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Report reviewing the current situation of national minority languages in Ukraine

25 March 2014

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Report reviewing the current situation of national minority languages in Ukraine

Dear Secretary General,

as vice-chairman of the Committee of Experts of the European Charter for Regional or Minority Languages I write to you on behalf of the Bureau of the Committee (after consultation with my two colleagues, the Chair Vesna Crnic-Grotic and the vice-chair Sigve Gramstad)) in order to raise your attention. We have received a letter, dated 28 February 2014, from the Permanent Representative of Ukraine to the Council of Europe, asking the Committee of Experts to contribute to a review of the respect of the rights of national minorities in Ukraine, including linguistic rights.

Against the background of the Committee of Ministers' decision of 14 March 2014 to review the situation of national minorities in Ukraine, I should like to underline that the Committee of Ministers adopted on 15 January 2014 Recommendation CM/RecChL(2014)1 on the application of the Charter by Ukraine. This Recommendation is based on the Committee of Experts' second evaluation report on Ukraine (ECRML (2014) 3), which is at the moment the most thorough document of the Council of Europe covering in detail the situation of regional and minority languages in Ukraine.

After a thorough reassessment of the evaluation report as well as consultations with experts on-the-spot, I wish to inform you that the report's findings still largely reflect the present situation of the minority languages in Ukraine. Certain improvements can be noted with regard to the use of some minority languages in the media.

In general, the protection of national minorities and their languages continues to enjoy a high level of legal recognition in Ukraine. The instrument of ratification of Ukraine recognises 13 languages that have all been granted the same level of protection under the Charter: Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian, Slovak and Yiddish.

An important feature of the Charter is that it does not as such set out individual rights for speakers of minority languages whose implementation would largely depend on whether or not the speakers invoke such rights. Rather, the Charter places legal obligations on its States Parties which they need to implement in practice. This requires the authorities to take positive measures on their own initiative, taking account of the situation of each language.

In respect of the Russian language, most undertakings chosen by Ukraine under the Charter on which the Committee of Experts has concluded are fulfilled or partly fulfilled. Some shortcomings may still be observed concerning the use of Russian in the fields of judiciary and administration.

As far as the other aforementioned minority languages are concerned, however, several of the Charter undertakings still need to be implemented in practice.

In the field of education, Ukraine has a long-standing tradition of monolingual and bilingual schools operating in minority languages. Teaching in minority languages does, however, not exist in practice for all those minority languages whose situation would permit so.

Except Russian and to a certain extent Hungarian and Romanian, minority languages are not used by local and regional authorities. Particular problems exist with regard to the official use of place-names in minority languages which should be promoted.

The use of Russian before judicial authorities is on the whole satisfactory. However, the relevant Charter undertakings are not implemented in practice for the other twelve languages.

During the last years, there has been a general decrease of the broadcasting time in minority languages, which for most of the minority languages had been very limited in any case. Since the adoption of the Committee of Experts' evaluation report, the broadcast time on television has been increased for some minority languages.

The Law of Ukraine "On the Principles of State Language Policy" ("Language Law"), which has received considerable political and media attention recently, has to a significant extent been inspired by the Charter. It incorporates legal concepts of the Charter (including the concept of "regional or minority languages") and provides a basis for the implementation of several Charter undertakings, including undertakings not currently ratified by Ukraine.

At present, this law is *inter alia* being applied to the Russian language, but not to most of the other minority languages. It is important that the Ukrainian authorities take active steps so as to ensure the application of the Language Law to all minority languages concerned by the ratification of the Charter. Such steps include, for each language, the identification of local administrative units where the law will be applied.

I append the complete version of the Committee of Experts' findings to this letter and trust that this information helps the Committee of Ministers in assessing, in light of recent developments, the situation of national minorities in Ukraine.

Please accept, dear Secretary-General, the assurances of my highest consideration.

On behalf of the Committee of Experts of the European Charter for Regional or Minority Languages

A handwritten signature in blue ink, appearing to be 'S. Oeter', written over a faint, illegible stamp.

Prof. Dr. Stefan Oeter
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Excerpt from the second evaluation report by the Committee of Experts of the European Charter for Regional or Minority Languages on Ukraine (ECRML (2014) 3)

Chapter 4 Findings of the Committee of Experts in the second monitoring cycle

General situation

A. The Committee of Experts commends the authorities for their continued efforts to further improve the use of regional or minority languages in Ukraine. It also expresses its gratitude to the authorities and the representatives of the speakers for a good co-operation in the preparation of this report. In particular, the information received from the representatives of the speakers has been helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank them for their active input in the monitoring process. Nevertheless, the Committee of Experts was concerned about the general lack of information concerning the situation of most minority languages.

B. The protection of national minorities and their languages enjoys a high level of legal recognition in Ukraine. The instrument of ratification of Ukraine recognises 13 languages that have all been granted the same level of protection under Part III of the Charter. For some of the languages the ratification implies an improvement of the level of protection and promotion, but some others have already achieved a higher level than that reflected by the ratification of the Charter. The Committee of Experts underlines that, according to Article 4.2 of the Charter, a higher level of protection previously achieved should not be lowered because of the ratification of the Charter.

C. After the submission of Ukraine's second periodical report to the Council of Europe, namely on 3 July 2012, the Parliament (Verkhovna Rada) of Ukraine adopted the Law of Ukraine On the Principles of State Language Policy (hereafter referred to as the "Language Law"), which replaces the 1989 Law of the Ukrainian Soviet Socialist Republic On Languages in the Ukrainian SSR. While the scope of the new Language Law goes beyond the substance of the Charter, it incorporates some of the latter's legal concepts and provides a basis for the implementation of several Charter undertakings chosen by Ukraine in its instrument of ratification. In addition, a number of provisions of the Language Law are largely congruent with provisions of the Charter. The Law also recognises Ruthenian as a minority language in Ukraine.

D. Financial resources allocated for projects carried out by minority groups are not sufficient. There is practically no long-term funding and the procedure of allocating money is lacking transparency.

E. As regards *education*, Ukraine has a long-standing tradition of education in minority languages with a system of monolingual and bilingual schools operating in minority languages. However, the legal and institutional arrangement leaves a large degree of discretion to the local and regional authorities and does not always ensure the provision of education in minority languages. In practice, some local authorities have shown a lack of support for minority language education. A further problem is the lack of adequate teaching materials and of teacher training in many languages. In addition, for nearly all Part III languages, there is practically no pre-school education. Most minority languages also have a limited presence in technical and vocational education.

F. Regarding the extent to which minority languages are in fact used before *judicial authorities*, the situation for Russian seems to be on the whole satisfactory. As far as the other Part III languages are concerned, the undertakings under Article 9 are not implemented in practice. In general, speakers of minority languages are seldom encouraged (and occasionally may in fact be discouraged) to use their language before judicial authorities.

G. Except Russian and to a certain extent Hungarian and Romanian, minority languages are not used by local and regional authorities. Particular problems exist with regard to the official use of place-

names in minority languages. The Committee of Experts notes that the adoption and use of additional place-names is a relatively simple promotional measure with a nevertheless considerable positive effect for the prestige and public awareness of a minority language.

H. Pursuant to the new Language Law, its provisions can apply to a minority language in a territorial administrative unit provided that its speakers constitute at least 10% of the local population and that a petition is signed by at least 10% of the residents of a given administrative territorial unit. In some cases, local councils can also decide to apply the Language Law to languages whose speakers make up less than 10% of the local population. The Language Law can constitute a basis for the implementation of some undertakings under Article 10 of the Charter. The procedural requirements provided for by the law, however, may severely limit the possibilities of smaller language communities to benefit from the statutory protection.

I. The Law of Ukraine “On the Principles of State Language Policy” abolishes the requirement to dub, subtitle and post-synchronise foreign films into Ukrainian. The quota system is no longer prescribed by legislation. This will facilitate the distribution of foreign films in minority languages. A number of problems, nevertheless, hamper the implementation of some provisions of the Charter in relation to the *media*. There is a general decrease of the broadcasting time in minority languages, which for most of the minority languages was very limited in any case. Several national minorities do not have newspapers published in their language. Except for Crimean Tatar and Russian, minority languages are absent from private broadcast media.

J. There exists a comprehensive offer of *cultural activities* relating to minority languages. However, the lack of long-term subsidies makes the establishment and operation of facilities such as cultural centres difficult. In more general terms, further financial support is needed for arranging cultural events and activities as the present support does not meet the needs of speakers.

K. The Committee of Experts is concerned by the lack of information in the second periodical report regarding many undertakings. Although a legal framework exists, there is no information available as regards the extent to which minority languages are used in practice. By ratifying the Charter, the Ukrainian authorities have committed themselves to taking pro-active measures in order to implement the provisions and to secure the possibility for minority language speakers in Ukraine to be able to use their language in the spheres of public life.

Overview of the situation of the minority languages

L. The provision of education in *Belarusian* or of Belarusian language classes is practically non-existent. The same is true concerning the use of Belarusian in relation with the judicial authorities and with the administration. The proximity between the Belarusian language and the Ukrainian and Russian languages does not constitute grounds for not applying the provisions of the Charter in relation to this language. On the whole, initiatives for promoting Belarusian are carried out mainly by minority associations. Further support from the authorities is clearly needed.

M. The presence of *Bulgarian* in school education is relatively good, although problems have been reported concerning decisions taken by local and regional authorities to reduce the amount of teaching in Bulgarian. The situation in the field of justice and administration is weak. Print media and broadcast media are available in Bulgarian.

N. The presence of *Crimean Tatar* in school education needs to be strengthened. There has been an effort to develop adequate teaching materials, which has led to a comprehensive offer of teaching materials for all grades of primary and secondary education. There remains, however, a need to train more teachers, in particular teachers able to teach subjects in Crimean Tatar. The educational offer in Crimean Tatar in pre-school, primary and secondary education needs to be extended. Despite the constitutional guarantees in the Autonomous Republic of Crimea, the use of Crimean Tatar by the administration is very limited. There is a private television channel in Crimean Tatar, but there is still a need to increase the broadcasting time and the frequency of the time slots allocated to Crimean Tatar on public radio and television. Little information has been provided by the authorities regarding cultural activities related to the language carried out in the Autonomous Republic of Crimea or on the use of Crimean Tatar in social and economic relations.

O. Further efforts to support education in *Gagauz* are needed as, following the request of the speakers, a switch has been made from the Cyrillic to the Latin alphabet. This concerns in particular the production of teaching materials. There is a need to make available *Gagauz* language education at all levels and in all areas inhabited by *Gagauz* speakers with a sufficient number of teaching hours. *Gagauz* is practically absent in the judicial system and in relations with the administration, but has a certain presence on radio and television. Substantial measures are needed to ensure the use of this language, in particular by supporting print media in *Gagauz* and increasing support for the operation of cultural centres.

P. There is a need to complement the offer of teaching *German* as a foreign language by an educational model for teaching in/of *German* as a minority language. The implementation of such a model is particularly relevant in the Transcarpathia and Odessa regions. The use of *German* in the broadcast media is rather limited and there is no newspaper in *German* published with sufficient frequency. Also, the undertakings concerning the promotion of *German* in the administration still need to be implemented.

Q. Teaching of *Greek* as a subject is available in different regions of Ukraine, from primary school to university level. The situation in the field of justice, in the administration and in the social and economical life is particularly weak. There is some offer in the media and in the cultural field for *Greek* speakers.

R. The situation of the *Hungarian* language in education, media, in relations with regional and local administration and in the cultural field is relatively good, but there seems to be no use of *Hungarian* before courts. Broadcasting time for programmes in *Hungarian* on public radio and television is very limited; there seem to exist no programmes in *Hungarian* on private radio and television. There are, however, newspapers published in *Hungarian*. There seems to exist some support for cultural activities in *Hungarian*, but further clarification is needed as regards the level of support granted in the cultural field.

S. The presence of *Moldovan* in the education system remains relatively good. However, it is still not used in the courts. In the administration, *Moldovan* is only used to a certain extent at local level. It also has a limited presence in the broadcasting media. The newspaper in *Moldovan* is supported by the authorities. There is an offer in the cultural area, supported by the authorities.

T. Instruction in *Polish* is available at nearly all levels of education. *Polish* is not used in judicial proceedings or by local and regional authorities. Public television and radio programmes are broadcast in *Polish*, but there is a need to increase the broadcasting time and the frequency of the time slots allocated to *Polish* on public radio and television. There are newspapers published in *Polish*. There is an offer in the cultural area, supported by the authorities.

U. The Ukrainian authorities are aware of the need to promote the *Romani* language. Efforts have been made to provide teaching materials and vocational training for the teachers of *Romani* language and culture, but much more needs to be done in order to improve the offer of *Romani* in the educational system. Furthermore, decided efforts are needed to overcome discrimination of *Roma* in education and economic and social life.

V. The situation of *Romanian* in the field of education remains by and large good. Nevertheless, there has been a decrease in the number of pupils learning in *Romanian*. Teaching in or of *Romanian* still is absent in a number of places where the *Romanian* minority has a significant presence. The number of teachers able to teach subjects in *Romanian* and the possibilities to study in *Romanian* at university level is limited. *Romanian* is not used in courts. In administration, it is only orally used, at local level. The presence of the language in the broadcasting media has decreased and there is a need to increase the broadcasting time and the frequency of the time slots allocated to *Romanian* on public radio and television. The offer of cultural activities remains by and large good.

W. In respect of *Russian*, most undertakings chosen by Ukraine under the Charter on which the Committee of Experts has concluded are fulfilled or partly fulfilled. However, this is partly due to the fact that *Russian* is in stronger position than what is reflected by the undertakings chosen. The newly adopted Law of Ukraine "On the Principles of State Language Policy" has already been brought into application with respect to the *Russian* language. The implementation of that law will improve the

situation of Russian with regard to the judiciary and administration, where still some shortcomings could be observed during the reporting period.

X. With regard to *Slovak* education, there is a need to make available and strengthen Slovak language education at all levels. Particular efforts are needed to facilitate and encourage the use of Slovak in the courts and in relations with regional and local authorities. There is a modest presence of Slovak in the written press and it remains unclear whether private radio and television programmes in Slovak are available. There is a need to increase the broadcasting time and the frequency of the time slots allocated to Slovak on public radio and television. There seems to be a need for increased support to cultural activities and facilities.

Y. With regard to *Yiddish*, very little information has been provided. There is some teaching of Yiddish at primary level and a certain presence in the cultural field. Apart from that, Yiddish seems to be absent from education and the media. There might be a need for co-operation with other countries where Yiddish is used in order to safeguard and promote the language.

Z. The Committee of Experts calls on the Ukrainian authorities to develop a strong policy in support of languages which are in a vulnerable situation, such as Karaim, Krimchak and Yiddish. Since these languages are on the verge of extinction, urgent measures must be adopted especially in the education field to ensure their survival. There is also a need to develop a structured policy for the protection and promotion of Ruthenian.