

ECMI
ECMI STUDY



**“Policy and Legislative Challenges
to Non-Discrimination, Minority
Protection and Diversity Issues
in Ukraine”**

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“Policy and Legislative Challenges to Non-Discrimination, Minority Protection and Diversity Issues in Ukraine”¹

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I. OVERVIEW AND STATUS QUO

1. Overview of ethnocultural composition of Ukrainian society and overview of Ukrainian system of governance

1.1 Overview of ethnocultural composition of Ukrainian society

Ukraine is a country populated by many national groups. As recorded in the 2001 census, the main national groups² living in Ukraine (apart from Ukrainians, which constitute the majority) include:

- Russians 8,334,100 (17.3%)
- Belarusians 275,800 (0.6%)
- Moldovans 258,600 (0.5%)
- Crimean Tatars 248,200 (0.5%)
- Bulgarians 204,600 (0.4%).

Ukraine also has smaller populations of Polish, Jewish, Romanian, Armenian, Hungarian, and other groups; altogether 100 different national groups according to the census. In some territories of Ukraine national minorities live so compactly that in some settlements (towns or villages) they comprise the majority or over one-third of the population. This is the case in the Transcarpathian, Chernivtsi, and Odesa oblasts (regions),³ as well as in Crimean Autonomous Republic, which was annexed by Russia in March 2014.

People of Russian ethnic affiliation constitute a large share also in Donetsk (38.2%), Luhansk (39%), Kharkiv (25.6%), Zaporizhia (24.7%) and Odesa (20.7%) regions.

¹ The author of this study would like to thank Prof. Dr. Tove Hansen Malloy, the Director of the European Centre for Minority Issues (ECMI) and other experts of the ECMI for their valuable ideas, comments and overall support at different stages of working on the study. I would also like to thank Yulia Tyshchenko from the Ukrainian Centre for Independent Political Research, Olga Zhmurko from the International Renaissance Foundation in Kyiv, and Serhii Hakman from the Chernivtsi Centre for Capacity-building for Civil Servants for their expertise and opinions they shared with me.

² One of the objectives of the census is, according the organizers, ‘to create the information base of demographic and socioeconomic data about the population, its distribution by age, gender, nationality, language signs, family composition, citizenship, education... for the country as the whole and all its administrative and territorial divisions’, www.ukrcensus.gov.ua/eng/advant/advant_main.php. Therefore, among the numerous questions the respondents were asked, were the questions of their nationality and their native language (both defined subjectively and without a given list from which one has to choose).

³ Data based on 2001 census. www.ukrcensus.gov.ua/eng



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Nationality	Raion (district)	%
<i>Transcarpathia:</i>		
Hungarians	Berehovo raion	76%
	Uzhhorod raion	33.4%
<i>Chernivtsi region:</i>		
Romanians	Gertsaiiv raion	95%
	Storozhenets raion	34%
Romanians and Moldovans	Hlybotsky raion	45.3% and 6.1% respectively
Moldavans and Romanians	Novoseletskyi raion	57.5% and 6.8% respectively
<i>Odesa region:</i>		
Bulgarians	Bolgrad raion	61%
	Artsyzh raion	39%
Bulgarians and Romanians+Moldovans	Tarutynsk raion	37.5% and 16.5% respectively
	Izmail raion	25.7% and 27.6% respectively
<i>Autonomous Republic of Crimea:</i>		
Russians	In the entire peninsular (this could be more or less, depending on the raion, but still majority of the population; in the city of Sevastopol – 71.6% of Russians)	58.3%
Crimean Tatars	Bilohirsk raion	29.2%
	Kirov raion	25.5%
	Simferopol raion	22.2%
	Soviet raion	22.2%
	Dzhankoi raion	21.6%
	Pervomaisk raion	21.5%
	Bakhchysarai raion	21.3%
Ukrainians	In all but two raions	Between 15.4% and 27.9% depending on the raion
	Krasnoperekopsk raion	43.4%
	Rozdolensk raion	40.1%



As in many countries, ethnic and linguistic borders do not necessarily align in Ukraine: many of those who think of themselves as belonging to certain national groups (as reported by 2001 census), speak another language. Thus, although 4.6% of the Ukrainian population reported they belonged to a national group other than Ukrainian or Russian, only 2.9% named a language other than Ukrainian or Russian as their native language. Only 0.1% of them considered Ukrainian to be their native language. Between 1% and 89% of them (depending on ethnicity) consider Russian to be their native language. For instance, among Hungarians this share is 1% and among Greeks it is up to 89%. While 17% of the Ukrainian population said they were of Russian ethnic affiliation, 26.6% named Russian as their native language, indicating that a share of people who consider themselves to be of non-Russian ethnic affiliation regard Russian as their native language.

More recent reliable data is not available. There have been several opinion polls on this topic, but they are less accurate in terms of registering the number of people belonging to different nationalities than the census. The next census is planned for 2020.

Such a heterogeneous society is a product of Ukraine's prolonged historical experience of borderland and stateless status. Since the 13th Century, lands currently belonging to the Ukrainian State have been at the intersection of shifting empires – the Grand Duchy of Lithuania, the Ottoman Empire, the Polish-Lithuanian Commonwealth, the Crimean Tatar Khanate, the Austro-Hungarian and Russian Empires. Immediately before World War I, the lands that constitute the current territory of Ukraine were divided between the Russian and Austro-Hungarian Empires. In the period between the two world wars, the part of Ukraine that belonged to the Russian Empire became a part of the newly established Soviet Union, while the portions of Western Ukraine formerly belonging to the Austro-Hungarian Empire were ruled by Poland, Romania, and Czechoslovakia. Ukraine (at that time one of the republics of the Soviet Union) emerged with its current borders during and after World War II. This process ended in 1954 when the Crimean peninsula (the Crimean oblast of the Russian Soviet Republic) was transferred to the Ukrainian Soviet Republic for political reasons⁴.

One also has to distinguish between national groups in Ukraine, which have kin-states and are associated with political and economic support from those states, which will be referred to in this study as national minorities, and those who might fall under the definition of indigenous people. In the latter case, the relationship of the group to their ancestral territory, which does not have its own statehood, seems to be an important identity factor.⁵ Moreover, the languages of this group, unlike those of national minorities who have the support of kin-states, are recognized by UNESCO as being in danger.⁶ This group includes Crimean Tatar, Krymchak, and Karaim, who used to populate predominantly the Crimean peninsula. Sometimes, Urum and Azov Greeks are also referred to as indigenous peoples.

The biggest group and the one that preserved its strong identity and political subjectivity is that of Crimean Tatars constituting the majority of the population of Crimea from the 15th to 18th centuries, as Crimea and adjacent territories were united in the Crimean Khanate, an independent state at the time. Over the years in which these lands were occupied by the Russian Empire, the number of Crimean Tatars reduced significantly, particularly after the forced deportation of Crimean Tatars to Central Asia by Stalin in 1944.

⁴ Mark Kramer, "Why did Russia give away Crimea Sixty Years Ago?", *Wilson Center*, March 19, 2014, at <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago>

⁵ Ulrike Barten, "What's In a Name? Peoples, Minorities, Indigenous Peoples, Tribal Groups and Nations", *Journal on Ethnopolitics and Minority Issues in Europe*, Vol 14, No 1, 2015, 1-25, at <http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2015/Barten.pdf>

⁶ Christopher Moseley, ed., *Atlas of the World's Languages in Danger* (3rd Edition). (Paris: UNESCO Publishing, 2010) Retrieved from www.unesco.org/culture/en/endangeredlanguages/atlas



Thus, although the Crimean Tatars constituted 35 percent of the population of Crimea in 1897, by the end of the World War II, practically all Crimean Tatars were forcibly expelled from the Crimean peninsula. Before the annexation by Russia in March 2014, the Crimean Tatars made up 12 percent of the population of peninsular, since many of them had returned from Central Asia after the fall of the Soviet Union.⁷ After the 2014 annexation many of them had to resettle to other parts of Ukraine.

The Roma population in Ukraine also stands somewhat separately, given that the Roma receive special attention at the international level. According to the 2001 census, the Roma constitute 0.1% of the population of Ukraine. In the Transcarpathian region, this population constitutes 1.1%.

1.2 Overview of the Ukrainian system of governance

The Ukrainian system of governance in the field of national minorities is very complex, as will be shown below, and it reflects the overall complex, generally inefficient, and unstable (in constant transition) administrative/governance system in Ukraine. Lack of sensitivity and awareness when it comes to issues of human rights, including minority rights, is also common for Ukraine's state apparatus.

According to the Constitution of Ukraine adopted in 1996, Ukraine is a semi-presidential unitary state. Executive power is exercised by both the president and the government, while legislative power is vested in the parliament (*Verkhovna Rada*). In 2004, amendments to the Constitution were introduced that shifted power-sharing between the president and the prime minister – giving more powers to the latter. This 2004 version of the Constitution is valid today.⁸ The members of the parliament and the president are elected by direct popular vote. The parliament is unicameral and consists of 450 deputies, of which 225 are elected in single-mandate constituencies (or majority vote) and 225 through party lists. Since the 2014 elections, 28 seats have been vacant, because they belong to single-mandate constituencies in annexed Crimea and the occupied territories in Eastern Ukraine. The president is elected through the two-round electoral system and a candidate must win an absolute majority of all votes cast. If no candidate obtains an absolute majority in the first round of voting, the two highest polling candidates contest a run-off second ballot. The prime minister is nominated by the president of Ukraine upon suggestion from the ruling parliamentary coalition (a simple majority of MPs is required to form a coalition) and subsequently approved by the parliamentary vote (a simple majority of MPs).

Although the prime minister formally heads the executive branch of government, the president controls some ministries and the General Prosecutor's Office, and appoints regional governors, etc. The prime minister also possesses extensive veto powers. The direct popular mandate of the president and his powers, which set the Ukrainian political system apart from other premier-presidential systems by giving higher authority to the president compared with v government. Thus, as noted by scholars and experts, a clearer division of responsibility between the president, the government, and the parliament is needed to streamline powers and responsibilities.⁹

As to distribution of functions and responsibilities between the central and other levels (regional, local), Ukraine inherited a centralized system of governance from being a part of the Soviet Union for a long time. When Ukraine became an independent state in 1991, it had 24 oblasts (regions) as well as three areas with a special status: the Autonomous Republic of Crimea and the cities of Kyiv and Sevastopol. At the next

⁷ Edward Allworth, ed., *Tatars of the Crimea. Return to the Homeland* (Duke University Press, 1998)

⁸ Between 2010 and 2014 under the Presidency of Viktor Yanukovich, the 1996 version was at place, but in February 2014 it was recognized as not valid, thus restoring the 2004 version.

⁹ Rostyslav Averchuk, "Presidential Power in Ukraine: A Comparative Analysis", *Vox Ukraine*, July 8, 2016. <https://voxukraine.org/2016/07/08/presidential-power-in-ukraine-comparative-perspective-en/>



level down, there were 490 raions (districts), including 458 towns, 783 smaller settlements, and 10,279 villages. This used to be a system of vertical executive authority, whereby regional and raion administrations were all subordinate to the national government in Kyiv and the heads of regional administrations or governors were nominated by the Cabinet of Ministers and then appointed by the President of Ukraine. Locally elected authorities used to play a marginal role if any. Taxes were collected centrally in Kyiv, and regional/local administrations received budget allocations directly from Kyiv.¹⁰

A serious reform of dismantling this old system was launched for the first time in 2014 after the ‘Revolution of Dignity’. It started with fiscal decentralization, so that locally elected authorities were allowed to retain certain categories of taxes and use the revenues for local development purposes.¹¹ Proposed amendments to the Constitution of Ukraine would have paved the way for the comprehensive decentralization reform, but failed to be passed by the Parliament of Ukraine in August 2015 (due to sensitive provisions that had to do with the status of ‘temporary occupied territories’, under the de facto control of Russia-supported separatists¹²). Yet, some laws and sub-laws were passed that enabled some implementation of the reform. The passing of the Law of Ukraine ‘On voluntary amalgamation of territorial communities’¹³ in 2015 was a positive step, in that it allows for the amalgamation of existing communities into bigger units. As of October 2017, 614 new communities (hromadas) have been formed, or around 40 percent of the planned total. Of these, 201 hromadas held their first elections on 29 October 2017.¹⁴ Those newly amalgamated communities that had elections received new powers that permit them to determine the size and structure of their own executive administrations, even though the central government still decides on the salary levels of local employees.¹⁵ The overall plan is laid out in the ‘Concept of Reforming Local Self-governance and Territorial Organization of Authority in Ukraine’ adopted by the Government of Ukraine in April 2014.¹⁶ This outlines that the country has the same 24 oblasts and three special areas as before, as well as approximately 100 raions, while 1,500 hromadas are to be created out of the towns, settlements, and villages. However, a clear delineation of powers and responsibilities between the central, regional, and local levels is still in the making: while the old administrative division is still there and decentralization reform has not touched upon the powers of regional administrations, the newly created communities gain resources and powers for local governance. Therefore, contradiction and tensions (for instance, between regional administrations and communities, between elected authorities at the local level and those that are appointed within the centralized vertical executive, between mayors and local councils) are common, as well as some issues that are not being dealt with at all, since it is not clear who is in charge.¹⁷

¹⁰ Balázs Jarábik, Yulia Yesmukhanova, “‘Ukraine’s Slow Struggle for Decentralization’”, *Carnegie Endowment for International Peace*, March 8, 2017. <http://carnegieendowment.org/2017/03/08/ukraine-s-slow-struggle-for-decentralization-pub-68219>

¹¹ *Ibid.*

¹² Although the constitutional amendments were passed on August 31, 2015 in a first reading and before that approved by the Constitutional Court of Ukraine, they failed to be passed in a second reading the same day, since separate legislation regulating local self-government in temporary occupied territories of Ukraine’s eastern Luhansk and Donetsk regions was added to the draft constitutional changes. Violent protests outside the parliament building against such legislation that left four guardsmen killed in a grenade attack contributed to this. See Tadeusz A. Olszański, “Ukraine is divided over constitutional reform”, *Centre for Eastern Studies*, September 2, 2015.

<https://www.osw.waw.pl/en/publikacje/analyses/2015-09-02/ukraine-divided-over-constitutional-reform>

¹³ Закон України No. 676-VIII ‘Про добровільне об’єднання територіальних громад’ [The Law of Ukraine No. 676-VIII ‘On Voluntary Amalgamation of Territorial Communities’], 04.09.2015. <http://zakon2.rada.gov.ua/laws/show/157-19>

¹⁴ Вибори в об’єднаних територіальних громадах. Що це і для чого потрібно. [Elections in amalgamated communities. What are they about and why are they needed] Еспресо.tv October 31, 2017.

https://espreso.tv/article/2017/10/30/vybory_v_obyednanykh_terytorialnykh_gromadakh_scho_ce_i_dlya_chogo_potribne

¹⁵ The salaries of civil servants in Ukraine are defined centrally. See Iryna Piontkivska, Oleksandr Kashko, “What is Wrong with the Remuneration of Labour of Civil Servants and How to Change That?”, *VoxUkraine*, August 31, 2017. <https://voxukraine.org/2017/08/31/what-is-wrong-with-the-remuneration-of-labour-of-civil-servants-and-how-to-change-that/>

¹⁶ Концепція реформування місцевого самоврядування та територіальної організації влади в Україні [Concept of reforming local self-governance and territorial organization of authority in Ukraine], Resolution of the Cabinet of Ministers of Ukraine No. 333-p, 01.04.2014. <http://zakon2.rada.gov.ua/laws/show/333-2014-%D1%80>

¹⁷ See Balázs Jarábik and Yulia Yesmukhanova, op. cit.



2. National minority relevant national legislation and policies

2.1 International obligations

Ukraine has committed to comply with its obligations as a member of various international organizations and as a state party to their instruments, particularly where human rights and national minorities are concerned. Moreover, according to Article 9 of the Constitution of Ukraine, ‘international treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine’.¹⁸ Additionally, Article 19 of the Law of Ukraine ‘On international agreements of Ukraine’ as of 29 June 2004¹⁹ stipulates that if national legislation contradicts international agreements of Ukraine, international agreements have priority over domestic legislation.

2.1.1 United Nations

Ukraine, or rather the Ukrainian Soviet Socialist Republic (USSR), is a founding member of the UN, along with the Soviet Union.²⁰ It is in this capacity and later on as an independent state that Ukraine embarked on various UN commitments. Ukraine is a state party to 16 of the 18 existing UN Human Rights Instruments.²¹

The instruments that are relevant for national minority and non-discrimination policies include the following²²:

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Signed and ratified in 1966 and 1969 respectively
- International Covenant on Civil and Political Rights (ICCPR). Signed and ratified in 1968 and 1973 respectively. Later on, Ukraine joined the Optional Protocol to ICCPR in 1991, and in 2007 joined the Second Optional Protocol, which is aimed at the abolition of the death penalty. Additionally, in accordance with Article 41 of ICCPR, Ukraine recognized the competence of the Human Rights Committee in 1992. This means that any state party to the Covenant can claim in front of the Committee that Ukraine is not fulfilling its obligations under the Covenant
- International Covenant on Economic, Social and Cultural Rights (ICESCR). Signed and ratified in 1968 and 1973 respectively. In 2009 Ukraine signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, but still has not ratified it
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (adopted in December 1992).

¹⁸ See the English translation of the Constitution of Ukraine in the version currently in force at www.legislationline.org/documents/section/constitutions/country/52.

¹⁹ Закон України No. 1323-VII ‘Проміжнародні договори України’ [The Law of Ukraine No. 1323-VII ‘On International Agreements of Ukraine’], 05.06.2014. <http://zakon2.rada.gov.ua/laws/show/1906-15>. It replaced the Law that was passed in 1994.

²⁰ See information about USSR membership in the UN at the website of the Permanent Mission of Ukraine to the United Nations: <https://ukraineun.org/en/ukraine-and-un/activities-in-un/>. See also Activities of the UN Member States at the UN website: www.un.org/depts/dhl/unms/ukraine.shtml. The Byelorussian Soviet Socialist Republic was another Soviet Republic, which was also a Founding Member of the UN. See the same UN website: www.un.org/depts/dhl/unms/belarus.shtml. See also Paul Robert Magocsi, *A History of Ukraine: The Land and Its People*. 2nd Edition (Toronto: 2010).

²¹ See interactive dashboard on the status of ratification of 18 international human rights treaties: <http://indicators.ohchr.org/>

²² For more elaborate analysis of UN mechanisms see Kirył Kaścian ‘Chapter 8: Conflict mitigation policies’, Tove H. Malloy, ed. *Minority Issues in Europe: Rights, Concepts, Policy* (Frank & Timme GmbH Berlin, 2013), pp. 222–232.



When it comes to application, two interesting instances are worth mentioning, both relating to war in Eastern Ukraine and the annexation of Crimea by Russia:

On 21 May 2015, the Verkhovna Rada of Ukraine adopted the Declaration ‘On derogation from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms’, which explains why Ukraine has decided to withdraw from certain obligations deriving from the ICCPR and the European Convention for the Protection of Human Rights and Fundamental Freedoms.²³ Those derogations concern the territories of Ukraine where the so-called Anti-Terrorist Operation was/is being conducted²⁴.

After 2014 events in Crimea and Donbas, Ukraine used the ICERD to launch the case against the Russian Federation for "intervening militarily in Ukraine, financing acts of terrorism, and violating the human rights of millions of Ukraine's citizens"²⁵. In April 2017, the International Court of Justice in The Hague found that based on this Convention ‘Russia must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language’.²⁶

2.1.2 Council of Europe

Ukraine became a member of the Council of Europe in November 1995 and subsequently joined its human rights instruments. These include the following.

- European Convention for the Protection of Human Rights and Fundamental Freedoms (adopted in November 1950)

Ukraine ratified the Convention and its Protocols 1,2,4,7 and 11 in July 1997.²⁷ In February 2006, Ukraine additionally ratified Protocols 12 and 14.²⁸ Article 14 of the Convention prohibits discrimination on the basis of an open-ended list of criteria, which includes belonging to national minorities. A number of other articles in the Convention and its Protocols are of specific importance for ensuring equality on ethnic grounds, particularly provisions that secure freedom of thought, conscience and belief, freedom of expression, freedom of assembly and associations, and right to education. Protocol 12 additionally introduced the prohibition of discrimination relating not only to the rights protected by the Convention as in Article 14, but any rights safeguarded by national law: it guarantees that no one shall be discriminated against on any ground by any public authority.

²³ Постанова Верховної Ради України No. 462-VIII «Про Заяву Верховної Ради України «Про відступ України від окремих зобов’язань визначених Міжнародним пактом про громадянські і політичні права та Конвенцією про захист прав людини і основоположних свобод» [Declaration of the Verkhovna Rada of Ukraine “On Derogation from Certain Obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedom”], 21.05.2015. <http://zakon2.rada.gov.ua/laws/show/462-19#n9>

²⁴ Anti-terrorist operation is the official term used in Ukraine to define military actions on the part of Ukrainian military aimed at countering occupation of parts of the Ukrainian territory in Donbas by pro-Russian insurgents. The term was adopted by the National Council of Security and Defense of Ukraine on 13 April, 2014.

²⁵ International Court of Justice. Press Release 2017/2, January 17, 2017, at <http://www.icj-cij.org/files/case-related/166/19310.pdf>.

²⁶ International Court of Justice. Press Release 2017/15, April 19, 2017, at www.icj-cij.org/files/case-related/166/19412.pdf.

²⁷ Закон України No. 475/97-ВР “Про ратифікацію Конвенції про захист прав людини і основоположних свобод 1950 року, Першого протоколу та протоколів N 2, 4, 7 та 11 до Конвенції” [Law of Ukraine No. 475/97-ВР “On Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, 1st Protocol and Protocols 2,4,7, and 11 of the Convention”], 17.07.1997. <http://zakon2.rada.gov.ua/laws/show/475/97-вр>

²⁸ Закон України No. 3435-IV “Про ратифікацію Протоколів N 12 та N14 до Конвенції про захист прав людини і основоположних свобод” [Law of Ukraine No. 3435-IV “On Ratification of the Protocols 12 and 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms”], 09.02.2006. <http://zakon1.rada.gov.ua/laws/show/3435-15>



- Framework Convention for the Protection of National Minorities (FCNM)
- Ukraine signed and ratified it respectively in September 1995 and December 1997. It came into force for Ukraine in May 1998.²⁹
- European Charter for Regional or Minority Languages Ukraine signed and ratified it in November 1992 and May 2003 respectively. It entered into force in January 2006.³⁰

2.1.3 OSCE

The Organisation for Security and Cooperation in Europe (OSCE) is another international organization that deals with national minority protection. Ukraine has been a member of the Conference for Security and Cooperation in Europe – the predecessor of OSCE – since January 1992. The main instruments of the work of OSCE are its institutions and field missions, as well as its recommendations. The key OSCE institutions that are relevant for national minority rights are:

- the High Commissioner on National Minorities
- the Office for Democratic Institutions and Human Rights
- the OSCE Representative on Freedom of the Media.

This chapter will review the work of these institutions on non-discrimination and national minority rights issues in Ukraine.

The **High Commissioner on National Minorities (HCNM)** is the primary institution of the OSCE on protecting and promoting the rights of national minorities. Its stated aim is to ‘work to address ethnic tensions and to prevent hostilities over national minority issues’.³¹ It has dealt closely with development of national minority governance in Ukraine, particularly since 2014, after the annexation of Crimea by the Russian Federation and in the face of the armed conflict in Eastern Ukraine. The HCNM held numerous meetings, conducted visits to Ukraine and commented a number of times on national minority-related issues, including education and language rights. Overall, between February 2014 and October 2017, HCNM issued 14 Statements on Ukraine.³²

Thus, in June–July 2015 HCNM Astrid Thors visited Uzhhorod, Mukacheve, Berehove, and Lviv and in November 2015 Kyiv and Mariupol. It was the first time that the HCNM had visited the multi-ethnic region of Transcarpathia. Following this visit, she recognized good interethnic relations in the region, with national minority communities voicing strong support for Ukraine’s territorial integrity. She also urged the Ukrainian government ‘to significantly strengthen the institutional framework for minority policy and to ensure adequate consultation with minority communities in the course of the reforms’³³. In her statement to the OSCE Permanent Council on 19 November 2015, following both visits, she said that Ukraine remains a tolerant society, but that this traditional tolerance should be underpinned by a long-term state vision that

²⁹ Закон України No. 703/97-ВР “Про ратифікацію Рамкової конвенції Ради Європи про захист національних меншин” [Law of Ukraine No. 703/97-ВР “On Ratification of the Framework Convention for the Protection of National Minorities”], 09.12.1997. <http://zakon2.rada.gov.ua/laws/show/703/97-вр>

³⁰ Закон України No. 804-IV “Про ратифікацію Європейської хартії регіональних мов або мов меншин” [Law of Ukraine No. 804-IV “On Ratification of the European Charter for Regional or Minority Languages”], 15.05.2003. <http://zakon2.rada.gov.ua/laws/show/802-15>

³¹ See information about the work of High Commissioner at www.osce.org/national-minority-issues.

³² See information about the work of High Commissioner on Ukraine at www.osce.org/hcnm/117159.

³³ OSCE High Commissioner on National Minorities assesses inter-ethnic relations in Zakarpattia and Lviv, western Ukraine”, July 7, 2015. www.osce.org/hcnm/170481



considers diversity an asset, with appropriate institutional architecture. During her visits, she urged the authorities, in consultation with representatives of national minority communities, to establish a designated executive body to be a main governmental interlocutor for minorities in Ukraine.³⁴

In January 2015, HCNM Astrid Thors met the Crimean Tatar leader Mustafa Dzhemilev in The Hague to discuss the situation of the Crimean Tatar community in Crimea, Ukraine. Among others, they touched upon political participation, land ownership, and linguistic rights. She drew the attention of the international community to the precarious position of the Crimean Tatars and Ukrainians in Crimea and said she was seeking access to the peninsula to assess the situation in line with her mandate. She reiterated: ‘The authorities in effective control of the Crimean peninsula are obliged to ensure security and respect for human rights, including minority rights, for all those present on the territory, regardless of their ethnic origin’³⁵.

The **Office for Democratic Institutions and Human Rights (ODIHR)** is another important institution of the OSCE. It is involved in promoting tolerance and non-discrimination.³⁶

In May 2014 and September 2015, the ODIHR, together with the HCNM, published two joint Human Rights Assessment Mission Reports³⁷, in which they identified widespread human rights violations, discrimination, and legal irregularities in Crimea. Presenting the most recent report, the HCNM said: ‘Since the annexation of Crimea, the Crimean Tatar and Ukrainian communities have been subjected to increasing pressure on and control of the peaceful expression of both their culture and their political views... We found in Crimea that those Ukrainians and Crimean Tatars who openly supported the territorial integrity of Ukraine, refused Russian citizenship or did not support the *de facto* authorities were in a particularly vulnerable position’.

The **OSCE Representative on Freedom of the Media** closely follows the developments of the media landscape in Ukraine. Their statements mostly address issues to do with safety of journalists, freedom of expression, and pluralism of media. Thus, most statements concern the overall situation without focusing on national minorities. On the topic of national minorities, the concern has mostly been the limitations on broadcasting placed on the Crimean Tatar and Ukrainian media in Crimea and the occupied territories of Donbas since 2014.

The following key points have appeared in numerous statements on media freedom.

- In Crimea, Ukrainian television channels have been switched off and replaced with channels originating from the Russian Federation.
- The Crimean Tatar media has been subject to extensive censorship, including raids and detention of staff. The Crimean Tatar media outlets, including ATR and Lale television channels, Meydan and Lider radio stations, QHA news agency, Avdet newspaper and others, were forced to cease their activities due to the repeated refusal of the *de facto* regulatory authorities to register them under the Russian media legislation.

³⁴ “Report by the High Commissioner on National Minorities, Ms. Astrid Thors”, November 19, 2015. www.osce.org/pc/201961

³⁵ “Crimean Tatar leader Mustafa Dzhemilev and High Commissioner on National Minorities meet in The Hague”, January 31, 2015. www.osce.org/hcnm/138291

³⁶ See information about ODIHR work at www.osce.org/tolerance-and-nondiscrimination.

³⁷ “OSCE/ODIHR and HCNM release report by Human Rights Assessment Mission in Ukraine”, May 12, 2014. www.osce.org/odihr/118454 and “Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015)”, September 8, 2015. www.osce.org/odihr/report-of-the-human-rights-assessment-mission-on-crimea.



- Journalists from at least 13 independent media outlets, freelance journalists, and bloggers have been threatened, assaulted, physically attacked, banned from entry, interrogated, and kidnapped; their equipment has been confiscated or damaged.
- The premises of at least six media outlets and media NGOs have been raided; in some cases their equipment was seized.
- Acts of violence, detentions, switching-off channels and refusal of access to Ukrainian broadcasting were recorded in Eastern Ukraine.³⁸

The Representative also criticized on many occasions the Ukrainian Government's banning of channels from the Russian Federation that are broadcast in Ukraine. The position of the Ukrainian authorities is that such restrictive measures were taken 'exclusively for the purpose of protecting national interests, national security, sovereignty and territorial integrity of Ukraine, countering terrorist attacks as well as preventing violation and restoring violated rights, freedoms and lawful interests of Ukrainian citizens, society and the state'³⁹.

2.1.4 European Union

Although the EU has been criticized for its weak democracy-related *acquis* (body of law), compared to the developed Common Market *acquis*⁴⁰, it has developed rather strong democracy conditionality for countries wishing to join in the process of enlargement, particularly the 'big-bang' enlargement of 2004–07.⁴¹ This approach has been partially inherited by the European Neighbourhood Policy (ENP).⁴² With the Lisbon Treaty's entrance in force in 2009, the Charter of Fundamental Rights and Freedoms of the EU, adopted in 2000, became legally binding for member states. In 2000 two legally binding EU Directives on Equality were passed⁴³; they had to be implemented into national legislation and may be applied directly in the EU court system. Subsequently, the EU member states adopted specialized anti-discrimination acts and most countries have a comprehensive codified law against discrimination that encompasses the main spheres of public life.

The EU does not have an elaborate normative framework specifically for the protection of national minorities. Respect for the rights of persons belonging to minorities is mentioned as a fundamental value in Article 2 of the Treaty on European Union. For specific provisions, the EU relies a lot on the principles developed by the Council of Europe and OSCE.

Association Agreement. The Preamble of the Association Agreement (AA) between the EU and Ukraine, which was signed in June 2014 and entered into force in September 2017, states that parties are 'committed to a close and lasting relationship that is based on common values, namely respect for democratic principles, the rule of law, good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for

³⁸ See Statements from OSCE Representative on Freedom of the Media on media freedom situation in Crimea, Ukraine at www.osce.org/fom/143841. See also the Representative's previous statements involving ATR at www.osce.org/fom/116240 and www.osce.org/fom/119887.

³⁹ "Council of Europe Platform to promote the protection of journalism and the safety of journalists", 17 July 2017. <https://www.coe.int/en/web/media-freedom/all-alerts/-/soj/alert/26019491>

⁴⁰ Frank Schimmelfennig and Ulrich Sedelmeier, "Conclusions: The impact of the EU on the accession countries", Frank Schimmelfennig and Ulrich Sedelmeier, eds., *The Europeanization of Central and Eastern Europe* (Cornell University Press 2005), pp. 210–255.

⁴¹ *Ibid.*

⁴² Iryna Solonenko, "External democracy promotion in Ukraine: the role of the European Union", *Democratization* 16, 4 (2009), pp. 709-731.

⁴³ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. http://ec.europa.eu/justice/discrimination/law/index_en.htm



diversity, human dignity and commitment to the principles of a free market economy, which would facilitate the participation of Ukraine in European policies'. Article 4 of the AA lays down the basis for 'Political dialogue in all areas of mutual interest'. One of the aims of such a dialog is to strengthen 'respect for the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity' among other objectives.⁴⁴ Furthermore, Annex XL to Chapter 21 "Cooperation on Employment, Social Policy and Equal Opportunities" of the Title V "Trade and Sector Cooperation" concerns aligning Ukraine's legislation with EU anti-discrimination directives.

Importantly, non-discrimination policy benchmarks were an essential part of **Visa Liberalisation Dialogue** between the EU and Ukraine. As a result of implementing these benchmarks, nationals of Ukraine are exempt from visa requirements as of 11 June 2017. One of the four blocks of the Visa Liberalisation Action Plan concerns 'external relations and fundamental rights'. One of the benchmarks in this block is the benchmark 2.4.3 Citizens' rights, including protection of minorities. The final report of the European Commission on implementation of the Action Plan, released in January 2015, stated that the benchmark 'is deemed to have been achieved'⁴⁵. In particular the EC stated that Ukraine had significantly improved its antidiscrimination legislation and strengthened its equality institutions, and provided specific examples of this.

Moreover, the EU demands that parties of the ENP pass and implement national **Roma integration strategies**.⁴⁶ Thus, in April 2013, Ukraine signed the Strategy for Protection and Integration in Ukrainian Society of Roma National Minority for the period until 2020 (more information below).

2.1.5 Bilateral agreements with kin-states

Ukraine has signed intergovernmental treaties with:

- Hungary in 1991
- Poland in 1992
- Moldova in 1992 (it came into force only in 1997 after both countries ratified the treaty)
- Romania in 1997
- Republic of Belarus in 1997
- Russia in 1997.

Each of these agreements covers the entire range of issues pertaining to the relationship between Ukraine and the respective country listed. Each agreement also contains chapters regulating provision of the rights of persons belonging to national minorities.

In the 'Agreement on the Foundations of Good Neighborhood and Cooperation between Ukraine and the Republic of Hungary', Article 17⁴⁷ is devoted to this issue. It is not very elaborate, since it refers to the

⁴⁴ Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Ukraine, of the other part. *Official Journal of the European Union* 29.05.2014.
https://eeas.europa.eu/sites/eeas/files/association_agreement_ukraine_2014_en.pdf

⁴⁵ Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation, SWD (2015) 705 final, Brussels, 18.12.2015 COM (2015) 905 final. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

⁴⁶ http://ec.europa.eu/justice/discrimination/roma/eu-framework/index_en.htm

⁴⁷ Договір про основи добросусідства та співробітництва між Україною і Угорською Республікою [Agreement on the Foundations of Good Neighborhood and Cooperation between Ukraine and the Republic of Hungary'], No. 348_004, 01.07.1992.
http://zakon2.rada.gov.ua/laws/show/348_004



Declaration on cooperation between the two countries on the rights of national minorities,⁴⁸ which was adopted in May 1991 when Ukraine was still a Soviet Republic. The Declaration itself is very elaborate; it contains 18 Articles and covers the entire range of rights of national minorities, including political, informational, cultural, educational, linguistic, etc. The Protocol to the Declaration stipulates the establishment of the Mixed Commission, consisting of representatives of central and local authorities of both countries, which was tasked with ensuring implementation of the Declaration and meeting twice a year.⁴⁹

In the ‘Agreement between Ukraine and the Republic of Poland on Good Neighborhood, Friendly Relations and Cooperation’, Article 11⁵⁰ deals with national minorities. The Article focuses on the individual right of a person to consider themselves as belonging to a certain national group and stipulates the following rights: education in and learning of the native language; access to information in the language; establishment and maintenance of educational, cultural, and religious organizations; religious freedom; use of names in native language; establishment and maintenance of contacts among people belonging to minorities in the country of residence and beyond.

In ‘The Agreement about Good Neighborhood, Friendship and Cooperation between Ukraine and the Republic of Moldova’,⁵¹ Articles 7–9 discuss issues of national minorities. These provisions guarantee both the individual and collective rights of national minorities to free expression, development, and maintenance of ethnic, cultural, linguistic, and religious uniqueness and protection against assimilation. The provisions furthermore stipulate that both sides will take measures to support educational and cultural institutions and media in the languages of national minorities. Article 9 mentions that further issues of cooperation on national minorities will be specified in separate agreements.

Indeed, a separate ‘Agreement between Ukraine and the Republic of Moldova on Cooperation on Ensuring the Rights of Persons Belonging to National Minorities’ was signed with the Republic of Moldova in December 2009.⁵² Ukraine ratified this Agreement in October 2010, but it is still to be ratified by the Moldovan Parliament. It is a comprehensive document, consisting of 14 Articles. It states that the parties guarantee respect for civic, political, social, economic, and cultural rights and freedoms of people belonging to national minorities, in compliance with international standards. Article 12 of the Agreement stipulates the establishment of a Mixed Intergovernmental Ukrainian–Moldovan Commission on Ensuring Rights of National Minorities, which should consist of representatives of both countries, including from civil society organizations representing national minorities, and should meet at least once a year. It should develop joint programs and actions aimed at promoting the rights of national minorities in both countries.⁵³

⁴⁸ Декларация про принципи співробітництва між Українською РСР та Угорською Республікою про забезпечення прав національних меншостей [Declaration on the Principles of Cooperation between Ukrainian SSR and Hungarian Republic on Providing for the Rights of National Minorities], No. 348_322, 31.05.1991. http://zakon2.rada.gov.ua/laws/show/348_322

⁴⁹ It was not possible to find any information on whether the Commission was created and met.

⁵⁰ Договір між Україною і Республікою Польщею про добросусідство, дружні відносини і співробітництво [Agreement between Ukraine and the Republic of Poland on Good Neighbourhood, Friendly Relations and Cooperation], No. 616_172, 17.09.1992. http://zakon0.rada.gov.ua/laws/show/616_172

⁵¹ Договір про добросусідство, дружбу і співробітництво між Україною та Республікою Молдова [Agreement on Good Neighbourhood, Friendship and Cooperation between Ukraine and the Republic of Moldova], No. 498_161, 05.01.1997. http://zakon2.rada.gov.ua/laws/show/498_161

⁵² Угода між Україною і Республікою Молдова про співробітництво у забезпеченні прав осіб, які належать до національних меншин [Agreement between Ukraine and the Republic of Moldova on Cooperation on Ensuring the Rights of Persons Belonging to National Minorities], No. 498_146, 05.10.2010. http://zakon3.rada.gov.ua/laws/show/498_146

⁵³ It was not possible to find information about whether the Commission was created and met.



In ‘Agreement on Relationship of Good Neighborhood and Cooperation between Ukraine and Romania’, Article 12 and Article 13⁵⁴ deal with issues of national minorities. Article 13 elaborately outlines the broad range of rights of national minorities that both sides must promote. These are individual and collective rights for freedom of expression, development of ethnic, cultural and religious identity, participation in public affairs, particularly via elected representatives, and in cultural, social, and economic affairs of the country of residence, access to education, and information in their native language. Article 13 also stipulates that the two countries will establish the Mixed Intergovernmental Commission, which will meet at least annually. The Commission met four times between 1998, when it was created, and 2006 when its work was blocked, due to the Romanian side blaming Ukrainian authorities for having violated the rights of the Romanian national minority in Ukraine⁵⁵. In September 2017 it reconvened with the aim of meeting annually.⁵⁶

In ‘Agreement on Friendship, Good Neighborhood and Cooperation between Ukraine and the Republic of Belarus’,⁵⁷ Articles 5,6,7 of the Agreement concern the issues of non-discrimination, respect for human rights and national minorities. In particular, Article 6 stipulates that both parties to the Agreement should ensure individual and collective rights of national minorities for free expression, development and preservation of their ethnic, cultural, linguistic and religious uniqueness. The Article also mentions a forthcoming separate Agreement on national minorities. Thus, a separate ‘Agreement between Ukraine and the Republic of Belarus on Cooperation on Ensuring the Rights of Persons, belonging to National Minorities’ was signed in 1999.⁵⁸ It contains 15 Articles. Article 3 states that The Parties guarantee civic, political, social, economic and cultural rights and freedoms to national minorities in line with international human rights standards and national legislation.

An ‘Agreement on Friendship, Cooperation and Partnership between Ukraine and Russian Federation’⁵⁹ contains Article 12, which is devoted to national minorities. It is relatively concise and mentions general rights of national minorities in both countries that they have to guarantee and respect.

2.2 National Legislation

2.2.1 Constitution of Ukraine

Ukraine’s Constitution was adopted in 1996. Article 21 of the Constitution declares equality for all people in their dignity and rights, and that human rights and freedoms are inalienable and inviolable. Article 22 states that the rights and freedoms of an individual and citizen, enshrined in the Constitution, are not exhaustive and cannot be abolished nor restricted in scope or content by way of adopting new measures or amending existing legislation.

⁵⁴ Договір про відносини добросусідства і співробітництва між Україною та Румунією [Agreement on Relationship of Good Neighbourhood and Cooperation between Ukraine and Romania], No. 642_003, 17.07.1997. http://zakon3.rada.gov.ua/laws/show/642_003

⁵⁵ The author of the study thanks Serhii Hakman, Deputy Director of the Chernivtsi Centre of Capacity Building for Civil Servants for having shared this information.

⁵⁶ Розблоковано роботу Змішаної Україно-Румунської міждержавної комісії з питань забезпечення прав осіб, які належать до національних меншин [The work of the Mixed Ukrainian-Romanian Intergovernmental Commission on the rights of person’s belonging to national minorities was unblocked], Cabinet of Ministers of Ukraine, 14.09.2017. Retrieved from <https://www.kmu.gov.ua/ua/news/250269262>

⁵⁷ Договір про дружбу, добросусідство і співробітництво між Україною і Республікою Білорусь [Agreement on Friendship, Good Neighbourhood and Cooperation between Ukraine and the Republic of Belarus], No. 112_692, 17.07.1995. http://zakon0.rada.gov.ua/laws/show/112_692

⁵⁸ Угода між Україною та Республікою Білорусь про співробітництво у забезпеченні прав осіб, які належать до національних меншин [Agreement between Ukraine and the Republic of Belarus on Cooperation on Ensuring the Rights of Persons Belonging to National Minorities], No. 112_025, 23.07.1999. http://zakon2.rada.gov.ua/laws/show/112_025

⁵⁹ Договір про дружбу, співробітництво і партнерство між Україною і Російською Федерацією [Agreement on Friendship, Cooperation and Partnership between Ukraine and Russian Federation], No. 643_006, 31.05.1997. http://zakon2.rada.gov.ua/laws/show/643_006



Article 24 of the Constitution presumes equal fundamental rights and freedoms as well as equality of citizens before the law irrespective of their ‘race, color of skin, political, religious, gender, ethnic and social origin, wealth, place of residence, linguistic and other characteristics’. Article 10 of the Constitution guarantees free development, use, and protection of the Russian language and other minority languages. Article 11 stipulates that the state promotes consolidation and development of the Ukrainian nation, as well as the development of ethnical, cultural, linguistic, and religious uniqueness of all indigenous peoples and national minorities of Ukraine. Article 53 states that citizens who belong to national minorities are guaranteed the legal right to education in their mother tongue and to learn their mother tongue in state and communal educational institutions or through national-cultural organizations.

Article 92 of the Constitution states that only the laws of Ukraine define ‘1) the rights and freedoms of individual and citizen, guarantees of these rights and freedoms, major obligations of citizens...3) the rights of indigenous people and national minorities, 4) the use of languages...’.

Article 119 states that the local state administration in each territory provides for, among other things ‘3) implementation of state and regional programs of socioeconomic and cultural development...and in the places of compact settlement of indigenous people and national minorities – in addition to the programs of their national and cultural development’.

2.2.2 Human rights and anti-discrimination legislation

The key legal document in the field is the Law No. 5207-17 ‘On the Principles of Preventing and Combating Discrimination in Ukraine’,⁶⁰ which was adopted on 6 September 2012. It was significantly amended by Law No. 1263-18 on 13 May 2014.⁶¹

Discrimination is defined by the Law as ‘decisions, actions or omissions aimed at restriction or granting privileges with regard to individuals or groups of individuals’ on certain grounds ‘if they render recognition and exercising of human rights and freedoms on equal grounds impossible’. The Law provides an open list of criteria for discrimination, namely race, skin color, political, religious and other beliefs, gender, age, disability, ethnic and social origin, family and property status, place of residence, and language. The Law concerns all public relations and Article 4 provides an open list of spheres where it applies.⁶²

Article 161 of the Criminal Code of Ukraine⁶³ addresses the violation of equality of citizens based on their race, ethnicity, or attitude toward religion and proposes liability for such violations. Article 300 prescribes liability for the importing, production, and dissemination of products that propagate a culture of violence and cruelty, racial, national and religious intolerance, or discrimination. Punishment is set at three years of imprisonment. Moreover, motives of racial, ethnic, or religious hatred and conflict are viewed as aggravating circumstances (pursuant to Article 67 (3) and a qualifying element of other crimes.

⁶⁰ Закон України No. 5207-17 “Про засади запобігання та протидії дискримінації в Україні” [Law of Ukraine No. 5207-17 “On the Principles of Preventing and Combating Discrimination in Ukraine”], 06.09.2012. <http://zakon5.rada.gov.ua/laws/show/5207-17>

⁶¹ Закон України No. 1263-18 “Про внесення змін до деяких законодавчих актів України щодо запобігання та протидії дискримінації” [Law of Ukraine No. 1263-18 “On introducing amendments to some legal acts of Ukraine on preventing and combating discrimination in Ukraine”], 30.05.2014. <http://zakon5.rada.gov.ua/laws/show/1263-18/paran11#n11>.

⁶² *Ibid.*

⁶³ Кримінальний Кодекс України. Редакція від 03.09.2017 [Criminal Code of Ukraine. Version as of 03.09.2017]. <http://zakon2.rada.gov.ua/laws/show/2341-14>.



The National Strategy on Human Rights for 2016–20, adopted by decree of the President of Ukraine in August 2015, became an important milestone in promoting the rights of national minorities.⁶⁴ According to the decree, annual action plans to implement the National Strategy are to be developed. In November 2015, the Cabinet of Ministers of Ukraine adopted the ‘Action Plan on the Implementation of the National Human Rights Strategy until 2020’.⁶⁵ It consists of 25 sections corresponding to the priorities set out in the National Human Rights Strategy, approved by presidential decree. The objective of the Action Plan is to operationalize the Strategy by providing for different measures that, among other things, would ensure Ukraine’s legislation, policies and practices conform with its international human rights commitments. Funding for implementation of the Action Plan, in line with the decree, should be provided on an annual basis through the state Budget of Ukraine.

The Action Plan chapter ‘Promoting Rights of Indigenous Population and National Minorities’, includes 28 activities aimed at improving legislation and institutional frameworks in the field and promote tolerance and diversity.⁶⁶

At present, the Secretariat of the Parliament Commissioner (Ombudsperson – in Ukraine this is an ombudswoman) monitors implementation of the Strategy.⁶⁷ A closer look at the Action Plan suggests that most activities planned for 2016-2017 were not implemented.

2.2.3 Targeted legislation on national minorities and related policy documents

Ukraine adopted legislation on national minorities starting in the early days of independence, which was proclaimed on 24 August 1991.

Already in November 1991, only three months later, the Verkhovna Rada adopted the Declaration on the Rights of Nationalities in Ukraine. The Declaration did not contain any vision of the system of minority governance; it only declared that equal rights are guaranteed ‘to all people, national groups’, prohibited discrimination on the grounds of nationality, and guaranteed the right to create cultural centers, community organizations, and associations.⁶⁸

In June 1992, the Verkhovna Rada passed the Law ‘On National Minorities of Ukraine’. National minorities are defined in this law as ‘groups of citizens of Ukraine, who are not Ukrainian according to their nationality, who have a sense of national self-awareness and commonness among each other’.⁶⁹ Importantly, Article 5 of the Law declared the establishment of a central executive authority in charge of international relations – the Ministry of Nationalities of Ukraine. A special council, comprising representatives of civil society organizations of national minorities, was to be created at the ministry. Neither such a ministry, dealing exclusively with the issues of national groups, nor a respective council

⁶⁴ Указ Президента України No. 501/2015 “Про затвердження Національної стратегії у сфері прав людини” [Decree of the President of Ukraine No. 501/2015 “On Approval of the National Human Rights Strategy”], 25.08.2015. <http://zakon2.rada.gov.ua/laws/show/501/2015#n15>. The English version can of the Strategy translated by UN OHCHR can be found here: www.coe.int/t/commissioner/.../Ukraine-National-Action-Plan-on-Human-Rights.pdf

⁶⁵ Додаток до Розпорядження Кабінету Міністрів України No. 1393-р “План заходів з реалізації Національної стратегії у сфері прав людини на період до 2020 року” [Annex to the Ordinance of the Cabinet of Ministers of Ukraine No. 1393--p. “Action Plan on the implementation of the National Human Rights Strategy until 2020”], 23.11.2015. www.kmu.gov.ua/document/248740672/R1393.doc

⁶⁶ *Ibid*, pp.230–43.

⁶⁷ See the website of the Ombudsperson – www.ombudsman.gov.ua/ua/page/secretariat/docs/natsionalna-strategiya-u-sferi-prav-lyudini/.

⁶⁸ Декларація прав національностей України. Документ No. 1771-12, 01.11.1991 [Declaration on the Rights of Nationalities in Ukraine. Document No. 1771-12, 01.11.1991]. <http://zakon0.rada.gov.ua/laws/show/1771-12>

⁶⁹ Закон України No. 2494-12 “Про національні меншини в Україні” [Law of Ukraine No. 2494-12 “On National Minorities in Ukraine”], 25.06.1992. <http://zakon5.rada.gov.ua/laws/show/2494-12>



were ever created, as will be shown below. In 2012, the relevant Article 5 of the Law was amended, so that it states that a central executive authority defined by the President of Ukraine is in charge of minority governance. The Article also states that, if necessary, local councils and local state administrations can create permanent commissions and units to deal with national minority issues.⁷⁰

With the exception of policies for the Roma and the Crimean Tatars, no further legislation, specifically dealing with national minorities was adopted in Ukraine.

The Strategy for Protection and Integration of Roma National Minority into Ukrainian Society for the Period until 2020 was approved by decree of the President of Ukraine on 8 April 2013.⁷¹ It was followed by an enabling Action Plan approved on 11 September 2013 by the Cabinet of Ministers.⁷² According to expert assessment⁷³ the Action Plan achieved some quantifiable success – in particular around provision of identity documents for Roma people. In other areas, progress has been negligible, and Roma continue to suffer systemic discrimination in access to adequate housing, education, health services and employment.

One should also mention several bills on the Crimean Tatar people and the indigenous population. Although the Constitution of Ukraine mentions ‘indigenous people’ three times, this term was never elaborated in legal acts and therefore in practice the state had no policy in this respect. The annexation of Crimea in March 2014 pushed the state (under pressure from the Crimean Tatars) to take a more proactive stance toward protecting the rights of Crimean Tatars.

On 20 March 2014, Verkhovna Rada passed the ‘Resolution of the Verkhovna Rada of Ukraine on Guaranteeing the Rights of the Crimean Tatars within the Ukrainian State’.⁷⁴ This Resolution recognized the Mejlis of the Crimean Tatar people as ‘the executive body of the Assembly of the Crimean Tatar People’.

On 17 April 2014 Verkhovna Rada adopted the Law ‘On Restitution of the Rights of People Deported on the National Grounds’.⁷⁵ This Law aims to provide two guarantees from the State: firstly, that Ukrainian citizens who were forcibly deported from their place of residence during Soviet times will, when possible, be settled within administrative units where they or their close relatives resided at the time of deportation; and secondly, to establish an office for the Commissioner of the President of Ukraine for the Affairs of Crimean Tatars.⁷⁶ Obviously, the law addresses the issue of Crimean Tatars who were forcibly deported by Stalin in 1944 from Crimea to Central Asia.

⁷⁰ *Ibid.* Article 5.

⁷¹ Указ Президента України No. 201/2013

“Про Стратегію захисту та інтеграції українського суспільства в європейську національно-меншинну період до 2020 року”, [Decree of the President of Ukraine No. 201/2013 “About the Strategy of Protection and Integration of the Roma National Minority into Ukrainian Society for the Period until 2020”]. 08.04.2013. <http://zakon3.rada.gov.ua/laws/show/201/2013>

⁷² Розпорядження Кабінету Міністрів України No. 701-р “Про затвердження плану заходів щодо реалізації Стратегії захисту та інтеграції українського суспільства в європейську національно-меншинну період до 2020 року” [Ordinance of the Cabinet of Ministers of Ukraine No. 701-p “On Approving the Action Plan as to Implementation of the Strategy for Protection and Integration of the Roma National Minority into the Ukrainian Society for the Period until 2020”]. 11.09.2013. <http://zakon2.rada.gov.ua/laws/show/701-2013-%D1%80>

⁷³ See OSCE, *OSCE/ODIHR and HCNM release report by Human Rights Assessment Mission in Ukraine*, May 12, 2014. Retrieved from www.osce.org/odihr/118454

⁷⁴ Постанова Верховної Ради України

“Про Заяву Верховної Ради України щодо гарантії прав кримськотатарського народу у складі Української Держави” № 1140-18 [Resolution of the Verkhovna Rada of Ukraine № 1140-18 “On Guaranteeing the Rights of Crimean-Tatar People in Ukrainian State”], 20.03.2014.

<http://zakon3.rada.gov.ua/laws/show/1140-18>

⁷⁵ Закон України No. 1223 “Про відновлення прав осіб, депортованих за національною ознакою” [Law of Ukraine No. 1223 “On Restitution of the Rights of People Deported on the National Grounds”], 17.04.2014. <http://zakon2.rada.gov.ua/laws/show/1223-18>

⁷⁶ Указ Президента України № 656/2014 “Про Уповноваженого Президента України у справах кримськотатарського народу” [Decree of the President of Ukraine “On the Commissioner of the President of Ukraine for the Affairs of Crimean Tatars” № 656/2014], 20.08.2014.



Discussion of the need for legislation recognizing the rights of indigenous people or the Crimean Tatars as the most numerous group of such people in Ukraine still continues. It is mostly driven by the representatives of Mejlis, who are concerned that the Ukrainian State will accept the annexation of Crimea as a reality that cannot be changed, while the identity of the Crimean Tatars is inseparable from the territory of Crimea where they appeared as a people.⁷⁷

Thus, several bills were registered with the Verkhovna Rada, but have not passed yet. On 20 March 2014, Bill No. 4501 ‘On the Rights of Indigenous People of Ukraine’ was registered.⁷⁸ Yet, after a debate in the parliament in April 2014, it was never passed. Bill No. 6315 ‘On the Status of Crimean Tatar People in Ukraine’ was registered on 7 April 2017.⁷⁹ It has been promoted by Refat Chubarov, the Chairman of the Mejlis, and Mustafa Dzhemilev, Plenipotentiary (Commissioner) of the President of Ukraine on the issues of Crimean Tatar People.

This Bill (Article 7) defines the political status of the Autonomous Republic of Crimea as the national-territorial autonomy of the Crimean Tatar people within the territory of the Crimean peninsula as a part of unitary Ukraine. The Bill also guarantees representation of the Crimean Tatar people in the Verkhovna Rada of Ukraine, in the Verkhovna Rada of the Autonomous Republic of Crimea and in locally elected authorities. The Bill was supposed to be put to vote in the parliament session ending in January 2018 (it was included in the Agenda for the Session⁸⁰), but this did not happen.

2.2.4 Legislation on decentralization

The decentralization reform is recognized as one of the most successful reforms in Ukraine. It has already increased the resources of local communities, and these can now be invested in development of infrastructure and giving leverage for citizens to keep the authorities accountable.⁸¹

Article 4, Clause 4 of the Law ‘On Voluntary Amalgamation of Territorial Communities’ lays out a general principle that ‘voluntary amalgamation of territorial communities...should take place under the following conditions:... when decision on association is being taken, historical, natural, ethnic, cultural and other factors that affect socioeconomic development of amalgamated community should be taken into account’.⁸² There is no further elaboration of how ethnic factors should be taken into account. Moreover, methodological recommendations adopted by the Cabinet of Ministers in April 2015⁸³ to implement the Law do not include a mechanism for the implementation of the Article.

<http://zakon2.rada.gov.ua/laws/show/656/2014>. It was followed by a decree, which outlined the tasks of this institution – <http://zakon2.rada.gov.ua/laws/show/841/2014>.

⁷⁷ “До Верховної Ради України направили законопроект про статус кримськотатарського народу” [The Bill on the Status of Crimean Tatar People was submitted to Verkhovna Rada] Radio Free Europe/ Radio Liberty April 7, 2017. <https://ua.krymr.com/a/news/28416413.html>

⁷⁸ Проект Закону No. 4501 “Про права корінних народів України” [Bill No. 4501 “On the Rights of Indigenous People”], 20.03.2014. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=50327

⁷⁹ Проект Закону No. 6315 “Про статус кримськотатарського народу в Україні” [Bill No. 6315 “On the Status of Crimean-Tatar People in Ukraine”], 07.07.2017. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61537.

⁸⁰ 7th session of the 8th assembly of Verkhovna Rada.

⁸¹ Ivan Lukeria, “Decentralization reform can be Ukraine’s success, if it doesn’t stop halfway”, *EuroMaidan Press*, July 11, 2017.

<http://euromaidanpress.com/2017/07/11/decentralization-reforms-in-ukraine-can-be-a-success-if-they-are-completed/>

⁸² Закон України No. 157-VIII “Про добровільне об’єднання територіальних громад” [The Law of Ukraine No. 157-VIII “On Voluntary Amalgamation of Territorial Communities”], 05.02.2015. <http://zakon1.rada.gov.ua/laws/show/157-19>

⁸³ Постанова Кабінету Міністрів України №214 „Про затвердження Методики формування спроможних територіальних громад“ [Resolution of the Cabinet of Ministries of Ukraine №214 “On Methodology for Creation of Capable Territorial Communities”], 08.04.2015. <http://zakon2.rada.gov.ua/laws/show/214-2015-%D0%BF>



Thus, amalgamation of communities in the territories where national minorities reside compactly has been uneven. In some territories of Ukraine, most prominently in Odesa and the Transcarpathian regions, there has been resistance to creating multi-ethnic communities.⁸⁴ In others, no major problems occurred. For instance, in the Chernivtsi region, the Krasnoil community was created out of two settlements, one of which has 70 percent Polish and another 92 percent Romanian national minorities.⁸⁵

2.2.5 Legislation on education

In September 2017, the Ukrainian Parliament adopted and the President of Ukraine signed the Law ‘On Education’.⁸⁶ The Law comprehensively addresses reform of pre-University education in Ukraine. The period of school education was extended from 11 to 12 years (divided into three stages of education: a four-year primary school, a five-year middle school and three years of specialist/vocational training), and the program and methods of teaching are expected to undergo far-reaching changes. Yet Article 7 of the Law, which restricts the extent to which non-Ukrainian languages can be the language of instruction in schools, proved to be a major controversy. This Article provoked sharp reactions from some of Ukraine’s neighboring countries, mostly Romania and Hungary. The Romanian President cancelled a trip to Ukraine as a reaction to the Law, while the Hungarian Foreign Minister announced that Hungary will block any further efforts of Ukraine to integrate into the EU. Ukrainian authorities sent the Law to be assessed by the Venice Commission and promised to introduce amendments if it violates European standards (see also below in Part II).

Under the current education system, quite a number of pupils receive their entire 11 years of schooling in a minority language. According to official data, there are currently 581 schools with Russian as the language of instruction (365,000 pupils), 78 Romanian and Moldovan schools (19,000 pupils), 71 Hungarian schools (16,000 pupils) and 6 Polish schools (in Mostyska, Lanovychi, Striletske, Horodok and two in Lviv; a total of 1,800 pupils attending) operating in Ukraine. This often results in students graduating from high school lacking even a working knowledge of the state language (Ukrainian) and so not being able pass the high school exam in the Ukrainian language, which is a prerequisite for entering a university in Ukraine. The rationale of the Ukrainian authorities is that this situation results in exclusion of national minorities from equal access to university education and thus the Law is aimed at tackling the problem.

Article 7 of the Law introduces major changes to how national minority schools function. National minority languages can be the language of instruction only in selected classes and exclusively at the initial stage of education (in kindergarten and grades 1–4). Ukrainian will be the only admissible language of instruction throughout middle school and specialist education (grades 5–12) although there is a regulation that guarantees representatives of national minorities the opportunity to learn their language during extracurricular classes. The Law does not contain regulations that would allow municipal national minority schools to continue operation; it only provides for the operation of national minority classes. Full rights to receive education in their native language will only be given to the ‘indigenous nations of Ukraine’ (Crimean Tatars, Karaites, and Krymchaks). The provisions of the Law concerning national minorities will

⁸⁴ Findings from an ECMI field mission to the region in June 2017. See also David J. Smith and Maryna Semenyshyn “Territorial-Administrative Decentralisation and Ethno-Cultural Diversity in Ukraine: Addressing Hungarian Autonomy Claims in Zakarpattia”, *ECMI Working Paper #95*, November 2016.

⁸⁵ “На Буковині об’єднуються румунське селище і польське село”, Міністерство регіонального розвитку, будівництва та житлово-комунального господарства України [“In Bukovyna a Romanian and Polish villages get united”], Ministry of Regional Development, Construction and Municipal Governance]. Decentralisation web-page 16.03.2016. <http://decentralization.gov.ua/news/item/id/1771>

⁸⁶ Закон України No. 2145-19 “Про освіту” [Law of Ukraine No. 2145-19 “On Education”], 05.09.2017. <http://zakon3.rada.gov.ua/laws/show/2145-19>.



take full effect on 1 September 2020 (the number of subjects with Ukrainian as the language of instruction at the middle school stage, i.e. in grades 5–9, will be gradually increased starting from 1 September 2018). Importantly, the version of the Law before the second hearing and the version that was eventually adopted are somewhat different. While the initial draft was the result of an extensive consultation process with experts and national minorities, the adopted version ignores the concerns that national minorities might have.

Comparison of the provisions of the draft Education Act and the version adopted on 5 September 2017⁸⁷

Draft version before the second reading	Adopted version of the Law
<p>Article 7.1 Representatives of the indigenous nations of Ukraine are guaranteed the right to receive education in their native language in parallel to the Ukrainian language at local government primary and secondary schools. This right shall be put into effect at separate educational facilities and classes (groups) with the language of a given national minority or indigenous nation as the language of instruction in parallel to the Ukrainian language.</p> <p>Individuals who are part of the indigenous nations or national minorities of Ukraine are also guaranteed the right to learn their native language at state and municipal educational facilities or via national-cultural associations.</p>	<p>Article 7.1 Representatives of the indigenous nations of Ukraine are guaranteed the right to learn the language of a given indigenous nation or national minority at local government primary and secondary schools. This right shall be put into effect pursuant to the legislation in separate classes (groups) with the language of a given national minority or indigenous nation as the language of instruction in parallel to the Ukrainian language.</p> <p>Individuals who are part of the national minorities of Ukraine are guaranteed the right to learn the native language of a given national minority at municipal educational facilities in order to receive preschool and primary education in parallel to the state language.</p>
<p>Article 7.4. Pursuant to the curriculum, one or more school subjects can be taught in two or more languages – the state language, English or other official languages of the European Union.</p>	

2.2.6 Legislation on civil service

The Law ‘On Civil Service’ that came into force in May 2016 obliges all civil servants to use the state language (Ukrainian) in exercising their professional duties.⁸⁸

Article 4 of the Law states that one of the principles of civil service is that of professionalism, and it includes ‘fluent use of state language and, if needed, regional language or language of national minorities, defined according to the law’.

Article 13, which concerns the responsibilities of the central executive authority in charge of state policy on civil service, states that such an authority ‘organizes, together with educational institutions, education

⁸⁷ The comparison was prepared by the Centre for Eastern Studies, Poland - www.osw.waw.pl/en/publikacje/analyses/2017-09-27/ukraine-a-blow-against-national-minorities-school-system.

⁸⁸ Закон України No. 889-19 “Про державну службу” [Law of Ukraine No. 889-19 “On State Service”], 21.12.2016. <http://zakon2.rada.gov.ua/laws/show/889-19>.



of civil servants with the purpose of improving their use of state language, regional language or language of national minorities, as well as foreign language, which is an official language of the Council of Europe, in cases when use of such language is obligatory according to this law'. Article 17 reiterates this responsibility also with respect to the head of the civil service of the executive authority (state secretary in the case of a ministry).

2.2.7 Legislation on TV, radio and mass communication

In June 2016 the Law 'On introducing amendments to laws of Ukraine on proportion of songs in state language in TV and radio programs'⁸⁹ was adopted, aimed at increasing the use of the Ukrainian language in radio broadcasting. The proposed amendments were primarily to the December 1993 Law 'On TV and Radio Broadcasting in Ukraine'.⁹⁰ The amendments introduce quotas for use of the Ukrainian language in TV and radio: at least at least 35 percent of songs must be in the state language, and 60 percent of broadcasting overall. The Law does not envisage any quotas for broadcasting in the languages of national minorities. However, in one instance (Article 9, Part 7), the Law states that, when issuing broadcast licenses, the National Council on TV and Radio should be guided by the necessity of: '...protection of rights and interests of national minorities'. In another instance (Article 25), the Law states that, if there is competition for licenses, the National Council should give preference to TV and radio organizations that '...prefer socially important programs (informational, social political, children, etc.), meet informational needs of national minorities and provide for freedom of speech'. Further amendments to the Law 'On TV and Radio Broadcasting in Ukraine' were introduced in May 2017.⁹¹ They oblige TV channels to ensure that 75 percent of films and programs on national and regional TV channels are shown in the state language, 60 percent on local TV channels, and 75 percent of news programs. The amendments also update Article 10: 'Language of audiovisual (electronic) mass media: 1. TV and radio organizations conduct broadcasting in state language. The obligatory (minimal) amount of broadcasting in state language for TV and radio organizations of certain categories of broadcasting is defined by this law. The allowed amount of broadcasting in the languages of indigenous people and national minorities, languages of international communication is defined by this law'. The Law, however, does not provide any further specifications, creating ambiguity about the proportion of broadcasting that should be in the languages of national minorities.

In March 2017, the Verkhovna Rada adopted the Law 'On State Support to Cinematography in Ukraine',⁹² which (in Article 3) envisages state support for production of original films in the Ukrainian or Crimean Tatar languages. Use of other languages is allowed, but must not exceed 10 percent of the overall duration of spoken material. Such spoken material should be dubbed or subtitled in Ukrainian.

The content and wording of this legislation suggests that it was adopted to promote use of Ukrainian language as a response to the fact that (until recently) the Russian language has dominated Ukrainian mass

⁸⁹ Закон України No. 1421-19 "Про внесення змін до деяких законів України щодо частки музичних творів державною мовою у програмах телерадіоорганізацій" [Law of Ukraine No. 1421-19

"On introducing amendments to laws of Ukraine on share of songs in state language in TV and radio programmes", 16.06.2016. <http://zakon5.rada.gov.ua/laws/show/1421-19>

⁹⁰ Закон України No. 3760-12 "Про телебачення і радіомовлення" [Law of Ukraine No. 3760-12 "On TV and Radio on Broadcasting", 21.12.1993. <http://zakon5.rada.gov.ua/laws/show/3759-12>

⁹¹ Закон України No. 2054-19 "Про внесення змін до деяких законів України щодо мови аудіовізуальних (електронних) засобів масової інформації" [Law of Ukraine No. 2054-19 "On Introducing Amendments to Some Laws of Ukraine on the Language of Audio-Visual (electronic) Mass Media", 23.05.2017. <http://zakon5.rada.gov.ua/laws/show/2054-19>

⁹² Закон України No. 1977-19 "Про державну підтримку кінематографії в Україні" [Law of Ukraine No. 1977-19 "On State Support to Cinematography in Ukraine", 23.03.2017. zakon2.rada.gov.ua/laws/show/1977-19



media.⁹³ The result of this angle is that the linguistic needs of national minorities (with the exception of Crimean Tatars in the last instance) have been ignored.

2.2.8 Legislation on languages

The Law ‘On the Fundamentals of the State Language Policy’⁹⁴ was adopted in 2012. It is known in Ukraine as the ‘Kivalov–Kolisnichenko Law’, referring to two MPs close to the former President of Ukraine, Viktor Yanukovich, who co-authored it. In 2016, slight amendments to the area of TV and radio broadcasting were made to it. The Law (Article 7.2) applies to the following languages: Russian, Belarusian, Bulgarian, Armenian, Gagauz, Yiddish, Crimean Tatar, Moldovan, German, New-Greek, Polish, Roma, Romanian, Slovak, Hungarian, Rusyn, Karaim, and Krymchak. According to Article 7.3, in communities where at least 10 percent of the population regard a minority language as their native language, that language will automatically become a second official language (along with Ukrainian as the state language). Under this approach, only the Russian language (which was widely used by the authorities anyway) along with Hungarian, Romanian and Crimean Tatar could benefit from the Law, while other minority language communities would not benefit from it.⁹⁵ For these to benefit as well, special decisions of the local councils are needed.

This Law (Article 24) allows TV and radio companies to decide for themselves whether to broadcast in the state language, in regional languages, or in languages of international communication. This Article was amended by the above-mentioned Law ‘On introducing amendments to laws of Ukraine on proportion of songs in state language in TV and radio programs’ adopted in June 2016 to be in conformity with the amended legislation on TV and radio broadcasting.

The Law provoked numerous protests and was the subject of fierce disagreement between those who wanted to upgrade the status of Russian to be a second official language alongside Ukrainian, and those who advocate the primacy of Ukrainian.⁹⁶ It was widely criticized for violating provisions of the Constitution of Ukraine on state language as it was seen as an attempt to limit the use of the Ukrainian language. Criticism came from, among other places, the Venice Commission of the Council of Europe⁹⁷, which noted that the Law failed to provide the right balance between development and use of the state language as a unifying societal factor and development and protection of minority languages. The OSCE HCNM saw the Law as overly focused on the promotion of the status of the Russian language, potentially at the expense of the Ukrainian language and social cohesion.⁹⁸

Right after the 2014 Revolution, the Verkhovna Rada voted to repeal the Law, but the acting president at that time, who took over after Yanukovich fled to Russia, decided to veto their decision. Unrest in Crimea ensued and Russian TV lamented that Russian speakers in Ukraine were being persecuted. In this context, the acting president decided that inaction was probably the best option, in order to avoid further escalation.

⁹³ For more information, see Solonenko & Grynko (n.d., pp. 26–27).

⁹⁴ Закон України No. 5029-17 “Про засади державної мовної політики” [Law of Ukraine“ No. 5029-17 [Law of Ukraine No. 5029-17“On the Fundamentals of the State Language Policy”], 03.07.2012. <http://zakon3.rada.gov.ua/laws/show/5029-17>

⁹⁵ See Michael Moser, *Language Policy and Discourse on Languages in Ukraine under President Viktor Yanukovich* (Ibidem Verlag, 2013), p. 416.

⁹⁶ UN General Assembly, Report of the Special Rapporteur on minority issues, Rita Izsák.A/HRC/28/64/Add 1, January 27, 2015.

www.ohchr.org/EN/HRBodies/HRC/.../Session28/.../A_HRC_28_64_Add_1_en.doc

⁹⁷ Council of Europe, Opinion on the Draft Law on Languages in Ukraine, Strasburg, March 30, 2011.

[www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)008](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)008)

⁹⁸ OSCE, ‘OSCE High Commissioner on National Minorities urges dialogue and compromise on ‘divisive’ language law in Ukraine’, July 26, 2012. www.osce.org/hcnm/92418



In November 2016, the Constitutional Court of Ukraine started considering the case in response to a request submitted by 57 members of the parliament back in 2012, about the (non)conformity of the Law with the Constitution of Ukraine.⁹⁹

Several more bills aimed at encouraging the use of the Ukrainian language were registered in the Parliament of Ukraine in 2016–17. Bill No. 5760 ‘On State Language in Ukraine’ registered in January 2017¹⁰⁰ provoked major discussions. According to proponents of the Bill, it is in line with international standards and describes the use of the Ukrainian language, in line with its status as the state language.¹⁰¹ Opponents of the Bill argue that it denies the fact that Ukraine is a de facto bilingual country, where Russian speakers should continue to enjoy their rights.¹⁰² Opinion polls, however, indicate that while people largely support the uninhibited use of Russian, most citizens also want the state to promote Ukrainian.¹⁰³ The issue of other minority languages (apart from Russian) is mostly ignored in these discussions.

2.2.9 Election legislation

The current electoral system in Ukraine does not have specific mechanisms for participation of national minorities in the electoral processes, although, according to Ukrainian legislation, people from minority groups are not barred from standing for election, i.e. to be placed on party lists as candidates, and to be elected in divisions where the majority rule is applied (this is particularly likely in communities where national minorities live compactly).

Currently Ukraine follows a mixed electoral system, whereby 50 percent of the parliament is elected via party lists and the other 50 percent in single-mandate constituencies (majority rule). The electoral system at the local level is rather complex: for village and community councils the majority rule applies and the candidates need not belong to any political party. For elections to raion, town/city, and regional (oblast) councils, the majority rule applies as well, but the candidates must represent a political party. To become a mayor of a town/city with the population above 90.000, the candidate has to receive over 50 percent of votes. To become a mayor of a village or a town with a population below 90.000, a simple majority suffices.

The Law of Ukraine ‘On Election of People’s Deputies of Ukraine’ No. 4061-17 of 17 November, 2011¹⁰⁴ guarantees equal electoral rights to citizens, among others, irrespective of their ethnicity. The Law also prohibits dividing single-mandate constituencies in such a way as to ‘disperse’ the vote of national minorities and prevent them from electing ‘their’ candidate (gerrymandering). Article 18 specifies that: ‘... Administrative-territorial units with compact settlement of particular national minorities and bordering each other shall constitute one electoral constituency. If, in neighboring administrative-territorial units, the

⁹⁹ “КСУ взявся розглядати скасування скандального мовного закону Ківалова-Колісніченка” [Constitutional Court of Ukraine started considering to repeal the scandalous law of Ukraine by Kivalov-Kolisnichenko], Language Policy Portal November 18, 2016. <http://language-policy.info/2016/11/ksu-vzyavsya-rozhlyadaty-skasuvannya-skandalnoho-movnoho-zakonu-kivalova-kolisnichenka/>

¹⁰⁰ Проект Закону No. 5670 “Продержавну мову” [Bill No. 5670 “On the State Language”], 19.01.2017. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60953

¹⁰¹ “9 фактів про законопроект 5670 “Про державну мову” [9 Facts About the 5760 “On State Language in Ukraine”], Language Policy Portal January 24, 2017. <http://language-policy.info/2017/01/9-faktiv-pro-zakonoproekt-5670-pro-derzhavnu-movu/>

¹⁰² “Закон Про Державну мову: посилення України чи загроза правомосібності?” [The Law “On State Language”: Strengthening Of Ukraine or Threat To Individual Rights], Censor.net February 6, 2017.

https://ua.censor.net.ua/resonance/425963/zakon_pro_derjavnu_movu_posylennya_ukrayiny_chy_zagroza_pravam_osobystosti

See also B. Milakovsky, ‘Ukraine’s Explosive Language Question’, *Fair Observer*, February 23, 2017.

¹⁰³ See Volodymyr Kulyk, ‘One Nation, Two Languages? National Identity and Language Policy in Post-EuroMaidan Ukraine’, *Policy Memos, PONARS Eurasia*, September 2015. <http://www.ponarseurasia.org/memo/one-nation-two-languages-national-identity-and-language-policy-post-euromaidan-ukraine>

¹⁰⁴ Закон України No. 4061-17 “Про вибори народних депутатів України” [Law of Ukraine No. 4061-17 “On Election of People’s Deputies of Ukraine”], 17.11.2011. <http://zakon2.rada.gov.ua/laws/show/4061-17>



number of voters belonging to national minorities is higher than needed to form one electoral constituency, such constituencies are formed in a way that, in one of them, voters belonging to national minorities form the majority of voters of a given constituency’.

In practice, this does not always work. In the 2014 parliamentary elections, the Community of Hungarian Culture of Transcarpathia, chaired by Laszlo Brenzovic, asked the Central Election Committee (CEC) to create the Hungarian election district; however, the CEC refused. After this case President Poroshenko offered Brenzovic a place in the list of his party ‘Petro Poroshenko Bloc’. Since becoming a member of the parliament in 2014, Brenzovic has been engaged in promoting the rights of national minorities.¹⁰⁵

The Law of Ukraine ‘On Local Elections’ No. 595-19 of July 14, 2015¹⁰⁶ does not set out special preferences for the representatives of national minorities. Article 4 of the Law prescribes equality of rights and opportunities to participate in the electoral process through the prohibition of privileges and restrictions for candidates on various grounds (race, color of skin, political, religious and other beliefs, ethnic and social origin, wealth, place of residence, language and other characteristics).

The Law of Ukraine ‘On Political Parties’ No. 2365-III of 5 April 2001¹⁰⁷ does not prevent representatives of national minorities from creating their own political parties, however they cannot restrict membership only to people of that national minority. Membership in political parties is free.

Political parties formed for the representation of national minorities participate in local elections and gain mandates. Thus, in the 2015 local elections, Hungarian parties won wide representation in the local councils of the Transcarpathian Oblast with the Party of Hungarians of Ukraine (KMKSZ) receiving 8 seats out of 64 in the oblast council. As a whole, in the Transcarpathian Oblast, 63 representatives of KMKSZ and 26 representatives of the Democratic Party of Hungarians of Ukraine were elected to local councils.¹⁰⁸

¹⁰⁵ Юлія Каздобіна “Питання децентралізації в контексті забезпечення прав національних меншин на прикладі угорської меншини Закарпаття”, *Український Незалежний Центр Політичних Досліджень* [Yulia Kazdobina “The Issues of Decentralisation in the Context of Ensuring the Rights of National Minorities, the Case of Hungarian Minority in Transcarpathia”, *Ukrainian Centre for Independent Political Research*], January 27, 2016. www.ucipr.org.ua/index.php?option=com_content&view=article&id=8:pitannya-decentral-zac-v-konetkst-zabezpechennya-prav-nac-onalnih-menshin-na-priklad-ugorsko-menshina-zakarpattya&catid=8&lang=ua&Itemid=201

¹⁰⁶ Закон України No. 595-19 “Про місцеві вибори” [Law of Ukraine No. 595-19 “On Local Elections”], 14.07.2015. <http://zakon5.rada.gov.ua/laws/show/595-19>

¹⁰⁷ Закон України No. 2365-14 “Про політичні партії в Україні” [Law of Ukraine No. 2365-14 “On Political Parties in Ukraine”], 05.04.2001. <http://zakon3.rada.gov.ua/laws/show/2365-14>

¹⁰⁸ European Centre for Minority Issues, *Participation of National Minorities in Public Life Including their Interaction with Public Authorities* (Flensburg, 2017), pp. 35–36.



3. Institutionalization and mechanisms of ethnopolitical governance

3.1 Central level

(Situation as of November 2017)

President	Cabinet of Ministers	Parliament (Verkhovna Rada of Ukraine)	Commissioner for Human Rights (Ombudsman)
<p>Plenipotentiary (Commissioner) of the President on the issues of Crimean Tatar People</p>	<p>Minister of Culture of Ukraine (Department on Religions and Nationalities)</p> <p>Ministry of Education and Science (Department of Secondary and Preschool Education)</p> <p>Ministry of Social Policy (Department on Social Protection of those Affected by Extraordinary Situations: -Section on targeted assistance to internally displaced persons and issues of deported individuals -Section on social protection of internally displaced persons)</p> <p>Ministry on Temporarily Occupied Territories and Internally Displaced Persons</p> <p>Ministry of Interior (Department on Monitoring Respect for Human Rights)</p> <p>Security Service of Ukraine</p>	<p>Committee on Human Rights, Rights of Minorities and International Relations Subcommittees: - on interethnic relations - on ethnopolitics, indigenous peoples' rights, national minorities of Ukraine and victims of political repressions - on the issues of citizenship, migration, and ethnic groups, - on gender equality and non-discrimination</p> <p>Committee on Culture and Spirituality</p>	<p>Although the Commissioner is under the Verkhovna Rada, it acts as an independent and impartial body</p>



3.1.1 Central executive authorities

State institutions in charge of national minorities underwent several waves of reorganization:

- 1991–93: the Committee on Nationalities under the Cabinet of Ministers was created in July 1991, before Ukraine even proclaimed its independence.¹⁰⁹ The Committee’s major tasks were to create conditions (together with other authorities) for national minorities to satisfy their socioeconomic and non-material needs, for the revival and development in Ukraine of national cultures, languages and traditions; to promote employment practices by public authorities that would ensure representation of citizens of Ukraine of various nationalities; and to support Ukrainians who live abroad in satisfying their national-non-material needs (Resolution of the Cabinet of Ministers of Ukraine No. 71, 1992). The status, function, and powers of this authority were in constant flux and the President of Ukraine took all decisions related to its reorganizations.
- 1993–96: the Ministry of Ukraine on Nationalities and Migration; Ministry on Nationality, Migration and Religions. The former was created in 1993 (Resolution of the Cabinet of Ministers of Ukraine No. 487, 1993) and replaced the above Committee. As of 1994, inter-religious relations were added to the portfolio of the ministry and it was renamed¹¹⁰. In 1996 it returned to its original remit.
- 1996–99: the State Committee on Nationalities and Migration¹¹¹. In 1996, the ministry was reorganized into the Committee, which was abolished in 1999 and replaced by the State Department within the Ministry of Justice of Ukraine.
- 1999–2001: the Department on Nationalities and Migration in the Ministry of Justice of Ukraine. The State Committee on Nationalities and Migration was created again in 2001 on the basis of this Department.¹¹²
- 2001–7: the State Committee on Nationalities and Migration¹¹³ was the major body in charge of minority governance. In particular, it had coordination functions in the system of executive authorities. As of April 2005, the Committee was subordinated to the Ministry of Justice.
- 2007–10: the State Committee on Nationalities and Religion was established in 2007¹¹⁴ to replace the Committee above, as migration-related issues were transferred to other executive authorities.

¹⁰⁹ See <http://zakon3.rada.gov.ua/laws/show/79%D0%B0-91-%D0%BF> and <http://zakon3.rada.gov.ua/laws/show/118-91-%D0%BF> for resolutions of July and August 1991, respectively.

¹¹⁰ Указ Президента України № 703/94 „Про Прозатвердження Положення про Міністерство України у справах національностей, міграції та культур“ [Decree of the President of Ukraine № 703/94 „On the Ministry of Ukraine on Nationalities and Migration and Cults“], 26.11.1994. <http://zakon3.rada.gov.ua/laws/show/703/94>

¹¹¹ Указ Президента України № 1001/96 „Про Положення про Державний комітет України у справах національностей та міграції“ [Decree of the President of Ukraine № 1001/96 „On State Committee of Ukraine on Nationalities and Migration“], 28.10.1996. <http://zakon3.rada.gov.ua/laws/show/1001/96>

¹¹² Указ Президента України № 836/2001 „Про Державний комітет України у справах національностей та міграції“ [Decree of the President of Ukraine № 836/2001 „On State Committee of Ukraine on Nationalities and Migration“], 13.09.2001. <http://zakon2.rada.gov.ua/laws/show/836/2001>.

¹¹³ Decree of the President of Ukraine № 836/2001 „On State Committee of Ukraine on Nationalities and Migration” as of 13 September 2001. Its functions were outlined by the Resolution No. 269 “On State Committee of Ukraine on Nationalities and Migration” as of 19 March 2002.

¹¹⁴ See Постанова Кабінету Міністрів України № 1575 „Про утворення Державного комітету України у справах національностей та релігій“ [Resolution of the Cabinet of Ministers of Ukraine № 1575 “On State Committee of Ukraine on Nationalities and Religions”], 08.11.2006. <http://zakon3.rada.gov.ua/laws/show/1575-2006-%D0%BF>. Its functions were outlined by Постанова Кабінету Міністрів України № 201 „Прозатвердження Положення про Державний комітет України у справах національностей та релігій“ [Resolution of the Cabinet of Ministers of Ukraine № 201 “On Ordinance On State Committee of Ukraine on Nationalities and Religions”], 14.02.2007. <http://zakon3.rada.gov.ua/laws/show/201-2007-%D0%BF>.



This Committee was subordinated to the Cabinet of Ministers through the vice-prime minister of Ukraine. Its functions were fairly similar to those of the previous Committee.

- 2010 – present: when Yanukovich became the President of Ukraine he conducted a sort of administrative reform, aimed at ‘optimizing the system of central executive authorities’.¹¹⁵ The State Committee was abolished and re-emerged as the Department of Religions and Nationalities of the Ministry of Culture. In 2014, the Ministry of Culture became the special central executive authority responsible for interethnic relations, religions, and the protection of national minority rights (Resolution of the Cabinet of Ministers No. 495, 2014), but in reality the Department has continued to perform such functions.¹¹⁶ Some issues that were previously in the hands of one authority (the Committee) were transferred to other ministries (as had happened in 2010). Thus, the issues of integration of previously deported people became the responsibility of the Ministry of Social Policy, while the issues of education in minority languages became the responsibility of the Ministry of Education and Science of Ukraine (particularly the Department of Secondary and Preschool Education). The Ministry of Interior and the Security Service of Ukraine also have respective departments and functions.
- In April 2016, a new Ministry on Temporarily Occupied Territories and Internally Displaced Persons¹¹⁷ was established by merging the State Agency on Restoration of Donbas and the Government Service on the Autonomous Republic of Crimea and City of Sevastopol, both previously established in 2014-2015. The issues of Crimean Tatars and national minorities in the temporarily occupied territories became partly a responsibility of this new ministry.
- 2014–15 – a short-lived institution of the Plenipotentiary on Ethnonational Policy was set up. Under the decision of the Cabinet of Ministers, the Plenipotentiary was granted broad but ambiguously defined functions related to ethnonational policy. The Plenipotentiary’s office was very small and was never completely staffed, and attempts to acquire new formal powers were not successful. In May 2015 the institution was abolished without consultations with minorities and without an alternative being created.

There is also the Interdepartmental Working Group on Roma, which was established in November 2015¹¹⁸ as a part of implementation of the ‘Strategy for Protection and Integration of Roma National Minority into Ukrainian Society till 2020’.

3.1.2 President of Ukraine

On August 2014 the President of Ukraine established the institution of the Plenipotentiary on the Crimean Tatar People and its secretariat.¹¹⁹

¹¹⁵ See Указ Президента України № 1085/2010 „Про оптимізацію системи центральних органів виконавчої влади“ [Decree of the President of Ukraine № 1085/2010 „On Optimising the System of Central Executive Authorities“], 09.12.2010.

<http://zakon2.rada.gov.ua/laws/show/1085/2010>.

¹¹⁶ See information about the Department (structure, composition and contact information) on the web-site of the Ministry of Culture:

http://mincult.kmu.gov.ua/control/uk/publish/article?art_id=245168495&cat_id=244910117

¹¹⁷ Постанова Кабінету Міністрів України №299-2016-п „Питання діяльності Міністерства з питань тимчасово окупованих територій та внутрішньо переміщених осіб“ [Resolution of the Cabinet of Ministries of Ukraine №299-2016-п “On Activities of the Ministry on Temporarily Occupied Territories and Internally Displaced Persons”], 20.04.2016.

<http://zakon2.rada.gov.ua/laws/show/299-2016-%D0%BF>

¹¹⁸ Decree of the Cabinet of Ministers No. 993 as of 25 November 2015. www.kmu.gov.ua/control/uk/cardnpd?docid=248677547

¹¹⁹ Decree of the President of Ukraine No. 656/2014 as of 20 August 2014



3.1.3 Legislative power

Within the Parliamentary Committee on Human Rights, Rights of Minorities and International Relations there are several specialized subcommittees. In the current assembly of the parliament (after 2014 elections), these are the subcommittees on:

- interethnic relations
- ethnopolitics, indigenous peoples' rights, national minorities of Ukraine and victims of political repressions
- the issues of citizenship, migration, and ethnic groups
- gender equality and non-discrimination.

There is also the Committee on Culture and Spirituality, which partially deals with national minorities.

3.1.4 Commissioner for Human Rights (Ombudsman)

The institution of the Commissioner for Human Rights of the Parliament of Ukraine was established in 1998 but it does not have a special mandate to deal with issues of national minorities. Its mandate is to protect the rights of individuals if they are violated by state authorities. Under the Law of Ukraine on preventing and combating discrimination adopted in 2012¹²⁰, the function of the Commissioner was somewhat expanded, and now the Commissioner addresses major problems related to prevention of and counteraction of discrimination. These include monitoring of non-discrimination principles generally and in different, specific spheres of public life; bringing before the court cases of violation of human rights and discrimination (only in the cases when a person concerned cannot do it on their own due to reasons defined by the law); examining petitions of individuals and/or groups of persons concerning discrimination; developing proposals on the improvement of legislation; publishing annual reports, cooperating with international organizations and civil society organizations, and so forth.

In 2013, the Commissioner adopted the ‘Strategy of Activity on Preventing and Countering Discrimination in Ukraine for 2014–2017’,¹²¹ which pays attention to antidiscrimination policy concerning national minorities. The Strategy states, in particular, that “race, national or ethnic affiliation, belonging to national minority” is one of the indicators, based on which discrimination in Ukraine most often takes place. Thus, the Strategy envisages development of special tasks to address discrimination based on this indicator (among others). Although, according to the Strategy, the Commissioner is supposed to develop annual Action Plans on implementation of the Strategy, the web-site of the Commissioner contains only the Action Plan for 2014 and the Report on the Action Plan implementation in 2015.

The Commissioner published reports and recommendations by international institutions and civil society organizations, but has produced very few of its own reports and no reports specifically on national minorities. Its overall annual reports contain no chapter on national minorities; this issue is a part of the Chapter “Freedom from Discrimination”¹²²

3.2 Regional and local level

There is no uniform policy on national minority issues at the level of regional administrations and local self-governing authorities. There are no laws or regulations that oblige regional and local authorities to establish certain units or consultative bodies nor to adopt specific programs of support for national minorities. As will be shown in the annexes, the units of regional administrations that deal with national minorities have different names and functions and are loaded with other tasks, depending on the

¹²⁰ Закон України No. 5207-17 “Про засади запобігання та протидії дискримінації в Україні” [Law of Ukraine No. 5207-17 “On the Principles of Preventing and Combating Discrimination in Ukraine”], 06.09.2012. <http://zakon5.rada.gov.ua/laws/show/5207-17>

¹²¹ www.ombudsman.gov.ua/ua/page/discrimination/activities/strategy/strategiya-diyalnosti-u-sferi-zapobigannya-ta-protidii-diskriminacii.html

¹²² The annual reports (in Ukrainian) can be downloaded here - <http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/>



administration. In some cases consultative bodies with national minorities and support programs exist, in others they do not.

Formally such divisions/substructures were created in all regions of Ukraine. When the State Committee on Religions and Nationalities was dismissed in 2010, the ambit and power of respective units at the regional level was also narrowed down. In almost all regional administrations such units were eliminated and their powers transferred to other departments (see Annex 1).

Analysis of the institutional setting of regional administrations and respective structural entities that deal with national minority governance shows that at the moment regional state administrations have the following structural entities: departments (*departament*), which is the highest-level unit, directorates (*upravlinnia*) – a somewhat lower one, units (*viddil*) and sectors (*sektor*). In some regional administrations there are sectors that deal exclusively with the issues of national minorities; in others they have other tasks as well. In some administrations the sectors and units that deal with minority issues are parts of departments; in others they are parts of directorates. In both cases the relevant departments and directorates are responsible for a range of issues, national minorities being only a small portion of those (see Annex 1).

Currently all structural entities of regional administrations are guided by special ordinance (*polozhennia*), which is decided upon by the governor based on the Standard ordinance (*typove polozhennia*) about structural entities of state local administrations, adopted by the Cabinet of Ministers in 2012.¹²³ The standard ordinance does not contain specific provisions on entities that deal with national minorities. Before 2012, there was a Standard ordinance about Directorates on Nationalities and Religions of regional state administrations, which was adopted in 2008.¹²⁴ The latter was very elaborate and tasked the relevant units of regional administrations with the entire range of issues pertaining to implementation of state policy on interethnic relations.

The number of civil servants working in the relevant structural entities is also small: a department (dealing with a broad spectrum of issues, including national minorities) might consist of five staff members (head of department, three major specialists, and a leading specialist); in sectors relating to national minority issues (if they exist) it is often only two (head of sector and a major specialist).

The situation at the local level (level of communities) is still unclear, given that Ukraine is undergoing a process of decentralization and the powers of local elected authorities are to be increased. At the moment there is no legal basis that obliges the local authorities to deal with issues of national minorities. Legislation on decentralization, as was shown, does not contain specific provisions on those issues. Thus, while the decentralization reform opens up many possibilities through increased local budgets and bringing local authorities closer to their constituencies, there is a risk that local self-governments will not consider national minority issues to be a priority.

¹²³ Постанова Кабінету Міністрів України No. 887 “Про затвердження Типового положення про структурний підрозділ місцевої державної адміністрації” [Resolution of the Cabinet of Ministers of Ukraine No. 887 “On adopting the Standard ordinance about structural units of state local administrations”], 26.09.2012. <http://zakon2.rada.gov.ua/laws/show/887-2012-%D0%BF>

¹²⁴ Постанова Кабінету Міністрів України No. 171 “Про затвердження Типового положення про управління у справах національностей та релігій Київської міської, управління (відділ) у справах національностей та релігій обласної, відділ у справах національностей та релігій Севастопольської міської державної адміністрації” [Resolution of the Cabinet of Ministers of Ukraine No. 171 “On adopting the Typical Ordinance about the Directorates on Nationalities and Religions of the Kyiv City Administration, Directorate (unit) on Nationalities and Religions of regional administrations and the Directorates on Nationalities and Religions of the Sevastopol City State Administration”], 12.03.2008. <http://zakon4.rada.gov.ua/laws/show/171-2008-%D0%BF>



3.3 Consultative and advisory bodies, dialog institutions, regulatory bodies, and observer positions at the central and local government levels

There used to be various types of structures with the function of advisory bodies on issues of ethnonational policy. From 2000 to 2006 organizations of national minorities were represented at the Council of Representatives of Civil Society Organizations of National Minorities of Ukraine, under the President of Ukraine¹²⁵. The Council on Ethnonational Policy operated from 2006 to 2010¹²⁶, but was eliminated along with other similar bodies that year.

In 2014, the Council of Interethnic Harmony was established¹²⁷ but was terminated the following year after holding only two formal meetings.

At the moment, several consultative and advisory bodies exist:

The Expert Committee on Human Rights under the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations was established in 2015 to prepare expert proposals and recommendations on legislation.¹²⁸ It includes 38 members from international organizations, state institutions and civil society organizations in Ukraine.¹²⁹

The Civil Society Council under the Ministry of Culture was established back in 2012 and has been amended several times since then. At the moment the Council consists of 35 members who are divided among four thematic commissions. Relevant for national minorities is the Commission on International Relations and Cultural diversity, which includes 11 members, some of them representing national minorities.¹³⁰

The Council of Ethnonational Communities of Ukraine under the Ministry of Culture was newly created in September 2017 by the Ministry of Culture. The founding meeting of the Council took place on 25 September 2017. The purpose of this body is to develop recommendations on ethnonational policy for Ukraine. The composition of the Council and its tasks are to be developed during 2018.¹³¹

¹²⁵ Указ Президента України No. 600/2000 „Про Радупредставників громадських організацій національних меншин України“ [Decree of the President of Ukraine No. 600/2000 “About the Council of Representatives of Civil Society Organizations of National Minorities of Ukraine”]. 19.04.2000. <http://zakon2.rada.gov.ua/laws/show/600/2000>

¹²⁶ Указ Президента України No. 428/2006 „Про Радупитань етніонаціональної політики“ [Decree of the President of Ukraine No. 428/2006 “About the Council on Ethnonational Policy”]. 22.05.2006. <http://zakon2.rada.gov.ua/laws/show/428/2006>

¹²⁷ Постанова Кабінету Міністрів України No. 195 “Про Радупитань міжнаціональної злагоди” [Resolution of the Cabinet of Ministers of Ukraine No. 195 “On the Council of Interethnic Harmony”], 04.06.2014. <http://zakon2.rada.gov.ua/laws/show/195-2014-%D0%BF>

¹²⁸ See Положення про Експертну раду при Комітеті Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин [Decision about the Expert Council under the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations]. Adopted by the Committee on November 11, 2015. http://kompravlud.rada.gov.ua/news/Pro_komitet/eksp_rada/73630.html

¹²⁹ See Персональний склад Експертної ради з питань прав людини при Комітеті Верховної Ради України з питань прав людини, національних меншин і міжнаціональних відносин [Composition of the Expert Council on Human Rights under the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations]. Adopted by the Committee on February 11, 2015. http://kompravlud.rada.gov.ua/news/Pro_komitet/eksp_rada/73630.html

¹³⁰ Наказ Міністерства культури України № 591 „Склад Громадської ради при Міністерстві культури України“ [Ordinance of the Ministry of Culture of Ukraine № 591 „Composition of the Civil Society Council under the Ministry of Culture of Ukraine”], 22.07.2016. http://195.78.68.75/mcu/control/uk/publish/article?art_id=245116725&cat_id=244922115

¹³¹ „Відбулося установче засідання Ради етніонаціональних спільнот України“ [The Founding Meeting of the Council of Ethno-National Communities of Ukraine took place], *News of the Ministry of Culture of Ukraine*, 25.09.2017. http://mincult.kmu.gov.ua/control/publish/article?art_id=245281827



The **Council of Representatives of Crimean- Tatar People under the President of Ukraine** was created by a decree of the President of Ukraine No. 873 as of 26 August 2000.¹³² In 2015, the seat of the Council was transferred from Simferopol to Kyiv, and Refat Chubarov, the Chairman of Mejlis, was appointed the Chairman of the Council.¹³³

Some regional state administrations also have councils dealing with issues of national minorities. Setting up such councils is not obligatory and there is no clear legal basis for doing so. The composition of such councils and the scope of their activities are decided upon by the governor in the form of a decree of a regional state administration. In some councils, not only are organizations of national minorities represented, but also experts on respective issues. Some councils meet once every three months and others even less often. Annex 3 provides an overview of the situation with such councils in all Ukrainian regions.

3.4 National minorities' representative organizations

There are six major national minority umbrella organizations in Ukraine. These are the following:

The **Council of National Minority Communities of Ukraine** brings together 23 minority organizations. The Council website informs the public about the various activities of national minority communities and activities organized by relevant public institutions at the national level. On December 3, 2017, the Council organized the Intellectual Forum 'European Platform on Rights of National Minority Communities', which representatives of various national minority communities took part in.¹³⁴

The Congress of National Minority Communities of Ukraine was established in 2002.

It also informs the public about minorities in Ukraine and their traditions and events. One of the long-term projects implemented by the Congress is the so-called 'European Camp', which brings together young people from Ukraine, Georgia and Moldova to discuss European values on a regular basis, and organizes training for them on human rights, inclusive societies and other related topics.¹³⁵ Another interesting project is the annual camp 'The Sources of Tolerance'. It brings together children and young people (8 to 16 years old) from all over Ukraine, including those who represent different minorities, to learn about different cultures and tolerance.¹³⁶ In the summer 2017, the camp was organized for the 15th time. Finally, the Congress organizes Clubs of Tolerance in different Ukrainian cities, which also mostly children and young people participate in.¹³⁷

The **International Union** was established in 2011 and brings together some 50 institutional members. The Union sees its mission as 'harmonizing relationship between Ukrainian nation and national minorities', bringing together active representatives of all ethnic groups who live in Ukraine to deepen the dialog among representatives of ethnonational communities and public institutions (among other objectives). Interestingly, the Union sees itself as compensating for the lack of state policy on national minorities,

¹³² Указ Президента України № 573/2000 „Про Положення про Раду представників кримськотатарського народу“ [Decree of the President of Ukraine № 573/2000 „On the Ordinance on of the Council of Representatives of Crimean- Tatar People“], 07.04.2000. <http://zakon3.rada.gov.ua/laws/show/573/2000>

¹³³ „Чубаров очолив Раду представників кримських татар“ [Chubarov has been appointed the Chairperson of the Council of Crimean Tatars], Korrespondent, April 3, 2015. <https://ua.korrespondent.net/ukraine/3499420-chubarov-ocholyv-radu-predstavnykiv-krymskykh-tatar>

¹³⁴ See website of the Council: www.radaspilnot.org.ua/intelektualnij-forum-yevropejska-platforma-z-prav-nacionalnix-spilnot-2/

¹³⁵ Information about the project can be found here: www.kngu.org/uk/node/11

¹³⁶ Information about the project can be found here: www.kngu.org/uk/tabir-dzerela-tolerantnosti-istoki-tolerantnosti

¹³⁷ Information about activities of different clubs can be found here: www.kngu.org/uk/klubi-tolerantnosti.



especially after the State Committee of Ukraine on Nationalities and Religions was abolished in 2010, by playing a coordinating role on interethnic relations.¹³⁸

The **Assembly of Nationalities of Ukraine** was established in 2013 and brings together 27 member organizations.

The Assembly's major aim is to bring together representatives of different national groups of Ukraine and promote 'friendship and solidarity' among them, as well as creating conditions for satisfying their cultural needs.¹³⁹

Association of National-Cultural Communities of Ukraine¹⁴⁰

Altogether there are around 800 civil society organizations of national minorities in Ukraine, 30 of which have pan-Ukrainian status.

3.5 State support programmes for national minority organizations and institutions

A closer look at state support programmes for national minorities indicates that they are limited to cultural activities and partial satisfaction of language needs through co-funding of media in the languages of national minorities. Broader needs and political rights of national minorities are not taken into consideration. This is clear from the description of annual state programmes (see the Table below), the tasks of the units of regional state administrations that deal with national minority issues, and the content of relevant regional programs, which were examined. References can be found in Annex 3.

As one can see from the table, the funding is rather volatile and limited. An interesting innovation has been allocation of funding to the state enterprise "Crimean House" as of 2015. This newly established institution¹⁴¹ pursues a broad range of activities, including cultural, educational, informational, human rights, research etc. It is mostly about Crimean Tatars, but also includes activities on human rights situation in Crimea.

¹³⁸ See the website of the International Union: <http://interunion.org.ua/ua/about-us>

¹³⁹ See the website of the Assembly: <http://assembly.org.ua/pages/anu>

¹⁴⁰ The website of this organization could not be found.

¹⁴¹ See <http://crimeanhouse.com>



Table: Ukrainian State Budget Financing of the Programmes on the National Minorities Development¹⁴²

Budget Programme Code	Title of the Programme	Funding by years (UAH thousands)						
		2011	2012	2013	2014	2015	2016	2017
Ministry of Culture of Ukraine								
1801260	Measures for restoration of national minorities' culture ¹⁴³	1,000.0	2,007.0	1,343.0	900.0	900.0	900.0	1,800.0 ¹⁴⁴
1801550	Measures for implementation of the European Charter for Regional or Minority Languages	1,007.0	---	---	---	---	---	---
1801300	Financial support of newspapers in the national minorities' languages	1,344.5	1,344.5	3,006.8	2,986.8	2,050.4	2,050.4	2,050.4
1801480	Financial support to state enterprise "Crimean House"	---	---	---	---	2,300.0	3,434.1	3,843.4
Ministry of Education of Ukraine								
2201360	Measures for implementation of the European Charter for Regional or Minority Languages ¹⁴⁵	1,100.0	14,700.0	13,100.0	---	---	---	---

Apart from specially organized national minority actions and festivals at the national level, development of and support to national minorities is mostly programmed and funded by regional administrations from their budgets (allocated from the center).

¹⁴² Compiled information of the Fourth Report submitted by Ukraine on Implementation of the Framework Convention for the Protection of National Minorities. Document No ACFC/SR/IV(2016)003, 30.05.2016. <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680657b74>; Information about the budget of the Ministry of Culture - http://mincult.kmu.gov.ua/control/uk/publish/officialcategory?cat_id=244952267 and Information about the budget of the Ministry of Education - <https://mon.gov.ua/ua/ministerstvo/diyalnist/byudzheta-zakupivli/byudzheta>

¹⁴³ Including measures for implementation of the European Charter for Regional or Minority Languages and support for contacts with Ukrainian diaspora abroad and other international activities.

¹⁴⁴ This increase of funding has mostly to do with more support to other activities of the Programme, while the increase of support for national minorities has been insignificant.

¹⁴⁵ In 2012 the programme was renamed and expanded to include funding of Ukrainian education abroad.



Several pan-Ukrainian actions in this direction include the annual Forum of national cultures ‘We are all your children, Ukraine!’, the pan-Ukrainian festival ‘We are Ukrainians’, and the international Roma festival ‘Amala’. There are also regional festivals celebrating Romanian, Hungarian, Polish, Korean, Moldovan, and Greek culture.

Regional programs that target national minorities are aimed exclusively at supporting cultural and educational activities.¹⁴⁶ In regions where minorities live compactly (Transcarpathian, Odesa and Chernivtsi regions) the budget of such programs is larger.

There are some 169 periodicals published in minority languages of Ukraine – 46 of them are distributed all over Ukraine. Some of them are funded by the state, others by minority communities (often with the support of kin-states). There are annexes to the parliamentary newspaper ‘The Voice of Ukraine’ in different minority languages: ‘Roden Krai’ for Bulgarians, ‘Dziennik Kijowski’ for Polish, ‘Concordia’ for Romanians, ‘Aragats’ for Armenians, ‘The Jewish News’¹⁴⁷(published in Ukrainian and Russian) for Jews and ‘The Voice of Crimea’(published in Russian) for Crimean Tatar.¹⁴⁸

National-cultural communities also publish their own periodical publications. There are several such Jewish publications. One example is the newspaper ‘Had a shot’, which has been published monthly since 1991 with a circulation of 4,500. Since 2002, it has also appeared online.¹⁴⁹ There was a diversity of Crimean Tatar media in Ukraine (in Crimea), but the landscape of this media changed significantly after the annexation in 2014. Some media organizations, most notably the TV channel ATR, were forced to move to Kyiv, some were closed down, and some were allowed to remain operational.¹⁵⁰

II. ANALYSIS AND RECOMMENDATIONS

1. Analysis

Several *overall conclusions* can be made:

1) The Ukrainian legislation includes a number of provisions that prohibit discrimination and promote equal rights for all persons irrespective of different characteristics. It also stresses in some instances that national minorities have the same rights as all other citizens, but it nevertheless has flaws.

- It contains almost no positive measures – no measures of special protection of national minorities (such as preserving the identity of particular groups, benefits and compensations, governmental social guarantees, or special conditions for exercising certain rights).
- It is weak when it comes to implementation, at least judging from the provisions of the legislation. This holds true for almost the entire legislation body of Ukraine.¹⁵¹ There are almost no provisions that clearly outline, which authorities at what level are responsible for implementing certain legal provisions and the consequences for failing to implement them, etc. Moreover, institutions are often

¹⁴⁶ The references to such programs are included in Annex 3. The author read them where they were available.

¹⁴⁷ <http://jadvis.org.ua/gazeta-evrejski-visti/item/2118-evrejski-visti-10-618-zhovten-2017r>

¹⁴⁸ In 2015 the newspaper received the registration of the Russian Federation and was renamed into “The Voice of Crimea New”.

¹⁴⁹ Information about the newspaper and its archive can be found here: www.hadashot.kiev.ua/content/glavnaya-stranica

¹⁵⁰ See the overview of Crimean Tatar media at <https://wisecow.com.ua/zhurnalistika/zhurnal%D1%96stika-z-mikoloyu-veresnem-ta-yur%D1%96%D1%94m-makarovim/golos-kyiryimu-krimskotatarska-pres.html>

¹⁵¹ Analysis of implementation in practice requires extensive fieldwork with interviews.



created before the legal acts that regulate their activity are adopted. Usually, there is some sort of Decree or Ordinance of the Cabinet of Ministers or another authority about establishing that or another institution, but they are rather general when it comes to linkage to specific legislation that has to be implemented and specific tasks. This is the case with most institutions outlined in ‘Chapter 3.1.1. Central executive authorities’ of this study.

2) Although Ukrainian legislation holds that international acts to which Ukraine is a party have supremacy over domestic legislation, in practice this is often not the case for two reasons. First, in order for international agreements to become operational in Ukraine, additional domestic legislative acts are needed to put them into a specific Ukrainian context and lay out certain provisions. Secondly, additional legislation is needed to create amendments to existing domestic legislation in order to bring it into compliance with international agreements. For instance, it is important to specify which authorities are responsible for implementation and mechanisms through which impact can be ensured. In most cases such domestic legislation is missing.

There are some positive exceptions. For instance, the Law ‘On the Fundamentals of the State Language Policy’ mentioned above was adopted to follow up on ratification of the European Charter for Regional or Minority Languages. Despite the fact that the Law was adopted 10 years after ratification of the Charter by Ukraine, apparently as an instrument of the ruling party’s political agenda ahead of the 2012 parliamentary elections (Moser, 2013), it serves as an example of domestic legislation adopted to ensure implementation of an international agreement.

Ukraine’s Antidiscrimination legislation can be considered a positive example too, particularly the amendments introduced in 2014 that brought the Law closer to EU standards. This was done within the context of implementation of the EU–Ukraine Visa Liberalisation Action Plan and under close guidance and control of the EU. Conditionality on the part of the EU (visa-free travel as a reward for reforms) proved to be an effective instrument for encouraging reforms.¹⁵²

3) Many provisions of the Ukrainian Constitution that set down basic rights and freedoms of national minorities, as outlined in Articles 10, 11, 22, 53 and 119, cannot in reality be put in practice due to the fact that they were not developed further in subsequent legislation.

One example concerns indigenous peoples. Although this term is mentioned in the Constitution three times, it was never defined in any subsequent legislation. The first time Ukraine made a step in this direction, was the adoption of the Resolution of Verkhovna Rada on the rights of Crimean Tatar people in Ukraine. In May 2014, Ukraine formally endorsed the UN Declaration on the Rights of Indigenous Peoples. However, again, domestic legislation that would make the provisions of the Declaration operational does not exist as yet.

4) Low level of sensitivity when it comes the situation of national minorities in Ukraine becomes apparent when one analyses the legal basis and institutional setting. Some manifestations of this problem are:

- lack of coherent national minority governance as reflected in the constant change of institutions responsible for the issue

¹⁵² See monitoring reports of Ukrainian NGO “Europe without Barriers”, which played a crucial role in providing pressure at Ukrainian authorities in terms of implementing reforms needed for the EU to lift visa requirements for Ukrainian citizens at <https://english.europeweb.org.ua/istoriya-uspihu-3/>



- making this issue a part of broader policy areas together with religions and migration, or state relations with civil society organizations
- no uniform system of dealing with the issue by regional state administrations
- lack of resources allocated for effective national minority governance (lack of personnel in the civil service and lack of funding).

This attitude can well be explained and should be understood in a broader context of 1) the Ukraine's postcolonial status, and 2) the weakness of Ukraine as a state in general, and the weakness of Ukraine's state institutions, particularly compared to the kin-states of national minorities living in Ukraine. Many of those kin-states are former empires and the legacy of this is reflected in their foreign policies. This mostly concerns Russia and Hungary. Those states have stronger state institutions than Ukraine, due to the fact that Ukraine never had the experience of statehood before 1991 (with the exception of a short period in 1918–20).

For centuries, Ukraine was a part of the Russian Empire and later the Soviet Union, where Ukrainian identity and language were seen as inferior to those of Russia. As a nation it did not have the conditions to develop and mature, and the effects of this persist up to the current day. The effects of postcolonialism have been re-enforced for years by self-serving political elites in Ukraine, who in exchange for cheap gas from Russia and access to corrupt economic schemes between the two countries, deliberately kept the status of the Ukrainian language low and dismissed Ukrainians' need for self-determination after decades or even centuries of the policy of Russification.¹⁵³ Thus, the Ukrainian language until now has been less spoken than Russian in many spheres of life. Although by now Ukrainian has become a dominant language in education, the Russian language continues to dominate in the media and book market (even without taking into account imported books), as well as in services (in cafes, restaurants, etc.).¹⁵⁴

Volodymyr Kulyk, a prominent scholar and expert on national identity in Ukraine, recently concluded that: 'While the post-Euromaidan leadership rhetorically supports the national language, it has almost entirely refrained from implementing any measures that can promote its use, likely out of fear of alienating Russian speakers. This attitude is shortsighted and bound to exacerbate the disadvantaged position of Ukrainian vis-à-vis Russian, provoking discontent among a large part of society that considers such an outcome unacceptable for a post-Euromaidan Ukraine fighting against a neoimperialist Russia.¹⁵⁵ Indeed, a poll conducted by the Kyiv International Institute of Sociology in early 2017 showed popular demand for more state support for use of the Ukrainian language: 64 percent of Ukrainian citizens support state policy that encourages the use of Ukrainian. This proportion has grown by 11 percent since 2014, whereas the share of those who support encouragement of Russian language use fell by 9 percent.¹⁵⁶

5) Ukraine has a weak and incoherent institutional setting when it comes to national minority governance. The following are three of the key problems:

- The functions of various state institutions that in one or another way deal with issues of national minorities are dispersed among ministries and other bodies.

¹⁵³ See Paul Robert Magocsi, *A History of Ukraine: The Land and Its People*. 2nd Edition (Toronto: 2010). See also Andrew Wilson, *Ukraine: the Unexpected Nation*, Yale University Press, 2010.

¹⁵⁴ See VoxUkraine: <https://voxukraine.org/2016/08/26/25-years-of-independence-en/> and Space of Freedom: <http://dobrovol.org/project/10/>. The latter conducts analysis of the situation with Ukrainian language annually since 2011; all reports are available online.

¹⁵⁵ See Kulyk, "One Nation, Two Languages? National Identity and Language Policy in Post-Euromaidan Ukraine", 2015,

¹⁵⁶ The poll was funded by the University of Alberta, Canada within the project Research Initiative on Democratic Reforms in Ukraine. Scholarly articles presenting this research are still to be published. Volodymyr Kulyk, Interview for Hromadske Radio. June 12, 2017. Retrieved from <https://www.youtube.com/watch?v=hoLPuwihBOQ>



- There is no single executive authority with sufficient powers (managerial, legal, cultural, educational etc.) and resources (constant funding from state budget) to provide effective national minority governance.

The Ministry of Culture, which is currently considered to be the main body in charge of national minorities, is not in a position to act as such an executive authority. First, it is just one of the ministries and therefore does not have a say in the concerns of other ministries. Moreover, by default it narrows down national minority governance to satisfying the cultural needs of the minorities, whereas such governance is a broader issue. Second, it does not have sufficient resources to provide for such governance. The ministry's Department on Religion and Nationalities has six sections and only two of them deal with national minorities: the section on informational analytical work on ethnopolicy and the section on international cooperation on national minorities, each staffed with four employees. Lack of funding and human resources seriously hampers the authority's scope for conducting a coherent, coordinated, and long-term policy toward national minorities.

- The various consultation bodies at the central and local levels are mostly discussion clubs, since discussions that take place are hardly ever translated into policy decisions.

Several *conclusions specific to certain policy areas* can also be made:

1.1 Decentralization

It might be argued that there is a lack of clear provisions in the legislation of Ukraine regarding the ways in which new territorial communities should be formed where polyethnic and multilingual factor is prominent. Ethnic and linguistic factors in community profiles are not taken into account; there is no reliable data on the current ethnopolitical situation in the regions, nor is there any analysis of the issues that prevent voluntary association in the above-mentioned areas. The true level of national minorities' readiness to integrate into territorial communities with other minorities or Ukrainians is not known.¹⁵⁷

Some experts argue that there is inconsistency or even contradiction between the wording of Article 4(4) of the Law of Ukraine 'On voluntary Association of Territorial Communities' and Article 132 of the Constitution of Ukraine, which is about the territorial division of Ukraine.¹⁵⁸ The former recommends 'taking into consideration' the historical, natural, ethnic, cultural and other factors that influence the socioeconomic development of the united territorial community, while the latter stipulates that the territorial division of Ukraine is based on 'taking into account' the above-mentioned factors.

Another problem mentioned by experts is the methodological recommendations adopted by the Cabinet of Ministers in April 2015¹⁵⁹ to implement the Law of Ukraine on Voluntary Association of Territorial Communities. These recommendations do not include a mechanism for the implementation of Article 4 of

¹⁵⁷ Sierhiev Sakhanienko, et al., 'Analytical materials. Proceedings of the scientific conference "Mechanisms of voluntary amalgamation of territorial communities in the context of multiethnicity and multilingualism" at the Odesa Regional Institute for Public Administration under the President of Ukraine', Odesa, Ukraine, 2017, [forthcoming, submitted to a scientific journal of the Public Administration and Regional Studies. Galati, Romania].

¹⁵⁸ ECMI expert opinion based on findings from a field mission to Ukraine in June 2017.

¹⁵⁹ Постанова Кабінету Міністрів України №214 „Про затвердження Методики формування спроможних територіальних громад“ [Resolution of the Cabinet of Ministries of Ukraine №214 "On Methodology for Creation of Capable Territorial Communities"], 08.04.2015. <http://zakon2.rada.gov.ua/laws/show/214-2015-%D0%BF>



the Law in practice. Indeed, the methodological recommendations emphasize economic viability of communities and access to educational and medical facilities, as well as other facilities that provide for necessary services (distance to administrative center of potential community).

According to research of the ECMI, representatives of ethnic communities emphasize the need to define and consolidate mechanisms for implementing the factors listed in the Article, mechanisms for guaranteeing and monitoring their implementation at the national and local levels, including guaranteeing the preservation of rights.¹⁶⁰

There is indeed tension between how the decentralization reform is carried out and the provisions of Article 14 of the European Convention on Human Rights and Fundamental Freedoms, strengthened by Protocol No. 12 to the Convention as well as Articles 5 and 6 of the Framework Convention for the Protection of National Minorities. Those emphasize the preservation and development of culture; the basic elements of identity, namely religion, language, traditions and cultural heritage of national minorities; promoting a spirit of tolerance and intercultural dialog; and undertaking effective measures to promote mutual respect, understanding and cooperation. The need to refrain from assimilation policies and practices and to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence based on their ethnic, cultural, linguistic or religious identity is seen as a compulsory (necessary) condition.

Moreover, Article 16 of the Framework Convention for the Protection of National Minorities stipulates that :

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 5 of the European Charter of Local Self-Government Protection of Territorial Borders of Local Self-Government Bodies says that

changes in local authority boundaries shall not be made without prior consultation with the local communities concerned, possibly by means of a referendum where this is permitted by statute.

Moreover, Article 7(b) of the European Charter for Regional or Minority Languages states that one of the objectives/principles for policies, legislation and practice in respect of regional or minority languages, within the territories in which such languages are used, is:

the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question.

One cannot say that there is a contradiction between Ukrainian legislation and European obligations, but it is indeed the case that the issue of national minorities is consciously or out of ignorance downplayed in the legislation on decentralization and in the process of creating amalgamated communities. Importantly, many Ukrainian experts express concerns that taking into account the national/ethnic factor might create mono-ethnic enclaves within Ukraine that will potentially constitute a threat to Ukraine's territorial integrity.

¹⁶⁰ Findings from ECMI research conducted as part of the Program, "National Minorities and Ethnopolitical Issues: Belarus, Moldova, Ukraine, 2014–17" supported by the Danish Ministry of Foreign Affairs.



Where there is the direct contradiction with European principles, in particular the Charter for Local Self-Governance (Article 5) and the Principles of Good Governance (Principle 11), it has to do with lack of any preliminary consultations with the local population, especially in the regions with greater ethnic diversity and with compact ethnic communities.¹⁶¹

1.2 Education

The Law ‘On Education’, adopted in September 2017, provoked a lot of controversies inside and outside Ukraine. The President of Romania postponed his official visit to Ukraine, while the Hungarian Government announced that it would block closer ties between the EU and Ukraine. Russian official representatives also expressed indignation.

One Ukrainian expert¹⁶² is of the opinion that the approach of the neighboring countries is hypocritical, since there is not a single Ukrainian-language school in Hungary (home to some 8,000 Ukrainians) or in Russia (home to over two million Ukrainians), while there is only one Ukrainian-language school in Romania (home to roughly 50,000 Ukrainians).

The Ukrainian Government claims that the Law aims to provide equal opportunities for all school graduates to access university education or employment opportunities where knowledge of the state language is necessary. The Minister of Education Lilia Hrynevych says that for many years national minorities have studied exclusively in their native language and learned Ukrainian only two hours a week. According to her, as a result of the current system, 55 percent of school children from the Romanian minority and 62 percent from the Hungarian minority could not pass the Ukrainian language test as a part of the independent graduation evaluation system in 2017. She also claims that up until grade 5, minority children can study exclusively in their native language with subsequent education in two languages. The ideal quota, according to her, would be 60 percent of teaching in Ukrainian and 40 percent in a minority language.¹⁶³

Ukraine also submitted the Law for assessment by the Venice Commission of the Council of Europe. The Secretary-General of the Council of Europe said in his article for the EU Observer on October 5, 2017 that the Law is ‘walking [a] fine line’ and that: ‘minorities in Europe must of course be fluent in their state’s official language. This is vital for their full participation in society, and the state should deploy all means required to ensure that they can learn it. At the same time, the state must also provide the right and the ability to use their mother tongue both culturally and in official exchanges. This, in turn, allows minority cultures to thrive and communities to be respected’.¹⁶⁴

On December 8, 2017, the Venice Commission issued its Opinion on the Law. It says that the Law ‘allows to radically change the previous language regime toward a system focused on the mandatory use of the Ukrainian language as the language of education’, meaning fewer opportunities for national minorities to be taught in their own languages. On the other hand, the Opinion states that because Article 7 of the Law, as a framework provision, does not specify the modalities of its implementation, there is space for an interpretation and application that are more in line with the protection of national minorities. The Opinion further says: ‘However, the new Law provides no solutions for languages which are not official languages of the EU, in particular, the Russian language, as the most widely used non-state language.’ The Opinion

¹⁶¹ Findings from field missions conducted by the ECMI in June 2017.

¹⁶² Oleksandr Sushko, “An Inclusive Ukrainian Education”, *Project Syndicate*. October 3, 2017. <https://www.project-syndicate.org/commentary/ukraine-education-law-foreign-hostility-by-oleksandr-sushko-2017-10>

¹⁶³ Lilia Hrynevych, *Ukrainska Pravda*, 23.10.2017, <http://life.pravda.com.ua/columns/2017/10/23/227072/>

¹⁶⁴ Thorbjørn Jagland “‘Ukraine’s new Language Law is ‘Walking Fine Line’”, *EU Observer* EU Observer, October 5, 2017. <https://euobserver.com/opinion/139294>



recommends ensuring a sufficient level of teaching in the official languages of the European Union for the respective minorities; a sufficient proportion of education in minority languages at the primary and secondary levels, in addition to teaching of the state language; improving the quality of teaching of Ukrainian as the state language; amending the Law to provide more time for a gradual reform; exempting private schools from the new language requirements; entering, during the implementation of the Law, into a new dialog with all the stakeholders; and finally, ensuring that the implementation of the Law does not endanger the preservation of minorities' cultural heritage or the continuity of national minority language education in traditional schools.¹⁶⁵

There are concerns that the adopted Law violates the provisions of Article 10 of the Framework Convention for the Protection of National Minorities on Ensuring the Opportunity to Learn the Language of a National Minority. However, this Article does not concern the language of education, but rather the right of national minorities to use their native language in communication with authorities. At the same time, the European Charter for Regional or Minority Languages in its Article 8 stipulates that 'the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State [with respect to preschool education, primary education, secondary education¹⁶⁶]:

- i. to make available...education in the relevant regional or minority languages; or
- ii. to make available a substantial part of...education in the relevant regional or minority languages; or
- iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
- iv. if the public authorities have no direct competence in the field of...education, to favor and/or encourage the application of the measures referred to under i to iii above.'

These are the options suggested in the Charter concerning each level of education (before special professional and university level, which is beyond the scope of the law discussed here). The Ukrainian Law seems to be in conformity with those.

One of the aspects of the Law that might be problematic is that it stipulates that children can be educated in the national minority language, if it is one of the official EU languages. Consequently, the Law fails to meet the needs of the minorities whose kin-state is not an EU member or who have no kin-state at all.

It is worth pointing at the structural problems that hinder national minorities in Ukraine from mastering the state language. For instance, there are only a few universities in Ukraine that provide teacher training for Ukrainian as a second language, and there is lack of human resources, teaching materials, and scientific literature. Moreover, university graduates who later become teachers in national minority schools are not trained to work in a multicultural environment, to manage classroom diversity or to deal with multilingualism.¹⁶⁷ In this respect, Ukrainian situation is not in conformity with Article 8(h) of the Charter, which says that the Parties should 'provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party'.¹⁶⁸

¹⁶⁵ CDL-AD(2017)030-e Ukraine, Opinion on the provisions of the Law on Education of 5 September 2017, which concern the use of the State Language and Minority and other Languages in Education, adopted by the Commission at its 113th Plenary Session (Venice, 8-9 December 2017). [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)030-e#](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e#)

¹⁶⁶ Other levels/types of education mentioned in the Charter (technical and vocational education, university and other higher education, adult and continuing education) are not a part of the Ukrainian law in question.

¹⁶⁷ According to findings by ECMI experts, there is also a lack of awareness among teachers about xenophobia, segregation, bullying, and other related issues.

¹⁶⁸ The respective paragraphs concern all above mentioned levels of education.



It has to be noted, though, that the entire Ukrainian educational system experiences structural problems of the same kind. Many school teachers in Ukraine (similarly to civil servants) fail to compete on the market for more qualified and better paid jobs, while education is chronically underfunded. In this context, the provisions of the Law could be more specific in obliging local and regional authorities to guarantee teaching in both state and minority languages to ensure that the right of national minorities will be satisfied when it comes to implementation of the Law.

It is worth noting that the structural problem mentioned above is common to many countries in Europe. A recent study of the European Parliament on minority languages and education found that unavailability of high-quality teaching material and skilled minority language teachers is one of the mostly widespread problems for national minority language education in Europe. This problem was particularly highlighted with respect to the Sorbian language in Germany (not enough teachers and lack of a language plan) and on Romani and Beash in Hungary (Romani Kindergartens are available only on parents' request and lack of bilingual schools).¹⁶⁹ For instance, according to the study, Leipzig is the only university in Germany where Sorbian studies can be undertaken. Students who want to become a teacher for Upper or Lower Sorbian have to take part in some courses at the Institute of Sorbian Studies in Leipzig. A challenge is that there are not enough lecturers who can teach their subject in both Lower and Upper Sorbian. Hence, some subjects are only taught in Upper Sorbian.¹⁷⁰ In this context it is worth mentioning that only in 2015 did the Kyiv National Taras Shevchenko University opened a department of Crimean Tatar language and literature, where teachers for Crimean Tatar schools can be educated.

Despite these shortcomings, these countries also offer best practice examples. For instance, in both the federal states of Germany where Sorbs reside (Brandenburg and Lower Saxony) they have consultation rights concerning all school affairs. When the contents of minority-related instruction or the examination requirements get changed, the minority representatives have a right to take part in the discussion.¹⁷¹ The situation with the Roma language in Hungary is also considered an example of best practice. For instance, for public employees a certificate in the Lóvári (Roma) language is equal to a modern foreign language (English or German) certificate and is factored into teachers' salaries accordingly. The Hungarian Government's 'Social Renewal Operative Program Project', focused on producing teaching material for Roma culture and language, is another remarkable.¹⁷²

1.3 Language and informational needs in media

As the study has shown, since 2014 a number of legal amendments were introduced to enhance the use of Ukrainian language in mass communications. While this development is mostly welcome in Ukraine given the dominance of Russian language in this field, these reform efforts completely ignore informational and language needs of national minorities (other than Russian). If national minorities are able to satisfy these needs, it is mostly due to support from the kin-states and/or access to respective mass communications products originating from those states.

¹⁶⁹ Rixt van Dongera, Drs. Cor van der Meer & Richt Sterk, *Research for CULT Committee – Minority languages and education: best practices and pitfalls*, European Parliament, Policy Department for Structural and Cohesion Policies (Brussels 2017), pp. 87-90 and 91-96. The Advisory Committee on the Framework Convention for the Protection of National Minorities has made similar observations in many of its Opinions.

¹⁷⁰ *Ibid.*, p. 93.

¹⁷¹ *Ibid.*, p. 92.

¹⁷² *Ibid.*, p. 89



A survey conducted by the Ukrainian Center for Independent Political Research in October 2017 among 51 experts, journalists and representatives of national minorities revealed that over 60 percent of them think that media reform in Ukraine does not take into consideration the needs of national minorities. Most respondents also agreed that regional TV- and radio-broadcasting companies might not provide for the right balance between broadcasting in state language and that in the languages of national minorities.¹⁷³

1.4 Access to public information on national minority governance

Working on this study has revealed the problem of availability of information about minority governance in Ukraine. The web-site of the Ministry of Culture and those of regional state administrations in the best case contain information (including contact information) of units dealing with the issues of national minorities. In some cases there is information about civil society organisations (national cultural communities, as they are often called in Ukraine) of national minorities active on the national or/and regional levels. Information about national and regional support programmes, consultative and advisory bodies of national minorities at the regional level, media in the languages of national minorities, and work of bilateral interstate committees (between Ukraine and some kin-states) on national minorities is very difficult to find on the web-pages of public authorities and often is missing completely. The most comprehensive and up to date information found is included in the Fourth Report submitted by Ukraine on Implementation of the Framework Convention for the Protection of National Minorities submitted to the Council of Europe in May 2016.¹⁷⁴ Even this information is in part outdated. For instance, information on audio- and audio-visual products in the national minority languages was last updated in 2012 – 4 years before the report was submitted.

2. Recommendations

Recommendations as to *legislation and its implementation*:

- 1) Adopt a comprehensive law on national minorities, which would define responsibilities and competencies in various policy areas as well as structures and methods of coordinating state policy on national minorities.
- 2) Amend the Law on Education as recommended by the Venice Commission on December 11, 2017.
- 3) Amend the Laws mentioned in the Chapter 2.2.7. (*Legislation on TV, radio and mass communication*) of this study to reflect informational and language needs of national minorities.
- 4) Ensure implementation of the ‘Action Plan on the Implementation of the National Human Rights Strategy until 2020’, particularly the Chapter ‘Promoting Rights of Indigenous Population and National Minorities’.

Institutional recommendations:

- 1) Establish a special independent institution with sufficient capability and resources to act as a mechanism

¹⁷³ Ukrainian Center for Independent Political Research, “Медіареформи та інформація для національних меншин. Презентація дослідження” [Media Reform and Information for National Minorities. Presentation of the Survey], October 2017. http://www.ucipr.org.ua/index.php?option=com_content&view=article&id=773:med-areformi-ta-nformac-ya-dlya-nac-onalnih-menshin-prezentac-ya-dosl-dzhennya&catid=16&lang=ua&Itemid=186

¹⁷⁴ Fourth Report submitted by Ukraine on Implementation of the Framework Convention for the Protection of National Minorities. Document No ACFC/SR/IV (2016)003, 30.05.2016. rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680657b74



for national minority rights, including handling complaints and addressing shortcomings at the national, regional, and local levels. One option would be to establish the position of a deputy specialized in national minority issues within the office of the Ukrainian Parliament Commissioner on Human Rights. This model is implemented in Hungary.

In addition, a special governmental institution, executive body or coordination mechanism responsible for national minority rights, integration of society and diversity should be established. A Ministry for Minority Rights and Interethnic Policy, as existed in Ukraine during 1993–96, is one option. The status of the ministry would enable it to have its own budget line from the state budget and to have influence on the allocation of financial resources for minority-related activities. Such a ministry would have greater influence on the government's agenda and would be tasked with developing and implementing government policies and coordinating them across all government agencies. However, it would be important that the Minister would simultaneously be the Vice-Prime Minister for Minority Governance¹⁷⁵, so that he/she could make sure that other ministries within their jurisdiction cooperate and support the agenda of this ministry.

Alternatively, it could be a State Committee or Bureau under the Cabinet of Ministers, drawing on the experience with the former State Committee on Nationalities (1991–93), State Committee on Nationalities and Migration (1996–99, 2001–07) and State Committee on Nationalities and Religions (2007–10). None of these bodies was particularly effective because they were not created as a part of long-term coherent national minority policy, but rather ad hoc and undergoing constant reshuffles. But the fact that these were specially designated executive authorities was positive and therefore is brought up as an example here. In any case, such a body should deal only with national minority governance, or even better, diversity management. A separate body should deal with religious affairs and migration issues, as those are large policy areas that do not relate to national minority governance.

2) Establish effective consultative mechanisms or strengthen existing ones to facilitate consultations with national minority representatives to discuss and address the legitimate concerns of minorities. The composition of consultative bodies should be balanced and pluralistic, ensuring inclusive national minority representation.

In addition to a national consultative body, appropriate regional and local structures should be established. Minority representatives should be selected to these consultative bodies by their national minority constituencies.

3) To the Ministry of Culture and regional state administrations: update existing information and publish missing information on their web-pages about national and regional support programmes, consultative and advisory bodies of national minorities at the regional level, media in the languages of national minorities, and work of bilateral interstate committees (between Ukraine and some kin-states) on national minorities. Ideally, the Ministry of Culture, which is currently in charge of national minority governance, should develop a special section on its web-page where comprehensive information would be available.

Awareness-raising/consultation process:

1) Open and direct dialog between stakeholders belonging to different ethnic groups and between representatives of communities and the local and central level public officials should take place, given that its previous absence produced resistance on the part of national minorities toward amalgamation of

¹⁷⁵ Traditionally, the Ukrainian Cabinet of Ministers has several Vice Prime Ministers. Some of them are simultaneously Ministers, while others do not have a Ministry.



communities. If such a dialog cannot take place without international assistance, such assistance should be secured. The Council of Europe, the United Nations Development Programme (UNDP) or the German GIZ – organizations that work closely with decentralization and good governance in Ukraine – would be in a good position to deliver such assistance.

2) Consultations with representatives of national minorities should take place in the process of implementation of the Law on Education, as recommended by the Venice Commission on December 11, 2017.



III. ANNEXES

1. Regional Administrations and their policies with respect to national minorities

Regional administration	Substructure/unit	Comments
Chernihiv Regional Administration	Department on Culture and Tourism, Nationalities and Religions Directorate on Culture, Nationalities, Religions and Economic Issues	http://cg.gov.ua/index.php?id=28229&tp=0 There is a list of National-Cultural Organizations in the Region and a website devoted to the topic – http://onmckim.com.ua/index/0-19 The webpage includes news on activities of different minority groups
Cherkasy Regional Administration	Department on Culture and Relations with Citizens	https://culture.ck-oda.gov.ua/ No elaborate information on minorities
Chernivtsi Regional Administration	Directorate of Culture Unit on Protection of Cultural Heritage, Nationalities and Religions	www.bukoda.gov.ua/page/upravlinnya-kulturi-1 No information on activities related to minorities
Dnipropetrovsk Regional Administration	Directorate on Culture, Nationalities and Religions Unit on Nationalities and Religions	http://adm.dp.gov.ua/_c2257e83007a028b.nsf/b07122b559dbcb50c22572ba0052a791/28d30e9c6fe3508dc22578e100409e93 Also http://document.ua/pro-zatverdzhennja-polozhennja-pro-upravlinnja-kulturi-nacio-doc236817.html
Ivano-Frankivsk Regional Administration	Directorate on Culture, Nationalities and Religions Unit on Nationalities, Religions and Protection of Cultural Heritage	www.if.gov.ua/?q=page&id=19469
Kirovograd Regional Administration	Directorate on Communication with Citizens	www.kr-admin.gov.ua/start.php?q=Oda/Ua/09011302.html Out of eight tasks of the Directorate, five are about minority issues
Kharkiv Regional Administration	Department of Mass Communications	http://old.kharkivoda.gov.ua/uk/article/view/id/157/ Among a huge list of tasks, only a few are devoted to minorities



<p>Kherson Regional Administration</p>	<p>Department on Internal and Informational Policy</p> <p>Directorate on Internal Policy</p> <p>Unit on Communication with Citizens, Religions and Nationalities</p>	<p>http://khoda.gov.ua/departament-z-pitan-vnutrishno%25d1%2597-ta-informacijno%25d1%2597-politiki</p>
<p>Khmelnysk Regional Administration</p>	<p>Directorate on Culture, Nationalities and Religions</p> <p>Unit on Protection of Cultural Heritage, Nationalities and Religions</p> <p>Sector of Nationalities and Religions</p>	<p>www.adm-km.gov.ua/?page_id=798</p>
<p>Kyiv Regional Administration</p>	<p>Directorate on Culture, Nationalities and Religions</p> <p>Unit on Religions and Nationalities</p>	<p>http://culture-kiyobl.com.ua/ua/pitannja_nacionalnostej_ta_religij.html</p> <p>Information about activities and the list of minorities' organizations:</p> <p>http://koda.gov.ua/oblderzhadministratsija/struktura/strukturni-pidrozdili-oda/upravlinnya-kulturi-nacionalnoste/viddil-u-spravakh-religiji-nacionaln/stan-mizhnacionalnikh-vidnosin-u-kiiv/</p>
<p>Lviv Regional Administration</p>	<p>Directorate on Culture, Nationalities and Religions</p> <p>Unit on Nationalities, Religion and Financial-Planning Activity</p> <p>Sector on Religions and Nationalities</p>	<p>http://loda.gov.ua/departament-z-pytan-kultury-natsionalnostej-ta-relihij</p>
<p>Mykolaiv Regional Administration</p>	<p>Directorate on Culture, Nationalities and Religions</p> <p>Unit on Nationalities and Religions</p>	<p>www.mk.gov.ua/ua/oda/pidrozydily/kultura/</p>
<p>Odesa Regional Administration</p>	<p>Directorate on Culture, Nationalities, Religions and Protection of Objects of Cultural Heritage</p>	<p>http://culture.odessa.gov.ua/</p> <p>There is a list of all ethnic cultural organizations that are active in the region:</p> <p>http://culture.odessa.gov.ua/naconalno-kulturn-tovaristva-odesko-oblast/</p>



	Unit on Culture, Nationalities and Religions	
Poltava Regional Administration	Directorate of Culture	www.adm-pl.gov.ua/page/upravlinnya-kulturi-poltavskoyi-oblderzhadministraciyi
Rivne Regional Administration	Directorate on Culture and Tourism Unit of Regional Policy on Culture, Religions and Nationalities	www.rv.gov.ua/sitenev/main/ua/5819.htm
Sumy Regional Administration	Directorate on Culture Sector on Nationalities and Religions	http://kultura.sm.gov.ua/index.php/uk/
Ternopil Regional Administration	Directorate on Internal Policy, Religions and Nationalities	www.oda.te.gov.ua/main/ua/113.htm
Transcarpathian Regional Administration	Directorate on Nationalities and Religion	www.carpathia.gov.ua/ua/publication/content/497.htm Direct Subordination to the Head of Regional Administration
Vinnitsia Regional Administration	Directorate on Nationalities and Religions Unit on Nationalities	www.vin.gov.ua/upravlinnia-u-spravakh-natsionalnostei-ta-relihii
Volyn Regional Administration	Directorate on Informational Activity and Communication with Citizens Sector on Nationalities	http://voladm.gov.ua/category/oblderzhadministraciya/struktura/ The website is not working properly
Zaporizhia Regional Administration	Department on Culture, Tourism, Nationalities and Religion Directorate on International Relations and Religions Unit of Nationalities and Religion	www.zoda.gov.ua/article/789/struktura-pidrozdil.html
Zhytomyr Regional Administration	Directorate on Culture Unit of Cultural-Artistic Institutions and Preservation of Cultural Heritage	http://ukt.zhitomir-region.gov.ua/index.php?about_struct The issue of national minorities is blended together with development of culture of 'Ukrainian nation' The website of Zhytomyr Regional Centre for People's Creativity contains extensive information about National-Cultural Communities of Zhytomyr Region:



		www.tvorchist.com.ua/natsionalno-kulturni-tovaristva-zhitomirshhini.html
City of Kyiv	Department on Culture Directorate on Nationalities and Religions Unit on Nationalities	http://kievcity.gov.ua/content/84_department-kultury.html
Luhansk Regional Administration	Directorate on Culture, Nationalities and Religions	www.loga.gov.ua/oda/about/depart/dep_culture The website contains a report on how the rights of minorities are protected in the region (the part under Ukrainian authority), covering the first half of 2017: www.loga.gov.ua/oda/about/depart/dep_culture/mizhnacionalni_vidnosini_0 and the list of national-cultural organizations/communities: www.loga.gov.ua/oda/about/depart/dep_culture/nacionalno_kulturni_tovaristva_oblasti
Donetsk Regional Administration	Not clear who is dealing with this issue	Link on ethnic composition of the region: http://dn.gov.ua/donechchyna/natsionalnyj-sklad-naselelnya-donetskoyi-oblasti/
Autonomous Republic of Crimea	-----	-----

2. List of umbrella organizations of national minorities at the national level (short description)

Name	Additional information	Website
Council of National Communities of Ukraine	Chairperson: Ashot Avanesian. It brings together 23 minority organizations	www.radaspilnot.org.ua/
Congress of National Communities of Ukraine	Two Co-Presidents: Stanislav Kostetsky and Georgiy Mozer; Executive Vice-President: Josef Sissels. Established in 2002	www.kngu.org/
International Union	Established in 2011. Some 50 institutional members. President: Danil Goncharov	http://interunion.org.ua/
Assembly of Nationalities of Ukraine	Established in 2013. 27 member organizations. Head: Rovshan Tagiev	http://assembly.org.ua/
Association of National-Cultural Communities of Ukraine	President: Oleksandr Feldmann	Not found



3. List of consultative bodies of national minorities at the regional level

Regional administration	Minorities representative council	Webpage	Availability of special program with funding
Chernihiv Regional Administration	Council of National Communities	Council: http://cg.gov.ua/index.php?id=28229&tp=0	Regional Action Plan on protection and integration into Ukrainian society of Roma national minority for 2014–20 (Ordinance of Chernihiv Regional Administration No. 25, 04.02.2014)
Cherkasy Regional Administration	Council of Representatives National Minorities' Civil Society Organizations	No website found	No information found
Chernivtsi Regional Administration	Regional Council on Ethnonational Policy	Council: http://bukoda.gov.ua/page/regionalna-rada-z-pitan-etnonatsionalnoi-politiki Program: http://oblrada.cv.ua/document/regional-program/ ¹⁷⁶	Regional Program for Supporting National-Cultural Communities of Chernivtsi Region and Ukrainian Diaspora for 2016–18.No. 26-4/16, 15.03.2016 According to the Report on Implementation of the Program in 2016, UAH 96,290 were spent out of UAH 115,000 planned for this year. ¹⁷⁷ According to the program itself UAH 425,000 were to be allocated for that year. It is not clear why only one fourth of the amount initially planned was allocated in 2016.
Dnipropetrovsk Regional Administration	No specialized body	-----	No information found
Ivano-Frankivsk Regional Administration	No specialized body	-----	No information found
Kirovograd Regional Administration	No specialized body	www.kr-admin.gov.ua/DPI/Ua/2015/rish4_0412_15.pdf	Program of development of international relations and support to activities of national-cultural communities of Kirovograd region for 2016–17

¹⁷⁶ Under the link one finds the list of various regional programs. The program in question is position 184 in the list and can be downloaded from there.

¹⁷⁷ See position 10, <http://oblrada.cv.ua/document/list/3508/>.



		www.kr-admin.gov.ua/DPI/Ua/2017/s15rish_1110173d1.pdf	Programme of development of inter-national relations and support to activities of national-cultural communities of Kirovograd region 2018-2022. UAH 1316 thousand of state funding planned for the period
Kharkiv Regional Administration	Council of Leaders of National-Cultural Communities. Established in February 2014. It includes representatives of 34 national-cultural communities and divided into six thematic committees: education and culture, veterans, cooperation with civil society, health care and social issues, international activity, human rights.	Council: http://kharkivoda.gov.ua/news/69558	No information found
Kherson Regional Administration	Regional Council on Nationalities and Indigenous People under the Regional State Administration. Established on November 7, 2017. It has 16 members including two representatives of the Administration.	Council: http://khoda.gov.ua/gromadyanskesuspilstvo/oblasna-rada-z-pitan-nac%D1%96onalnostej-takor%D1%96nnih-narod%D1%96v-pri-oblasn%D1%96j-derzhavn%D1%96j-adm%D1%96n%D1%96st-rac%D1%96%D1%97/	The list of regional programs contains no mentioning of such a program ¹⁷⁸
Khmelnytsk Regional Administration	No specialized institution	----	The webpage with the list of targeted programs (www.adm-km.gov.ua/?page_id=136) does not contain any that deal with minorities

¹⁷⁸ The list of all regional programs can be found here: <http://khoda.gov.ua/regionalni-programi/>



Kyiv Regional Administration	No specialized body	----	No information found
Lviv Regional Administration	No information on Council found	----	No information on a target program
Mykolaiv Regional Administration	Council of Representatives National Minorities' Civil Society Organizations. Established in 2000. 18 members, including representatives of Administration and Secretariat	Council: www.uazako.com/document/spart40/index40680.htm Program: www.mk.gov.ua/ua/oda/pidrozidly/kultura/1381325906/	Target Program 'Preservation and Development of Ethnic, Cultural and Language Uniqueness of National Minorities in Mykolaiv Region for 2014–18' (adopted by regional council on 24 December 2013)
Odesa Regional Administration	Council of Representatives of National-Cultural Communities of Odesa Region	Program: http://culture.odessa.gov.ua/regionaln-clov-programi/kultura-odewini-2017-2019/	Program of Support of Development of National Minorities and Activities of National-Cultural Communities for 2013–15. ¹⁷⁹ For 2017–19 there is a complex program 'Culture of Odesa Region' where minority-related activities are included.
Poltava Regional Administration	Council of Representatives National Minorities' Civil Society Organizations	www.adm-pl.gov.ua/page/spisok-konsultativno-doradchih-organiv-yakivstvorenopri-poltavskiy-oda	No information found
Rivne Regional Administration	No information found	----	No information found
Sumy Regional Administration	No specialized institution	List of regional programs: http://sm.gov.ua/index.php/uk/2012-02-03-08-03-13	No program on national minorities

¹⁷⁹ The relevant programme can be found here: <http://culture.odessa.gov.ua/regionaln-clov-programi/culture-clov-programinaconali/>



Ternopil Regional Administration	Council of Representatives of National-Cultural Communities	No special link, only mentioning of the Council in one of the news	No information found
Transcarpathian Regional Administration	Commission on Nationalities as a part of Civil Society Council	http://kultura.uz.ua/index.php/haluzevi-prohramy/prohrama-rozvytku-kultury-i-mystetstva	Program of development of culture and arts in the region for 2016–20 (support for minority-related activities is included)
Vinnitsia Regional Administration	Regional Council of National-Cultural Communities (Organizations). Established in November 2013	www.vin.gov.ua/upravlinnia-u-spravakh-natsionalnostei-ta-relihii/doradchi-orhany/1836-rozporiadzhennia-290-vid-06-cherwnia-2014-roku	Regional program on support to national-cultural communities and providing for interfaith harmony and spiritual-moral development of Vinnitsia region for 2016–20
Volyn Regional Administration	No information found	----	No information found
Zaporizhia Regional Administration	Coordination Council of National-Cultural Communities	www.zoda.gov.ua/article/1834/programi-u-vidpovidniy-sferi.html	Program of Support for Development of Cultures of National Minorities in Zaporizhia Region for 2013–17
Zhytomyr Regional Administration	Civil Society Council. Established in July 2017. It includes 73 representatives of civil society organizational, among them 11 representatives of minorities' organizations	Council: http://oda.zt.gov.ua/17-lipnya-vidbudutsya-ustanovchi-zbori-z-formuvannya-gromadskoi-radi-pri-oblderzhadmi	No special program on national minorities. Regional Program on Civil Society Development for 2016–18 and Regional Program for Cultural-Artistic Development of the region for 2015–10 contain no mentioning of minorities. ¹⁸⁰

¹⁸⁰ Both programs are available at <http://oda.zt.gov.ua/oblasni-galuzevi-programi/>



		nistraczii.html List of regional programs: http://oda.zt.gov.ua/oblasni-galuzevi-programi/	
City of Kyiv	No information found	----	No information found
Luhansk Regional Administration	No such body	----	No program
Donetsk Regional Administration	Council on Ethnonational policy. Established in June 2017.	Council: http://document.ua/pro-polozhennja-pro-radu-z-pitan-etnonacionalnoyi-politiki-p-doc321471.html	No program
Autonomous Republic of Crimea	----	----	----



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