



Countering Racism against 'Visible Minorities' in Ukraine:

In Search of a Road-Map for Civil Society.

Anticipatory Reconnaissance.

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by

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DECLARATION FORM

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

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ABSTRACT

Civil society in Ukraine has been alarmed with the sudden surge of racist violence that was directed against individuals who differed from the majority in phenotype and started in 2006. NGOs and IOs concerned with the problem lobbied the Government to take measures aimed at outlawing racism and prosecuting perpetrators of racist violence. The Government established working groups and specialised units in its bodies that were entrusted with putting an end to racism in the society. In November 2009 Parliament of Ukraine adopted amendments to the Criminal Code of Ukraine which harshened liability for violent racist crimes. All of these measures, however, were undertaken with no research into what triggered racist attitudes among the population and what continued to perpetuate it. I tried to explore this question and came to conclusion that to some extent factors structuring racist prejudices against visible minorities have their roots in the official ideology and mass culture of the Soviet Union. However, I identified that racism in Ukrainian society was triggered and perpetuated by the recent discourse on migration, which is a universal phenomenon in the modern world and is particularly actualised in the West. Within this discourse settings that legitimized and normalised symbolic and physical violence against members of visible minority groups were established. Furthermore, analysis of the strategies of anti-racist discourse that has been so far generated by the civil society and the authorities, not only did not help to marginalize racist ideology, but suppressed articulation of effective opposition to racism.

Key words: Ukraine, racism, racialisation, 'visible minorities', racist violence, institutional racism, migration, 'illegality', marginalisation, problematisation, dehumanisation, suppression, denial, discourse

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CHAPTER I. Introduction

I.1. Problem Statement

Since 2006 Ukrainian and international human rights organisations, previously convinced that racist violence was almost not a problem in Ukraine (Butkevych, 2006), have been alerted by the surge of racist violence perpetrated against people who differed from the perceived average Ukrainian by skin colour¹ (AI, 2008a; UNHCR, 2007; Butkevych, 2007; ECRI, 2008 and others). In 2006 14 violent attacks allegedly motivated by racism were documented. 2 of them were murders. During following two years number of reported racist attacks reached close to one hundred per year, as a result of them 6 people died in 2007 and 4 in 2008 (Likhachev, 2009).

Under pressure from local and international human rights organizations (AI, 2008a; AI, 2008b; ECRI, 2008; Ruble, 2008 37-38; Palynsky, 2009: 191; Butkevych, 2007; KhPG, 2009; Kobzin, D., 2008; Kobzin & Chernousov, 2009; CERD 2006c) Ukrainian authorities have started reluctantly recognizing the existent racism. Some steps were undertaken by the Ministry of Interior (MoI) of Ukraine, including assigning specialised units throughout the structure of MoI, raising awareness among police officers on the activities of neo-Nazi sub-cultural formations in Ukraine and creating specific forms that were thought to ensure adequate documentation of racist crimes. In addition to this, an Inter-Ministerial Working Group devoting its efforts to strategic planning of actions of authorities aimed at countering racism in Ukrainian society was established. Moreover, upon the insistence of the civil society, amendments to the Criminal Law of Ukraine were adopted aimed at harshening liability for perpetuation of racist crimes.

Civil society, however, not without a reason, remained dissatisfied with the efforts of authorities. The anecdotal data suggests that neither the efforts of civil society, nor the efforts of authorities aimed at promotion of tolerance and prosecution of racist crimes have so far produced any positive results in practice. Of course it is impossible to eradicate racism in the whole country overnight. Nonetheless, there are grounds to fear that absence of the indicators of success of these measures is due to their inherent flaws. For example, when it comes to addressing particular cases of racist violence through already developed procedures that were supposed to bring practices of the authorities in compliance with relevant international human

¹ For the purposes of this study to signify this group I have chosen to use terms 'visible minorities' or 'racialised group'. See more elaborated discussion on the terminology below.

rights standards, it turns out that these procedures simply do not work. Moreover, MoI while declaring its readiness to fight racism at the one hand, with the other disseminates negative stereotypes about 'visible minorities' or even discriminate against their members themselves.

It appears that the reason behind the apparent failure of the anti-racist initiatives is that in their legitimate desire to change the situation urgently with no research into the root-causes of the problem they aim to counteract, civil society are overlooking some vital aspects concerning the ways racism perpetuates itself in Ukrainian society. This promoted me to undertake this study and try to investigate what are the factors that have triggered and continue to structure racism in Ukrainian society in order to help civil society organisations and 'visible minorities' to define their strategies of countering racism.

I.2. Scope, Relevance and Objectives of the study

The ultimate goal of this study is to outline a road map to marginalisation of racism in Ukrainian society that could be instrumental to the fraction of local and international civil society concerned with this problem. In order to define the objectives of the study, its scope and limitations should first be outlined.

The term 'visible minorities' used throughout this study was coined by Canadian legislators and signifies the fraction of the population whose perceived difference from the majority is defined not by invisible traits like language, name or religion, but by their phenotype. This working notion follows the findings of surveys based on Bogardus scale that have been carried out annually by the National Academy of Science of Ukraine and Kyiv International Institute of Sociology since 1994. These surveys identified that for the past two decades insularity among the 'ethnic' groups populating Ukraine had been constantly increasing (KIIS, NAS of Ukraine, 1994-2008; Panina, 2003). In particular, the majority has been increasingly distancing itself from those who it perceived to belong to following ethnic groups: Azerbaijani, Armenians, Uzbeks, Tadzhiks, Turks (at the edge of isolation in 2009) as well as Arabs, Chinese, Africans, Roma, Chechens (highest levels of isolation in 2009). As one can see, all of the listed 'ethnic' categories are popularly perceived as 'non-white', which, of course, does not necessarily correspond with reality. The term 'visible minority' does not cover, however, one of the listed non-tolerated 'ethnic' categories, namely, the Roma. It is because Roma are popularly perceived, unlike all the rest of the listed categories, as traditional for Ukraine 'ethnic' minority. Thus, the discourse that structures prejudices against this group among the general population of Ukraine differs from those related to all the presumably

'non-white' 'ethnic' groups.

Furthermore, there is substantial amount of research devoted to the discussion of the root-causes of discrimination against Roma and other at-risk 'traditional' minorities like Jews and Crimean Tartars by specialised institutions such as European Roma Rights Centre (www.errc.org), Union of Councils for Jews in the former Soviet Union (www.uscj.org) and International Committee for Crimea (www.iccrimea.org). Yet virtually none has dealt specifically with the position of those ethnic groups that are perceived as 'visibly different' from the majority and nominally labelled herein 'visible minorities'.

Mostly, the available research initiatives pertaining to the problem of racism against 'visible minorities' were concentrated on monitoring the number of violent attacks against their members motivated by racism (Likhachev 2008, Butkevych, 2007; www.xenodocuments.org.ua). Several efforts of analytical research pertaining to some of the aspects of the problem of racism in the Ukrainian society were recently undertaken by a number of human rights and research institutions (Shulga, 1999; Braichevska et. al., 2001; HRW, 2006; Drobizheva, Golovaha, 2007; AI, 2008; ECRI, 2008; Likhachev, 2008; EEDI, 2008; Kobzin, 2008; Palynsky et. al., 2008; Ruble, 2008; ECRE, 2009; Kobzin, Chernousov, 2009; KhPG 2009). Those initiatives, however, predominantly focused on either the activities of Neo-Nazi groups and racist violence perpetrated by their members or featured experiences of members of 'non-traditional' ethnic minority groups in Ukraine. The main purpose of these research initiatives, however, was to raise the problem to the attention of the authorities, but not to explain it, as I attempt to do in this study

It, nonetheless, does not pretend to be exhaustive or even to fully explore at least one facet of the analysed phenomenon. In view of the limited space and time available for this research I will only attempt to outline those factors, which were identified in its course as the most salient in perpetuation of racism against 'visible minorities'. In other words it is only an attempt at anticipatory reconnaissance undertaken in search of the road-map for civil society that would help it to eradicate racism against 'visible minorities'.

This reconnaissance will be aimed at identifying the factors that triggered and continue to structure racism against 'visible minorities' in its dominant forms and manifestations in Ukrainian society.

In order to find an answer to this question, keeping in mind the operational design of this research, I will firstly contextualise the phenomenon in Ukrainian realities defining relevant historical, socio-political conditions that might have contributed to racism against 'visible

minorities'. Secondly, the forms of racism as they are perceived and experienced by members of 'visible minority' groups as well as in their reflection in the dominant public discourse pertaining to 'visible minorities' will be outlined in order to identify current forms of racism against this group proliferating in Ukrainian society. Thirdly, I hope to identify factors that trigger and legitimise racism in Ukrainian society through analysis of dominant public discourse. Finally, I will analyse whether the practices employed by the civil society to counteract racism are sufficient to address this problem and effectively marginalise it.

I hope that this study, despite its limitations, will encourage further academic interest as well as an open public discussion on the problem, particularly in those aspects, which have never been addressed before either by academics or by civil society or authorities of Ukraine. After finalizing this study I will bring the findings to the attention of the relevant sector of the civil society in Ukraine. Hopefully soon at least some of the issues that are discussed in this work will be topical for a number of anti-racist initiatives by human rights organisations. It is also clear that to enhance the effect of anti-racist initiatives more in-depth research is necessary. I feel that the civil society will recognize this need and hope that explorations undertaken in this study might serve as a point of reference for such further research and civic action.

I.3 Analytical Framework and Key Concepts

Before proceeding to the analysis, the basic system of coordinates which comprise the chosen conceptual framework of the study shall be defined.

1.3.1. 'Race' and 'Racialised group' or 'Ethnicity'

First and foremost, one must stress that it is today an undeniable fact in the studies of genetics and biology that the concept of 'race' as it is applied to human beings has nothing in common with biological reality (Wodak & Reisigl, 2001: 2). 'Race' as much as 'ethnicity' are just ideological constructs (Miles & Brown, 2003: 4). Despite this, and the fact that the concept of 'race' has been the central element to racist ideology which during past several centuries justified segregation, slavery, and even, genocide, it is still extensively used in scholarly as well as every-day and official discourses throughout the world. In spite of the wide use of this concept in common-sensual discourse, including the one mobilising anti-racism, I agree with R. Miles that in order to adequately address racism "one must eliminate all conceptions of 'race' as a thing in itself which has a power to produce effects" (cited from

Wodak & Reisigl, 2001: 7). Thus, for the purposes of this study I shall only resort to the use of the concept of 'race' when exemplifying certain analysed discursive elements. The terms used to signify the group in the focus of this study will be either 'visible minority' (see above) or 'racialised group', suggested by R. Miles, (Miles & Brown, 2003: 6).

Furthermore, as R. Miles convincingly demonstrated, academic and political developments that occurred in the 1990s revealed the inadequacy of the conceptualisation of racism exclusively in terms of physical distinctiveness, which brings the other socially constructed category of 'ethnicity' into the realm of operation of the phenomenon of racism. Though I agree with this perspective, for the purposes of this study detailed elaboration of this point is irrelevant, as the racialised group discussed here is targeted precisely because of visible 'physical' distinctiveness of its members from the majority.

1.3.2. Racism

Philomena Essed is perhaps right to conclude that confronted with a problem as complex as racism one cannot afford to constrain herself by the boundaries of specific disciplines (1991: 1), not to mention a single theoretical perspective. Like many sociological concepts, racism has a variety of meanings and interpretations not only in scholarly discourse, but also in everyday popular discourses (Miles & Brown, 2003: 3). 'Racism' is also an adversarial word that is heavily loaded (Ibid., Wodak & Reisigl, 2001: 5), which determines its usefulness for the purposes of civic action aimed at counteracting this problem.

Scholars in various parts of the world have attended to the question what makes a person racist. As summarised by D. O'Byrne, the explanations provided for this phenomenon have rested on biological, psychological and sociological perspectives. Biological explanations tend to conclude that all people are genetically predisposed to distrust 'outsiders', though some may feel it more strongly than others. Psychological approach emphasises the forming influence of the environment into which individual is socialised. Sociological approach in addition to what is suggested by the psychological perspective, accentuates the importance of social and historical conditions in which personality of an individual develops (2003: 247²).

However, among modern scholars of racism dominates an opinion that, although individualistic explanations of racism are useful, racism as a form of group domination (or 'symbolic violence': Žižek, 2008), cannot exist in one isolated mind and therefore individualistic explanations are insufficient tool to grasp it (Essed, 1991). Racism is

² O'Byrne, D. (2003) Human Rights: an introduction. Pearson Education ltd., Dorling Kindersley (India) Pvt., Ltd., India

reproduced and maintained through stereotypes that are perpetrated structurally (O'Byrne, 2003: 247) and, as convincingly argued by David Goldberg, “the presumption of single monolithic racism is being displaced by a mapping of the multifarious historical formulations of racisms” (cited from Solomos & Back, 1996: 18). Hence, in this attempt to understand racism that exists in modern Ukraine I will rely on structuralist perspective.

In fact some of the civil-society experts who addressed the problem of racism in Ukraine have already employed some forms of structuralist argumentation. Similar to O'Byrne's summary of western structuralist perspectives on racism (2003: 249) their explanations can be grouped into three categories: economic (Pylynsky et. al., 2009; ERRC, 2006; Kobzin et. al., 2008) historical or cultural (Pylynsky, 200; Bushenko, 2009; KhPG, 2009; Kakhidze, 2009; Portnov, 2009; Kobzin et.al., 2008; Likhachev, 2008; ERRC, 2006) and political (Portnov, 2009; Butkevych, 2009; Likhachev, 2008; Likhachev 2010). The dominant explanation of racism in Ukraine is that difficulties associated with economic transformation and impoverishment of the population at large have prompted hostility of the majority towards the outsiders who are competing with them in a shrunk labour market (Pylynsky, 2009; ERRC, 2006). Such explanation does not, however, stand up to scrutiny, because the surge of racist violence has been documented in Ukraine in 2006 when the welfare of the population had substantially improved in comparison with the 1990s. Some of the proponents of this economic explanation also de-construct it themselves demonstrating that in reality there is no competition between the majority and 'visible minorities' on the job market in Ukraine (Pylynsky, 2009). Other dominant explanations that deal with historical, cultural and political factors structuring racism in modern Ukraine blame it, as most of the other social problems, on the legacy of the Soviet Union³. All of the hypotheses voiced by local experts to racism in Ukraine have viewed economic, cultural, historical and political factors supposedly structuring it as elements of material reality. On the contrary, I relied herein on post-structuralist perspective, which dominates current Western scholarly discourse on racism.

Even within this perspective there is no uniform definition of racism. There exists, however, a consensus that racism is *primarily* an ideology that *manifests* itself in different ways, including racist practices and discourses (Miles & Brown, 2003: 9). In this context ideology is predominantly defined in Gramscian terms as a concept including both philosophically elaborated thought and reformulation in social representations, substratum of ideologies (Essed, 1991: 44). However, the ideology of racism cannot be easily separated from its manifestations, both practical and discursive. It constructs them and legitimises them and

³ I will consider below to what extent such ascription of responsibility is justified.

manifestations in their turn structure the ideological component of racism (Wodak and Reisigl, 2001: 1-2).

In this context the insight of P. Essed into the interaction between macro and micro dimensions of racism is of particular importance. She suggested that racism constitutes a system of structural inequalities and historical processes produced through routine processes. However, structures of racism do not exist independently of agents, but are created by them. She argues that in light of this dichotomy both individual and institutional racism gain legitimacy for research (Essed, 1993: 36-39). P. Essed also identified three basic processes structuring racism that mutually stimulate and sustain each other. The first of them, *marginalisation*, she defines as a process in which the sense of 'otherness' is perpetuated. The second element of this process is *problematization*, which stands for the discourses that *patologise* a racialised group. The third is *suppression* through *denial* (Ibid.: 110-166). Interpreting the process of marginalisation and problematisation, as they are defined by P. Essed, I also applied the concept of dehumanisation as advanced by H. Arendt (1986) and by J. Butler (1994). The concept of *denial* as an element of *suppression* advanced by P. Essed was interpreted through the prism S. Cohen's theory of denial (2001), as well as his reflections on *counter-discursive* strategies, which may be instrumental in the situations of *denial*.

1.3.3 Racism, Nationalism and Class

Due to the limited scope of this research the role of the intensified group identity formation process within the majority in perpetuation of racism against 'visible minorities' in Ukraine has not received as much attention here as it deserves. I tried to locate the source of the racist discourse using two seemingly conflicting perspectives. One of them developed by H. Arendt (1986), Balibar and Wallerstein (1991), É. Balibar (2004), and A. Appadurai (2006) suggests that although nationalism is not the same ideology as racism, the first, particularly when it is institutionalised in the state apparatus, inevitably produces the second. They argue that nationalism embodied in the state has an inherent tendency to exclude and alienate minorities. Thus, in conditions where no other state is willing to accept them, state nationalism proceeds to their extermination (Arendt, 1986).

Another perspective on the origins of racism that has informed this study arises from the argument advanced by B. Anderson (2006) that racism, with its irrational destructiveness that contradicts the very aims of the ideology of nationalism, has its roots in class. It differs from classic Marxist interpretations of racism as a tool of suppression of working class inherent in

the capitalist mode of production (Cox, 1948: xxx). According to B. Anderson racism has roots in colonialist settlers' perception of themselves as an aristocracy over the colonized population. For him the primary role in determination of divide along the colour line was not played by actual economic relations, though their influence was significant, but by the fact that one group imagined itself superior to another on the basis of the perceived class status (2006: 141-154). This idea, if applied to the contemporary world, seems to find support in M. Douglas' study of the culture of consumerism. She suggested that it is always rational for individuals who find themselves in the position of temporary advantage to strive to consolidate their fortune by means of exclusion of those who are (*perceived as*) disadvantaged. In doing so they produce disparities in the concentration of wealth and power. However, the designation as to who is disadvantaged is largely a product of imagination structured by culture and associated ideologies (from Fardon, 1999: 136).

This study does not attempt to answer which of the explanations is exemplified by Ukrainian realities, as it would require a separate in-depth research. I suggest, however, that the reader keeps this question in mind while following the argument advanced herein.

1.4 Methodology

T. Van Dijk is of the opinion that no research can be free from norms, values and their implications (1991:5). Similarly I have to admit that this study is highly influenced by my belief in the idea of universality and inalienability of human rights. Furthermore, no serious emphasis is made here on ensuring representativeness and validating finding, due to exploratory nature of this research. The following methodical approaches were applied in this research.

In the light of the preferred theoretical perspective in order to meet the set research objectives I chose critical discourse analysis as the main methodological approach for this study. It allowed identifying the topics around which racist discourse within the dominant elite discourse circulates as well as to characterise development of racist discourse in Ukrainian society and identify the factors that triggered escalation of exclusionary attitudes and practices of the majority against 'visible minorities'. It also permitted to analyse what discursive constructions have served to marginalise, stigmatise and suppress 'visible minorities'.

Participant observation was another useful methodological tool used for steering application of discourse analysis and then validating conclusions drawn from it. My active

participation in ant-racist initiatives in Ukraine as well as the experience of work as a refugee protection lawyer at the Social Action Centre/No Borders Project, informed this study. This experience also permitted me to test some conclusions, to which application of the method of discourse analyses led, by juxtaposing them with relevant examples of manifestations of racism I witnessed during this period. On some occasions I used quantitative methodological arsenal. In particular, content analysis was used in order to test certain hypotheses drawn from application of discourse analysis.

In light of the virtual absence of the research devoted to the mechanisms with which racism is perpetuated, reproduced and maintained in Ukrainian society, I had to heavily rely on primary data. These included a range of interviews with different stakeholders, including members of 'visible minorities', civil-society experts, police, members of general public; personal observation notes made during 2006-2008; relevant statements of state officials quoted in the media, legislative acts, verbatim records of relevant parliamentary debates, statistical data viewed as forms of official discourse; reports and public statements by local and international (circum-)human rights organisations who are attempting to oppose racism in Ukraine viewed as a form of anti-racist discourse. In addition to that some secondary data were drawn from a number of studies pertaining to the issue of 'irregular migration' as well as those discussing the position in Ukrainian society of certain 'ethnic' groups who for the purposes of this study were classified as 'visible minorities'.

CHAPTER II. Background: Contextualising racism in Ukrainian realities

II.1. Historico-political context

Ukraine became an independent state in 1991 following collapse of the Soviet Union. With the fall of the Iron Curtain the system of values that had been forcefully imposed on its population for over seventy years and became deeply rooted in everyday life of every individual was declared invalid. This deprived the society enclosed within newly established borders of its habitual systems of coordinates and prompted it to start a spasmodic quest for a new foothold in ideological and economic spheres of life.

The population of Ukraine and its institutions have been exposed to political, economic and demographic realities, which entailed radically new challenges. The most salient challenge was the total collapse of the economy and consequent impoverishment of the country's population at large that was mitigated only by the very end of 1990s. Furthermore, the collapse of the ideological system of coordinates and delimitation of the borders of the new independent state redirected and intensified processes of re-conceptualization of collective identities among people vis a vis each other and the world 'abroad'.

Leadership of the country (former Communist Party functionaries, who now called themselves democrats) steered it and its population into the new life. The course was taken at capitalist economic development within the framework of democratic governance. It was believed that the combination of democracy and capitalism would bring dignity and equality as well as full respect and observance of human rights of all inhabitants of newly established 'nation state' regardless of their social status, political and religious beliefs and ethnicity.

Nonetheless, ethnicity came to play a significant role in the political system of coordinates of the new independent state from the very outset of its establishment. The very sovereignty of Ukraine which in fact, to a large extent, was a result of the pragmatic calculation of local ex-communist elites (Tishkov, 1997) was portrayed in the official discourse as victory of the Ukrainian 'nation' in hundreds years of struggle against all sorts of imperialisms, particularly the Russian one. Such presentation appealed to a substantial part of population and was taken as a bitter offence by another equally substantial one. Bitterness of that other part also extended one way or another to the very fact of the independence of Ukraine.

It appears that it was neither 'right' or 'left' ideology⁴ nor pro-Western or pro-Russian

⁴ Contrary to the assertion of certain Western-bred theoreticians (for example Kuzio, 2001) currently there is no 'left' (in Western sense of the concept) in Ukrainian politics. There is only 'right' which might call itself socialist or communist without having any connection with those ideologies, except in name.

course of foreign policy⁵ that defined courses of political elites and voters' choices but the popularly imagined conflict between those groups that became conceptualised in 'ethnic' terms as Ukrainian majority and Russian minority or as population of Ukrainian-speaking West and Centre of Ukraine and Russian-speaking East and South (see Bilychenko, 2010; Nichoha, 2010; and Marples, 2008). Not undermining the significance of the issues arising from the position of Russian minority within Ukraine, one must note that the sociologists of the Razumkov centre are perhaps right to conclude that these two groups are a product of imagination and not so much of the population itself (Lytvynenko and Yakymenko, 2008). No border either geographic or even symbolic could be drawn upon the criteria of Russian or Ukrainian identity among the population. It is so not only because 'ethnic' identity of the population and even its makers like language and surnames are shifting and flexible (see more Ibid.) But because the population of Ukraine is culturally rather homogenous and the prevailing majority is simply a product of the demographic and political enterprises exercised by the Soviet State with the aim of creating the "Soviet people".

On the one hand the Soviet state declared that it pursued egalitarian goals and strived to achieve harmony and friendship among the peoples in the USSR. It also took care of creating collective heroic symbols, the strongest of which was "The Great Patriotic War" (22 July 1941 – 9 May 1945) portrayed by the official ideology distinctively from the WWII as a victorious struggle of the absolute good – the Soviet People, against the absolute evil - Nazi Germany. Both ideological elements had their practical backsides.

Alongside with the declarations of egalitarianism and 'ethnic' pluralism, regardless of whether it was out of administrative convenience or as a result of prejudiced perceptions of ruling elites, there existed a hierarchy of ethnic groups. Russians were considered to be the most *advanced*. Lower in status were Ukrainians and Belarusians, followed by the remainder of the ethnic groups in implicitly defined hierarchical order (Kakhidze, 2009). Consequently, what was officially called *advancement*, *culturalisation* and *Sovietisation* of the population within the 'friendship of the peoples' was taken by many as a policy of Russification.

Process of creation of 'Soviet people' was facilitated by a number of demographic or economic policies. These included measures ranging from encouraging voluntary migration to extermination of 'enemy classes' in which on some occasions ethnicity allegedly plaid a significant role in defining individual class belonging. Thus, artificial famine of 1932-1933 with the estimated death toll ranging from 3 to 10 million people orchestrated by Soviet

⁵ For instance, the analysis of Parliamentary debates (Parliament 1999, 2001, 2002, 2010) demonstrated that the most common authority appealed or otherwise referred to as such by all members of the Parliament is European Union and almost never Russian Federation

authorities to facilitate collectivisation in agricultural sector targeted villages within the territories where majority of rural population spoke Ukrainian and is believed by some to be an act of genocide against Ukrainian ethnic group (Mace, 1990). While implementing other repressive 'demographic' measures Soviet authorities were more outspoken about the presence of 'ethnic factor' in them. During 1940 and 1950 Soviet authorities forcefully displaced a range of smaller ethnic groups within the Soviet Union. Ethnic minority groups almost completely removed and banned for a while from the territory of Ukraine included Crimean Tatars, Armenians, Bulgarians, Greeks, Italians, Crimean Roma and Germans. Authorities accused thousands of people perceived to belong to these ethnic groups in sympathising with "German-Fascist occupants" solely on the basis of their ethnicity and labelled them 'traitor nations' (Chubarov ed., 2005; Dzhuha, 2008; Chebykina, 1995; Mamchits, 2005).

Heroic symbolism of the "Great Patriotic War" was used by Soviet authorities to justify suppression of separatist movements or even what was perceived as a dissent with the official 'nationalities policy' long after the WWII was over. The label 'Fascist' is still used in popular discourse and by political elites against Crimean Tartars and Ukrainians. Similarly the symbolism of the Great Patriotic War still plays an important role in defining 'absolute good' and the 'absolute evil'. Except today monopoly on the position of the 'absolute good' no longer belongs to the Soviet way of life and it can itself be regarded as the 'absolute evil' through opposition to which the 'absolute good' is defined.

In modern Ukraine the legacy of the Soviet Union is still very salient in the ways people behave in political sphere of their lives. Both the dogmas imposed by the official Soviet ideology and the trauma inflicted by their practical consequences on the collective memory of the population co-exist and interact in mutual rejection (see Bauman, 1998: 126 for the interpretation of the concept of 'rejection') tearing apart the population, which is otherwise largely homogenous, and most importantly, individual minds. 'Russian' and 'Ukrainian' have simply become symbols signifying which of the two systems of coordinates prevails in individual's political sphere of life and which is being to larger or lesser extent rejected, provided that neither of them may be just ignored.

II. 2 Preconditions of modern racism against 'visible minorities' in Ukraine

The Soviet Union condemned racism in all of its forms when it occurred in other countries, however, the hierarchy of nationalities existing implicitly within it allowed a divide along the

colour line. Whilst there was a possibility of an individual to change his/her ethnic identity and hence move towards the top in the hierarchy, for those whose skin was 'not white' such advancement in 'ethnic status' was not possible. For example V. Tishkov during his field research in 1990 in the Ust'-Ordynski Buryat autonomous district (modern Russia) observed that Buryats there were "strongly acculturated into Russian culture", all spoke Russian at home and only few could can speak Buryat but yet according to 1989 census 90% of them called Buryat their native tongue. One of his informants explained it to the researcher as follows: "I do not feel it is proper to show Russian as our native language when we are Buryats. We will never be Russians *because we look different*" (1997: 88).

Ethnic groups 'who looked different' formed the bottom of the implicit hierarchy of nationalities within the Soviet Union. In the popular and even official language used in the dominant discourse at the time, unlike 'white' ethnic groups, mostly generic names were applied to 'visible minorities'. Any Armenian, Georgian, Azerbaijani, Osetin, Chechen and members of other ethnic groups originating from Caucasus were, and still are, called 'persons of Caucasian nationality' or offensively 'black'.

During the period between 1960 and 1985 in areas where such 'visible minorities' were indigenous and in majority political elites were often formed by members of 'white' ethnic groups who were seen by locals as 'Russians'. 'White' elites often justified their position of domination by civilizationist rhetoric. They believed that they *brought civilization* and economically *developed* 'visible majorities' whom they dominated (personal conversations with several members of Russian minority in Kyrgyzstan, 2007). Such positive self-presentation neatly fitted into the dogma of 'historical determinism', which became and still remains a part of unquestionable common-sensual knowledge of formerly Soviet people. On the other hand, wide use of the term 'non-Russian' in popular language of modern Ukraine to signify 'visible minorities' suggests that already during Soviet times the dominating 'white' group reciprocally labelled so those who 'looked different'.

Knowledge about the world behind the impenetrable borders of the Soviet Union was also accordingly indoctrinated. Everyone from the early years of socialisation firmly knew that there *exist* four races of human beings in the world: white, black, yellow and red (see picture 3, Annex 1 for an example of visualisation). Similarly to 'nationalities' (pictures 1 and 2, Annex 1), 'races' were also depicted in the mass culture as possessing certain stereotypical characteristics (pictures 3, 4, 5 Annex 1).

Dwelling of those racialised categories a whole range of derogative names has entered the

popular language and is still used as generic names for people with dark skin and imply through the context of their sources savagery and laziness of the signified. Such names include 'chung-a-chanha' (originates from the animation film “Live Boat” (1970), see Picture 4, Annex 1), 'Papuaans' and 'Tumba-Yumna tribe' (locally modified 'mumbo-jumbo' that originates from the popular comic novel “Golden Lam” by Ilf and Petrov). Another range of derogative references originates from popular perception of geopolitics. Such terms include 'Honduras' (often in the speech implies small, unknown to anybody, savage and poor place), 'third sort' (since Soviet times means something of such a low quality that it is hardly suitable for use, interchanged with the internationally used term – 'Third World'), term 'civilization' and 'civilized' also carry a substantial load of value in Ukrainian and Russian languages.

O'Byrne suggests, “it is only a small step from classification, in the name of science [HB: or for joke’s sake], to establishing a hierarchy of types, in the name of politics” (2003: 247). Perhaps that is one of the reasons why, despite official anti-racist declarations, students from Africa, Asia and Latin America, who came to the Soviet Union to receive university education did not always feel warmly welcomed. One of the interviewees who studied in 1970s in Odesa University together with international students recalled in December 2009 that, although the relationships among all the students were more or less friendly, the majority of them did not like Africans very much. He justified it as follows:

“Well... they behaved inappropriately... they had better scholarships than Soviet students... and naturally there was some kind of envy... Germans and Czechs, for example also had better scholarships than us... but they were more like an example for us... we strived to be like them in everything... even behaviour... Maybe they also among themselves looked at us from above, I don't know... but we could not feel it, unlike with Africans... after all we were... how shall I put it, from a developed country...”

This utterance demonstrates that exclusion of African students was justified in terms of civilizationist and developmental discourse. What also appears interesting is the apparent perception of students of European origin as somewhat superior. Consequently, one might suggest that racist discourse that existed in the Soviet Union and remained in Ukraine as its heritage has its origins in pre-Soviet times when racist discourse developed in other parts of the world and Russian Empire was (self-)considered as wild and backwards to Europe. Alternatively it may appear that racist discourse in its modern form while having its local specifics is universal in its core and its root-causes shall be located not locally but globally.

The second hypothesis seems to find support in a testimony of a citizen of Nigeria, who after completion of his studies in one of the universities in the Soviet Republic of Ukraine remained there with his family. He testified that as a student he felt like everyone was friendly

to each other and there was no such hostility towards people with darker skin colour as there was now. It follows that although the preconditions of the recent surge of racism have been undoubtedly influenced by Soviet past, the factors that triggered it shall be located following the independence of Ukraine.

CHAPTER III. Racism in Ukraine from the perspective of the racialized groups

Having briefly contextualised historically and politically conditions in which racism against ‘visible minorities’ has arisen in Ukraine I shall precede with mapping down the forms in which racism manifests itself both practically and discursively. For that I shall follow the approach suggested by F. Essed (1991) and R. Wodak with M. Krzyżanowski (2009). They insist that knowledge on racism accumulated by those who are subject to it should inform and be given due weight in any theoretical explanation of racism. On the basis of the number of utterances collected among ‘visible minorities’ in Ukraine by the experts of the Kennan Institute (Pylynsky, 2008 and 2009), the European Council on Refugees and Exiles (ECRE) within the framework of comprehensive studies on their experiences in Ukraine as well as a range of personal conversations with members of ‘visible minorities’ I shall attempt to outline the ‘victim’s’ perspective on racism in Ukraine. This outline will structure and inform further analysis of factors that perpetuate racism in Ukraine.

It must be noted that an outline presented here may not be regarded as fully representative due to the limitations of data collection methodology. It also does not pretend to be comprehensive, as generalisation of experiences of racism is not an easy task. First of all, because the perception of racism by its victims to a large extent depends on an individual’s awareness of it (for example ECRE, 2009: 87). Also because experiences of racism differ depending on personal characteristics of members of ‘visible minorities’ (such as legal status, language capacity, tone of the skin colour) as well as depending on the region of Ukraine where they reside. For example, the most bitter complaints about proliferation of racist attitudes among the population of Ukraine were expressed by those respondents who lived in the capital (Kyiv). The situation in regional centres seemed to be somewhat better. Furthermore, many of the ECRE respondents originating from Caucasus and Middle East (particularly females) did not mention racism among the problems they were facing in Ukraine. On the other hand, all of the respondents originating from Africa concentrated on racism as one of their most serious problems. Racism, particularly institutionalised, was also more felt by those ECRE respondents who resided in Ukraine for less than ten years, than to those who have been in Ukraine for a longer time (ECRE, 2009).

Racism against them may manifest itself in the form of individual prejudice or as an institutionalised practice. Members of ‘visible minorities’ often face racism while searching for accommodation (ECRE, 2009: 84; personal notes, 2008) or employment (ECRE, 2009: 87), or in interaction with their colleagues at work (Ibid.: 88) and neighbours (Pylynsky, 2009;

personal notes, 2008), as well as in their contacts with authorities (ECRE, 2009, Pylynsky, 2008 and 2009; personal notes, 2007-2008).

The most common place of allegedly racist abuse and harassment for the majority are public spaces, mostly streets of the cities. A refugee from Angola, for example, testified: “You can’t go around in peace any more... even on transport... People point at you and laugh...” (Benedicto, Kyiv, ECRE, 2009: 77). Verbal harassment is commonly directed against 'visible minorities' by lay individuals, particularly older people (see Van Dijk, 1984, for the similar accounts from the Netherlands). It is undoubtedly frustrating for members of 'visible minorities' but what concerns them the most is the surge of racist violence, supposedly perpetrated by neo-Nazi skinheads (Pylynsky, 2009; personal notes, 2008; ECRE, 2009: 79). Many associate the increased popularity of neo-Nazi sub-culture among youth in Ukraine with the ideological influence of *Ukrainian nationalist* parties (ECRE, 2009: 87). However, the main responsibility for its proliferation members of 'visible minorities' ascribe to law-enforcement authorities of Ukraine who are viewed as incapable and/or unwilling to adequately prosecute racist violence and protect visible minorities from the risks associated with it (Ibid.: 79).

Apart from the lack of protection, members of 'visible minority' groups often complain about the harassment perpetrated by law enforcement authorities themselves. For instance, according to the results of the survey carried out by researchers of Kennan Institute in 2007 among their respondents 28% complained about the recurrent harassment by police (Pylynsky, 2009; similar indicators follow from the interviews collected by ECRE, 2009). Among other, unlawful practices of the Ukrainian police that are often believed to be motivated by racism include ethnic profiling, demanding bribes and arbitrary detentions (ECRE, 2009: 90).

Another form of institutionalized racism (see MacPerson, 1999) 'visible minorities' encounter in Ukraine is related to the procedure associated with the determination of their legal status, be it a residence permit or a refugee status. Serious concerns in this regard were articulated by those individuals who had to go through the asylum determination procedure (RSD) with the Ukrainian authorities. Some of the asylum seekers felt from the way they were treated by the relevant officials that their applications would be rejected without due consideration because their skin colour (ECRE, 2009: 81 and 85).

Although analysed accounts were different and could hardly be systematised comprehensively, one still might observe in them certain recurring terms of racist discourse experienced by these people. Among other 'visible minorities' are aware of the fact that the majority perceives their skin colour to be a signifier of their '*foreignness*' (ECRE, 2009: 84,

personal notes, 2008) and is used for attribution of a range of other negative characteristics (sometimes conceptualised in terms of 'Social Darwinism', Ibid.: 88). They are aware that in popular language (both Russian in Ukrainian) 'black' is a derogative epithet applied to every individual whose skin is noticeably darker than that of an imagined 'average Ukrainian'. They are also aware that the skin colour is a signifier that allows the majority to characterise them as *unwelcome foreigners* as opposed to 'Westerners' or white citizens of former Soviet Republics who are not conceptualised as 'alien'. It is 'visible minorities' whom the majority automatically presumes to be *'irregular economic migrants'* (Ibid.; personal notes, 2008).

It must be, however, noted that the prevailing majority of those ECRE and Kennan Institute's respondents who resided in Ukraine for longer than five years as well as those with whom I personally communicated stress that racism is a recent problem for them (ECRE, 2009: 79, 87, 90 and more; Pylynsky, 2009: 191). They indicated that neither experiences of institutionalised racism, nor every-day harassment nor racist violence were common in the 1990s. For instance, most of the ECRE interviewees, who applied for asylum before the 2000, have only mentioned difficulties associated with them with logistical problems (ECRE, 2009: 84) and did not experience prejudice of officials against them (Ibid.: 82 etc.). Prevailing majority of the members of 'visible minorities' are convinced that racism and particularly racist violence is a recent phenomenon in Ukraine (Ibid.: 90). Same also concerns the hostility of the general public. For example, a refugee from an African country, who arrived to Ukraine in late 1980s and now is severely concerned with racism manifested daily against her and her family, remembered how she felt during her first years of life in Ukraine: "Feelings were wonderful. People very kind..." (Ibid.: 82).

Having outlined the main forms in which 'visible minorities' experience racism in Ukraine both practically and discursively I shall now proceed with identifying the factors that have structured the environment of racism they find themselves in. For this on the basis of the conclusions of this sub-section I will attempt to locate and de-construct racist discourses proliferating in Ukraine in order to identify the factors that perpetrate and legitimise employment of racist practices against visible minorities. Perspective of 'visible minorities' as to the root-causes and the time frames of the occurrence of racism in Ukraine shall also inform further analysis.

CHAPTER IV. Outline of the portrait of visible minorities in Ukraine in facts, figures and myths

In this chapter I will attempt to draw a statistical portrait of the group labelled here as 'visible minorities' through the prism of the dominant public discourse. This discussion will allow a reader to estimate approximately what percentage 'visible minorities' comprise among the general population, what 'ethnic' groups they may belong to and what legal statuses they may have in Ukraine and see how these figures are interpreted by the majority. It is advisable for a reader to keep in mind the conclusions drawn from the above-analysed experiences of members of 'visible minorities' while going through this chapter as it will illustrate some of the forms in which racism manifests itself and further define the timeframe in which it occurred in its contemporary form in Ukraine.

IV.1. 'Visible minorities' permanently residing in Ukraine: citizens and non-nationals

Some of those who are perceived as visibly different from an 'average Ukrainian' may have been born in Ukraine and even identify themselves as Ukrainians. Some have arrived from beyond the contemporary borders of Ukraine before the collapse of the Soviet Union (majority) or thereafter. In this sub-section I analyse the official and popular discourses surrounding members of 'visible minorities' who were considered as part of the permanent population of Ukraine for the purposes of the last population census (2001). Permanent population for its purposes covered citizens and foreign nationals or stateless persons who resided in Ukraine 'permanently'. 'Permanently' meant for a period equal or exceeding one year. However, non-citizens who came to Ukraine as students, migrant workers, as tourists, visitors or delegates, were not included into these data, regardless of the period of their stay in Ukraine (SCS, 2001: 2). The results of the census itself available at www.ukrcensus.gov.ua will serve as a point of departure and reference for this analysis.

According to the results of the census out of approximately 48 million of permanent population only around 272,000 (0.57%) self-identified with ethnic groups popularly perceived as different in phenotype from the majority. Among them 74% identified themselves with ethnic groups originating in Caucasus region (including territories that are part of Russian Federation), 10% - Middle Asia (including a range of post-Soviet states), around 8% - South or South East Asia (about 60% of this group identified themselves are Koreans who can be said to be present as an ethnic minority in Ukraine for a long time), 7% -Middle East.

Among these 272,000 people 78% were citizens of Ukraine whereas 22% were not.

Among those permanently resident 'visible minorities' who are non-citizens the largest group (68%) identified themselves with 'ethnic groups' originating from Caucasus region. 17% - South and South East Asia, 10% - Middle East, and 5% - Middle Asia. Together they constitute slightly more than 23% of non-citizens residing 'permanently' in Ukraine. Remarkably, the largest 'ethnic group' among non-nationals residing in Ukraine are those who see themselves as Russians. They constitute 43% within this category. Further 19% of non-nationals self-identify as Ukrainians.

Although 'Russians' constitute almost a half of 'permanently' resident non-nationals, among the total number of those who consider themselves Russian in Ukraine only 1% are not holders of Ukrainian passports. In fact even among presumable 'visible minorities' ratio between citizens and non-nationals depends the region of origin. In 2001 among minorities originating from Middle Asia, encompassing some regions of South Russia and former Middle Asian Soviet Republics only 10% were not Ukrainian citizens. 19% of individuals who identified themselves with ethnic groups from Caucasus region did not have Ukrainian citizenship. On the other hand, more than about 31% of persons originating from Middle East and 45% from South and South East Asia were foreign nationals or stateless persons.

This may be explained by historical conditions, such as the fact that number of individuals coming from beyond the former Soviet Union (where many of those who fall under two last categories originated from) at the time of acquisition of independence of Ukraine was very small. However, it appears that not only legal norms governing acquisition of Ukrainian citizenship and personal preferences of individuals eligible for it have played a role in structuring the above illustrated figures.

Up until now gaps in legislation governing the institute of citizenship, procedural flaws and bureaucratic barriers prevent many of those who according to the legal norms are entitled to the citizenship of Ukraine from acquiring it. Moreover, there is anecdotal evidence to suggest that individuals who belong to 'visible minorities' have a lesser chance to acquire the citizenship than those who are perceived as 'white' in the similar circumstances. For example (see Neboka and Sherstiuk, 2008 for examples of actual cases) one of my interviewees stated:

I know many people who got here decades ago... They still are walking around with Soviet Passports that are no longer valid even in their ... those CIS countries... [...] Police... have to stop constantly chasing them [...] They are legal... [...] I know *many* people who found themselves in such situation. These are Azerbaijanis, Armenians and... and.. *even Russians!* (f., over 50, lawyer, Odesa, December 2009)

The interviewee with her intonation stressed 'even Russians' while her tone remained neutral when she listed 'Azerbaijanis' and 'Armenians', as if she implied that on the one hand the fact that latter two categories were subject to such a treatment was regrettable, but not surprising, and on the other, that it was truly outrageous that those who are perceived as 'Russians' were also sometimes facing these problems. It appears that difference in phenotype of individuals might have structured the above-illustrated difference in ratio of citizens against non-citizens depending of the world region they supposedly originate from.

Furthermore, in the census results one cannot overlook the precarious category 'other nationalities' that appears there in addition to 130 specifically listed 'ethnic groups'. The number listed under this category is insignificant in the total population. I was not able to access any sources as to what 'ethnic' groups are listed as 'other nationalities' therefore this category was not reflected in the above calculations. It, nonetheless, seems remarkable as form of the discourse pertaining to 'visible minorities' for the following reasons.

The list of 'nationalities' reflected by census results contains several categories ('nationalities' originating from post-Soviet territories) under which as little as up to 10 people are listed. On the other hand it does not contain a single 'ethnic' category pertaining to Central and South Africa. In light of the fact that there are recognised refugees, family members of Ukrainian nationals or even citizens of Ukraine who originate from that region it seems fair to assume that at least a dozen of them might self-identify with the same 'ethnic' group. It appears that either consciously or not officials processing the census results did not consider it necessary to reflect categories associated with 'non-traditional' and presumable 'visibly' different 'ethnic' groups in the demographic portrait of the Ukrainian population. This hypothesis seems to find support in the fact 53% of individuals counted under this category are not citizens of Ukraine. Comparing ratio within this category with the above illustrated 'regional' indicators (see above) one might even suggest that a substantial part of those listed as 'other nationalities' may associate themselves with ethnic groups indigenous to Central and South Africa.

From these calculations, it appears that it may be the case that the more the phenotypic difference of an individual is from a presumably 'white average Ukrainian' the harder it might be for him to acquire a membership in the in-group either through Ukrainian citizenship or even the reflection in the demographic statistics. In other words phenotype defines whether a person is considered as a part of the people of Ukraine or a 'foreign element' to it. However, it is only a hypothesis that will be developed further. Now, for completion of the quantitative

portrait of visible minorities in Ukraine we shall turn to estimating numbers of those individuals who were not counted by the census.

IV.2. 'Visible minorities' among foreign citizens and stateless persons who reside in Ukraine temporarily

According to the data of the MoI of Ukraine in 2009 111,600 foreign nationals and stateless persons were temporarily registered in Ukraine (both at MoI departments within the country or by filling in a migration card at the border). Among them, the vast majority were citizens of the Russian Federation, a significant number were from other post-Soviet countries, some were from EU Member-States and other Western countries and some from African, South and South East Asian countries.

Among them 42,500 visited Ukraine in connection with personal matters. Naturally, the latter category predominantly consists of citizens of neighbouring countries and more distant post-Soviet states. Around 10,000 people visited Ukraine either for business or undertook employment (supposedly, predominantly from Western Europe or Russian Federation). 1158 came upon the invitation of religious communities. And, which seems remarkable, only 341 persons were visiting Ukraine as tourists. (See SCNR, 2010)

Further 42,600 of 'temporary immigrants' registered in 2009 came/or were staying for university education (Ibid.). After 1991, Ukraine continued a tradition established by the Soviet Union, offering university studies to students from abroad. Positive reputation established by technical and medical schools in the Soviet times as well as the affordable price of education in comparison with that offered by Western universities, still attracts students from Africa, Middle East, South and South East Asia, some Latin-American Countries as well as former Soviet Republics.

Out of the total number international students 23% originated from the republics of the former USSR. Some of them may fall under 'visible minorities' category, however, any attempt to estimate exact figures would be simply a speculation, because their 'ethnic identity', as opposed to citizenship, is not available from statistical data. The rest, 73.3% or 31 261 persons, as the State Committee on Nationalities and Religions (SCNR) reported, were "*citizens of the countries traditionally exporting illegal migrants*, among others 1203 citizens of Vietnam, 2971 - India, 1618 - Iraq, 1806 - Iran, 2526 - Jordan, 6638 - China, 2067 - Nigeria, 636 - Pakistan, 567 - Palestine, 1864 - Syria, as well individuals coming from other countries of Asia and Africa" (Ibid.).

The above-cited statistics with the SCNR's official comment not only brings us closer to estimation of the numbers of 'visible minorities' in Ukraine, but also appear to disclose what 'characteristic' feature is ascribed to them by the official and popular discourses. The said authority and perhaps many others consider people from the listed countries as actual or potential 'illegal migrants' in/passing Ukraine. I will leave this thesis aside, to consider later, after discussing other statuses, which members of 'visible minorities' may have in Ukraine.

An important, although not too large, component in the composition of immigrant population constitute those who were forced to leave their countries of origin. As of 1 January 2010 since independence of Ukraine the authorities "have considered 23,260 asylum applications (0.05% of total population in 2001) and granted refugee status to 5 693 persons, or to every fourth applicant (SCNR, 2010)". Some of the refugees recognised as such by the authorities have now left Ukraine and many have acquired Ukrainian citizenship. On 1 January 2010 there were 2,334 recognized refugees residing in Ukraine. The majority of recognized refugees came from Afghanistan, over a third - from post-Soviet countries, in particular Azerbaijan, Armenia, Georgia, Russia (predominantly from Chechnya) and Turkmenistan. On the other hand, very few individuals originating from African countries have been granted refugee status in Ukraine. According to SCNR on 1 January 2007 there were 300 recognized refugees from African countries. Among them 89 were from the DRC, 64 – from Sudan (See Palynsky ed., 2009: 18-19; SCNR, 2010 for more information).

In the 1990s the asylum system was governed by the 1993 Law "On Refugees". Preceding Ukraine's accession to the Geneva Convention relating to the Status of Refugees (1951) and its Protocol (1967) in 2002, 1993 Law was replaced by the new one adopted in 2001. The definition of 'refugee' found in both 1993 and 2001 legislative acts reflected the one established by the 1951 Geneva Convention and its Protocol. The new law only simplified procedures of application for asylum and widened a scope of rights of refugees and asylum seekers. Before its adoption, it was reviewed by the UNHCR and received positive feedback (Parliament, 2001).

Problems associated with the application of the refugee 'protection' legislation in Ukraine are beyond the scope of this study and are well illustrated in a number of sources including UNHCR, 2007; HRW, 2005; Uehling, 2004, KhPG, 2009; AI, 2008a; ECRI, 2008; ECRE, 2008. One may think in light of the above cited statistics, according to which a quarter of all asylum applications was granted, that despite a number of deficiencies the system of refugee protection in Ukraine is functional, as the ratio of positive decisions on asylum applications

appears to be at the same level as in EU Member States⁶. However, from the dynamics of granting refugee status by the Ukrainian authorities over the years (see Picture 1, Annex II) it appears that the problem is deeper than it seems on the first sight. One can observe that after the adoption of the new legislation in 2001 that was supposed to afford better protection to refugees the number of awarded statuses has substantially decreased.

It is true that logistically authorities were not prepared for the immediate implementation of the new “Law on Refugees”. In particular, creation of the institutional framework of the execution of this law involved suspension of refugee status determination procedure (RSD) from the summer 2001 till late 2002 and resulted in only 2 persons receiving refugee status in 2002. Endless subsequent reforms of institutional framework of asylum undoubtedly continued to hinder access of individuals to RSD. Still one cannot help wondering why the ratio between those who despite difficulties managed to access RSD and submitted their applications and those who received refugee status decreased so dramatically after 2001. In 2000 the number of granted refugee status constituted 47% of the number of applications filed that year⁷, whereas in 2003 it amounted only to 4% of the applications and remained as low until now. Is that because in Ukraine *bona fide* refugees all of a sudden disappeared, or are there any other reasons behind this drastic difference in figures?

This question is particularly acute in the context of the information available on the figures pertaining to the UNHCR Kyiv operated RSD and resettlement procedures introduced since the beginning of this decade⁸. Individuals who apply for UNHCR RSD and RSD under the Law of Ukraine “On refugees” are generally the same people. But many⁹ of those who where

⁶ According to Eurostat during the first quarter of 2010 out of 48.790 asylum applications decided upon by the authorities of 27 EU Member States 35,560 (around 73%) were rejected. The rest 27% received either received refugee status (5,945) or subsidiary protection (5,310) or protection on humanitarian grounds (1,780). See EUROSTAT, 2010: 7.

⁷ One should keep in mind that asylum status determination procedure in Ukraine may take up to several years, thus among those who received a refugee status in a given year only a tiny percentage applied for it the same year.

⁸ Since 2008 in order to access UNHCR RSD asylum seekers have to first apply for the refugee status in Ukraine to domestic migration authorities (only few exceptional cases may occur, where the individual would be able to prove that if he were to apply for asylum to the national authorities of Ukraine he would face a risk of immediate refoulement contrary to the Geneva Convention). UNHCR and national RSD procedures are based on the same definition of refugee identically formulated in both Law of Ukraine “On Refugees” and 1951 Geneva Convention with its 1967 Protocol. They are also supposed to be based on the same principles, standards and procedural guidelines. However, UNHCR RSD does not affect the national RSD procedure and is carried out for internal purposes of the organisation, including with the aim of determining if the applicant is eligible for international protection and, consequently, legal, interpretation and other types of services available from UNHCR partner-NGOs for the purposes of assisting asylum seekers in going through national RSD. The other aspect of UNHCR RSD is identifying among asylum seekers recognised in need of international protection those who require resettlements to the third safe country, because of their being at real risk of refoulement to the country of origin, where they were and will be facing prosecution, if remain in Ukraine. See HRW (2005) and UNHCR (2010: www.unhcr.org/pages/4a16b1676.html) for more information.

⁹ Exact figures in this regard are not publicly available due to their confidential nature, however, from my

recognized to be in need of international protection by UNHCR's Kyiv Office were denied refugee status in Ukraine by national authorities¹⁰ (HRW, 2005). Only between May 2003 and November 2004 UNHCR Kyiv assessed resettlement needs of 493 persons recognised by it as refugees. This assessment resulted in submission of 101 cases (concerning 229 individuals) to the competent authorities of receiving third countries within the quotas established by them for admission under their national RSDs¹¹ (HRW, 2005). The number of individuals included by the UNHCR Kyiv into resettlement programme (which only comprise a small fraction of the total number of persons recognised by them as refugees) during the above indicated period almost twice exceeds the total number of individuals who were granted refugee status by national authorities of Ukraine between 1 January 2003 and 31 December 2004 (see Annex II and SCNR, 2010).

I will try in the following chapter to find the reason behind the demonstrated drastic change in the attitude of national authorities towards asylum seekers that seems to have occurred during 2001- 2002. Meanwhile, I shall proceed with description of the last category of the population of Ukraine, which is popularly perceived to comprise of the 'visible minorities'.

IV.3 Creating 'illegal' migrants: To what extent 'fight against illegal migration lodged by the Ukrainian is a form of persecution of 'visible minorities' because of their phenotype?

People who arrived or are staying in Ukraine without required documentation are never denoted in public or official discourse as 'undocumented' or 'irregular' immigrants¹². Instead

personal experience of providing legal assistance to refugees and asylum seekers in Ukraine with the Social Action Centre NGO/No Borders Project who work in close cooperation with UNHC office in Kyiv, it could be said that these 'many' are actually a 'prevailing majority'.

¹⁰ Including judiciary, on appeal against the decision of migration services and State Committee of Nationalities and Religions currently heading the system of migration services in Ukraine.

¹¹ In 2005 the only countries that accepted resettlement of refugees from Ukraine were Finland, Sweden, Norway, Canada and the US (Dúwell, 2005). It is up to the competent authorities of these countries, but not UNHCR, who only makes a submission for resettlement, to make a decision if the persons will be admitted to this country as a refugee. Despite the fact that system of asylum protection in Ukraine is failing almost every asylum seeker many of whom have valid and substantiated claims, only a small number of people stand a chance of being resettled under the programme, because of the small quotas defined by receiving countries (UNHCR, 2010 b). Nonetheless, for many individuals who escaped persecution in their country of origin and who are unable to expect any protection from Ukrainian authorities UNHCR resettlement programmes are sometimes the only chance of survival. However, not intending to undermine the vital importance of this scheme, one can not help noting similarities between this mechanism and suggestions advanced by many far-right European political forces concerning the 'need' to establish a system where asylum applications would be considered by the authorities of the Western Countries while the applicants would be beyond EU borders (see for example Krzyżanowski and Wodak, 2009: 106)

¹² It is worth mentioning that Ukrainian elites or even authorities that are dealing with this category of the population are often incapable of identifying the difference between 'emigration', 'migration' and 'immigration' (see for example: SCNR, 2010; or Parliament, 2010).

a term 'illegal migrants' is widely used (see for example SCNR, 2010; official web-site of MoI: <http://mvs.gov.ua>, 2006-2010, relevant legislative acts). Both popular and official discourses suggest that those who are called 'illegal migrants' are predominantly non-white ('visible minorities') and are aiming at crossing the western border of Ukraine in order to 'illegally' immigrate to EU (interview with the Head of the Unit on Countering Illegal Migration within the MoI Department for Countering Organized Crime, December 2009). It is impossible to present exact figures concerning the number of 'irregular migrants' in Ukraine or to estimate their 'ethnic composition' to how many actually may belong to 'visible minorities'. The numbers that are featuring in popular discourse and the official statistics, however, deserve scrutiny.

In Ukrainian media as well as in extreme right discourse on 'irregular immigration' (often quoting the UN) it is claimed that around 7 million 'illegal migrants' are present on the territory of Ukraine (TSN, 2009), "Novynar" (2009). This number is quoted by a whole range of public actors from mainstream political elites (Interfax, 2009) to marginal neo-nazi sub-cultural formations. For example participants of 'marches against illegal migration' that are increasingly frequent throughout the country, claim that "During recent years around 7 millions of *illegals* coming from *Africa, Caucasus and Asia* entered Ukraine" (Mukachevo.net, 2010).

This number is very far from the truth. However, there is no smoke without fire. According to a report released by the World Bank (2005) in 2000 there were 6.9 migrants in Ukraine, among whom maximum of, as estimated, 1.6 millions (more than in any other European Country) were undocumented. Both local (O. Poznyak of Institute on Demographic Research of National Academy of Science of Ukraine at TSN, 2009) and international (Pylynsky, 2009; Düvell and Vollmer, 2009) experts indicate that these figures seriously falsify reality. It appears that the methodology used by the World Bank experts to arrive to both of these figures failed to take specific historical circumstances that influenced demographic composition of the population of Ukraine into account (Pylynsky, 2009: 13-17). This casts serious doubts on the validity of the above cited statistical figures and the experts are perhaps right to conclude that 1.6 million 'undocumented migrants' in Ukraine is an unrealistically high and unsubstantiated figure (Ibid.: 13; Düvell and Vollmer 'COMPAS', 2009: 21).

Other estimates of the number of 'undocumented migrants' in Ukraine are significantly smaller (see Düvell and Vollmer, 2009; Parliament, 2010). One of the crucial reference points for their compilation is official statistics by Ukrainian authorities on a number of

undocumented migrants identified by them (through in-country identification, on the border apprehensions on-exit and on entry) (Düvell and Vollmer, 2009.: 16-17 and 20-21). These data, however, shall also be treated with caution (Ibid.: 16).

Let us briefly examine them (see Annex II as well as Düvell and Vollmer, 2009: 19; and SCNR, 2010 for relevant official statistics). Statistics on 'identified illegal migrants' differ depending on the source of information. It is not clear from the information in the public domain to on what legal provisions these figures correspond. Furthermore, there exist a range of structural conditions that bar individuals who according to the law are entitled to legal status from being properly documented, thus increasing the numbers of 'illegal migrants', who are being 'identified' or 'apprehended' by Ukrainian authorities and counted in these statistics (see research by the COMPAS [Düvell and Vollmer, 2009] and UNHCR [Uehling, 2004] experts for a detailed discussion of this problem). Among the factors influencing the number of 'identified illegal migrants' are systematic profiling and harassment, arbitrary arrests, extortion by law enforcement authorities of members of 'visible minorities' who are perceived 'as potential illegal migrants' (See Annex III for a range of example illustrating such practices of authorities). As a result some of those who are considered by the authorities as 'identified illegal migrants' (Annex II) were actually entitled to documentation, counted several times or even perfectly documented.

The data concerning countries of origin of 'identified illegal migrants' presented in the statistics also does not stand a scrutiny. There is evidence to suggest that it is the colour of the skin that authorities believe to be the primary sign of whether the person is an 'illegal migrant' or not¹³. The very term 'illegal migrant' and even 'migrant' without any qualification automatically for general public and the authorities means a person originating from Africa, Asia or Caucasus, 'non-white' (see below for the discursive illustrations of this conclusion).

Consequently, the number of genuine 'irregular migrants' identified by the authorities of Ukraine is somewhat less than the relevant statistics suggest and its results may not be relied upon. It appears that these statistics alongside with the identification of genuine 'irregular migrants' also reflect cases of human rights violations perpetrated by the authorities in the

¹³ In spring of 2008 the Advisor to the Minister of Interior of Ukraine on Human Rights at that time O. Martynenko responding to the statements of the civil society representatives who accused MoI in practicing ethnic/racial profiling said that there was nothing wrong in this practice because there was no other way Ukrainian police could identify 'illegal migrant' but their phenotype (Personal notes). In March 2008 Kharkiv District Administrative Court did not find any signs of discrimination in the fact that a citizen of Ukraine of Armenian origin Viecheslav Manukyan was apprehended by the police "because of his characteristic appearance that gave reasons to suspect that he was an illegal migrant" (Chumak, 2008).

course of their 'fight against illegal migration' against members of vulnerable groups, particularly those nominally called here 'visible minorities' (see UNHCR, 2007; HRW, 2005; AI, 2008a, 2008b, 2008c; ECRE 2007; Düvell, 2008; Düvell, 2008; Levin, 2006; ECRI, 2008; Ruble, 2008: 37-38; Palynsky, 2009: 191; KhPG, 2009; Kobzin, D., 2008; Kobzin, D., Chernousov, A., 2009; CERD 2006c as well as Annex III for a wide range of examples).

This situation exists not only because of inadequacy of legal framework and relevant procedural standards. It appears that the high numbers reflected in these statistics as well as the fact that the 'fight against illegal migration' often justifies human rights violations is a result of eagerness of the Ukrainian authorities to demonstrate how well they perform in this 'fight'. Moreover, it is suggested that racism is one of the underlying factors which determines who will be labelled and treated as 'illegal migrant' and renders 'visible minorities' particularly vulnerable to maltreatment by migration authorities as well as some members of the general public.

In conclusion it must be noted that it is very difficult if not impossible to estimate the total number of 'visible minorities' in Ukraine. It appears, however, that their actual number is substantially less than perceived by popular imagination or by estimations of authorities. It seems that the prevailing majority of the members of 'visible minorities' in Ukraine are either citizens or permanent and long-term residents who are properly 'documented' or at least are legally entitled to such documentation. Majority of them self-identify with ethnic groups originating from former Soviet Union. Among long-term resident members of 'visible minorities' substantial fraction constitute international students who mainly originate from the regions outside the former Soviet Union, particularly Asian and African including the Arab world. A very small fraction of those, who are perceived as 'visible minorities', are refugees or asylum seekers. It appears that the number of those members of 'visible minorities' who are 'undocumented migrants' and are not entitled to documentation is even smaller than of refugees and asylum seekers. These conclusions allow suggesting that 'millions of illegals from Asia, Africa and Caucasus' are no more than a phantom of popular imagination and the actual number of members of 'visible minorities' (regardless of their legal status) in Ukraine in total does not exceed 1% of the population.

CHAPTER V. Explaining racism in Ukraine

In the attempt to identify the root-causes of the problem I will rely on the theoretical perspectives outlined in the introduction to this paper, one of which views racism as an essential element or a counter-part of nationalism and another argues that racism has its roots in class. This discussion does not pretend to resolve the conflict between these two perspectives. On the contrary I argue that they are not mutually exclusive. They are applied in opposition here only to shade more light on the different elements and sides of the specific forms of racism against 'visible minorities' in Ukraine as well as its practical and discursive manifestations.

V.1 Locating racist discourse

As illustrated above that racism in Ukraine in its current form appears to be a recent phenomenon arising around the turn of the millennia. Its occurrence manifested itself most notably in the surge of racist violence, reports of which started penetrating informational space since the end of 2006 (AI, 2008a; ECRI, 2008). Some local experts, however, note that incidents of racist violence, including perpetrated by neo-Nazi sub-cultural formations, occurred in Ukraine even earlier (KhPG, 2009; Butkevych, 2007; UNHCR, 2001). UNCHR, for example, documented such incidents, including violence, since 2001 (UNHCR, 2001; Portnikov, 2006).

Another manifestation of raising intolerance against 'visible minorities' was a growing popularity of racist sub-cultural formations among youth. These groups generally are considered responsible for majority of the violent racist crimes. N.Butkevych (2006) of the Union of Councils for Jews in the Former Soviet Union, noted that increase of popularity and brutality of neo-nazi skinheads has occurred since 2002, when they lending themselves to violence.

Racism in Ukraine also took a form of institutional practices associated with 'migration management'. Among other, as demonstrated above a rapid decline of the percentage of refugees who were offered protection occurred in 2002. Institutionalised racism also occurred as systematic harassment of members of 'visible minority' groups by Ukrainian law enforcement authorities. Complains concerning 'ethnic profiling' were first documented in 2001 (Braichevska, 2001) though, the practice might have started earlier. Since 2007 one of the most salient concerns expressed by 'visible minorities' with regard to the practices of law enforcement authorities in Ukraine had been their reluctance to adequately address

discrimination and racist violence (Pylynsky, 2009).

Thus, through the outline of practical manifestations of racism the timeframe of occurrence of its current form was confirmed, consequently one shall look for discursive manifestations of racism against 'visible minorities' within the estimated period. But first it is necessary to identify sources of the discourse that constructed racialisation of 'visible minorities'. In line with the opinion of many theorist of racism (see introduction) one may be tempted to suggest that since Ukraine has just emerged as a nation state the root-causes of the current forms of racism against 'visible minorities' shall be located in Ukrainian nationalist discourse.

Indeed, some radical nationalist political forces, particularly "VO Svoboda"¹⁴, have recently started articulating openly racist ideas directed against 'visible minorities' (www.svoboda.org.ua and www.forum.vosvoboda.info). Even mainstream political parties, which declared their sympathies with Ukrainian nationalism, relied on anti-Semitic sentiments of the population to discredit their opponents (Kuzio, 2010). Several incidents when high-rank politicians associated with them made racist statements against 'visible minorities' were reported by the media (see Korotkov, 2008). Moreover, pro-Russian, side of political spectrum claims that Ukrainian nationalism, as opposed to Russian, is 'inherently racist, fascist and anti-Semitic'. Their understanding of 'racism, fascism and anti-Semitism' and, who the victims of this social phenomena are, is, however, very peculiar (see Annex IV for a graphic illustration).

On the other hand, since after the WWII one the main tools used by Soviet state to suppress Ukrainian nationalist sentiments among the population was precisely the accusation in various forms of 'ethnic' intolerance. The mainstream movements sympathising with Ukrainian nationalist ideas since then have always tried to deconstruct this accusations and prove the opposite through condemnation of all forms of racism (see for example Podrobnosti, 2008; BEK, 2007). The main 'Other' against whom Ukrainian 'ethnic identity' is articulated is Russia and the diversion of the Ukrainian nationalist discourse from this 'Other' appears to many counter-intuitive. Hence, many local experts believe that the current surge of racist violence and proliferation of neo-nazi ideology among youth has nothing to do with Ukrainian nationalism as such and has been orchestrated by Ukraino-phobic forces (KhPG, 2009). Certainly, one cannot deny that political insinuations might have contributed to the current state of affairs (Likhachev, 2010). That is not, however, sufficient to exclude links of the dominant Ukrainian nationalist discourse and the racist sentiments of the population against

¹⁴ Translated into English as 'All-Ukrainian Organisation Liberty'

members of 'visible minorities'.

Nonetheless, it appears that Ukrainian nationalism is not the only nationalism contributing to the increased racist sentiments among population. 'Pro-Russian' political forces and their representatives, while condemning their opponents as racists, have been extensively using racist propaganda in their electoral campaigns (Likhachev, 2010, Portnikov, 2006). A range of far-right¹⁵ or even neo-nazi groupings¹⁶ active in Ukraine act out against Ukrainian nationalism and appeal to discourse of Pan-Slavenism or Russian nationalism.

Notably, although neo-nazi groupings in Ukraine may have certain ideological disagreements concerning their nationalist loyalties, it does not obstruct their effective cooperation because they have a common main target of hatred defined by them as 'illegal migrants from Asia, Africa and Caucasus' (Karpiuk, 2007). As it will be further demonstrated even the opposite sides of the mainstream political spectrum despite their conflicts warmly agree with each other when it comes to adopting harsher migration policies, which they aim to direct against those who are called here 'visible minorities'.

This leads to a conclusion that, although connection between both Ukrainian and Russian nationalisms and racism against 'visible minorities' in Ukraine may not be excluded, nationalist discourses were not decisive in triggering racism. It is suggested that the main topic around which racist discourses are concentrated is 'migration management'. It also appears that the discourse around this topic 'migration management' is what perpetuates and legitimises institutionalised and everyday racism as well as racist violence.

During field research in December 2009, I conducted a series of interviews with lay inhabitants of Kyiv (5 persons) and Odesa (5 persons) to test my above thesis. One group was asked to "characterise the climate of inter-ethnic relations in Ukraine" (5 persons) and another - to "express their opinions about the trends associated with migration" (5 persons). Respondents in the first group expressed their political stand in the ideological dichotomy Russian v. Ukrainian in terms of nationalist (either Russian or Ukrainian) discourse, with no reference to 'visible minorities'. In the second group, every respondent immediately turned to the discussion concerning 'visible minorities' in which majority of them demonstrated a high mean of prejudice.

The above thesis is well illustrated with the abstracts from the comment by the Deputy

¹⁵ For example the Social-Patriotic Assembly of Slavs (SPAS) is a far-right political party that was established in 2006 and, according to its manifesto, strives to "elimination of discrimination against Slavs in Ukraine and other Slavic countries" and relies on the ideas of Russian chauvinism (see the official web-site of the party: <http://spas-edko.org.ua>).

¹⁶ For example the Ukrainian branch of a the youth network called Movement Against Illegal Migration that originated in Russia (see http://community.livejournal.com/lenta_udpni/)

Head of MoI Department of the town of Kremenchuk on the recent violent attack by “youth who [as it was established in the course of the investigation] sympathized with neo-nazist ideas” against a Chinese businessman (2009, courtesy of Olha Vesnyanka, journalist, human rights activist and editor of www.xenodocuments.org.ua):

[circumstances of the attack]...So, they saw him... [...] They asked if he had a registration... Nonetheless, they immediately started beating him...

[about motives of the attack] Well... Most probably just hooliganism... [...] If they would take something from him we would immediately put it as a robbery... But this way... This is certainly just a simple hooliganism...

[characterising activities of local neo-nazi formations] We do not have it on a large scale... [...] We identified this group... [...] But they say they do not feel such a hatred specifically to foreigners, there is nothing like that... directed against foreigners... those... khachiks¹⁷... [interviewer made it clear that she disapproves of offensive adjective] Well... How do you say it? non-Russians... I mean... Persons of Caucasian nationality... [interviewer again indicated that she disapproved of his language stating that there is no such nationality as 'Caucasian'] How? But... Caucasian nationality! What do you mean there is no such nationality?! Are you trying to say that Chechens... all these... Chechens, Dagestanis, Osetins all are Russians? Citizens of RSSR... hehe...

[interviewer asked how the interviewee would characterise the level of inter-ethnic tolerance among the local population] Well... Like anywhere else... We have in the town with population of 250 000, around 1500 foreigners who are permanently registered or otherwise staying here... They may be different... Of course... Nobody likes persons... of Armenia, Georgia, Dagestan... citizens of these countries... of... of Caucasian region... countries of Caucasian region... Some kind of... Yes... Dislike, maybe... Yes... I can feel... That... But... because they all are now citizens of Ukraine... And all of them obtained here already... On full rights here already... Rights... Here at our place... there are no options any more... yes... nobody has... otherwise we would have...

This utterance clearly illustrates how discourse of ‘migration management’ structures both violent and institutional manifestations of racism against ‘visible minorities’. Whilst denied by the policeman, the motive behind this attack appears to be that the perpetrators believed because of the victim’s physical appearance that he was an ‘irregular immigrant’ (“asked for registration”). It illustrates that ‘visible minorities’, even ‘traditional’ are always perceived as *‘foreigners’* and *‘citizens of foreign states’*, even despite their Ukrainian citizenship.

Curiously enough, the label ‘foreigner’ does not apply to white non-nationals. Thus, the interviewee ridicules interviewer’s attempts to draw attention to the fact that his language is prejudiced. He is aware that individuals who belong (or are perceived to belong) to a range of ethnic groups originating from Caucasus are in fact citizens of Russia; nonetheless, he strongly insists that they cannot be called Russians. Latter he realises his mistake and alters the language. Another mishap, however, occurs and he lists Dagestan among the independent states. This signifies that ‘visible minorities’, unlike whites are not only perceived as ‘foreign element’ in the society, but also ‘unwanted’.

¹⁷ Derogative term used in common Russian/Ukrainian language to signify people originating from Caucasus, first of all those of Armenian ethnic origin.

Furthermore, the interviewee suggests that because members of ‘visible minority’ groups obtained Ukrainian citizenship law enforcement authorities were deprived of ‘any other options’. Although, he does not spell out what those options were a reader may guess from the context that “otherwise we would have...” was intended to end in one of the measures from the arsenal of ‘migration management’, including expulsion.

Accordingly, it is suggested that the main source of the dominant racist discourse that perpetuates and legitimises racism against ‘visible minorities’ is located in rhetoric surrounding the topic of migration management and not Ukrainian or Russian nationalist discourses.

V.2 Stigmatization of 'visible minorities' through dominant discourse on 'migration'

In order to identify the factors that triggered and continue to perpetuate racism one shall scrutinize the development of the dominant discourse on migration management within the identified timeframe. I consider that it can be traced through analysis of rhetoric of political elites, as elite discourses not only reflect the dominant public discourse, but also to a substantial degree structure it. For that I will use the relevant legislative initiatives and the parliamentary debates surrounding them as source of the elite discourse.

The first domestic normative initiative to mention the term 'illegal migration' was the Decree of the Cabinet of Ministers of Ukraine (CMU) of 1996, followed by another CMU Decree of 1998¹⁸. Publicly this term first occurred in the Draft Law “On Amendments to Certain Legislative Acts of Ukraine Concerning Countering Illegal Migration” of 9 September 1999. At the Parliamentary hearing this legislative initiative did not attract much attention at all. The speaker of the Parliament had to motivate deputies to vote in favour of its adoption (Parliament, 1999):

I urge you to support [this draft law]! Illegal migration, do you know what a huge evil it is?! It has already turned Ukraine into a transshipment base. [...] Vote colleagues! Vote!

By 2002 the topic of 'illegal migration' raised again during consideration of the Draft Law “On the General Structure and Staffing of the Border Guard Service of Ukraine” of 1999, attracted more enthusiasm of the members of Parliament. That law was aimed at “improve the capacity [of the state] to effectively oppose modern *threats* to national security of Ukraine at the state border of Ukraine in *conditions* of the democratic development of the state and *integration to the European structures*” (Parliament, 2002). Most of the measures prescribed by it were to be concentrated on strengthening the western border of Ukraine, which was

¹⁸ Both of these normative acts were withheld from publication until March 2008

about to become the eastern border of EU. However, it was justified in terms of 'national security'. The official M.V. Koval who presented it to the Parliament stated (Ibid.):

In fact, if one were to look at the map of Ukraine, then [he would see] that in the Western region, we have some kind of 'sack' that formed here. Here the paths through which illegal migrants are getting into Ukraine are concentrated. [...] Accordingly, Zakarpattya [region] is like a sack collecting illegal migrants whose aim is to get into Europe.

This legislative initiative generated almost unprecedented accord between rivalry political forces in the Parliament. Everyone was eager to express how much it was needed “for the protection of national security” (Ibid.). Deputy I.Khmara of Block of Yulia Tymoshenko (BYT), the opposition, decided to stress that [without strengthening the borders] (Ibid.):

We get uncontrollable illegal migration that brings drugs, diseases, other problems and crimes. It is already even hard to estimate how much it costs Ukraine.

Deputy S.Shevchuk (member of the Parliamentary Committee for European Integration) of electoral block “Za Yedynu Ukrainu!” (For United Ukraine!), the government, agreed fully with his adversary stating that the current trend is to the (Ibid.):

accumulation of illegal migrants who bring with them to Ukraine at least three problems: drugs, criminality and diseases

Deputy G. Udovenko of Fraction “Nasha Ukraina” (Our Ukraine), government, hinted that fight against ‘illegal migration’ also suggested some political and financial benefits (Ibid.):

These hundreds of thousands of illegal migrants, that come through the eastern border, freely cross it and, which is the most dangerous [aspect] freely pass through the whole territory of Ukraine, and only at the western border our glorious border guards stop them [and detain them] in camps¹⁹. They protest there, because conditions are inhuman. One has to treat humanely *even illegals*. On the expense of our miser budget [...] border guards are keeping this illegal migrants in those camps, but they are protesting, as it was recently in Zakarpattia, shaming us before the whole world. We have to strengthen our borders. [...] However,] these illegals are not coming to [stay in] Ukraine. They want to get to Germany, Belgium or even Bulgaria. [...] Let the European Union dip into its pocket, and give money to strengthen our border. Because we are protecting them with our own chest!

One can observe from the above (see Krzyżanovsky and Wodak, 2009 for more information on the applied methodology of critical discourse analysis) how interaction of *topoi of numbers, examples, criminality of 'migrants', threat and anxiety* interact in the dominant discourse to stigmatise and *problematise* (Essed, 1991: 112-113) the so called 'illegal migrants', who, as we already know, are equated in public perception to 'visible minorities'. The notions of 'foreignness' and 'illegality' used with reference to the racialised group not only

¹⁹ At that point there was only one recently established detention centre for 'irregular migrants' in the village of Pavshyno in Western Ukraine established in 2001, which has been and still is notorious for the low standard of living conditions offered there to detained individuals.

perpetuate its problematisation, but also create a sense of 'otherness' thus, perpetuating *marginalisation* of 'visible minorities' (Essed, 1991: 114-115).

Moreover this marginalised group is also ascribed a sub-human status, which is legitimized by the notion of 'illegality'. Elite discourse appears to suggest that 'illegals' are one of the last categories of 'creatures' that are to be considered as subjects of humane treatment. Subjects of these policies are not even called as anything else but 'illegals', by which dominant discourse in Ukraine deprives them of their 'right to recognition everywhere as a person before the law' (Article 6, UDHR, 1948). Which is the basic precondition for the realisation of an individual's entitlement to human rights implemented through the legal systems of the states around the world, including that of Ukraine (see H. Arendt, 1986 and J. Butler, 1994 on the effect of dehumanisation).

It follows from the above analysis that there is no reason to wonder why neo-Nazi who attacks a member of 'visible minority' group in a small town of Ukraine first requests his victim to show his/her registration (see above). It also leaves no doubt as to the source of ideology that structures nightmares of an old lady from the village Rozsudiriv, where Ukrainian Government recently opened a detention centre for 'irregular migrants', who has never seen a 'migrant' herself but questions:

“Do you think that all of them are healthy there [in the detention centre]? Take its hand and everything will transfer onto you. No country wanted to keep them, only us. We do not need them here.” (Siver, 2009)

The Parliamentary hearing in 2002 was the first one since independence when racist discourse targeting 'visible minorities' was proclaimed out loud by all sides of the mainstream political spectrum in accord (that is not at all characteristic for them when it comes to other issues they legislate upon). With time the negative characteristics ascribed to 'visible minorities' by the members of the Parliament only became louder and more picturesque (see Annex V for examples) but the topical framework did not change. Hence, it appears that the conclusion drawn by E. Balibar concerning the situation in France and other West European societies holds true for modern Ukraine: “'Immigration' has become, *par excellence*, the name of race, a new name, but one that is functionally equivalent to the old appellation, just as the term 'immigrant' is the chief characteristic which enables individuals to be classified in a racist typology” (Balibar and Wallerstein, 1991: 222, from Solomos and Back, 1996: 55).

Thus, one can see that the radical change in the attitudes of political elites to the issue of 'illegal migration' and consequently their perception of 'visible minorities' occurred between the end of 1999 and 2002. Usually scholars of racism associate escalation of racist attitudes in the society with certain event involving racialized group, or in the words of T. Van Dijk 'ethnic

event', and its subsequent interpretation in the dominant public discourse (Van Dijk, 1991; Žižek, 2009: 79-88; Sivanandan, 2006). No such event involving 'visible minorities' occurred in Ukraine during the said period. On the contrary for general public and even for the majority of the political elite presence of 'visible minorities' and 'irregular immigration' then were not an issue. As demonstrated, the speaker of the Parliament of Ukraine in 1999 was trying hard to convince the majority of the members of the Parliament that these issues were important enough for them to adopt the suggested legislative initiative. The question arises then what prompted such a concern of the Government, who the speaker represented, over the issue of 'irregular migration' in 1999, so as they undertook to convince the others to believe that it was a problem.

The answer to this question appears to be suggested by the only use of the *topoi of authority* in the utterances cited above, which referred to the European Union. The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part and Ukraine, of the other part was ratified by Ukraine in June 1994 and entered into force upon the adoption of the European Council and Commission Decision No.98/149/EC of 26 January 1998. Shortly after European Council adopted a Common Strategy on Ukraine No.199/877/CFSP of 11 December 1999. These framework instruments further developed into the detailed framework of international cooperation between EC/EU and Ukraine (EU, 2010; and Ukraine to EU, 2010) This document explicitly prioritised "common interest [of EU and Ukraine] to combat illegal immigration" (EC, 1999). Given that Europe is seen as the highest authority by sides of the Ukrainian political spectrum as well as for the population in general, Ukrainian authorities were more than eager to implement these strategic tasks EU set before it. Even more so, because implementation of those tasks implied financial support, part of which could be, and undoubtedly was, in light of the extensive evidence of corruption proliferating at all levels of Ukrainian state apparatus, successfully utilised by actors involved in such implementation for their own needs.

The task of this study is, however, not to ascribe the responsibility for the proliferation of racism in Ukraine to a certain actor, particularly because racism is perpetuated structurally, and contribution of one actor does not explain racist discursive process as a whole. The aim of this research is to investigate how this flywheel could be stopped or at least redirected in order to marginalise racism in Ukrainian society.

CHAPTER VI. Attempts of counter-discourse opposing to racism in Ukrainian society:

Fighting or Legitimizing?

Racist discourse that perpetuates racism in the society can only be effectively opposed by means of powerful counter-discourse capable of de-constructing it. Consequently, in this chapter I will analyse if the existing efforts by the civil society in cooperation with 'visible minority' groups are hitting the target. Since in its efforts the civil society primarily focused on lobbying the Government to take legislative and practical measures aimed eradicating racism the effectiveness of the efforts of the state to counteract racism appears to be an indicator of the effectiveness of this work. I will thus analyse the effectiveness of the dominant anti-racist discourse through the prism of its reflection in the official discourse.

VI.1. Implicatory Denial and Counter-Offensive

The idea that the population of Ukraine is tolerant dominates the official discourse on racism. In the Report on Implementation of the International Convention on Elimination of All Forms of Racial Discrimination (CERD, 1965) submitted to the respective UN Committee in 2005 the Government stated: "All forms of discrimination based on race and nationality have been eliminated in Ukraine" (CERD, 2006a, Para 83: 15). They also expressed the opinion that tolerance has been characteristic of Ukrainian people's mentality for centuries (CERD, 2006a, Para 20: 5).

Similar opinions held the lay individuals I interviewed during the field research. Majority of them believed that population of Ukraine is very tolerant towards 'visible minorities'. One of the interviewees remarked:

"Conflicts... no... I do not think there are any conflicts... Foreigners are treated very friendly in Ukraine. Even when... these... Chinese trade on open markets... Cheat... Still people are very tolerant towards them... Very friendly." (male, Odesa, 55-60, December 2009)

Similarly, representatives of the General Prosecutor of Ukraine in their conversation with representatives of Amnesty International (AI) in June 2008 devoted to the surge of racist violence in Ukraine (AI, 2008a) suggested that reports of such violence documented by the AI were not true because Ukrainians were "very tolerant by nature and would never be the ones starting any fight or whatsoever, unless if, maybe they were drunk... but, generally very tolerant..." (Personal notes from the meeting, June 2008). The official in this example engaged in what S. Cohen (2002: 101-113) calls '*implicatory denial*'. He implied that the AI representatives did not really understand what was happening in Ukraine and attributed responsibility for the incidents of violence against members of 'visible minorities' to

themselves. To justify the Government's lack of protection of 'visible minorities' he further referred to statistics regularly issued by the Ministry of Interior of Ukraine on the 'number of crimes committed by foreigners²⁰ and the number of crimes committed against them in Ukraine'. The latter number was lower the General Prosecutor's representative appeared to imply that a supposedly deviant nature of behaviour of members of 'visible minorities' in Ukraine justified violence against them, which nonetheless 'did not happen'. Thus, by manipulating the *topos of numbers* he obviously attempted to establish positive self-presentation of the 'in-group' he belongs to by means of counter-offensive (Cohen, 2001: 112) against 'visible minorities' who are portrayed 'foreign' to it and 'deviant'.

Some interesting implications of the 'myth of tolerance' as means of perpetuation of racism, which seem to hold true in Ukrainian context, were observed by F. Essed during her research in the Netherlands. She noted that the Dutch took it for granted that tolerance was characteristic of their mentality and culture, and therefore believed that racism could not exist in their country. Consequently, the reality was defined as a reality of tolerance, which deprived opposition to racism of a legitimate basis (1991: 115). Similar myth of tolerance, as shown above, is highly politicised in the dominant discourse on ethnicity in Ukraine, which leaves very little space for a genuine anti-racist discourse to become noticeable in public informational space and even less for it to be comprehended and accepted by the majority.

VI.2 Partial Acknowledgement

It would be unfair to state that the official discourse has not been responsive to the appeals of the civil society concerning the problem of racism against 'visible minorities'. Relying on the documented cases of racist violence human rights organisations demanded the Government to take measures to effectively prosecute perpetrators including bringing the law in compliance with the standards contained in relevant international human rights instruments, improve the standard of police response to such violence and take measures to promote tolerance and multiculturalism. Ukrainian authorities seemingly responded to each and every of these demands. 'Despite all these efforts', civil society has been highly dissatisfied with the measures adopted by the Government and their results (AI, 2008; Pylynsky, 2009).

To understand why this happened I suggest to analyse one of such measures, namely the recently adopted Law "On amendments to certain provisions of the Criminal Code of Ukraine concerning liability for crimes motivated with racial, ethnic and religious intolerance" (11.05.2009). Analysis of the verbatim records of the two sessions of the Parliament at which

²⁰ Meaning foreign citizens for the purposes of this statistics

this draft law was discussed reveals that no reference at all by any political force is made to rights of minorities whose suffering from manifestations of racism this legislative initiative was supposedly aimed to rectify. No voice of victims of racism is allowed to enter the dominant discourse on racism. Instead, adoption of this Law was justified throughout preparatory work and parliamentary debates by reference to 'European standard' and civil society reports on a number of violent crimes against visible minorities presumably perpetrated by neo-Nazi skinheads. Consequently, the scope of this legislative initiative and its potential effect is only restricted to cases of a) manslaughter, b) severe bodily injuries, c) bodily injuries of medium severity, d) battery and torment (that did not cause bodily injuries). These types of violent acts are perceived to be characteristic outcomes of racist violence perpetrated by neo-Nazi, and therefore racism as such is attributed only to this marginal sub-culture. Such a limited perception of the problem is also reflected in range of official comments by the authorities of Ukraine. Supreme Court of Ukraine critically commending this legislative initiative declared: "Ukraine, unlike some other states, is not a country where manifestations of racism, chauvinism, xenophobia and anti-Semitism have become a widespread, large scale and a threatening phenomenon." (SCU, 2009)

In conclusion, it appears that anti-racist discourse so far has only led to a 'partial acknowledgement' (S. Cohen, 2001: 115).of racism by the official discourse. Currently it is viewed solely as a problem created by a marginal phenomenon (neo-nazi subculture) and not as a serious problem that demands attention of the state. Such a vision of racism in Ukraine is common among institutions that publicly declared their recognition of the problem and even among certain fractions of the civil society as well as members of 'visible minorities'. Implications of 'partial acknowledgement' are well reflected by the results of a survey carried out by Kharkiv Institute on Sociological Research among police officers and Police Academy students in Kharkiv based on Bogardus scale. It demonstrated that 'racists' were the most intolerable group from the point of view of the current and would-be police officers. Interviewees also indicated, however, that they would only tolerate as guests in the country the following 'ethnic' groups included into the questionnaire along with 'racists': Chinese, Africans, Arabs, Afghans, Roma, Chechens (Kobzin, 2008: 46).

The fact anti-racist efforts of the civil society resulted only in *partial acknowledgement* of the problem in the official discourse that existing anti-racist discourse is insufficient and incapable to effectively address racism in the society. Moreover, it appears that it also was detrimental to the cause as partial acknowledgement provides a premise for legitimisation of

racist attitudes through rejection of its extreme manifestations. By doing so, a prejudiced individual or an institution does not only feel free in expressing and living out her prejudices, but also perceives herself as tolerant, thus delegitimizing opposition to her prejudice. Moreover, as S. Cohen notes, pro-active responses in the form 'partial acknowledgement' do not guarantee prevention of another round of official denial (2001: 115).

To summarise I suggest that official discourse on racism in Ukraine, even when it is seemingly acknowledging the problem, only uses various denial strategies. Intertwined in pervasive forms of in *implicatory denial* and *counter-offensive, partial acknowledgement* denial of racism in Ukraine dominates discourse of the state pertaining to this topic. This not only contributes to the legitimization of racism within the society but also prevents problematization of this phenomenon because it bars voices of minorities affected by this problem or their sympathizers from accessing and being visible in the public informational space with anti-racist message. Furthermore, it also stiffens the experience of racism suffered by some members of 'visible minorities' because denial perpetrates conditions and practices that have the effect of obscuring the experience of racism in the lives of the members of the racialized out-group (*'suppression'* : F. Essed, 1991: 115).

CHAPTER VII. Conclusions

In this study I undertook a task to investigate what factors triggered and have continued to perpetuate racism against 'visible minorities' in Ukraine. It was intended to serve as a preliminary reconnaissance into this problem. In light of the total absence of the research devoted to this question I hoped that the findings of this study could be instrumental for both farther research initiatives as well as in anti-racist campaigning initiatives. The findings I arrived to, however, might be a bit worrying for those who optimistically hope that racism in Ukraine could be eliminated by outlawing its manifestations on the one hand and promotion of tolerance on the other. It appears that the problem requires more sophisticated approach at the local level as well as globally.

Today the ideology of division and exclusion lies at the very core of common sensual knowledge globally, including of what is called 'Western Civilization' that dominates globalisation processes. In this light Hannah Arendt's (1986) conclusion that should the world one day become a global state the dominant group in it would still identify its minorities and strive to exclude and eradicate them acquires particular relevance. Regardless of whether the roots of racism lie in institutionalised nationalism, as she argued, or in imagined class division, as B.Anderson suggested, those who want to live in the world without racism are facing an almost insurmountable task and only the global response stands a chance of taking it.

Nonetheless, local level initiatives are essential as the no one universal form of racism and its multiple faces depend on particular local historical and political conditions. It is essential for the civil society to be able to design a locally strategy for marginalisation of racist discourse and, consequently mitigating its manifestations in which conclusions drawn by this study instrumental.

Among them is that some of the preconditions of racism in its modern form in Ukraine stem from the official and implicit Soviet ideologies. These include a range of the categorisation systems resting on the notions of Social Darwinism and civilizationist/developmental discourse. They may be de-constructed through the revision of outdated concepts, which remained in the system of state education in Ukraine as a Soviet legacy. It appears that under the pressure of the civil society the Government would be ready to undertake such a revision as political elites of Ukraine, regardless of their loyalties in terms of internal 'ethnic' divide see 'the European standard' as their ultimate authority.

Further, it was identified that racist discourse in its current form has flourished in Ukraine since the first years of the XXI century under the realm of the discourse on migration. It was

been demonstrated through juxtaposition of the discourse pertaining to 'visible minorities' under the topic 'migration' and particular examples of manifestations of racism, how through this discourse 'visible minorities' are being, in terms of P.Essed, marginalized and problematised. Combined effect of these two discursive processes dehumanises 'visible minorities' in perception of the majority, which, in its turn, instigates hatred to them among the majority and legitimises exclusion, aggression, symbolic and well as physical violence against this racialised group. Apart from that elite discourse on migration also has contributed to institutionalisation of racism within state apparatus, particularly the authorities that deal in one or another capacity with 'migration management', including the State Committee on Nationalities and Religions, the Ministry of Interior and the Border Guard Service.

It was suggested following that the only way to oppose perpetuation of racist discourse is a powerful and targeted counter-discourse. To explore a potential of it being developed in Ukraine I undertook to evaluate the effectiveness of existing anti-racist efforts of the civil society and the authorities. The evaluation showed that what the civil society sees as its main achievements in countering racism have only contributed to its denial. Denial of racism is, according to P. Essed, one of the three constitutive forces of racism. Thus existing anti-racist discourse has only contributed so far to suppression of a genuine anti-racist message and, along with marginalisation and problematization, has contributed to legitimisation of racism and not visa versa.

CHAPTER VIII. Recommendations

In light of the above listed conclusions, it appears that in order to tackle racism against ‘visible minorities’ in Ukraine civil society should first of all set aside at least for a little while their urge to act (F.Schelling, from Taguieff, 2001: 1) and review their strategies with reference to the root-causes of the problem instead of its symptoms. In order to construct the effective response to racism they will have to undertake further research into different facets of the problem. In particular, more in-depth exploration of the factors triggering and perpetuating it is required. They should address inter-connection between the processes of the negotiation of ‘national’ identity by the majority and the exclusion of minorities in order to explore possibilities for construction of the open ‘nation project’. The most urgent, however, is the need for more in-depth research into the effects of the discourse on migration onto the position of ‘visible minorities’ in the society and state of their human rights as well as onto the processes of institutionalisation of racism.

It appears that the following practical steps, which should be well researched and planned, are urgently required for marginalisation of racist discourse. First of all civil society should campaign that the state measures aimed at ‘migration management’ and eliminating ‘racial’ be at least with the relevant basic human rights standards. Among other they should lobby the Government to introduce changes in the legislation, which would allow for liability of organisations for perpetration of discrimination, as it is required by among other Article 4 of CERD. Absence of the legal framework that would make it possible hinders the efforts aimed at addressing institutionalised racism that, as it was demonstrated, exists in the number of state structures.

To ensure the compliance of authorities with human rights standards civil society should monitor ‘migration management’ measures. Such a monitoring may be implemented not only through strategic analysis of relevant state measures, but also through provision of legal support to foreign nationals and stateless persons to whom they are applied. Such a monitoring at individual level would not only help to identify systematic deficiencies of ‘migration management’ but also help to protect individual members of ‘visible minorities’ from the abuse of authority by the Government. There is also a potential for strategic litigation that could be utilised by the civil society to pressure the Government into compliance with relevant human rights standards. It is particularly acute in light of the fact that Ukraine ratified Protocol 12 to the ECHR.

LIST OF REFERENCES:

- 1.AI (2008a) "Ukraine: Racial Discrimination on The Rise": Press release, 10 June 2008, AI Index: PRE01/181/2008. Available at www.amnesty.org/en/for-media/press-releases/ukraine-racial-discrimination-rise-20080710, last accessed 26 August 2009.
- 2.AI (2008b) "Ukraine: Government Must Act to Stop Racial Discrimination", *Report by Amnesty International*, published June 2008. Available at <http://www.amnesty.org/en/library/info/EUR50/005/2008/en>, last accessed 26 August 2010
- 3.AI (2008c) "Ukraine: No Save Heaven for Refugees", *Amnesty International, Public Statement*, published June 2008. Available at www.amnestyusa.org/document.php?lang=e&id=ENGEUR500062008, last accessed 26 August 2010
- 4.Anderson, B (2006) *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, Verso, UK
- 5.Appadurai, A. (2006) *Fear of small numbers: the essay on the geography of anger*, Duke University Press, USA
- 6.Arendt, H (1986) "Decline of Nation State; and of Rights of Man", in *The Origins of Totalitarianism*, Andre Deutsch, UK
- 7.Balibar, É. (2004) *We the people of Europe? Reflections on the Transnational Citizenship*, Princeton University Press, UK
- 8.Balinar and Wallerstein (1991) *Race, Nation and Class: Ambiguous Identities*, London, Verso
- 9.Bauman, Z. (1998) *Globalization: The Human Consequences*, Polity Press, Oxford, UK
- 10.BEK (2007) "Yulia Tymoshenko came to Israel for an official visit (В Израиль прибыла с визитом Юлия Тимошенко)", BEK: Jewish News of the World and Ukraine. Available at www.jewish.kiev.ua/news/34/, last accessed 26 August 2010
- 11.Bilychenko, S. (2010) "What does electoral map of Ukraine look like (На що схожа електоральна карта України)", *Ukrainska Pravda*, 24 February 2010. Available at www.pravda.com.ua/articles/2010/02/24/4805944/, last accessed 26 August 2010
- 12.Braichevska, O. et. al. (2001) *Nontraditional Immigrants in Kyiv*, Woodrow Wilson International Center for Scholars, Kennan Institute. Available at www.kennan.kiev.ua/kkp/content/publications/research.htm, last accessed 26 August 2010
- 13.Bushenko, A. (2009) Discussion at the 'Fear and Hatred in Ukraine' round table, within the framework of the project 'Revolutionary Moments', 10 December 2010, Record
- 14.Butkevych, M. (2007) *'No Borders' Initiative: Manifestations of Racism and*

- Xenophobia in Ukraine*, 15 May 2007. Available at www.khpg.org/index.php?id=1179241286, last accessed 26 August 2010
15. Butkevych, N. (2006) "Russia/Ukraine Analyst Sais Racial Violence on the Rise", Interview to *Radio Liberty*, 19 June 2006. Available at www.rferl.org/content/article/1069278.html, last accessed 26 August 2010
16. Butler, J. (2004) *Precarious Life: The power of Mourning and Violence*, Verso, NY, US
17. CERD (1966) *International Convention on Elimination of All Forms of Racial Discrimination of 1966*, available at <http://www2.ohchr.org/english/law/cerd.htm>, last accessed 26 August 2010
18. Chebykina, T (1995) "Deportation of German population from the European part of the USSR (1941-1945)", available at www.memo.ru/history/nem/index.htm, last accessed 26 August 2010
19. Chubarov, E, ed. (2005) *Sketches on History and Culture of Crimean Tatars*, Krymchpedgiz, Ukraine
20. Chumak, Y (2008) "Police may not discriminate? Міліція дискримінувати не може?", Human Rights in Ukraine: Informational Portal of the Kharkiv Human Rights Group, 09 April 2008. Available at <http://64.237.104.51/index.php?id=1207754822>, last accessed 26 August 2010.
21. CERD (2007) "Consideration of Reports Submitted by States Parties Under Article 9 of the Convention. Concluding Observations of the Committee on the Elimination of Racial Discrimination: Canada", *Report by the Committee on Elimination of Racial Discrimination*, CERD/C/CAN/CO/18, 27 May 2007. Available at www2.ohchr.org/english/bodies/cerd/cerds70.htm, last accessed 26 August 2010
22. CERD (2007) "Information Provided by the Government of Ukraine on Implementation of the Concluding Observations of the Committee on the Elimination of Racial Discrimination", *Report Submitted States Parties Under Article 9 of the Convention, Committee on Elimination of Racial Discrimination*, CERD/C/UKR/CO/18/Add.1, 17 September 2007. Available at www2.ohchr.org/english/bodies/cerd/followup-procedure.htm, last accessed 26 August 2010
23. CMU (1995) "Rules on entry of foreign nationals and stateless persons to Ukraine, their departure, and transit through the territory of Ukraine" adopted by the *Cabinet of*

- Ministers Decree No. 1074*. Available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1074-95-%EF>, last accessed 26 August 2010
- 24.CMU (1996) “Concerning Adoption of the Programme for Countering Illegal Migration during 1996-1997”, *Decree by the Cabinet of Ministers of Ukraine on No. 83*, of 15 January 1996. Available at <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=83-96-%EF>, last accessed 26 August 2010 (was withheld from publication until March 2008)
- 25.CMU (1998) “On Measures to Prevent Illegal Migration of Citizens into Ukraine”, *Decree by the Cabinet of Ministers of Ukraine, No. 829*, 8 July 1998. Available at <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=829-98-%EF>, last accessed 26 August 2010 (was withheld from publication until March 2008)
- 26.Cox, O.C. (1948) *Caste, Class and Race: A study in Social Dynamics*, NY, Doublday. Available at <http://www.questia.com/PM.qst?a=o&d=3770698>, last accessed 26 August 2010
- 27.Djik, T.A. Van (1943) *Communicating Racism: Ethnic Prejudice in Thought and Talk*, Sage Publications, Newbury Park, California, USA
- 28.Dijk, T.A. Van (1991) *Racism and the Press*, Routledge, London UK
- 29.Draft Law (1999a) “On Amendments to Certain Legislative Acts of Ukraine Concerning Countering Illegal Migration”, *Draft Law of 9 September 1999*. Available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=6724, last accessed 26 August 2010
- 30.Draft Law (1999b) “On the General Structure and Staffing of the Border Guard Service of Ukraine”, *Draft Law of 19 March 1999*. Available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=5690, last accessed 26 August 2010
- 31.Draft Law (2008) “On Amendments to Some Legislative Acts Concerning Migration”, *Draft Law No. 2232 of 18 March 2008*. Adopted (preliminary) in the first hearing on 22 January 2010. Available at http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=32022, last accessed 26 August 2010
- 32.Dúwell, F. (2005) “On the Fridges of Europe: Refugees in Ukraine”, *Central and East European Migration: Research Resources Report 2/3*, COMPAS, Oxford, UK. Available at www.compas.ox.ac.uk/fileadmin/files/pdfs/Non_WP_pdfs/Transit_Migration_in_Ukraine/Ukraine_Refugees_2of3.pdf, last accessed 26 August 2010

33. Düvell, F. and Vollmer B. (2009) “Irregular Migration in and from the Neighbourhood of the EU. A comparison of Morocco, Turkey and Ukraine”, *Clandestino: Undocumented Migration. Counting the Uncountable. Data and Trends Across Europe*, Centre on Migration, Policy and Society (Compas), University of Oxford, September 2009. Available at <http://clandestino.eliamep.gr/category/irregular-migration-transit-countries>, last accessed 26 August 2010.
34. Dzhuha, I. (2008) *Special echelons are moving eastbound*. Electronic version available at www.greek-martirolog.ru/1940/book1940-p02-gl02.php, last accessed 26 August 2010
35. EC (1998) Council and Commission Decision of 26 January 1998 on the conclusion of the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, No. 98/149/EC, ECSC, Euratom. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998D0149:EN:NOT>, last accessed 26 August 2010
36. EC (1999) European Council Common Strategy of 11 December 1999 on Ukraine, No. 1999/877/CFSP. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1999:331:0001:0009:EN:PDF>, last accessed 26 August 2010
37. ECHR (1950) European Convention for the Protection of Human Rights and Fundamental Freedoms, available at www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights, last accessed 26 August 2010
38. ECRI (2008) *Third Report on Ukraine*, adopted 29 June 2007, published 12 February 2008, European Commission against Racism and Intolerance, Council of Europe. Available at www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/Ukraine_CBC_en.asp last accessed 26 August 2010.
39. ECRE (2007) “*Situation of Refugees and Asylum Seekers*”, *Country Reports 2007: Ukraine*. Available at http://www.ecre.org/projects/eastern_europe/russian_documents/1236, last accessed 26 August 2010.
40. ECRE (2009) “*Here to Stay?*” *Refugee Voices in Belarus, Moldova, The Russian Federation and Ukraine*. European Council on Refugees and Exiles. Available at , last accessed 26 August 2010.
41. Essed, P. (1991) *Understanding Everyday Racism: An Interdisciplinary Theory: An Interdisciplinary Study*, SAGE Series on Race and Ethnic Relations, SAGE Publications.
42. EU (2010) European Commission: European Neighbourhood Policy: Reference

Documents. Available at http://ec.europa.eu/world/enp/documents_en.htm, last accessed 26 August 2010

43.EUROSTAT (2010) “Asylum applicants and first instance decisions on asylum applications in Q1 2010”, *EUROSTAT Issue No. 32/2010* of 15 July 2010. Available at http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-QA-10-032 , last accessed 26 August 2010

44.Fardon, R. (1999) *Mary Douglas: an intellectual biography*, Routledge, UK

45.HRW (2005) *Ukraine: On the Margins Rights Violations against Migrants and Asylum Seekers at the New Eastern Border of the European Union*, London: Human Rights Watch. Available at www.hrw.org/en/node/11521/section/1, last accessed 26 August 2010.

46.Interfax (2009) “VGO ‘Svoboda’ is demanding denunciation of the agreement on readmission between EU and Ukraine as well as the adoption of the new Law concerning citizenship”, *INTERFAX News Agency*, 23 November 2010. Available at <http://volia.interfax.com.ua/ukr/press-conference/25802/>, last accessed 26 August 2010

47.Kakhidze, A. (2009) Discussion at the 'Fear and Hatred in Ukraine' round table, within the framework of the project 'Revolutionary Moments', 10 December 2010, Record

48.Karpiuk, G. (2007) “Skinheads attack first (Скинхеды бьют первыми)”, *‘Zerkalo Nedeli’ Newspaper*, № 11 (640) 24-30 March 2007. Available at www.zn.ua/1000/1050/56214/, last accessed 26 August 2010

49.KhPG (2009) *Racism and Xenophobia in Ukraine: Reality and Fiction: Report on the Results of Research by the Kharkiv Human Rights Group* (Расизм і ксенофобія в Україні: реальність та вигадки, Харківська правозахисна група). Human Rights Publ., Kharkiv, Ukraine

50.Kobzin, D., Chernousov, A. (2009) *Intolerant activity and organisations in Ukraine: Results of Sociological Research by Kharkiv Institute of Social Research and the Ministry of Interior of Ukraine* (Нетолерантна діяльність та організації в Україні. Результати соціологічного дослідження Кобзін Д. О., Черноусов А. М., 06.02.2009). Available at www.khpg.org.ua/index.php?id=1233952914, last accessed 26 August 2010

51.Kobzin, D., (2008) *Xenophobia in the Context of Multi-Ethnicity of the Ukrainian Society: Results of the Sociological Research by the Kharkiv Institute of Social Researches and the Ministry of Interior of Ukraine*, Kharkiv, Ukraine

52.Krzyżanowski, M., Wodak, R. (2009) *The Politics of Exclusion: Debating Migration in Austria*, Transaction Publishers, New Jersey, USA

53. Korotkov, D. (2008) "Savik Shuster: 'I think Lutsenko lost his mind' Савик Шустер: 'Мне кажется, Луценко спятил'", *'Segodnia' Newspaper*, 16 July 2008. Available at <http://novostey.com/politic/news74839.html>, last accessed 26 August 2010
54. Kuzio, Taras (2001) "Identity and Nation Building in Ukraine: Defining the 'Other'" *Ethnicities* 2001; 1; 343. Available at <http://etn.sagepub.com/cgi/content/abstract/1/3/343>, last accessed 26 August 2010
55. Kusio, T. (2010) "Anti-Semitism and racial attributions facilitated Yanukovich's victory at the elections. (Антисемітизм та расове визначення сприяли перемозі Януковича на виборах)", *'Politychna Dumka' online magazine*. Available at www.politdumka.kiev.ua/analytics/politological-journalism/266-2010-03-26-10-49-33.html, last accessed 26 August 2010
56. Law (1991) "On Citizenship of Ukraine", Law of Ukraine of 08.10.1991, available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1636-12>, last accessed 26 August 2010
57. Law (1994) "On the Legal Status of Foreigners and Stateless Persons", Law of Ukraine available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3929-12>, last accessed 26 August 2010
58. Law (2009) "On amendments to certain provisions of the Criminal Code of Ukraine concerning liability for crimes motivated with racial, ethnic and religious intolerance", Law of Ukraine of 11.05.2009. Available at <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1707-17>, last accessed 26 August 2010
59. Levin, M. (2006) *Chechen Migration and Integration in Ukraine: Working Paper*. Available at www.chechnyaadvocacy.org/refugees/ChechenMigrationinUkraine.pdf, last accessed 26 August 2010.
60. Likhachov, V. (2009) *Hate Crimes in Ukraine – 2008: Report on the Results of Monitoring of the Manifestations of Xenophobia in Ukraine*. (Преступления на почве ненависти в Украине – 2008: Доклад по результатам мониторинга проявлений ксенофобии в Украине/ Лихачев, В.) Available at www.kngu.org/KongrUkr/news02-2009/report_2008_likh.html, last accessed 26 August 2010
61. Likhachev, V. (2010) "Anti-Semitism as a political technology – II (Антисемитизм как политтехнология – II)", *official web-site of the Eurasian Jewish Congress, Analytics*, 01 May 2010. Available at <http://eajc.org/page18/news17077.html>, last accessed 26 August 2010

2010.

62.Lytvynenko, O. and Yakymenko, Y. (2008) “Russian-Speaking Citizens of Ukraine: “Imaginary Society” as it is”, *Zerkalo Nedeli*, #18 (697), 17-23 May 2008. Available at www.mw.ua/1000/1550/62942, last accessed 26 August 2010

63.Mace, J.E. (1990) 'The Famine of 1932-1933: A Watershed in the History of Soviet Nationality Policy', *Soviet Nationality Policies: Ruling Ethnic Groups in the USSR*, H.R. Huttenbach, ed., Mansell Publishing Limited, UK

64.MacPerson, Sir V. (1999) “The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPerson of Cluny”, Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty. Available at www.archive.official-documents.co.uk/document/cm42/4262/4262.htm, last accessed 26 August 2010

65.Mamchits, R. (2005) “Crimea: Way of Repatriates' Adaptation”, 02 March 2005. Available at www.apn.ru/opinions/article9262.htm, last accessed 26 August 2010

66.Marples, D. R. (2008) “Prospects for New Leadership in Ukraine”, *Edmonton Journal*, 17 September 2008. Available at <http://ukraineanalysis.wordpress.com/category/russian-language-in-ukraine/>, last accessed 26 August 2010

67.Martynenko, O. (2010) *Opposition against manifestations of racism by MoI of Ukraine: in language of facts*, 7 April 2010. Available at <http://helsinki.org.ua/index.php?id=1270638023>, last accessed 26 August 2010

68.Miles, R. and Brown, M. (2003) *Racism*, Second ed., Routledge, UK

69.Mukachevo.net (2010) “People in Mukachevo protested against creation of a sinker for illegals”, *News of Zakarpattya*, 16 April 2010. Available at [http://www.mukachevo.net/ua/news/view/26774-%D1%83-%D0%BC%D1%83%D0%BA%D0%B0%D1%87%D0%B5%D0%B2%D1%96-%D0%BF%D1%80%D0%BE%D1%82%D0%B5%D1%81%D1%82%D1%83%D0%B2%D0%B0%D0%BB%D0%B8-%D0%BF%D1%80%D0%BE%D1%82%D0%B8-%D1%81%D1%82%D0%B2%D0%BE%D1%80%D0%B5%D0%BD%D0%BD%D1%8F-%D0%B2%D1%96%D0%B4%D1%81%D1%82%D1%96%D0%B9%D0%BD%D0%B8%D0%BA%D0%B0-%D0%B4%D0%BB%D1%8F-%D0%BD%D0%B5%D0%BB%D0%B5%D0%B3%D0%B0%D0%BB%D1%96%D0%B2-\(%D1%84%D0%BE%D1%82%D0%BE%D1%80%D0%B5%D0%BF%D0%BE%D1%80%D1%82%D0%B0%D0%B6\)](http://www.mukachevo.net/ua/news/view/26774-%D1%83-%D0%BC%D1%83%D0%BA%D0%B0%D1%87%D0%B5%D0%B2%D1%96-%D0%BF%D1%80%D0%BE%D1%82%D0%B5%D1%81%D1%82%D1%83%D0%B2%D0%B0%D0%BB%D0%B8-%D0%BF%D1%80%D0%BE%D1%82%D0%B8-%D1%81%D1%82%D0%B2%D0%BE%D1%80%D0%B5%D0%BD%D0%BD%D1%8F-%D0%B2%D1%96%D0%B4%D1%81%D1%82%D1%96%D0%B9%D0%BD%D0%B8%D0%BA%D0%B0-%D0%B4%D0%BB%D1%8F-%D0%BD%D0%B5%D0%BB%D0%B5%D0%B3%D0%B0%D0%BB%D1%96%D0%B2-(%D1%84%D0%BE%D1%82%D0%BE%D1%80%D0%B5%D0%BF%D0%BE%D1%80%D1%82%D0%B0%D0%B6)), last accessed 22 May 2010

- 70.Neboka, M. and Sherstiuk, N. (2008) “‘New Ukrainians’. Is it easy to become a citizen of Ukraine? («Нові українці». Наскільки легко стати громадянином України?)”, *Radio Liberty*, 17.07.2008. Available at www.radiosvoboda.org/content/article/1184491.html, last accessed 26 August 2010
- 71.Nichoha, M. (2010) “Clash of Civilizations in the midst of Ukraine (Зіткнення Цивілізацій посеред України)”, *Ukrainska Pravda*, 11 June 2010. Available at www.pravda.com.ua/articles/2010/06/11/5126765/ , last accessed 26 August 2010
- 72.Novynar (2009) “Media: Ukraine will be soon covered by the wave of illegal migrants”, *Novynar* of 6 march 2009. Available at <http://novynar.com.ua/politics/58249/print>, last accessed 26 August 2010
- 73.Parliament (1999) Verbatim Record of the 39th meeting of the III assembly of the Parliament of Ukraine, 1 December 1999. Available at www.rada.gov.ua/zakon/skl3/3s.htm, last accessed 26 August 2010
- 74.Parliament (2001) Verbatim Record of the 65th meeting of the III assembly of the Parliament of Ukraine (afternoon session), 18 January 2001. Available at www.rada.gov.ua/zakon/skl3/3s.htm, last accessed 26 August 2010
- 75.Parliament (2002) Verbatim Record of the 7th meeting of the IV assembly of the Parliament of Ukraine, 13 September 2002. Available at www.rada.gov.ua/zakon/skl3/3s.htm, last accessed 26 August 2010
- 76.Parliament (2010) Verbatim Record of the 48th meeting of the VI assembly of the Parliament of Ukraine, 22 January 2010. Available at www.rada.gov.ua/zakon/skl6/5session/STENOGR/22_01.htm, last accessed 26 August 2010
- 77.Portnikov, V (2006) “Is there racism in Ukraine: ‘Correspondent managazine about the Ukrainian Movement Against Illegal Immigration (Есть ли расизм на Украине: журнал "Корреспондент" об украинском Движении против нелегальной иммиграции)”, *Radio liberty*, 16 November 2006. Available at www.svobodanews.ru/content/transcript/271404.html#ixzz0yL8Wozqy, last accessed 26 August 2010
- 78.Portnov, Y. (2009) Discussion at the 'Fear and Hatred in Ukraine' round table, within the framework of the project 'Revolutionary Moments', 10 December 2010, Record
- 79.Pylynsky, Y. et. al. (2008) *On the Front Burner: Tolerance!: collection of articles*, Woodrow Wilson International Center for Scholars, Kennan Institute. (Актуально:

- толерантність!»: Зб. ст./За ред. Ярослава Палинського) Available at www.kennan.kiev.ua/kkp/content/publications/research.htm, last accessed 26 August 2010
80. Pylynsky, Y.M., ed. (2009) *“Nontraditional” Immigrants in Kyiv: Seven Years Later* («Нетрадиційні» імігранти у Києві: сім років потому / За заг. Ред. Пилинського Я.М. – К.: Стилос, 2009), Woodrow Wilson International Center for Scholars, Kennan Institute. Available at www.kennan.kiev.ua/kkp/content/publications/research.htm, last accessed 26 August 2010
81. Refugee Convention (1950) Geneva Convention Relating to the Status of Refugees. Available at www.unhcr.org/pages/49da0e466.html, last accessed 26 August 2010
82. Ruble, B.A. (2008) *Establishing a New Right to the Ukrainian City*, Woodrow Wilson International Center for Scholars, Kennan Institute, The Eurasian Migration Papers #1. Available at www.kennan.kiev.ua/kkp/content/publications/research.htm, last accessed 26 August 2010
83. SCNR (2010) “Information of Migration Situation in Ukraine: Informational-Analytical Materials”, State Committee of Nationalities and Religions, of 1 April 2010. Available at www.scnm.gov.ua/control/uk/publish/article?art_id=134359&cat_id=47922, last accessed 26 August 2010
84. SCS (2001) “Instruction concerning organization of the all-Ukrainian census of 2001 and filling in the census documentation”, *Decree of State Committee on Statistics of Ukraine No.341* of 31.07.2001
85. SCU (2009) Conclusion upon consideration of the Draft Laws “On amendments to certain legislative acts (concerning enhancement of liability for crimes motivated by racial, national or religious hatred)”, Supreme Court of Ukraine. Available at www.scourt.gov.ua/clients/vs.nsf/81b1cba59140111fc2256bf7004f9cd3/f6f6ff6e93fea93cc225744b00477265?OpenDocument, last accessed 26 August 2010.
86. Shulga, N. (1999) *Refugees in Ukraine: Human Rights Related Problems*, National Academy of Science of Ukraine (Шульга, Н.А. Беженцы в Украине: Проблемы Соблюдения Прав Человека). Available at www.ecsocman.edu.ru/images/pubs/2005/12/12/0000244670/014_shulga.pdf, last accessed 26 August 2010
87. Sivanandan, A. (2006) “Race, terror and civil society”, *Race & Class*, Vol. 47, No. 3, 1-8
88. Siver (2009) “Rozsudiv — kingdom for illegal migrants”, *'Sivershina' Newspaper*, 11

August 2009. Available at www.siver.com.ua/news/2009-08-11-2437, last accessed 26

August 2010

89.Taguieff, P.-A. (2001) *Force of Prejudice: On Racism and Its Doubles*. Translated and Edited by Hassan Melehy, University of Minnesota Press, Minneapolis, USA

90.Tishkov, Valery (1997) *Ethnicity, Nationalism and Conflict in and after Soviet Union: The Mind Aflame*, SAGE publications

91.TSN (2009) 'Illegal Migrants Could Save Economy of Ukraine: TV News Service, 5 March 2009. Available at http://webcache.googleusercontent.com/search?q=cache:PDxXhI4IwcoJ:www.tsn.ua/ua/ukrayina/nezakonni-migranti-mozhut-vryatuvati-ekonomiku-ukrayini.html+%D0%BC%D0%BB%D0%BD+%D0%BD%D0%B5%D0%BB%D0%B5%D0%B3%D0%B0%D0%BB%D1%8C%D0%BD%D0%B8%D1%85+%D0%BC%D1%96%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D1%96%D0%B2&cd=6&hl=en&ct=clnk&lr=lang_ukl

lang_en&client=firefox-a, last accessed 26 August 2010

92.UDHR (1948) *Universal Declaration of Human Rights*, of 10 December 1948.

Available at www.un.org/en/documents/udhr/index.shtml, last accessed 26 August 2010

93.Uehling, G. (2004) *Unwanted migration: combating and unwittingly creating irregular migration in Ukraine*, Working paper 109. Geneva: UNHCR. Available at www.unhcr.org/416b98dc6.html, last accessed 26 August 2010

94.Ukraine to EU (2010) *Mission of Ukraine to European Communities: Agreements between Ukraine and EU Currently in Force*. Available at www.ukraine-eu.mfa.gov.ua/en/en/21021.htm, last accessed 26 August 2010

95.UN (2008) "UN condemns refoulment of Sri Lankan asylum seekers from Ukraine. Press reliease. United Nations Mission to Ukraine": Official Statement of 10 March 2008.

Available at <http://www.un.org.ua/en/news/2008-03-10/>, last accessed 26 August 2010

96.UNCAT (1984) *United Nations Convention against Torture and Other Cruel or Degrading Treatment or Punishment*, available at www2.ohchr.org/english/law/cat.htm, last accessed 26 August 2010

97.UNHCR (2001) "Ukraine: Murder of Rwandan Refugee Doctor", Briefing notes, 13 July 2001. Available at www.unhcr.org/3b4f08744.html, last accessed 26 August 2010

98.UNHCR (2006) "Ukraine. UNHCR Deplores actions of authorities, seeks information on deported Uzbeks". Briefing Notes, 17 February 2006. Available at

www.unhcr.org/43f5b0c62.html, last accessed 26 August 2010

99. UNHCR (2007) *UNHCR Position on the Situation of Asylum in Ukraine in the Context of Return of Asylum-Seekers*, Kyiv: UNHCR. Available at www.ecoi.net/file_upload/432_1194285151_2007-10-unhcr-ukraine.pdf, last accessed 26 August 2010
100. UNHCR (2007) UN High Commissioner for Refugees, *UNHCR Position on the Situation of Asylum in Ukraine in the Context of Return of Asylum-Seekers*, October 2007. Available at <http://www.unhcr.org/refworld/docid/472f43162.html>, last accessed 26 August 2010
101. UNHCR (2007) “Ukraine: UNHCR concerned by rise in attacks on asylum seekers, refugees”, Official statement 28 June 2007. Available at www.alertnet.org/thenews/newsdesk/UNHCR/45ca151baa0d363f5b5b4eba8b25d326.htm, last accessed 26 August 2010.
102. UNHCR (2010, b) *Information on Refugee Resettlement*, Geneva. Available at www.unhcr.org.ua/main.php?article_id=160&view=full, last accessed 26 August 2010
103. Wodak, R., Reisigl, M. (2001) *Discourse and discrimination: rethorics of racism and anti-Semitism*, Routledge, London, UK
104. Žižek, S. (2009) *Violence*, Profile Books Ltd., UK

Picture 1. Agitation poster published in 1950: “Great Stalin – flagman of friendship between the peoples of the USSR!”



Source:
www.davno.ru/posters/1950/poster-1950j.html

Picture 2. Post-card: “Long live the unbreakable friendship between the peoples of the USSR!”



Source:
www.kyda-komy.ru/agitaz11.html

Picture 2. Book-cover: “Ornaments of Peoples of the World”



Source:
<http://izobook.com/modules/news/article.php?storyid=121>

Picture 3. Snapshot from the animation film for children 'In the Port' (1975)



Source:
www.youtube.com

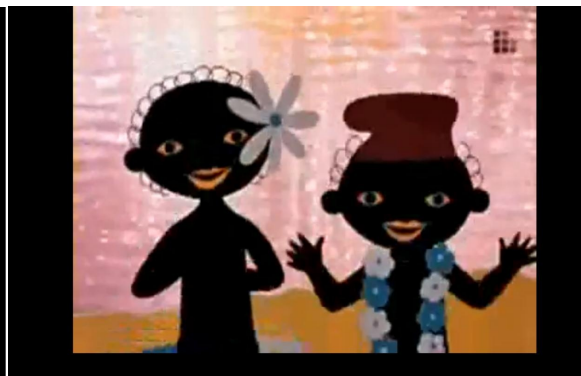
ANNEX I

Picture 4. Snapshot from the animation film for children 'In the Port' (1975)



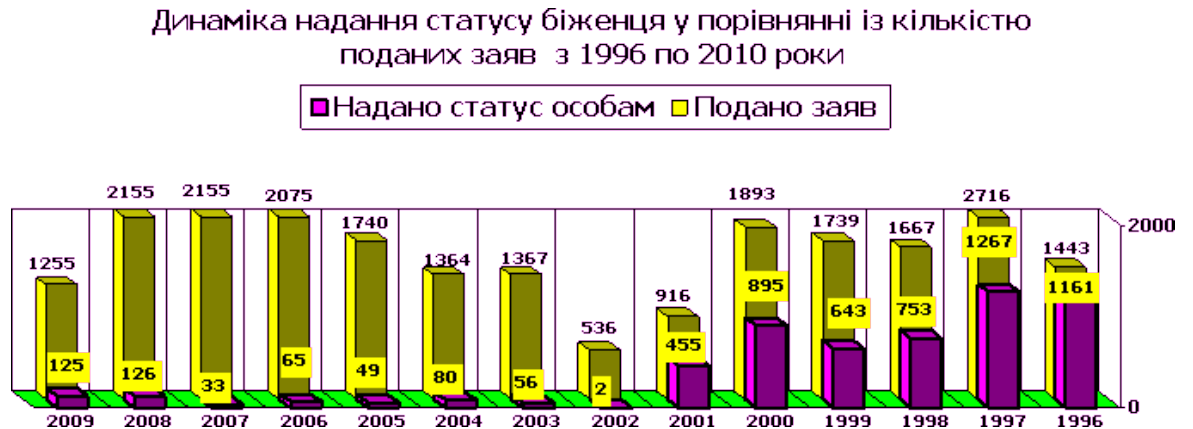
Source: www.youtube.com

Picture 5. Snapshot from the animation film for children 'Katerok' (Life Boat) (1970)



Source: www.youtube.com

Figure 1. “Dinamics of granting refugee status to persons in comparison with the number of submitted applications from 1996 to 2010”

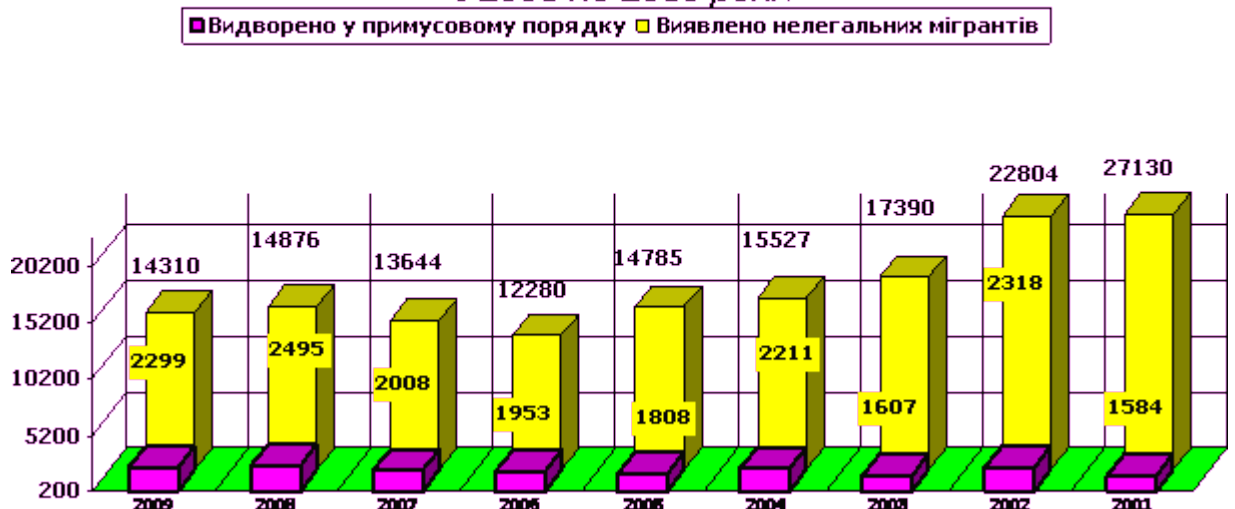


Legend:
 Purple — status granted to X number of persons
 Yellow — submitted applications

Source: Official Web-Site of the State Committee on Nationalities and Religions
http://www.scnm.gov.ua/control/uk/publish/article?art_id=134359&cat_id=47922

Figure 2. “Dinamics of identification and removal of illegal migrants from 2001 to 2010”

Динаміка виявлення та видворення нелегальних мігрантів з 2001 по 2010 роки



Purple: forcibly removed
 Yellow: identified illegal migrants

Source: Ibid.

Figure 3: Data on 'illegal' migrants detected in 2007/2008 in Ukraine according to the State Department of Citizenship, Immigration and Registration' at the Ministry of Interior and the State Border Guard service of Ukraine.

	2007	by October 2008
1. Illegal migrants detected	10479	11348
2. Including illegally crossed the state border of Ukraine	1337	730
3. Groups of illegal migrants detected	101	83
4. Arrested people that belong to groups	820	594
5. Arrests of managers and accomplice of illegal trafficking	17/34	33/41
6. Expelled from the country	9336	10723

Source: Düvell, F. and Vollmer B. (2009) "Irregular Migration in and from the Neighbourhood of the EU. A comparison of Morocco, Turkey and Ukraine", *Clandestino: Undocumented Migration. Counting the Uncountable. Data and Trends Across Europe*, Centre on Migration, Policy and Society (Compas), University of Oxford, September 2009. Available at <http://clandestino.eliamep.gr/category/irregular-migration-transit-countries>, last accessed 22 May 2010

Figure 5: Apprehensions on the borders of Ukraine according to the State Border Guard service of Ukraine, Söderköping Process

2004	2005	2006
9945	17941	25782

Source: Ibid.

Examples of the consequences alleged abuse of authority by Ukrainian migration authorities in the course of their ‘right against illegal migration’ has at human rights of members of ‘visible minorities’

HRW (2005) reports that the most frequent targets are people of African origin and those coming from the Caucasus region, particularly Chechnya. According to a survey among 37 international students carried out by AI in 2007 in Kyiv National Aviation University, 17 of them were stopped by the police for documents check more than once a week (2008:31). For Ukrainian police, 'ethnic profiling' constitutes a crucial tool for supplying the statistics on 'identified illegal migrants', and sometimes it is irrelevant to them if the person apprehended is documented²¹. For instance, participants at the seminar on anti-racist action for international students in Ukraine organized by the Social Action Centre/No Borders Project in 2008, who came from Vinnitsa, reported that several times a year when local police on the order of MoI were carrying out 'operation “Migrant”', whole groups of international students, particularly those of African origin, were detained and charged with violating rules of stay in Ukraine, despite having valid documents with them at the time of apprehension. Students reported that the police would say to them: “We don't care about your documents! We have an operation and we need statistics!” Those apprehensions were reflected in statistical figures signifying 'identified illegal migrants'. How many such incidents across Ukraine and what percentage of the statistical number presented by Ukrainian authorities as 'identified illegal migrants' were in reality perfectly documented?

If such situations occur in cases where the documents of members of visible minorities are 'perfectly fine', one would wonder what percentage in the number of 'identified illegal migrants' constitute people who despite being legally entitled to being documented were deprived of such possibilities due to the structural problems concerning practical implementation of migration and asylum related laws. Such as, individuals referred to by an interviewee whose utterance was cited in the beginning of this chapter. Or, for example, asylum seekers appealing against negative decisions of migration authorities at various stages of RSD procedure, while certificate concerning the previous stage of the procedure has been taken away but the next has not been issued. In 2008 while working in Ukraine as a refugee

²¹ It is worth mentioning that the further the place of such 'identification' is from the capital, the less regard is paid by the law enforcement authorities to the legal norms and procedures pertaining to apprehension, detention, bringing to administrative liability and removal of such 'identified illegal migrants'.

protection lawyer at the Social Action Centre/No Borders Project, I was informed about apprehension of an asylum seeker B. from Uzbekistan in Podil District of Kyiv. At that moment B.'s application for asylum was rejected by the migration authorities and the document certifying his status was seized from him. However, about a month prior to the apprehension he appealed to the Kyiv City Administrative Court against this rejection. According to the Law of Ukraine "On Refugees" he should have received another type of document pertaining to his status at the appeal stage of RSD. In practice, however, it takes months (or even longer) for asylum seekers to receive those certificates due to delays of the courts to register the appeal and administrative delays. Notifications and appeals have been lost by the administration.. B. at the moment of apprehension did not have any documents on him, but was legally residing in Ukraine. After identifying his location I rushed to the police department where he was held with the copy of his appeal that had a stamp of the court's registry on it, thus certifying that B. had a right to temporary reside in Ukraine under the provisions of the Law "On Refugees". My attempts to explain this to a senior police officer in that department did not bring any result. He told me:

"If you attempt to intervene and... obstruct... here... I will make sure that he and his fellow countrymen [will have difficult times if identified in the area]. The 'Migrant' operation is on now... I need to show that I'm countering... 'Migrant' operation... now... People [from senior department] will come here... they will see! All these non-Russians... here... [...] And what will I say... about... where my indicators are...."

Another asylum seeker from Uzbekistan in the same circumstances was detained four times during three months of spring 2008. Before being detained for the fourth time he finally was issued with the document certifying his status. The police who detained him simply did not know what the certificate issued by the migration crevice meant and did not believe (or did not care) that it was a valid document. One can hardly doubt that these incidents are reflected in the official statistics as 'identified illegal migrants' (the last asylum seeker in RSD was, probably, even counted as four 'illegal migrants'). After all, it seems it is precisely this statistics that Ukrainian police is most strongly concerned about when practising such unlawful apprehensions. It is impossible to identify what percentage out of the ten thousand or so 'illegal migrants identified' every year constitute such kind of incidents. It is suggested the number is substantial, as many of these cases never get reported.

It is also worth noting in this context that asylum seekers who are not visibly different from the majority of Ukrainian population, practically never face that kind of treatment by the police and find it easy living in Ukraine even in 'undocumented status' for long periods of time. Interestingly, an official of MoI under whose responsibility it is to make sure that human

rights standards are obeyed in the practice of policing across the country, in responding to accusations that police targeting 'visible minorities' for identity checks discriminate against them contrary to relevant human rights standards, voiced by the participants of a round-table organised in 2008 by Eastern European Development Institute, stated (personal notes):

“Well... Think what you are saying... You see... The thing is... that if in Ukraine it would be... like for example it in Moscow... if it would be an offence for Ukrainians from other regions... offence to live in... Kyiv without registration... then the police would detect... I don't know by what characteristics... detect those who do not look like Kyivans. As simple as that... There is a need to fight illegal migration... How else do you think they could be identified...”²²

As one can see from this utterance, this official implies that 'illegal migrants' necessarily differ in phenotype from the majority of population of Ukraine. Thus, 'illegal migrant' ('undocumented immigrant') is identified with a 'member of visible minority'. From my personal observations, however, in Kyiv, for example, many 'white' citizens of Belarus and Russian Federation live and work without necessarily regularising their migration status. From daily encounters the number of such 'white' undocumented immigrants is far more tangible than the total number of 'visible minorities' (both with 'regular' or 'irregular' migration status). Nonetheless, only 'visible minorities' are presented as 'illegal migrants' in popular and official discourse on this trans-border migration.

Furthermore, concerns arising in connection with figures pertaining (Annex 2, Figure 5) to a practice of apprehension on the border on entry to Ukraine are illustrated by testimonies of Russian citizens of Chechen origin (who are Russian citizens and do not need a visa to enter Ukraine) presented in the Human Rights Watch report “Ukraine on the Margins” (2005): “If we are Chechens, it is like a stamp at the border”. (See also Levin, 2006 for multiple illustrations of practice of ethnic profiling against Chechens on the border and their effects). HRW notes that this kind of denial of entry to Ukraine is practically indiscriminate towards Russian citizens of Chechen origin and is even applied to those who clearly state their intention to seek asylum in Ukraine and even present documents in support of their claim. Thus, a Chechen woman who has already approached UNHCR and was admitted to their RSD reported that she was simply pulled off the train while trying to enter Ukraine, on the sole ground that she was Chechen (HRW, 2005):

It was 4:00 a.m. in early January. I was the only person in the train [who was] Chechen; I asked why they took me out. They said, "Because you are Chechen and we have an order to take you out." I said, "I am a refugee

²² Despite of the assuredness of this senior (now former) MoI official of the fact that for citizens living without registration at the place of residence of stay is not an offence under Ukrainian law, it actually is. Thus, Article 197 of the Code of Ukraine on Administrative Offences defines it as an administrative offence punishable by fine.

[...] I have a letter from the United Nations." I showed them documents but they were not enough.

Serious doubts also arise concerning the figure of 'removed illegal migrants' presented in the statistics. Removal in Ukraine may be 'enforced' and not 'enforced', as one can see from the statistics. Legal provisions regulating removal (both 'enforced' and not) of foreign nationals and stateless persons from Ukraine (are contained in the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" (1994) and the "Rules on entry of foreign nationals and stateless persons to Ukraine, their departure, and transit through the territory of Ukraine" adopted by the Cabinet of Ministers Decree No. 1074 (1995). These normative acts only contain a vaguely formulated basic framework pertaining to these procedures that serves as fertile soil for arbitrary removals and provides for a space for relevant officials to act out their racist prejudices. Ukraine is party to a number of international instruments that provide for at least limited guarantees for foreign nationals and stateless persons (regardless of their migration status) associated with removal, such as the ECHR (1950), UNCAT (1984), not to mention the Refugee Convention (1951). As an integral part of the national legislation of Ukraine these international human rights standards should be directly applicable. However, since the removal procedures are not adequately regulated they do not provide a room for consideration of the implication of these international human rights standards when the decision to remove a foreign national or a stateless person from Ukraine is taken by the authorities.

Since the civil society in Ukraine preoccupies itself with the rights of non-nationals exclusively when the cases concern potential or recognized refugees under Geneva Convention or racist violence by neo-Nazi, information about abuse of human rights occurring in removals of foreign nationals or stateless persons largely escapes public attention. However, some limited number of reports slip into public informational space allowing to conclude that official statistical figures under the category 'removed illegal migrants' are an unstable ground for drawing estimations on numbers of 'irregular migrants' entering or transiting Ukraine. Thus, UNHCR and other human rights organisations expressed their concern about cases of enforced removals of individuals who claimed asylum in Ukraine without due consideration of their claims (UNHCR, 2006; UN, 2008; HRW, 2005; AI, 2008c; see also ECtHR Judgement in *Baysakov and others v. Ukraine* of 18 January 2010 and many others). There are fewer reports available concerning infringement of basic rights of individuals in removal cases, whose status is not governed by Geneva Convention such as students, family members of residents of Ukraine and other types of migration statuses, which, in our opinion, does not mean that such cases are rare. It seems that the likely reason for lack of information on such

cases lies in the fact that in the country there is not a single human rights organisation that preoccupies itself with the rights of immigrants in any other status but actual or potential refugees (and even there their capacity is very limited). Nonetheless, several such cases were reported to the Social Action Centre/No Borders Project, despite them also focusing on the rights of refugees and asylum seekers.

Picture 1: Illustration of the point 13 in the 2010 political programme of a candidate for presidency nominated by the Communist Party of Ukraine Petro Symonenko



Point of the programme: “State will firmly put an end to any manifestations of fascism, racism and xenophobia, it will protect the truth of history and will not allow to cast a doubt at the glory of the heroic deed of the Soviet soldier-liberator”

Source:
Presidential Programme of P. Symonenko

Illustration: 1) Right/ bottom – a group holding banners “OUN” (“Organisation of Ukrainian Nationalists” was active in Western Ukraine in the end of 1930s and the beginning of 1940s until its leadership was not put into concentration camps in Nazi Germany, whose support OUN thought in fighting for independence of Ukraine from Soviet Union) and “UPA (stands for Ukrainian Rebellious Army that was established in 1943 by the surviving leadership of OUN and used to wage partisan war against German Army and, after it left, against Soviets). 2) Right/bottom – a man hugging a WWII veteran in Soviet Army uniform (with flowers). 3) Right/top – the monument located in Kyiv called “Motherland” that is devoted to the victory of the Soviet Union in the Great Patriotic War (22 June 1941 – 9 May 1945).

Recent developments in dominant discourse surrounding the issue of migration and their possible implications for the situation of human rights of 'visible minorities' in Ukraine

Parliamentary debates around the latest legislative initiative, fortunately, not yet adopted went far beyond in exaggerating the perceived 'threat' that, according to Ukrainian political elites, is posed to the society and 'national security' by 'visible minorities', aka 'illegal migrants'. Here politicians from all sides of political spectrum more openly indicated that these were 'visible minorities' whom they conceptualised as 'illegal migrants'. This initiative is a Draft Law “On Amendments to Some Legislative Acts Concerning Migration” of 18 March 2008. Discussion of it in the Parliament of Ukraine that took place 22 January 2010 (Parliament, 2010).

Main target of this Draft Law is the current Law of Ukraine “On the Status of Foreigners and Stateless Persons” of 4 February 1994. The Law constitutes the main legislative act which governs principles and rules pertaining to stay of foreign nationals in Ukraine, including their expulsion. The amendments of this draft are supposed to make it more difficult for “potential illegal migrants to abuse liberal legislation of Ukraine pertaining to the status of foreigners” (Parliament, 2010). It is noteworthy that all the speeches proclaimed during that debate from all sides of political spectrum were in favour of the proposed Draft. Furthermore, no political force expressed concern over the fact that the proposed Draft Law does not at all address the most obvious flaw of the existing piece of legislation the Draft proposes to amend, which is the failure of the Law of Ukraine to secure to immigrants their human rights in connection with 'migration management' and associated 'expulsion' procedures. It is particularly worrying in light of the fact that even the minimal protection offered by the international human rights instruments ratified by Ukraine such as the European Convention for Protection of Human Rights and Fundamental Freedoms, UN Convention Against Torture and others, is not reflected neither in Law currently in force nor in the amendments proposed to it.

The mentioned Law, even the way it is creates a space for multiple forms of abuse of authority against foreign nationals and stateless persons to a substantial extent is underlined by institutionalised racism, as analysed above. Therefore it is worrying to consider the consequences of the recently proposed amendments on the human rights of 'visible

minorities', particularly those who are not citizens of Ukraine.

Before proceeding with analysis of the discourse reflected in this legislative initiative and procedures surrounding it, one shall note that it was submitted by the representative of the Party of Regions, M. Smitiuh. Party of Regions that is the dominant 'pro-Russian' political force. At the moment of the consideration of the suggested Draft Law Party of Regions in the alliance with other 'pro-Russian' political forces²³ in opposition to the Government of Yulia Tymoshenko. However, the 2010 Presidential elections were under way and the Party of Regions convinced in the future victory of their candidate Victor Yanukovich, was already sure to expect their shift from the status of opposition into the governing party. Below, among the examples of utterances proclaimed at the meeting where the Draft Law was considered, statements by representatives of the then governing party Block of Yulia Tymoshenko, are also represented. Currently as well as at the moment of the consideration of the said Draft Law they could be considered (in light of the balance of power within the part of political spectrum they represent) the major 'Moscow-phobic' political force in Ukraine. After Presidential elections and formation of the new Government, however, this party became an opposition. Block of Lytvyn, utterance of the representative of which is also listed among examples is perceived as 'centrist' party balancing in between 'pro-Russian' and pro-Ukrainian' forces that structure politics in Ukraine.

Thus, the Explanatory note (2009) to this Draft Law started with the following passage:

According to the report of the Secretary General of UN, devoted to the monitoring the world demography, Ukraine is on the 4th place in the world by number of international migrants (6.8 million international migrants which constitutes 3.6% of the general number of migrants in the whole world, according to the 2005 data). Every year borders of our country are crossed officially by 30 millions of foreigners.

According to the last statistics of MoI of Ukraine, in 2003-2008 citizens of foreign states committed over 15 thousands crime, which predominantly involve property and drugs. Value of the goods which illegal migrants are attempting to transport through the border of Ukraine, seized by customs, constituted hundreds of thousands of hryvnas every year.

The attempt to de-construct *topos of numbers* and statistics extensively used in racist discourse of political elites has been already made in the body of this paper. Topos of statistics pertaining to the alleged criminality of migrants also constitute a clear manipulation, as 'foreigners' in the official statistics include also nationals of Western countries as well as former USSR. Upon the scrutiny it becomes apparent that prevailing majority of those who are referred to in these statistical data constitute citizens of Russian Federation, who with the exception of few 'ethnic' groups are not perceived as 'foreigners' in the dominant discourse, and by no means are they perceived as 'illegal migrants'. Furthermore, percentage of crimes committed by foreign nationals on the territory of Ukraine gets lost when compared to the

²³Among the examples below their alias were represented by Party of Defenders of the Motherland.

general crime statistics. Moreover, data on the value of the goods seized by customs in the attempt to smuggle them through the border, by no means reflects the legal status of their smugglers. In this passage the reader could observe how through the topos of numbers and statistics topos of criminality of migrants is constructed and the meaning of implied by 'migrant' and 'illegal migrant' are easily shifting to signify members of 'visible minorities'.

Having analysed the presentation of the legislative initiative by its authors, Party of Regions, who form the current government, I invite a reader to examine utterances by representatives of forces from all sides of the political spectrum made during the discussions around 2010 in connection with the adoption of this new Legislative Act discussed above:

Exemple 1. Yuri Gnatkevych, BYT:

Some time ago..., in old times... it was very good: problems of migration were under the competence of the Committee of State Security [KGB]. And this was treated as a problem of state security. Nobody could enter or leave anywhere without permission of this institution. And border guard service was subordinated namely to this system — KGB system. But KGB, I hope will not come back, because there is pluralism and democracy now... In the context of preparation of this work I visited Brussels, and I visited Berlin, where I discussed with people who deal with these issues, namely with issues of migration... their migration policy. I was in Brussels that is hardly like Brussels already, where very liberal policy is being carried out, where, it might be, it is more of black people, who look like Arabs, than native Brusselians and native inhabitants of that country. I saw prisons in Berlin, where they put seized illegals. [good conditions in prisons]. We unfortunately do not have such kind of prisons [with good conditions]. We are not ready yet to receive today such a quantity of illegals, who may now flood us. [...] In Berlin, as I was assured by Oberbrygermaister, very beautiful woman, which is not typical for German women, so beautiful, that ... maybe even more beautiful than our Prime Minister, she told me, that in Germany every ninth person - every ninth! - is not German any more. And I say: “are you afraid of this?” She says: “Are getting afraid a bit already.” [...] I ask everyone today: I ask sirs-nationalists [...], I ask comrades communists, I ask sirs-capitalists [...] to support today this Draft Law, because it is our Ukrainian law [...]. I hope for your rational position and protection of Ukraine in this respect.

Yuri Karmazin, Party of Defenders of the Motherland (Ibid.):

“[...] so much we need the Concept of the state emigration policy, its main directions. I would like to say that at political level it is needed to recognize that a priority for Ukraine should be precisely for us to determine territories and towns/cities potentially beneficial or non-recommended for settlement of migrants; for us to define, what policy we will be implementing: either national policy, a policy, which is now carried out by all European countries, or the open door under which cities of Kyiv, Odesa, Kharkiv all street markets would be packed by foreigners, whom we do not control, they control Ukraine today, and they decide where they want to live and how..., how much and how much the people of Ukraine will spend from our budget [on foreigners].”

Oleh Zarubinskiy, “Block of Lytvyn” (Ibid.):

I can ask sirs-nationalists, comrades-communists and sirs-capitalists, because it is not a question of communists, nationalists and capitalists — it is a question of national security, and consequently, it is a question which concerns vital functions of the citizens of Ukraine. Because everyone perfectly understands, that a problem of illegal migration — is a problem of additional pressure onto social and other infrastructure of Ukraine. Consequently, this is a pressure that negatively reflects at precisely on Ukrainian citizens. And concerning the issue of readmission, for example, on the expense of state budget of Ukraine, and concerning financing of those, let's say, shelters for illegal migrants, and concerning sending these migrants to the country of origin on the cost of Ukrainian citizens and other issues.

[...] today, especially if we take into account, that social-economic situation in the whole world is worsening and that this will lead to... and produce... and already produces substantially more noticeable intensification of migration processes, including processes of illegal migration. We have to, naturally, react to this.”

Ivan Zayets, Ukrainian People's Party (Ibid.):

Main attention in this draft law is directed at regulating at the legislative level precisely those relations that occur

around the border. We, however, have to understand that it is not enough, because ... after crossing the border they start, this people, start leaving in Ukrainian society already. And here we have terrible things happening [with illegal facilitation of corrupt local authorities]. We have the whole colonies being created of people with alien culture, with alien language, with non-traditional diseases, that are lairs of drug-trafficking, and etc., and etc., and etc... I think this process should be further improved in those aspects, in order to enhance criminal liability and create such conditions, so that inside Ukraine itself this people would not behave with such impunity... [...] Ukraine is not a thoroughfare. It is a state. We have to create conditions to make sure that there are work places for our own citizens, so that our citizens would not leave their own country and would not go abroad because they are being pushed out from their work places by immigrants. In other words we are in favour of regulating these processes, however, not on the grounds of liberalism, but on the grounds of a kind of rigid conservatism. Only then we will have a protected territory and only then we will have Ukrainian protected threat. Otherwise we will wash out our own nation.”

Mykhailo Vasyliovych, Party of Regions (Ibid.):

[as a critique of allegedly too liberal migration policy of the Government of Y. Timoshenko] ...it was not enough for the Government... to turn... Timoshenko... into emigration drain sump... Ukraine, when God knows who comes, and then we have all sorts of pandemics, children are getting sick, God knows what is happening in the country, criminality increases.”

. These citations they exemplify the logic of racist discourse surrounding the topic of 'illegal migration' that is perpetrated by the political elites of Ukraine. They testify that repressive measures in 'migration management', against which there is no opposition expressed, are intended to target 'visible minorities'. They illustrate several traits of the racist discourse, which structure the reality of racism in Ukraine. Among other they illustrate a picturesque rainbow of *topoi of threat and anxiety* (Wodak & Krzyżanowski, 2009) directed against 'visible minorities' in Ukraine. Portrayal of them in the discourse as criminals, carrying 'atypical diseases' and in general constituting a threat to 'the people of Ukraine' and 'national security' structures *problematization* (Essed, 1991) of 'visible minorities' in the dominant discourse. Presentation of the racialised group as 'foreign' and 'alien' *marginalises* members of this group (Essed, 1991). Moreover, attribution of 'unlawfulness' and 'illegality' to them, not only contributes to criminalisation of the group in the eyes of majority, but also discursively *deprives them of their human status*. Upon analogy with the J. Butler's conclusion about the work of the term 'civilization', it is suggested that 'illegality' similarly works to produce human differentially. It constructs a racialised group associated with this term as illegitimate, not entitled to human rights and thus, “dubiously human” (Butler, 2004: 92). This, in its turn, legitimises exclusion, discrimination and even physical violence against members of 'visible minority' groups.