Jewish Council confirmed that it is possible to take legal action against authors of anti-Semitic literature and articles, but also believed that it may be difficult to win such a case, on grounds of freedom of speech.

### **7.3. *Anti-Semitic groups and organisations***

All sources reported that there are anti-Semitic right-wing extremist and nationalist groups in Ukraine.

The Norwegian Embassy considered that the right-wing extremist groups are small and ineffectual. Anti-Semitism is found mainly in Western Ukraine, which is generally more nationalist-oriented, and it is often accompanied by xenophobic hostility towards other ethnic groups, e.g. Russians. However, the Embassy also mentioned a nationalist group which wanted the name of a street to be changed because it was named after the Russian author Alexander Pushkin, although the very same group had no objections to the street being named after a Jew.

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The Helsinki Committee, which has a branch in L'viv, observed that there are some extremist groups and organisations, but they have few members, and the organisations concerned are either against all non-Ukrainian ethnic groups or against Russians, Caucasians or Moslems alone. There are also pan-Slav groups which are intent on fighting the Jews, but such groups are marginal and are found mainly in L'viv in Western Ukraine; moreover, L'viv is the only place in which markedly anti-Semitic parties may be found. Such parties include the Ukrainian National Assembly (UNA), the Ukrainian Social-National Party (SNPU) and the Ukrainian Slavonic Party (which is pan-Slav). While the party leaders do not publicly express anti-Semitic sentiments, lower-ranking members do. The right-wing extremist Basyluk stood as a candidate at the last presidential elections but received only 0,14% of the vote. At the most recent parliamentary elections, none of the extremist parties achieved the minimum percentage of 4% required for parliamentary representation and in total they received only 2,5% of the vote.

The Helsinki Committee stressed that anti-Semitism had generally failed to take root in Western Ukraine. During World War II, the resistance movement in Western Ukraine had been made up exclusively of Jews and a well-known church leader had sheltered up to 300 Jews from Nazi persecution. He had also been the only church leader in Europe to write personally to Hitler, complaining about Jewish persecution. In Eastern Ukraine many pogroms had been initiated by the Russians, not the Ukrainians, while there had been no pogroms in Western Ukraine. In 1939 Western Ukraine had been occupied by the Soviet army. Some of those appointed to the ensuing Russian administration had been Jews, who had been murdered by the resistance movement not because they were Jews but because they belonged to the occupying authorities.

According to the Israeli Embassy, descendants of former Nazi SS-Galicia members gather together from time to time.

## **8. Relations between Jews and the authorities**

All sources, including the Jewish organisations and the Israeli Embassy, reported that there is no State-supported anti-Semitism at present. According to the Ukrainian Conflict Resolution Association, nor is anti-Semitism found among the established parties within the political structure and even nationalist parties have declared themselves tolerant of ethnic groups. The Jewish Council confirmed that there is no politically-motivated anti-Semitism and it is not aware of any cases in which Jews have suffered political persecution. According to the Israeli Embassy, nor have there been any instances of State-supported anti-Semitism in connection with elections.

The Ukrainian Helsinki Committee said that Ukraine's human rights record is extremely poor in comparison with neighbouring countries in the West; however, unlike its eastern neighbours, it has resolved its ethnic problems. The Israeli Embassy confirmed that individuals in Ukraine are not persecuted on ethnic grounds. According to the Jewish Council, there are 35 different ethnic groups in Ukraine.

The Jewish Council reported that there was covert, unofficial State anti-Semitism prior to Ukraine's independence, although anti-Semitism was prohibited among the general population. Jews were prevented from obtaining certain jobs and positions and were unable to emigrate. Nowadays the situation is almost completely reversed. The Council thought that Ukraine is now a favourable country for Jews. Furthermore, there is now less anti-Semitism in Ukraine than in the USA. The Association of Jewish Organisations also believed that relations between Jews and the State are good.

The US Jewish law firm Frishberg and Partners reported that all nationalities in Ukraine are treated in the same way by the State and that Ukraine is a democratic country in which everyone enjoys freedom. There is no State-supported oppression or persecution of or discrimination against ethnic groups. The firm itself has never experienced any problems with the authorities. According to the Odessa Organisation of the International Society for Human Rights, nor are there any problems with respect to other minorities, e.g. Russians or Azerbaijanis.

The Norwegian Embassy said that developments in the new Ukraine have been extremely positive compared to the previous era, when Jews were systematically persecuted in the Soviet Union, as the State is now both tolerant of and protective towards the Jews. The Ukrainian Conflict Resolution Association was not aware of any instances of the authorities refusing to offer protection to Jews.

The Jewish Community of Odessa thought that conditions for Jews were the same throughout the country and had not had any problems in obtaining cooperation from the authorities in recent years.

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Several sources, including the Jewish organisations and the Israeli Embassy, illustrated the Ukrainian Government's good relations with the Jews by pointing out that the former Ukrainian President, Leonid Kravchuk, had taken part in the Babi Yar memorial ceremony commemorating the fiftieth anniversary of the execution by the Nazis of 100 000 Ukrainians, Russians, Gypsies and Jews <sup>7</sup>. On that occasion, the President asked the Jews for forgiveness. Reference was also made to the fact that the Ukrainian Prime Minister, Victor Yushchenko, had taken part in the International Conference on the Holocaust in Stockholm in January 2000.

However, several sources, including the Helsinki Committee and Frishberg and Partners, thought that, despite the absence of any State anti-Semitism, certain public employees and senior figures in the authorities may have their own private opinions concerning ethnic groups.

The Ukrainian Conflict Resolution Association reported that, although the police do not generally ill-treat Jews, it cannot deny that some Jews may encounter antagonism on the part of individual police officers. Frishberg and Partners remarked that, although abuses are committed by the police, they are motivated by personal gain rather than anti-Semitism; moreover, there are as many abuses committed against other nationalities as against Jews. Similarly, the Association of Jewish Organisations said that abuses may take place, but for purely individual reasons. According to the Jewish Community of Odessa, there have been no cases of the police physically attacking or harassing Jews in recent years. According to the Helsinki Committee, there have been some cases of Jewish prisoners being verbally abused by the police.

The Ukrainian Conflict Resolution Association remarked that lower-ranking police officers are often corrupt and resort to measures such as blackmail. However, such corruption is not targeted specifically at Jews but affects all sections of the population. This was confirmed by the Helsinki Committee. According to the International Organisation of Human Rights, the police can always be approached but not necessarily trusted. They do not comply with the law and are ignorant and corrupt. This applies in particular to lower-ranking police officers. Although the police leadership has disassociated itself from such behaviour, it is not taking any effective action to stop it.

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<sup>7</sup> There is no precise information available on the number of Jews who were executed. According to documents obtained from the German occupying forces, the figure is 33 771. However, this figure is not considered to be correct and other estimates put the figure at between 60 000 and 98 000 Jews. (See *Kniga Pamjati, Babi Yar*, Kiev 1999.)

## 9. The legal system and enforcement of the law

According to Frishberg and Partners and the Helsinki Committee, there is no longer any legislation discriminating against Jews; the Committee added that all legislation with an anti-Semitic content was repealed when Ukraine became independent.

Frishberg and Partners explained that the Ukrainian appeals procedure is a standard procedure based – like other European legal systems – on the two-tier principle.

With regard to the possibility of taking legal action against authors, journalists and publishers of anti-Semitic literature, the State Committee of Ukraine for Nationalities and Migration said that there is a committee of experts within the Ministry of Information which is empowered to withdraw periodicals from circulation if they contain anti-Semitic articles which may cause harm to the Jewish minority.

According to the Ukrainian Conflict Resolution Association, there is a clause in the Penal Code making discrimination against ethnic groups a criminal offence. The clause in question is section 66 concerning liability for inter-ethnic offences<sup>8</sup>. Proceedings pursuant to that clause have been instituted only three times within the last ten years, with no convictions. Only the Public Prosecutor can institute criminal proceedings under section 66, acting on his own initiative. The Jewish community can merely express its objections. However, legal proceedings may be instituted under the Law on mass media in the case of a specific article, the author or publisher of which can subsequently be held liable for publishing material relating to ethnic persecution. Problems with the legal interpretation nevertheless make it difficult to implement that Law and this has given rise to criticism among the Jewish organisations.

The Helsinki Committee cited a case in which a journalist had written an article with an anti-Semitic content. Legal proceedings were instituted against him pursuant to section 66 of the Penal Code. However, the court rejected the charge on the grounds that the journalist had not incited physical violence, but had merely expressed himself verbally.

According to the Association of Jewish Organisations, Ukrainian legislation is inadequate as authors and publishers are not held accountable for their anti-Semitic articles. The Association has brought proceedings in a case which is due to commence on 10 March 2000. The case relates to a newspaper which published an article with an anti-Semitic content. In the article, Jews are

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<sup>8</sup> According to the clause in question, "Any violation of a citizen's equality of rights in respect of his or her race or nationality or in connection with his or her religion ..." is punishable by up to three years' imprisonment, or in special circumstances (described in more detail in the text) by up to ten years' imprisonment. The Ukrainian Penal Code (*Ugolovnyj Kodeks Ukrainy*) 1997.

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described as bad people and it is asserted *inter alia* that, if a person kills a Jew, his sins will be forgiven. The Association is sure that it will win the case, partly because the newspaper is targeted at children.

With regard to the possibility of filing complaints against the police, Frishberg and Partners said that, while it is possible to complain to the police, this seldom happens as citizens are generally frightened of them. Another option is to bring a case before the courts - something which everyone is legally entitled to do. However, the system is very bureaucratic and often extremely costly for the plaintiff.

The Ukrainian Conflict Resolution Association confirmed that complaints may be filed against the police in writing and the police are obliged to record such complaints. If a complaint does not achieve any result, a written complaint may be submitted to the local department of the Public Prosecutor or a higher police authority. The organisation recommended that a lawyer should be contacted in order to determine the best approach. In practice, attempts are usually made to resolve disputes without involving the courts.

According to the International Organisation of Human Rights, a person who wishes to file a complaint against the police may apply to the Attorney-General. As this is often futile, a case may instead be brought before a court. However, this is so costly that an unemployed person with little money often has no way of protecting his rights.

The Association of Jewish Organisations also said that the authorities are cautious and reluctant to become involved in cases concerning complaints about the police, none of which have been settled by the courts to date.

### **10. Circumstances with regard to entering and leaving the country**

According to a Western embassy, Ukrainian citizens – including Jews – have no problems leaving and re-entering the country, nor do they have any problems in connection with the issuing of documents. This much was confirmed by the Association of Jewish Organisations and the Israeli Embassy. (See Annex 5.)

## 11. List of persons consulted

**Association of Jewish Organisations (VAAD):** Igor Kuperberg, Vice-President (Ombudsman of the Jewish Community of Kiev), Yana Yanover (Director of the Centre for Jewish Education in Ukraine), Mara Zikhtman, Naum Rozovskii, Irina Kuryan and Klara Mandler

**Embassy of Israel:** Official representative

**Frishberg and Partners:** Scott E. Brown (Attorney at Law) and Oleg Kuchansky (Attorney at Law)

**Helsinki - 90 Ukrainian Committee:** Eugen A. Dickij (Executive Director), Iuri Murashov (Executive Director)

**Jewish Community of Odessa:** Mark Kutsejko (Member of the Presidium of the Regional Committee of the Jewish Congress of Ukraine), Rosa Rabzi (Secretary to the Chief Rabbi of Odessa)

**Jewish Council of Ukraine:** Ilya M. Levitas (President)

**Odessa Organisation of the International Society for Human Rights:** Valentine Denda (President) (The Organisation is a local branch of the International Society for Human Rights in Frankfurt, Germany.)

**Royal Danish Embassy:** Jens Holch (Counsellor)

**Royal Norwegian Embassy:** Anders Helseth (Ambassador), Oddvin Mogstad (Attaché)

**State Committee of Ukraine for Nationalities and Migration:** Andriy Datsenko (Head of the International Relations Department), Olena A. Malynovska (Head of the Department of Refugees and Migration), Volodymyr P. Troshchynskiy (First Deputy Head)

**Ukrainian Conflict Resolution Association:** Andrij Girnyk (President) (The organisation was founded in 1995 and registered in 1996 as an all-Ukrainian association. It conducts research in the area of conflicts and conflict resolution and organises conferences and seminars on conflict resolution.)

**Western embassy:** Official representative

## **12. Annexes**

Annex 1: Map of Ukraine

Annex 2: Survey of Jewish emigration, provided by the State Committee of Ukraine for Nationalities and Migration (Danish translation)

Annex 3: Description of the conditions faced by Ukrainian Jews, provided by the State Committee of Ukraine for Nationalities and Migration (Danish translation)

Annex 4: Law on National Minorities

Annex 5: Law on Exit/Entry Procedure for Citizens of Ukraine