



Founder of the
Ukrainian Museum in NYC

Ukrainian National Women's League of America, Inc. **Союз Українок Америки**

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Open Letter to the President of Ukraine

Dear President Yanukovich,

The Ukrainian National Women's League of America, founded in 1925 in New York, with over 75 branches in major cities throughout the United States, has been closely following recent events in Ukraine, in particular, those that involve human and civil rights and Ukraine's domestic and international obligations to those rights. Through its membership in the World Federation of Ukrainian Women's Organizations, the UNWLA has consultative status with the Economic and Social Council of the United Nations. It also has representation on many NGO Committees, including the NGO Committee on the Status of Women and the NGO Committee on UNICEF.

The UNWLA would like to share its concerns about recent developments in five areas that are crucial for Ukraine's continued democratic development and demonstration of the country's adherence to the rule of law.

Press Freedom

On April 28, Reporters Without Borders, addressing your bilateral meetings in Kharkiv, expressed its surprise at the fact that "many journalists were barred from a news conference which you and your Russian counterpart, Dmitry Medvedev, gave [there] on 21 April. [The organization said that it was] astonished by this, as it violates the very principle of a news conference and is the exact opposite of what you [had] recently said in response to [its] press release of 16 April."

Less than two weeks later, on May 7, Reporters Without Borders again issued a statement, saying that it "is disturbed by the latest evidence of government pressure and harassment of the media." Citing as evidence the open letter by journalists of TV station *I+I*, and later, those of *STB* station, the organization stated that "[Because] this kind of pressure on the news media is unacceptable in a democratic country, Reporters Without Borders supports this initiative by the journalists and encourages all those who believe in a free press to do so too."

The UNWLA is encouraged by your May 14 commitment during a meeting of the Public Humanitarian Council at which you stated that "[you] will do everything to prevent cases of pressure on the media, signs of violence with respect to reporters, and hindering the performance of their professional duties." The UNWLA fully supports your statement at that same meeting that "the country's further humanitarian development is unthinkable without the development of the domestic media space. This is linked to media pluralism and the unconditional observance of human rights to freedom of expression."

The UNWLA expects that your government will follow through on these commitments, not only because Ukraine is a member of the Council of Europe, and thereby a signatory of the European Convention of Human Rights, of which media freedom is a basic tenet, but especially because freedom of the press is enshrined in Ukraine's constitution.

Rights of Women

Ukraine is a signatory to the 1995 Beijing Declaration and Platform for Action, the culmination of the the Beijing Conference. The Declaration and Platform represent a significant international mechanism to address the status of the world's women. Outlining twelve areas of concern, including issues such as poverty, political

representation and violence against women, the Platform for Action offers a global framework for countries to end discrimination and close gender gaps.

Prime Minister Mykola Azarov's March decision to appoint an all-male cabinet because "conducting reforms is not women's business" directly violates Article 24 of Ukraine's constitution, which guarantees equality of rights and freedoms for all citizens with no gender discrimination and states that equal rights for women and men are ensured by equal opportunities for women and men in public, political, and cultural activity, getting education and professional training, at work, and compensation.

It also violates the Beijing Platform for Action, in particular, the section pertaining to political representation, part of which states that "it is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women."

In January, while still a presidential candidate, you yourself made derogatory and sexist remarks. Referring to your opponent and then-Premier Yulia Tymoshenko, you said: "If she is a woman, she belongs in the kitchen."

As Ukraine's top two public officials, it is your imperative to ensure Ukraine's continued *progress* related to the Beijing Platform for Action. The alternative is to go down in history as those responsible for violating its very principles.

Holodomor

On April 27, you said at the PACE session in Strasbourg that the famine of 1932-1933 could not be regarded as an act of genocide against the Ukrainian people.

On November 28, 2006 the Verkhovna Rada of Ukraine adopted a law on the Holodomor, the first article of which states: "The Holodomor of 1932-1933 in Ukraine is genocide against the Ukrainian people." Article 2 of this same law says: "Public denial of the Holodomor of 1932-1933 in Ukraine is considered the desecration of the memory of millions of Holodomor victims, the humiliation of the dignity of the Ukrainian people and is illegal." As President of Ukraine, it is incumbent upon you to demonstrate full adherence to the rule of law within the country. An example must be set at the highest levels.

To date, 13 nations, as well as the European parliament, have officially recognized the Holodomor as an act of genocide against the Ukrainian people. Rafael Lemkin, who coined the term "genocide", called the Holodomor a classic case of Soviet genocide: Writing in 1953, he said, "What I want to speak about is perhaps the classic example of Soviet genocide, its longest and broadest experiment in Russification — the destruction of the Ukrainian nation... The third prong of the Soviet plan was aimed at the farmers, the large mass of independent peasants who are the repository of the tradition, folklore and music, the national language and literature, the national spirit, of Ukraine. The weapon used against this body is perhaps the most terrible of all — starvation. Between 1932 and 1933, [millions of] Ukrainians starved to death, an inhumanity which the 73rd Congress decried on 28 May 1934. "

Education

On March 29, Ukrainian Education and Science Minister Dmytro Tabachnyk cancelled an Education Ministry decree of October 28, 2009 introducing the obligatory independent external testing of third, fifth to eighth and tenth year students at secondary schools.

The decree says that it was adopted "to avoid overloading the students of secondary schools during the completion of the school year, given the unsatisfactory results of a study on the level of educational achievement of students of secondary schools in the Ukrainian language, mathematics and the history of Ukraine."

Mr. President: as you well know, any nation, especially one like Ukraine, can flourish only when its children are given the opportunity to learn the history and language of their ancestors. In the case of Ukraine, whose history was purposely concealed through many decades of Soviet rule, it is especially critical that new generations are provided with the knowledge they need to become leaders in politics, industry, and trade. Ukrainian, the state language, in accordance with the law, must be compulsory.

In addition, independent testing is part of the Bologna Process, which Ukraine signed in 2005. The Bologna Process is meant to make academic degrees and quality assurance standards more comparable throughout Europe. Independent testing allows students to be assessed on the merits of their knowledge, as opposed to university entrance exams, whose results during the Soviet era were determined by corrupt practices, usually bribery. As of last year, only external independent testing was used to determine acceptance of an applicant to higher learning institutions.

The UNWLA urges you to facilitate the creation of policies that will eliminate corruption, not ones that will cause it to once again become endemic in the educational system of Ukraine.

Recent events at Lviv's Ukrainian Catholic University, as articulated in a memorandum written by the university's rector Father Borys Gudziak, are cause for further concern. The UNWLA condemns the actions taken by the country's security services (SBU). According to Father Gudziak's memorandum, on May 18, in an attempt to intimidate him, an SBU official visited Father Gudziak to warn him about the potential participation of UCU students in protests against recent Ministry of Education decisions. The official reminded him of his "responsibilities" in such a situation. The official stated that of course students are allowed to protest, but warned that illegal activities will be prosecuted. According to Father Gudziak, "illegal activities include not only violent acts but also, for example, pickets blocking access to the work place of government officials (or any protests that are not sanctioned by authorities)." More disturbingly still, the SBU representative presented Father Gudziak with an official letter and asked that he sign it to verify that he was familiar with its contents, and that he then return the letter. Father Gudziak refused to carry out this order, at which point the official called his superior, who said that the letter could not stay with Father Gudziak "[for fear that he] might publish it on the internet".

This modus operandi, while commonplace in a totalitarian system, contradicts basic democratic principles. On May 26, Ukraine's Presidential Administration criticized the SBU for its actions in this case. The UNWLA expects that you will closely monitor this situation and others like it to ensure that they do not happen again. It is your role to guarantee freedom of thought and expression, and also to guarantee that Ukraine's educational institutions and universities can develop and thrive peacefully, and not be forced to spend time addressing illegal acts of intimidation.

Right to Peaceful Assembly


The UNWLA expresses its grave concern about the May court ruling of the Kyiv Oblast Administration which banned opposition protests on May 17-18 during the visit of President Medvedev to Ukraine.

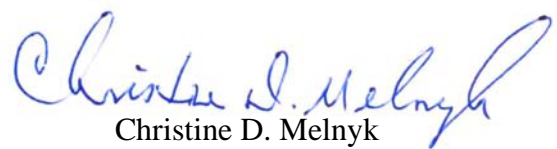
As stated by the OSCE: "The right to assemble peacefully is an essential condition for the exercise of other human rights such as the freedom of expression. As a true foundation of democracy, the right to assemble is guaranteed by major human rights treaties and by a commitment made by OSCE participating States in 1990, in Copenhagen." Ukraine is an OSCE participating State, and therefore a party to this agreement. As such, the country has an international obligation to uphold this basic human right.

Mr. President: Ukraine today stands ready to celebrate nearly two decades as an independent country. We wish you all the best in ensuring that this upcoming milestone is marked with celebration of the strides the country has made in guaranteeing universal human rights and basic freedoms for its citizens.

We thank you in advance for your attention to this letter.

Sincerely,


Marianna Zajac
President


Christine D. Melnyk
VP for Public Affairs