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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN UKRAINE

Initial monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Ukraine**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to one or more Parties as may be required.

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A. Report of the Committee of Experts on the application of the Charter by Ukraine

adopted by the Committee of Experts on 27 November 2008
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 - Background information

1.1 Ratification of the Charter by Ukraine

1. Ukraine signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 2 May 1996. The Parliament of Ukraine (Verkhovna Rada of Ukraine) ratified the treaty on 15 May 2003. The ratification instrument was deposited with the Secretary General of the Council of Europe on 19 September 2005 and this treaty entered into force in respect of Ukraine on 1 January 2006.
2. The Ukrainian authorities published the Charter on 25 December 2006 in the Official Bulletin of Ukraine (issue #50) and it was also published on the official free site of Verkhovna Rada¹ from the date of its enactment. However, both the Ukrainian authorities and representatives of speakers made reference to translation problems in the Ukrainian version of the Charter during the on-the-spot visit. This reflects, according to the information gathered, a misunderstanding of the Charter. The Ukrainian authorities are therefore invited to provide a new translation of the Charter into Ukrainian.
3. The Ukrainian authorities also informed the Committee of Experts that the Law of Ukraine on the ratification of the Charter will be revised². The Committee of Experts has received a draft law on ratification but it has not yet been adopted. The Committee of Experts refers to its comments on the instrument of ratification below (see paragraphs 58-66 below).
4. Pursuant to Article 15.1 of the Charter, the initial periodical report on the application of the Charter in Ukraine was presented to the Secretary General of the Council of Europe on 1st August 2007.
5. In accordance with the requirement in Article 15.2 of the Charter, the initial periodical report was made public by the Ministry of Justice on 20 April 2007 and a roundtable meeting was organised on 30 May 2007 with representatives of the speakers. During the on-the-spot visit however, the Committee of Experts was informed that some minorities, in particular the Crimean Tatars, were neither made aware of the report nor consulted. Furthermore, considering the linguistic landscape in Ukraine, and the language skills of a great proportion of speakers of regional or minority languages, the Committee of Experts considers that the report could be translated into Russian and distributed to speakers of regional or minority languages also in this language.

1.2 Work of the Committee of Experts

6. After the Committee of Experts had made its preliminary examination of the report, a questionnaire was drawn up and addressed to the Ukrainian authorities. The Committee organised its on-the-spot visit to Ukraine in May 2008. It met with authorities responsible for and/or concerned with the implementation of the Charter as well as representatives of the speakers of Belorussian, Bulgarian, Gagauz, Greek, Hebrew and Yiddish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak and Hungarian, as well as with speakers of Romani, Karaim and Krimshak.
7. The Committee of Experts also received an extensive number of comments from bodies and associations legally established in Ukraine, submitted pursuant to Article 16 paragraph 2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution to and participation in the monitoring process.

¹ www.rada.gov.ua

² See Law of Ukraine #802-IV

8. This report is based on the political and legal situation at the time when the Ukrainian authorities drafted the initial periodical report on the implementation of the Charter in Ukraine, and on the information obtained by the Committee of Experts from the on-the-spot-visit and the subsequent comments received.

9. The report contains detailed observations that the Ukrainian authorities are encouraged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed observations, also established a list of proposals for recommendations to be addressed to Ukraine by the Committee of Ministers, as provided for by Article 16.4 of the Charter.

10. The present report was adopted by the Committee of Experts on 27 November 2008.

1.3. Presentation of the regional or minority language situation in Ukraine

11. Ukraine declared independence from the Soviet Union, and confirmed it by referendum in 1991, after the dissolution of the USSR. During 1992, ethnic tensions in Crimea prompted a certain number of political organizations to promote secession of Crimea, but later on, the Crimean and the Ukrainian parliaments determined that Crimea would remain under Ukrainian jurisdiction while retaining significant cultural and economic autonomy. In 1996, the Ukrainian Parliament adopted a new constitution, establishing Ukrainian as the sole official language.

12. Ukraine has about 48,4 million inhabitants; this number is progressively decreasing because of a low birth rate in Ukraine. Parts of the population belonging to minorities have a strong tendency to emigrate to other countries. This concerns for instance the Russian-speaking population, emigrating to Russia, as well as the Jewish population, which emigrated massively to Israel and other Western European countries, after the dissolution of the USSR.

13. The Constitution of Ukraine³ regulates the territorial structure of Ukraine. Ukraine is composed of the Autonomous Republic of Crimea, the regions of Vinnytsya, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpatya, Zaporizhya, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsk, Cherkasy, Chernivtsi, and Chernihiv, and the cities of Kyiv and Sevastopol. The Autonomous Republic of Crimea has a particular status, having its own Governing Bodies, which can decide on various matters previewed by its own Constitution and the Constitution of Ukraine. The Constitution of the Autonomous Republic of Crimea specifically recognizes Russian as the language of the majority of its population and guarantees its use "in all spheres of public life".

14. According to official statistics, based on registered ethnic belonging, Ukrainians represent 77.8 % of Ukraine's population, and Russians 17.3 % of Ukraine's population. The given number (or percentage) of Ukrainians and Russians, however, does not represent the real number of the Ukrainian and the Russian-speaking population. Thus, according to the 2001 Ukrainian population census, 5.6 million (14.8 %) of Ukrainians declared Russian as their mother tongue and 0.3 million Russians (3.9 %) declared Ukrainian as their mother tongue. 67.5% of all inhabitants declared Ukrainian as their mother tongue, and 29.6% declared Russian as their mother tongue. All other numerically important ethno-linguistic minorities, counting altogether less than 2.4 million persons (4.9 % of Ukraine's overall population), represent a variety of communities, each of them having a population of less than 300 000 persons (below 1 % of Ukraine's population): 275 800 Belorussians, 258 600 Moldavians, 248 200 Crimean Tatars, 204 600 Bulgarians, 156 600 Hungarians, 151 000 Romanians, 144 100 Poles, 103 600 Jews, 99 900 Armenians, 91 500 Greeks, 73 300 Tatars, 47 600 Roma, 45 200 Azerbaijani, 34 200 Georgians, 33 300 Germans and 31 900 Gagauz.

15. In some regions, there is a strong presence of certain minorities (geographically most densely settled): 98.1% of Crimean Tatars live in the Autonomous Republic of Crimea; 96.8% of Hungarians in the region of Zakarpatya, 86.5% of Gagauz in the region of Odessa, 84.7% of Greeks in the region of Donetsk, 75.9% of Romanians in the regions of Chernivtsi and 21.3% in Zakarpatya, and 73.7% of Bulgarians in the region of Odessa. In its evaluation report, the Committee of Experts will refer to the territory where each language is spoken, notably under Part III. The Committee of Experts reminds the authorities that measures to implement the Charter are especially needed in the areas where there is a strong presence of speakers.

³ See Part IX.

16. The linguistic landscape of Ukraine is unique from the Charter's perspective, as a language (Russian) which is not the state language is used by a large part of the population, including persons belonging to other national minorities (see also paragraph 47 below). The Committee of Experts considers that this factor needs to be taken into account when the authorities take measures to implement the Charter. As stressed by the Advisory Committee of the Framework Convention on the Protection of National Minorities, any measure affecting the Russian language has clearly implications not only for the Russian national minority but also for other groups⁴.

17. The Committee of Experts will use the information provided in the initial periodical report from the Ukrainian authorities which makes reference to the data made available from the Public Report On Implementation of the European Charter For Regional Or Minority Languages⁵. The Committee of Experts is pleased to note that the authorities are using reports made by non governmental sources. However, regarding this issue, the Committee of Experts underlines that the State authorities have the responsibility to provide accurate official data to the Committee of Experts.

18. In its instrument of ratification, Ukraine declared that the provisions of the Charter apply to the languages spoken by persons belonging to the following national minorities present on the territory of Ukraine: Belorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian (see Appendix I).

Belorussian

19. Belorussian has a traditional presence in Ukraine. A total of 275,800 ethnic Belorussians live in Ukraine mainly in the region of Donetsk (44,500 people), but also in dispersed settlements in all regions of Ukraine: in Dnipropetrovsk (29,500), in the Autonomous Republic of Crimea (29,200), in Luhansk (20,500), in the city of Kyiv (16,500), in Kharkiv (14,700), in Odessa (12,700), in Zaporizhyya (12,600), in Rivne (11,800) and between 1400 and 8600 in the other regions.

20. As far as language is concerned, 19.8% of Belorussians regard Belorussian as their native language, while 17.5% and 62.5% consider Ukrainian and Russian as their native languages respectively. The particularity of this language is its proximity with Ukrainian and Russian.

Bulgarian

21. Bulgarian has had a traditional presence in Ukraine, particularly in the Odessa district, since the 18th century. According to the 2001 nationwide census, a total of 204 600 ethnic Bulgarians live in Ukraine, mainly in the regions of Odessa (150,600 people), Zaporizhyya (27,700), Mykolaiv (5,600), Kirovohrad (2,200) and Kherson (1,000).

22. As far as language is concerned, 62.2% of the Bulgarian population consider Bulgarian as their native language, while 5% and 30.3% regard Ukrainian and Russian as their native languages respectively.

Crimean Tatar

23. Crimean Tatar has had a traditional presence in Crimea since the 13th century. A total of 248,200 ethnic Crimean Tatars live in Ukraine, mainly in the Autonomous Republic of Crimea (234,400). Moreover 2,000 and 1,800 Crimean Tatars reside in Kherson and in the city of Sevastopol.

24. As far as languages are concerned, 92% of the Crimean Tatar population regard Crimean Tatar as their native language, while 0.1% and 6.1% consider Ukrainian and Russian as their native languages respectively.

Gagauz

25. According to the 2001 census, a total of 31,900 ethnic Gagauz live in Ukraine, mainly in the region of Odessa (27,600 people) in particular in Belgorod, Kiliya and Izmail districts.

⁴ See paragraph 44 of the second opinion of the Advisory Committee for the Framework Convention on the Protection of National Minorities, 2nd report of the FCNM on Ukraine, ACFC/OP/II(2008)004

⁵ The Report was drawn up by the People's Deputy of Ukraine V.V. Kolesnichenko and president of the NGO "Spilna Meta" R.O.Bortnik.

26. The Gagauz language (Gagauz dili) is a Turkic language, spoken by the Gagauz people, notably in the Republic of Moldova. Originally, it used the Greek script. As of 1957, the Cyrillic alphabet was used. The current Gagauz script is a Latin-based alphabet, modeled after Turkish.

27. As far as language is concerned, 71.5% of the Gagauz population regard Gagauz as their native language, while 3.5% and 22.7% consider Ukrainian and Russian as their native languages respectively.

German

28. German has had a traditional presence in Ukraine since the 18th century: in southern Ukraine in Bessarabia, Odessa and Crimea, in north-western Ukraine in the Volhyn region and in Transcarpathia and Northern Bukovina. According to the 2001 census, a total of 33,300 ethnic Germans live in Ukraine, mainly in the regions of Donetsk (4,600), Dnipropetrovsk (3,800), Zaporizhyya (2,200), Odessa (2,900), Zakarpatyya (3,600) and in the Autonomous Republic of Crimea (2,500).

29. As far as the use of language is concerned, 70% of the Germans perceive German as their native language, but 22.1% and 64.7% use Ukrainian and Russian as their native languages respectively.

Greek

30. According to the 2001 census, a total of 91,500 ethnic Greeks live in Ukraine, mainly in the Donetsk region (77,500 people), in the Autonomous Republic of Crimea (2,800), and in the Zaporizhyya (2,200) and Odessa regions (2,100).

31. As far as language is concerned, 6.4% of the Greek population regard Greek as their native language, while 4.8% and 88.5% consider Ukrainian and Russian as their native languages respectively.

32. During the on-the-spot visit, the Committee of Experts was informed that before the first World War, Pontians⁶ used two varieties of the Greek language in Crimea (one from Turkey and one from Russia). The Committee of Experts understands that the Ukrainian instrument of ratification makes reference to modern Greek, but it was informed that there are initiatives to pass on the Pontian culture and language to children. It seems that it is not possible to study this language in Ukraine at present. The Committee of Experts understands that there is some support from Greece, but it invites the Ukrainian authorities to clarify the situation of Pontian Greek and consult the speakers to assess their needs.

Hungarian

33. Hungarian has had a traditional presence in Ukraine for many years. According to the 2001 census, a total of 156 600 ethnic Hungarians live in Ukraine, mainly in the region of Zakarpatyya (151,500).

34. As far as language is concerned, 95.4% of the Hungarians regard Hungarian as their native language, while 3.4% regard Ukrainian and 1% Russian as their native languages respectively.

The language of the Jewish community/Yiddish

35. According to some sources, the presence of Jews dates back to the 10th century in Ukraine⁷. The 1897 census indicated that 8.35% of the population of Ukraine were Jews (i.e. 1 431 358). Today, the Jewish population of Ukraine amounts to 103 600 people most of whom live in the regions of Kyiv (18 000 people), in Dnipropetrovsk (13 800) and in Odessa (13,400). The next largest Jewish communities are located in the Kharkiv and Donetsk regions (11 600 and 8800 people respectively). In 16 other regions their communities range from 1000 to 4000 people.

36. As far as language is concerned, 3.1% of the Jews regard Hebrew or Yiddish as their mother tongue, while 13.4% and 83% consider Ukrainian and Russian as their mother tongue respectively.

37. The Committee of Experts understands that there is a debate on the number of Jews in Ukraine. According to the 2001 population census, 105,000 people identified themselves as Jewish although Jewish organisations estimate that there are currently approximately 250,000 to 350,000 Jews in Ukraine. The

⁶ Pontian-Greek history available at <http://www.pontos.org/index.htm?english/istoria/fotiad1.htm>

⁷ <http://www.jcpa.org/il/jl451.htm>

Committee of Experts therefore invites the Ukrainian authorities to clarify this point, notably during the next census to be held in 2011⁸.

38. The instrument of ratification makes reference to the language of the Jewish minority. The authorities have included information regarding the Hebrew language in the initial periodical report. However, the Committee of Experts understands that the language traditionally spoken by the Jewish community in Ukraine mentioned in the instrument of ratification is Yiddish. During the on-the-spot visit, the Committee of Experts met with representatives of Jewish umbrella organisations and it was informed that for the past 11 years, activities have been carried out to revive the Yiddish language and culture⁹. According to the information gathered during the on-the-spot visit, a very low number of Jewish representatives speak Yiddish (700) and Hebrew (800) as the parents tend to send children to schools with another language of instruction.

Moldovan

39. Moldovan has traditionally been spoken in Ukraine. Currently a total of 258,600 ethnic Moldovans live in Ukraine, mainly in the following regions: Odessa (123 000 people), Chernivtsi (67 200), Mykolaiv (13 100), Kirovohrad (8300), Donetsk (7100), and between 1900 to 4100 in other regions.

40. As far as language is concerned, 70% of the Moldovans consider Moldovan as their native language, while 10.7 % and 17.6% consider Ukrainian and Russian as their native languages respectively.

Polish

41. Polish has been traditionally used in Ukraine for many centuries. According to the figures from the 2001 census, a total of 144 100 ethnic Poles live in Ukraine, mainly in the regions of Zhytomyr (49 000 people), Khmelnytsk (23 000), Lviv (18 900) and between 2600 and 6900 in other regions.

42. As far as language is concerned, 12.9 % of the Poles regard Polish as their mother tongue, while 71% and 15.6% consider Ukrainian and Russian as their native language respectively.

Romanian

43. Romanian has a traditional presence in Ukraine since centuries. According to the 2001 census, a total of 151 000 ethnic Romanians reside in Ukraine, mainly in the regions of Chernivtsi (32 100 people) and Zakarpatya (32 100). The rest of the population is settled dispersely in the Autonomous Republic of Crimea, in the regions of Donetsk, Odessa, Mykolaiv, Kherson, Kirovohrad and the City of Kyiv, their numbers ranging from 50 to 724 people.

44. As far as language is concerned, 91% of the Romanians regard Romanian as their native language, while 6.2% and 1.5% consider Ukrainian and Russian as their native languages respectively.

Russian

45. Ethnic Russians populate the territory of Ukraine rather homogeneously. In the Autonomous Republic of Crimea and Sevastopol, ethnic Russians account for 58.3% and 71.6% respectively of the overall population. The majority of Russians reside in the regions of Donetsk (1 844 400), Luhansk (991 800), Kharkiv (742 000), Dnipropetrovsk (627 500), Odessa (508 500), and Zaporizhya (476 700). In each of the cities of Mykolaiv, Sumy, Poltava and Kyiv, the number of Russians exceeds 100 000 people.

46. According to the 2001 official census, more than a million Russian speakers live in the Autonomous Republic of Crimea (1,5 million persons, and notably 90,6 % of the population of the city of Sevastopol).

47. 95.5 % of ethnic Russians consider Russian as their mother tongue. According to the 2001 Ukrainian official census, 14.8% of Ukrainians (i.e. 5.5 million) also consider Russian as their mother tongue. Most of the other minorities in Ukraine use Russian as means of communication (approximately 0.7 million persons).

⁸ See paragraph 93 of the third report on Ukraine adopted on 29 June 2007 by the European Commission Against Racism and Intolerance, CRI(2008)4

⁹ See also PACE Recommendation 1291 (1997 PACE 7850) on Yiddish culture

Slovak

48. According to the 2001 census, a total of 6,400 ethnic Slovaks live in Ukraine, notably in the region of Zakarpatya (5,695 people).

49. As far as language is concerned, 41.2 % of the Slovaks regard Slovak as their native language, while 41.7% and 5.2% consider Ukrainian and Russian as their native languages respectively.

Other languages not included in the instrument of ratification

50. As far as Karaim is concerned, the Committee of Experts was informed during the on-the-spot visit that according to the 2001 statistics the Crimean Karaim community consists of 12 000 persons. Representatives of the speakers stressed that their language will soon be extinct as only 5% of the group can still speak the language, mainly the elderly.

51. Krimchak has a traditional presence in Crimea. During the on-the-spot visit the Committee of Experts was informed that Krimchak was taught at all levels of school and used in public life until World War II. The deportation of the population during World War II destroyed the infrastructure of the language as most speakers died. However, the Committee of Experts was informed that a few thousand speakers still live in Ukraine.

52. As regards Romani, the Committee of Experts has been informed of a disparity between the estimate resulting from the 2001 population census (47 000 Roma in Ukraine) and the estimate made by Roma organisations (400 000 persons). The Committee of Experts invites the Ukrainian authorities to examine this issue, in cooperation with the speakers, when reporting on Romani in their next periodical report¹⁰.

The general legal framework governing the use of regional or minority languages

53. According to Article 9 of the Ukrainian Constitution, international treaties by which the Parliament of Ukraine (Verkhovna Rada) consents to be bound are part of the national legislation. Pursuant to Article 19 of the Law of Ukraine On International Treaties of Ukraine, treaties prevail over provisions of the domestic legislation in case of conflict.

54. The following pieces of legislation have relevance for the language rights of citizens in Ukraine:

- the Constitution of Ukraine, Article 10 part III
- the Law of Ukraine "On the implementation of the European Charter for Regional or Minority Languages" in Ukraine, 2003
- the Law of Ukraine "On National Minorities in Ukraine", 1992
- the Law of the Ukrainian Soviet Socialist Republic "On Languages in the Ukrainian Soviet Socialist Republic", 1989

55. The Ukrainian authorities also refer to other acts and legal texts which have an impact on the protection of the interests of national and language minorities (see p.4 of the first periodical report):

- the Declaration of National Sovereignty of Ukraine,
- the Independence Declaration Act,
- the Declaration of Rights of Nationalities of Ukraine,
- the Law "On Local Government in Ukraine",
- the Civil Code of Ukraine,
- the Code of Procedure of Ukraine,
- the Family Code of Ukraine,
- the Code of Administrative Proceedings of Ukraine,
- the Criminal Procedural Code of Ukraine,
- the Law of Ukraine "On Television and Broadcasting"
- the Law "On Citizenship"
- the Law "On Public Associations",
- the Law "On Education",
- the Law "On Freedom of Conscience And Religious Organisations "

¹⁰ see also paragraph 66 of the above mentioned ECRI third report, CRI(2008)4.

- the Law "On Printed Mass Media (Press) in Ukraine",
- the Fundamental Legislation of Ukraine On Culture.

56. According to the Presidential Decree 39/2006 of 20 January 2006 on the Action Plan for the implementation of the obligations of Ukraine resulting from its membership of the Council of Europe, the Ukrainian authorities are committed to adapt the national legislation in accordance with the relevant international legal instruments¹¹. Several laws dealing with minority issues, that include a language component, have been addressed by other bodies of the Council of Europe, notably the Venice Commission¹² and the Advisory Committee to the Framework Convention on the Protection of National Minorities¹³. The Committee of Experts shares the views expressed by those bodies and will make reference to their opinion where appropriate.

57. The Committee of Experts notes that the two main laws, namely the 1992 Law on Minorities and the 1989 Law on languages, are outdated. The Ukrainian authorities have informed the Committee of Experts that the State Committee of Ukraine for Nationalities and Religions has prepared a Draft Concept for State Ethnic Policy¹⁴ which was transmitted to the Cabinet of Ministers for consideration in March 2008. The amendments to the 1992 Law on National Minorities would be presented following an adoption of this Draft Concept. The Ukrainian authorities are also working on a Draft Concept on a State language policy and the Committee of Experts will comment on this draft Concept in the relevant sections below. The need to update the existing law on languages has been recognized by the authorities and a number of draft laws on language issues have been presented to the Parliament over the past few years.

1.4. Particular issues arising from the evaluation of the application of the Charter in Ukraine

The Ukrainian law on ratification of the Charter

58. Ukraine has in its ratification instrument granted the same level of protection to all Part III languages. However, the 13 languages covered by Part III differ widely both with regard to the number of users and in the level of protection previously achieved. For some of the languages the ratification implies an improvement of the level of protection and promotion, but others have already achieved a higher level than that reflected by the ratification of the Charter. This is notably the case for the Russian language. In addition, during the on-the-spot visit, representatives of several minority groups underlined that the current law on ratification of the Charter is less protective than the previous law on languages from 1989.

59. The Committee of Experts recalls that according to Article 4.2 of the Charter, "the provisions of this Charter shall not affect any more favorable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements."

60. As mentioned above, the instrument of ratification has been drawn up in such a manner as to provide the exact same level of protection for each of the thirteen languages given Part III status. The Charter, however, is constructed in such a way that the State can adapt the protection of the various languages to the real situation of each language. That is indeed the principal justification for the right accorded to each State Party in Article 2.2 to choose among the provisions of Part III (see for instance the 1st evaluation report of the Committee of Experts on the situation in Hungary, ECRML (2001)4, paragraph 8).

61. The Russian language is considered by many persons belonging to national minorities and by some ethnic Ukrainians as their mother tongue. It is therefore not in the same position as other regional or minority languages. However, in the instrument of ratification, Russian is placed at the same level as other languages, which does not correspond to the Charter's philosophy. Regarding the current situation of the Russian language in Ukraine, the Committee of Experts considers that the level afforded to this language in the instrument of ratification is not appropriate.

¹¹ See also para 56 ff. of the second opinion of the Advisory Committee for the Framework Convention on the Protection of National Minorities, ACFC/OP/II(2008)004

¹² See Opinion on the latest version of the Draft Law amending the Law on National Minorities, 18-19 June 2004 (CDL-AD(2004)022; Opinion on two Draft Laws amending the Law on National Minorities in Ukraine, 12-13 March 2004 (CDL-AD(2004)013; Opinion on the Draft Law on the Status of Indigenous Peoples of Ukraine, 8-9 October 2004 (CDL-AD(2004)036; Opinion on the Draft Law on the Conception of the State Ethnic Policy of Ukraine, 18-19 June 2004, CDL-AD(2004)021.

¹³ See the above mentioned opinion of the FCNM, ACFC/OP/II(2008)004 para 57.

¹⁴ Tentative Plan of Lawmaking Activity approved by the 26 April 2007 Decree of the Cabinet of Ukraine #239 p.

62. The ratification instrument of Ukraine indicates that the approach followed by the Ukrainian authorities is based on numerical criteria using the results of the 2001 census. This means that only the most numerous national minorities are covered. The Committee of Experts recalls that the Charter targets languages as an expression of cultural wealth and does not target minority groups as such. Although the numerical criteria are useful for the application of Part III provisions, languages spoken by a low number of speakers are also protected by the Charter. The Committee of Experts observes that any language which meets the fundamental criterion laid down in Article 1.a of the Charter, according to which a regional or minority language within the meaning of the Charter is one which, inter alia, is “traditionally used within a given territory of a State”, is covered by at least Article 7 of the Charter (see, mutatis mutandis, the first evaluation report of the Committee of Experts on the implementation of the Charter by Slovenia, paras. 35-38 and paragraph 77 of the 1st evaluation report on Spain ECRML(2005)4). This is an objective consequence of the application of the Charter and the fact that a language which meets the above-mentioned criterion is not mentioned by a State in the instrument of ratification or in the initial periodical report does not deprive it of the benefit of Part II protection.

63. The Committee of Experts has received information to the effect that other languages could be considered as traditionally used languages on the territory of Ukraine and could therefore be considered as territorial languages: Armenian, Czech, Karaim, Krimchak, Romani and Tatar. It invites the Ukrainian authorities to comment on the status of these languages.

64. Furthermore, the Committee of Experts invites the authorities to clarify whether the Ruthenian language may be regarded as a regional or minority language in Ukraine.

The Committee of Experts encourages the Ukrainian authorities to clarify, in co-operation with the speakers, whether the Armenian, Czech, Karaim, Krimchak, Romani, Ruthenian and Tatar languages are to be considered as regional or minority languages in accordance with Article 1 of the Charter.

65. According to the information provided in the initial periodical report, the authorities are currently considering a new law of Ukraine “On introducing Amendments to the Law of Ukraine On Ratification of the European Charter for Regional or Minority Languages”, with a view to eliminating the existing discrepancies between the authentic text of the Charter and its translated Ukrainian version and extending the list of the national minority languages. According to the information gathered during the on-the-spot visit Armenian and Romani will be added to the list of Part III languages and a clarification will be made with regard to Yiddish. However, there is no information indicating that the level of protection will be changed in order to reflect the situation of each language with Part III status.

66. The Committee of Experts encourages the Ukrainian authorities to take the comments made in this report into consideration when revising the instrument of ratification.

The implementation of the European Charter for Regional or Minority Languages

67. The Committee of Experts notes that the information provided in the initial periodical report submitted by Ukraine is mainly focused on the legislative framework. The Committee of Experts regrets that the authorities have not responded to all the questions raised by the Committee of Experts in the specific questionnaire sent out to the authorities. The work of the Committee of Experts would have benefited from more comprehensive and updated information in respect of the various articles of the Charter, as well as precise replies to its questionnaire.

68. According to the information given by the authorities, there was no single authority in Ukraine responsible for coordinating the efforts to implement the provisions of the Charter. These functions were covered by central and local authorities (see initial periodical report p. 8). The lack of a responsible body was considered by many representatives of regional or minority language speakers as a clear obstacle to the promotion and protection of regional or minority languages.

69. In addition, repeated changes in the allocation of responsibilities for minority issues within governmental structures have, at times, complicated efforts by national minorities to engage in the

monitoring process and the dialogue it entails¹⁵. The Ukrainian authorities informed the Committee of Experts during the on-the-spot visit that the State Committee for Nationalities and religions is now the main body responsible in that respect.

The Concept Paper on State Language Policy and the Draft Concept for State Ethnic Policy

70. The Committee of Experts is aware of the particular historical and other circumstances that have led to a dramatic decrease of the use of the Ukrainian language prior to the independence of the country. It understands the important role of the Ukrainian language in the development of the Ukrainian national identity.

71. During the on-the-spot visit, the authorities informed the Committee of Experts of their efforts to increase the use of Ukrainian in all spheres of public life, notably through the development of a Draft Concept for State language policy approved by the Ukrainian authorities on 23 April 2008. The Committee of Experts recalls that the spirit of the Charter, as reflected by Article 7 paragraph 3 for instance, shows that the promotion and protection of regional or minority languages shall not be done to the detriment of the State official language. However, the opposite is also valid and the promotion of the State language shall not be done to the detriment of regional or minority languages present on the territory of the State. It is important to preserve the identity and the language competence of regional or minority language speakers. Therefore, the Committee of Experts agrees with the Advisory Committee for the Framework Convention on the Protection of National Minorities, that the authorities should find a balance between their objective to strengthen the position of the state language and the needs and rights of Ukrainian citizens who use a regional or minority language¹⁶.

72. The Committee of Experts notes that measures which are currently envisaged to protect the languages of national minorities are mostly confined to recalling the right to use these languages in private and in public, but only to the extent that this does not affect the further development of the Ukrainian language in all areas of public life. The Committee of Experts considers that much remains to be done to ensure that the legitimate interest to promote the use of the State language as one of the means to maintain national cohesion is carried out without at the same time hampering the free use of national minority languages as required by the Charter¹⁷.

73. In parallel to these strategy papers, the Ukrainian authorities have recently adopted laws in the field of education and in the media sector, which raise specific questions in the light of the commitments undertaken by Ukraine by ratifying the Charter. The Committee of Experts will address this legislation under the corresponding undertakings (see below under article 8, 11 and 12). It recalls, however, that the protection and promotion of the State language in all fields of public life shall not be made to the detriment of the use of regional or minority languages in public and private life. It also underlines that the reforms should be the subject of public debate with the speakers.

The need to update the legal framework

74. The current law applicable to minority languages dates back to the late 1980s and early 1990s : the 1989 Law of the Ukrainian Soviet Socialistic Republic "On Languages in the Ukrainian SSR" and the 1992 Law on "National Minorities" no longer suit the reality of today's Ukraine. In addition, as indicated by the Advisory Committee of the FCNM in its first and second opinion on Ukraine, the legal framework lacks coherence and contains a number of shortcomings¹⁸.

75. The Committee of Experts notes that the legal uncertainty is the result of the lack of clarity in the inter-relation between these two laws, but also due to some contradictory views as to the validity of certain provisions of these laws¹⁹. Indeed, the use of languages in different spheres is at present determined by the 1989 Law which is in force in so far as it does not contradict the Constitution of Ukraine, according to paragraph 1 of chapter XV "Transitional provisions" of the Constitution of Ukraine (emphasis added). The same formulation applies to the 1992 Law on "National Minorities" in Ukraine.

¹⁵ See also paragraph 8, ACFC/OP/II(2008)004

¹⁶ See paragraphs 58 and 60, ACFC/OP/II(2008)004

¹⁷ See paragraph 149, ACFC/OP/II(2008)004

¹⁸ See paragraph 60, ACFC/OP/II(2008)004

¹⁹ see the analysis of the Venice commission (ref. under footnote 12) and from the FCNM (ACFC/OP/II(2008)004, paragraph 61).

76. The Committee of Experts understands that there have been many attempts to revise the language law. The Committee of Experts invites the Ukrainian authorities to step up their efforts to enact a new legislation on languages, and clarify the existing legal uncertainties.

The situation of the Russian language

77. The Committee of Experts has been made aware that the Charter was invoked by several local and regional authorities, such as the Kharkiv City Council, the Luhansk Regional Council, the Sevastopol City Council and the Donetsk Regional Council as a basis for recognising the Russian language as “regional in the sense of the European Charter for Regional or Minority Languages.”²⁰ These decisions were challenged before the courts by the Procuratura. According to the information received, the court cases that have been decided so far have overturned the decision of the local/regional authorities to grant Russian special status or protection.

78. The Committee of Experts understands that this issue is at the heart of an intense public discussion. So far, the Ukrainian legislation considers only Ukrainian as a state language; in some aspects Russian is treated in the same way as other minority languages and in other aspects, it benefits from some privileges. There is clearly a gap between those who consider that Russian is just one minority language among many others and those advocating that Russian must continue to play an important role as being the language spoken by a very high proportion of the Ukrainian population and having traditionally been the language of inter-ethnic communication in Ukraine.

79. The Committee of Experts recalls that the status of a language is a matter of internal policy and that the text of the Charter does not provide clear guidance as to whether a given language should be considered a state language or given another status. It is not up to the Committee of Experts to challenge the Ukrainian legislation, as long as the language in question receives the necessary protection from the authorities. However, given the number of Russian speakers in Ukraine, it is clear that the Russian language must be accorded a special position.

Endangered Languages

80. The Committee of Experts notes that the instrument of ratification does not mention languages of numerically smaller national minorities which are under threat of extinction, notably the Krimchak and Karaim languages that are traditionally used in Ukraine. During the on-the-spot visit, the authorities confirmed that those languages would be integrated in a future instrument of ratification. However, the new draft law on the ratification of the Charter which the Committee of Experts received during the on-the-spot visit does not mention these languages.

81. The Committee of Experts recalls that according to the Charter, a State cannot exclude languages from being covered by Part II of the Charter. As indicated in the Explanatory report to the Charter, Part II establishes a common core of principles that apply to all regional or minority languages and that “States parties are not free to grant or to refuse a regional or minority languages the status which it is guaranteed under Part II of the Charter” (see paragraphs 22 and 40 of the Explanatory report).

82. Given the vulnerable situation of the Karaim and Krimchak languages, the Committee of Experts decided to meet with representatives of speakers during the on-the-spot visit and will examine the situation of these two languages under Part II of this evaluation report. The Committee of Experts considers that those languages need strong protective measures to ensure their viability and invites the Ukrainian authorities to be proactive in that respect and not to wait until they are formally recognised in the instrument of ratification.

83. The Committee of Experts is also concerned by the situation of Yiddish, which it understands is the language of the Jewish minority covered by the instrument of ratification. However, it is not clear to the Committee of Experts whether the information given by the authorities relates to Yiddish or Hebrew or both. The Committee of Experts encourages the authorities to report on Yiddish in the next monitoring round.

84. Finally, the Committee of Experts is concerned by the current situation of Crimean Tatar, although this language is covered by Part III of the Charter and fully recognised by the Ukrainian authorities. It was

²⁰ see also Bill Bowring and Myroslava Antonovych, “Ukraine’s long and winding road to the European Charter for Regional or Minority Languages”, in *The European Charter for Regional or Minority Languages: Legal Challenges and Opportunities*, Council of Europe Publishing, August 2008, pp.157-182.

informed that the language is in a particularly vulnerable situation and it urges the authorities to also adopt strong protective measures.

Issues related to Romanian and Moldovan

85. The Committee of Experts is aware of the on-going discussion concerning the inter-relations between the Romanian and the Moldovan languages. It met both with representatives of the Romanian community and the Moldovan community during its on-the-spot visit. It notes that a controversy exists between the two communities, including between various representatives of the Moldovan and Romanian authorities²¹. Without entering into this discussion, the Committee of Experts finds it important that the name of the language and its identity shall not hamper the full implementation of the Charter, especially in the fields covered by Part III of the Charter (see the 2nd evaluation report of the Committee of Experts on Spain, ECRML (2008) 5, para. 82-84).

86. The Committee of Experts recalls that it is not up to the Committee of Experts to challenge the Ukrainian legislation, as long as the languages in question receive the necessary protection. The Committee of Experts therefore follows the instrument of ratification of Ukraine and will treat Romanian and Moldovan separately. This instrument of ratification reflects the view of the central authorities who constantly emphasised that due attention is taken to treat both languages on an equal footing.

²¹ see paragraph 47, 2nd report of the FCNM on Ukraine, ACFC/OP/II(2008)004

Chapter 2. The Committee's evaluation in respect of Part II and Part III of the Charter

87. The text of the Charter, when read in conjunction with the instrument of acceptance, indicates in some detail the exact undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee has therefore evaluated how the State has fulfilled each undertaking in Article 7 for Part II and in Articles 8-14 in Part III, using the paragraphs and sub-paragraphs specified in the instrument of acceptance.

2.1. The evaluation in respect of Part II of the Charter

88. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. Within its instrument of acceptance, Ukraine declares that there are no "non-territorial" languages spoken on its territory (see p. 8 of the initial periodical report).

89. As mentioned above, the Committee of Experts has invited the authorities to clarify the status of a number of languages, including Yiddish, Karaim, Krimchak and Romani. During the on-the-spot visit, the Committee of Experts met with speakers of these languages. Considering the vulnerability of these languages, the Committee of Experts has decided to relate this information under Part II.

Article 7 - Objectives and principles

Paragraph 1

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a. the recognition of the regional or minority languages as an expression of cultural wealth;*

90. Ukraine is a multi-ethnic country where many languages are spoken. The Constitution of Ukraine and a number of laws recognise the cultural wealth of minority languages. In accordance with the Constitution, Ukrainian is the state language and the free development, use and protection of Russian and other languages of national minorities are guaranteed, notably through education and cultural activities (see first periodical report, p.3).

91. The current specific law relating to languages dates back from 1989 and recent initiatives to adopt a new law on the use of language have not yet been successful. In addition, the Ukrainian authorities have informed several Council of Europe bodies that most of the provisions of this 1989 Law on Languages are not in accordance with the Constitution²².

92. It was made clear to the Committee of Experts during the on-the-spot visit that the restoration of Ukrainian as the official language would be pursued by promoting the use of this language in different fields rather than by prohibiting the use of other languages. Considering the significant proportion of non-Ukrainian mother tongue speakers, the Committee of Experts expresses the hope that this approach will be reflected in domestic legislation and practice.

93. However, the Committee of Experts notes that recent legal developments in the field of education, media and cinematography have an adverse effect on the use in practice of regional or minority languages (see below under the respective undertakings). This situation combined with the lack of an operational language law in Ukraine is not satisfactory. The Committee of Experts invites the Ukrainian authorities, in consultation with the speakers, to draft a law that fits with today's reality in Ukraine and that gives clear legal guidelines to authorities and citizens.

²² See also paragraph 14, CRI(2008)4.

- b. *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;*

94. The Committee of Experts refers to the description of the administrative-territorial system of Ukraine in its introductory part (see paragraph 13 above). In 2005 an administrative-territorial reform was initiated. The Committee of Experts would be interested to have more information in the next periodical report on that territorial reform and in particular on how minority languages have benefited from it.

- c. *the need for resolute action to promote regional or minority languages in order to safeguard them;*

Endangered languages

95. The Committee of Experts notes that some languages spoken in Ukraine are in a particularly vulnerable situation. This is notably the case of Krimchak in Crimea. During the on-the-spot visit, the Committee of Experts was made aware that the Ukrainian authorities supported this community in the 1990s especially by developing books and films on the social and cultural life of the Krimchak community. The Committee of Experts invites the authorities to adopt even stronger measures to ensure that the community is able to use the language, notably through the setting up of a Sunday school (see also paragraphs 121-122 below).

96. Representatives of the Karaim speakers underlined during the on-the-spot visit that the position of Karaim language is critical, and that measures need to be taken to support this language. Initiatives are carried out by the community, notably the development of a dictionary of Karaim, and in December 2007 a round table was organised gathering lawyers and linguists to find ways to preserve the language. The Committee of Experts understands that teachers of the Crimean Tatar language could teach the Karaim language if they were properly trained and had relevant teaching materials at their disposal. At the moment, a course on the culture and history of Karaim is provided for in the curricula of secondary education which covers the language.

97. According to the information received, plans are in place to revitalise the Karaim and Krimchak languages. The Committee of Experts however emphasises that strong measures are needed, including the support of the Ukrainian authorities and the authorities of Crimea, if the revitalisation plans are to be successful.

98. As far as Yiddish is concerned, the Committee of Experts was made aware during the on-the-spot visit that despite all efforts deployed by the government and the non-governmental organisations, Yiddish is at the brink of extinction in Ukraine. This is notably due to the lack of transmission of the language from older to younger generations. The Committee of Experts understands that there is a revitalisation process but it has not received sufficient information on the outcome of this process.

The Committee of Experts encourages the Ukrainian authorities, including in Crimea, to develop teaching materials, teacher training and Sunday schools, in close cooperation with the speakers of Yiddish, Karaim and Krimchak.

99. According to the information provided in the initial periodical report, the Ukrainian authorities are carrying out a programme of settling Crimean Tatars until 2010, with a view to facilitating their adaptation and social integration. To that end, a state budget will be allocated for the construction and the organisation of social and cultural activities (see p.5). The Committee of Experts invites the authorities to clarify to what extent support also applies to the Crimean Tatar language.

General statement

100. The Committee of Experts underlines that resolute action to promote regional or minority languages in order to safeguard them covers, among other things, the following aspects: the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which are responsible for the promotion of these languages, and the provision of adequate financial resources (in this respect, see the second evaluation report of the Committee of Experts on Germany - ECRML (2006) 1 paragraph 24, the second evaluation report of the Committee of Experts on Sweden - ECRML (2006) 4, paragraph 28, the third evaluation report of the Committee of Experts on Norway - ECRML (2007) 3,

paragraph 34, and the second evaluation report of the Committee of Experts on Spain, ECRML (2008) 5, paragraph 103).

101. As far as the legal framework for the promotion and protection of regional or minority languages is concerned, the Committee of Experts refers to its comments above (see in particular the comments on the 1989 law on languages, paragraphs 74-76 above). The Ukrainian authorities adopted the Concept for National Linguistic Policy after the visit of the Committee of Experts. Representatives of Romanian, Hungarian and Russian language speakers informed the Committee of Experts that this Concept paper limits itself to recognising the degradation of regional or minority languages in Ukraine, without proposing any specific measure. The Committee of Experts notes that measures which are currently envisaged to protect the languages of national minorities mostly consist of informing about the right to use these languages in private and in public, but only to the extent that this does not affect the further development of the Ukrainian language in all areas of public life. It encourages the authorities to take active measures to support the use of these languages.

The Committee of Experts encourages the Ukrainian authorities to take measures to ensure the use of regional or minority languages in public life.

The authorities are also invited to involve representatives of minority language speakers regarding the implementation of the Concept for National Linguistic Policy, and in particular in the drafting of a new law on languages.

102. As regards bodies responsible for the promotion of the regional or minority languages, the Committee of Experts also refers to its comments regarding the diversity of responsibility between state bodies and the lack of a coherent approach to minority language issues (see paragraphs 70-71). The attention of the Committee of Experts has been drawn to the numerous restructurings and reshufflings of governmental institutions dealing with national minorities, which have had a negative impact on the preparation of legislative reforms and policies²³. The State Committee for Nationalities and Religion has been designated as the body in charge of implementing the Charter. The Ukrainian authorities also informed the Committee of Experts that an interdepartmental working group was formed under the Foreign Ministry of Ukraine, which included representatives of the ministries and agencies concerned, as well as external experts. This working group will discuss and tackle a range of issues related to the normative, financial and logistical support of the process of implementing the Charter (see p. 11).

103. Financial resources to implement the Charter are provided for in the State budget, notably the budget programme 5321080 "Activities Aimed at Implementation of the European Charter for Regional and Minority Languages". The State Committee for Nationalities and Religions of Ukraine is responsible for this programme. The activities financed by the programme are inter alia the promotion of the 13 national minority languages covered by the provisions of the Charter. However, as indicated in the table below, the allocation of funds is uneven (see p. 9).

²³ see also paragraphs 215-216, ACFC/OP/II(2008)004

<i>Language minority</i>	<i>Ethnic community, number of persons</i>	<i>Allocated public assistance, hryvnias</i>
<i>Bulgarian</i>	<i>204,600</i>	<i>387,000</i>
<i>Belorussian</i>	<i>275,800</i>	<i>0</i>
<i>Gagauz</i>	<i>31,900</i>	<i>0</i>
<i>Greek</i>	<i>91,500</i>	<i>118,300</i>
<i>Jewish</i>	<i>103,600</i>	<i>394,000</i>
<i>Crimean Tatar</i>	<i>248,200</i>	<i>527,000</i>
<i>Moldovan</i>	<i>258,600</i>	<i>20,000</i>
<i>German</i>	<i>33,300</i>	<i>25,000</i>
<i>Polish</i>	<i>144,100</i>	<i>339,400</i>
<i>Russian</i>	<i>13,500,000</i>	<i>60,000</i>
<i>Romanian</i>	<i>151,000</i>	<i>745,000</i>
<i>Slovak</i>	<i>6,400</i>	<i>0</i>
<i>Hungarian</i>	<i>156,600</i>	<i>124,300</i>

(1 Ukrainian hrynvya = 0.0954072 euro, as at 12/12/08)

104. In accordance with Article 16 of the Law of Ukraine “On National Minorities” the state budget appropriates funds to the Ministry of Culture and Tourism and the State Committee for Nationalities and Religions for the cultural development of the national and language minorities. This financial support falls under the budget programmes “Activities Aimed at Rehabilitation of the Culture of National Minorities” and “Activities Aimed at Rehabilitation of the Culture of National Minorities and Sponsorship of Newspapers Published in Languages of National Minorities ” (see p.9)

105. However, the Committee of Experts was made aware that there is a feeling among speakers that the long term existence of this programme is not sufficiently ensured.

The Committee of Experts encourages the Ukrainian authorities to grant the necessary support to the State Committee on Nationalities and Religions for it to support adequately all regional or minority languages.

- d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian, Slovak.

106. The Committee of Experts refers to its evaluation under Part III of the Charter.

Karaim and Krimchak

107. In Crimea, there is a cultural centre used by Karaim and Krimchak speakers. The Committee of Experts was informed, however, that the financial support provided to this cultural centre by a Swiss foundation will end in 2009. As the community does not have enough means to pay the rent, the cultural centre might close down. In addition, despite the support granted by the authorities of Crimea, it appears that it has not been possible to set up a Sunday school for financial reasons.

108. Representatives of those two communities stressed that in the case of a return of property to the community, in accordance with the relevant Presidential Decree for the return of property to ethnic groups, they would use this property as a museum and for the preservation of the cultural heritage of Karaim and Krimchak.

109. Considering the importance a cultural centre can have to promote the languages and to ensure the use of these languages in public life, the Committee of Experts calls on the authorities to provide the necessary support for this centre to operate. This is particularly important given the vulnerable situation of those two languages.

Yiddish

110. According to the information submitted by the Ukrainian authorities, there is a Yiddish newspaper distributed in Ukraine (see p. 10 of the initial periodical report). However, the Ukrainian authorities have not provided any information on measures taken aimed at increasing the presence and the visibility of Yiddish in public life. The authorities are invited to clarify to what extent they support this newspaper in Yiddish, and to report on measures adopted in order to encourage the use of Yiddish in their forthcoming report.

Romani

111. No information has been provided by the Ukrainian authorities on measures taken to encourage the use of Romani in public life. During the on-the-spot visit, representatives of Roma non-governmental organisations underlined that Romani was not used in the mass media as it was not economically possible. The Committee of Experts was informed that in Transcarphthia a magazine/newspaper in Romani and Ukrainian was published 6 or 7 times per year from 1993 to 2001 thanks to private financial support. However, no public support from the authorities was granted.

112. The Committee of Experts was informed that the regional state administration of Transcarparthia has signed an agreement with a regional Charitable Foundation. This foundation was running a cultural centre which is used by the Roma. However, with the change of local government it turned out not to be possible for this foundation to continue renting the premises. The Committee of Experts encourages the relevant authorities, including at local and regional level, to facilitate access to a cultural centre for Roma.

The Committee of Experts encourages the competent authorities to take measures, in cooperation with the speakers, to support the presence of Romani in the media and in cultural life.

- e. *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different language;*

113. In previous reports, the Committee of Experts has stressed the benefit for speakers of different regional or minority languages of having a forum where they can establish a dialogue and create constructive links (cf. the 2nd report on Norway, ECRML (2003)2 paragraph 68, the 3rd report on Norway, ECRML (2007)3 paragraph 70, and the 2nd report on Spain, ECRML (2008) 5, paragraph 147-148). The Committee of Experts recalls that in other countries speakers representing regional or minority languages seem to have benefited from established fora for dialogue and co-operation, and that via such common fora constructive links have been created.

114. The Ukrainian authorities have not reported on this undertaking in their initial periodical report. The Committee of Experts invites the Ukrainian authorities to clarify to what extent the State Committee on Nationalities and Religions and the All-Ukrainian cultural associations which include representatives of different national minorities, constitute such a forum where communities can exchange ideas and points of views on language matters. The Committee of Experts would also be interested to know if such fora exist at local and regional level.

- f. *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian, Slovak.

115. The Committee of Experts refers to its evaluation under Part III of the Charter.

Gagauz

116. The Committee of Experts commends the Ukrainian authorities for having taken into account the wish of the Gagauz speakers to use the latin script instead of the Cyrillic script. The Committee of Experts understands that further support will be needed to produce teaching materials and textbooks. Support is granted by the Union of Gagauz of Ukraine and eventually by the authorities of the Autonomous Province of Gagauzia in Moldova. The Committee of Experts has not been made aware of any support from the

Ukrainian authorities in that respect and encourages the relevant authorities to cooperate with the speakers and support the development of appropriate teaching materials.

Karaim

117. The Committee of Experts understands that there is a great lack of teachers and of teaching materials in the Karaim language. However, it seems that teachers of the Crimean Tatar language could, if properly trained and having relevant teaching materials at their disposal, teach the Karaim language. The Ukrainian authorities are encouraged to provide teacher training and teaching materials in this language. The Committee of Experts also refers to its comments above (paragraphs 95-97).

118. The Committee of Experts understands that at secondary level (from 5th to 12th grade), the curricula include a course on the culture and history of Karaim but that there are no language courses. Non governmental sources indicated that a number of adults and children would like to learn the Karaim language.

Krimchak

119. The Committee of Experts was informed during the on-the-spot visit that a dictionary and textbooks have been produced in Krimchak but are not generally available. It seems that some measures are taken to develop textbooks in Krimchak, but the Committee of Experts would need more precise information from the authorities in their next report to better assess the situation. The Committee of Experts also refers to its comments above (paragraphs 95-97).

Romani

120. As far as the Romani language is concerned, a project was carried out to introduce Romani as a school subject at secondary school level (under the subject "language and literature" from 5th to 12th grade). In a pilot project carried out in a primary school, 25 children were studying Romani two hours a week. However, very few or no textbooks were available for teachers to be used in this project. In addition, classes were held outside regular school hours.

121. The Committee of Experts welcomes these initiatives but encourages the Ukrainian authorities to provide substantial support to ensure the possibility for children to follow Romani language and literature classes. It invites the authorities to report on any measures taken in that respect in their forthcoming report.

- g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;**

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian, Slovak.

122. The Committee of Experts refers to its evaluation under Part III of the Charter.

123. The Ukrainian authorities have not reported under this undertaking. However, the Committee of Experts understands that Sunday schools, where available, offer the possibility for anyone wishing to learn regional or minority languages to do so, including for persons not belonging to the ethnic minority. The Committee of Experts encourages the Ukrainian authorities to provide information on this in their next periodical report, regarding in particular languages not covered by Part III.

- h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;**

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian, Slovak.

124. The Committee of Experts refers to its evaluation under Part III of the Charter.

Karaim

125. The Committee of Experts was made aware of a postgraduate course at the University of Simferopol. However, speakers have stressed the need to open a chair for the language and literature of Karaim at this University, which has not yet been possible.

126. The Committee of Experts invites the relevant authorities to comment on this issue in the next periodical report.

- i. ***the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.***

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian, Slovak.

127. The Committee of Experts refers to its evaluation under Part III of the Charter.

Part II languages

128. The Committee of Experts asks the Ukrainian authorities to provide more specific information in the next periodical report on how the use of each of the languages covered only by Part II of the Charter is facilitated and/or encouraged in transnational exchanges.

Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

129. According to the Ukrainian authorities, the right to equal protection of the law and a ban of ethnic discrimination are secured both in the Constitution of Ukraine and in the Law of Ukraine "On National Minorities in Ukraine". Ukraine guarantees all citizens equal political, social, economic and cultural rights and freedoms, irrespective of their nationality, and supports the development of national identity and self-expression. All Ukrainian citizens enjoy equal protection by the state. When ensuring the rights of representatives of national minorities, the State proceeds from the principle that the rights of national minorities are an integral part of generally recognized human rights. Article 10 Part 3 of the Constitution in particular ensures the free development, use and protection of Russian and other minority languages of Ukraine (see periodical report pp. 4 and 15)

Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

General remarks

130. This undertaking requires States to take concrete positive measures to promote respect, understanding and tolerance for all languages used on the territory of the State. Such positive measures could, for example, include informing the whole population of the existence and value of the regional or minority languages and including the culture and history of the users of these languages in the national curricula.

131. Education and the media are therefore the best means to raise awareness among the majority population of the presence of regional or minority languages and to promote mutual understanding between linguistic groups (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Croatia, ECRML (2005) 3, para. 39 and the 1st report on Spain, ECRML (2005) 4, paragraph 182). In that respect, the Committee of Experts underlines that the purpose of the present

obligation is not just knowledge of the existence of regional or minority languages in one's country but also, and perhaps above all, understanding and tolerance vis-à-vis regional or minority languages and their speakers.

132. Representatives of several regional or minority language speakers underlined the generally prevailing climate of tolerance in Ukraine and the positive attitude of the Ukrainian authorities towards them. However, the Committee of Experts is aware of tensions in Ukraine resulting from disputes related to language issues, in particular inter-relations between the Ukrainian and Russian languages.

133. The recent adoption of the Concept Paper on national language policy has also led to increased inter-ethnic tensions, as has been indicated to the Committee of Experts, and those tensions have had an adverse impact on the spirit of tolerance and intercultural dialogue. Representatives of the minority languages underlined that in this context, the authorities sometimes depicted proposals to raise the status of the Russian language at the regional level and to move towards a multilingual system at national or regional levels as a threat to the unity of Ukraine²⁴.

134. The Committee of Experts invites the Ukrainian authorities to keep a balanced approach when addressing language issues, particularly when implementing the Concept paper on national language policy, but also when drafting the new law on languages and the new law on ratification of the Charter. The Committee of Experts also encourages the Ukrainian authorities to step up their activities aimed at raising awareness among the general population of the importance of tolerance and respect for linguistic diversity, through education and the media.

Education

135. As far as education is concerned, the Committee of Experts was informed during the on-the-spot visit that teaching materials often do not reflect regional specificities within Ukraine, including the presence of various national minorities in the regions concerned. At the same time, the Committee of Experts was made aware of positive initiatives carried out notably in Crimea where two textbooks were published, reflecting the multi-ethnic and multi-linguistic environment existing in Ukraine. The Committee of Experts welcomes this kind of initiative but notes that strong measures should be taken to include elements of the culture expressed by the regional or minority languages spoken in Ukraine as an integral part of the Ukrainian cultural heritage in the general curriculum for Ukrainian pupils.

Media

136. The Committee of Experts notes that the media coverage relating to language issues is often reduced to matters relating to the Russian language. This contributes to increasing tensions around language policy. The Committee of Experts also notes some positive developments. The authorities refer to a 20-minute programme in Ukrainian "Az yesm" which has been broadcast in Mariupol twice per week since September 2004. This programme provides information on the culture and tradition of different national minorities living in Mariupol. In 2005, the programme was awarded the Grand Prix at the All-Ukrainian Journalist Contest "Mass Media – for interethnic tolerance and society consolidation".

137. However, as underlined by other Council of Europe organs, such as the Advisory Committee of the Framework Convention on the Protection of National Minorities and the European Commission against Racism and Intolerance²⁵, information on regional or minority language speakers is still being presented by some media in a manner which is likely to strengthen stereotypes associated with persons belonging to certain minorities, including Roma and Jews.

138. Bearing in mind the important role also played by the media, the Committee of Experts invites the Ukrainian authorities to provide information on measures aimed at encouraging the media to eliminate stigmatising approaches towards speakers of regional or minority languages.

²⁴ see also paragraph 100 of the FCNM report, ACFC/OP/II(2008)004.

²⁵ see in particular paras 114-118 of the FCNM report, ACFC/OP/II(2008)004 and paragraphs 104-105 of ECRI third report on Ukraine.

The Committee encourages the Ukrainian authorities to take measures to improve respect, understanding and tolerance on the whole of the territory of Ukraine in relation to regional or minority languages.

Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

139. During the on-the-spot visit, the Committee of Experts was informed that speakers of Romani have expressed their wish to have their language covered by the Charter. The Ukrainian authorities acknowledged that other languages should have been included in the law on ratification of the Charter and informed the Committee of Experts that they envisage to give Part III protection to more languages. The Committee of Experts welcomes this development and encourages the Ukrainian authorities to consult the speakers of regional or minority languages in Ukraine when drafting a new law on ratification of the Charter.

140. The Ministry of Justice organised a round table on 30 May 2007 on the initial Report on the Charter for public discussion, with a view to taking into consideration the opinion of national minority language users (see p.2). The Committee of Experts also notes that there is reference, in the bulk of the initial report, to a report prepared by NGOs representing minority language speakers. The Committee of Experts commends the Ukrainian authorities for this initiative.

141. During the on-the-spot visit, however, representatives of the speakers and NGOs informed the Committee of Experts that they had only been consulted to a limited extent on the drafting of the initial state periodical report on the Charter. Crimean Tatars reported that they were not consulted at all. The Committee of Experts recalls the importance of consulting representatives of speakers when preparing the periodical report.

142. In Ukraine, organisations having obtained the status of a national umbrella organisation can join the Council of representatives of All-Ukrainian public minority associations. Since February 2008 when it resumed its work, this consultative body to the State Committee on Nationalities and Religions participates in the elaboration of proposals and takes part in the implementation of national policies of relevance to national minorities.

143. During the on-the-spot visit, speakers of some minority languages stressed that they had not been consulted during the process of the drafting of the Draft Concept for State Ethnic Policy and the Draft Concept Paper on National Language Policy. They informed the Committee of Experts that they had also not been consulted on legislation that has an impact on the use of regional or minority languages such as the laws on media, on education and on cinematography.

144. In addition, the Committee of Experts was informed that the State Committee does not systematically follow up on decisions and recommendations taken by the Council. The Committee of Experts considers that there is room for improvement regarding the interaction between those two bodies and it encourages the State Committee to take into consideration the views of the Council in a more consistent way before transmitting its own opinions and advice to the Government²⁶.

145. The Committee of Experts encourages the Ukrainian authorities to allow the Council of all-Ukrainian public minority associations to play a more active role in legislative and policy work carried out by the Ukrainian authorities in the field of minority languages.

²⁶ see also para 208 of the FCNM report, ACFC/OP/II(2008)004.

Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

146. The Ukrainian authorities declared in their instrument of ratification that Article 7 paragraph 5 does not apply, as the relevant legislation of Ukraine does not contain the notion “non-territorial language”.

2.2. The evaluation in respect of Part III of the Charter

147. The Committee of Experts examined in more detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter. The languages in question are, in alphabetical order: Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community, Moldovan, Polish, Romanian, Russian and Slovak.

148. The Committee of Experts commends the Ukrainian authorities for having involved the relevant authorities, including at regional level, in the preparation of the report. However, it regrets that this initial report has been compiled with a certain lack of coherence. It invites the authorities to send a more comprehensive and coherent report in the forthcoming round.

149. The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Ukraine. As many elements are relevant for all regional or minority languages, the Committee of Experts decided to devote a general section for each Article of the Charter raising general issues for all languages and will then refer to the specific situation of each language covered by Part III of the Charter.

Article 8 - Education

General comments

150. According to the Ukrainian authorities, Article 53 part 4 of the Constitution of Ukraine grants the right for citizens belonging to national minorities to education in their native language or to study it either at public or municipal educational institutions or through national-cultural societies (see p. 16).

151. The level of protection guaranteed by the Constitution is rather high and this guarantee is equally highly protected by the Law of languages from 1989. According to Article 27 of the Law of the Ukrainian SSR "On Languages in Ukrainian SSR", "in the areas of dense settlement of other nationalities, general schools can be established with the educational process carried out in their national or any other language". "Pursuant to article 3, part 3 of this Law, in cases when citizens of other nationalities who constitute the majority of the population of particular administrative-territorial units or populated localities do not have sufficient knowledge of the national language, or when these units or localities are densely populated by several nationalities, none of which constitute the major part of the population of the locality, Ukrainian or the language acceptable for the whole population can be used in the aforementioned authorities and organisations; general secondary schools can be established with the language of instruction and education determined collectively by the schoolchildren's parents" (see p.17 of the initial periodical report).

152. However, the Committee of Experts notes that the obligation for the authorities to provide for the creation of a class or a school with education in a minority language if certain objective conditions are met is currently not provided for in clear terms and no effective legal remedy seems to be available against arbitrary refusals by the local authorities. In places of dense settlement, education should be available in the regional or minority languages. However, it is not clear to the Committee of Experts whether education is indeed provided when conditions are met, notably if there is sufficient demand from parents. The Committee of Experts understands from information received during the on-the-spot visit that in some cases, although the number of pupils is sufficient and the conditions are met, parents face difficulties in practice with the local authorities who do not support minority language education. In some regions for instance, it is reported that certain local authorities refuse to introduce bilingual education. In other cases, Ukrainian classes are opened in certain schools with minority language instruction.

153. The Committee of Experts shares the concerns expressed by the Advisory Committee on the Framework Convention on the Protection of National Minorities in its first and second monitoring reports, particularly regarding the legal uncertainty and the practical difficulties in ensuring the rights recognised by Article 53 paragraph 5 of the Constitution and Articles 25-29 of the Law on Languages. As indicated by the provisions of the Charter regarding education, the main criteria for the introduction of minority language education should be the existence of a "sufficient demand" rather than the ethnic composition of the region in question²⁷.

²⁷ See paragraphs 187 and 191 of the FCNM report, ACFC/OP/II(2008)004.

154. Despite the high protection granted in the domestic legal framework, in their instrument of ratification, the Ukrainian authorities have chosen a low level of commitment as regards education, namely article 8 paragraph 1 "a (iii)", "b (iv)", "d (iv)", "e (iii)", "f (iii)". The Committee of Experts is of the opinion that the existing level of protection applied in Ukraine is higher than the level reflected by the ratification instrument. The Committee of Experts underlines that, according to Article 4.2 of the Charter, a higher level previously achieved should not be lowered because of the ratification of the Charter. The Committee of Experts invites the authorities to take these observations into consideration in the context of the current revision of the law on ratification of the Charter.

155. In addition, Ukraine has in its ratification instrument granted the same level of protection to all Part III languages. The 13 languages covered by Part III differ widely both with regard to the number of users and to the level of protection previously achieved. In respect of several languages therefore, notably Hungarian, Romanian and Russian, the Committee of Experts has found that almost all undertakings relating to education are fulfilled or partly fulfilled. However, this achievement is partly due to the fact that the chosen undertakings do not adequately reflect the situation of those languages to which more ambitious undertakings could be applied.

156. The Committee of Experts has been informed that since 2003, the Ministry of Education has encouraged educational institutions with instruction in a minority language to introduce more subjects taught in Ukrainian. Against this background, the Ministry of Education adopted an Order on 25 April 2008 (number 461) about the learning of the Ukrainian language in schools with minority language instruction from 2008 to 2011. The Committee of Experts understands that as from 2008, those establishments which used to be monolingual will be transformed into bilingual schools. Representatives of the Hungarian, Romanian and Russian languages speakers have complained to the Committee of Experts that they have neither been involved in the drafting of this order nor informed about its content.

157. The Committee of Experts acknowledges that this measure could gradually increase children's proficiency in the State language. However, it considers that there is a need to provide clearer legal guarantees for the right of persons belonging to national minorities to receive instruction in their language when certain conditions are met.

The Committee of Experts encourages the Ukrainian authorities to involve speakers of regional or minority languages in the preparation of reforms in the educational sector affecting regional or minority language education.

158. Finally, representatives of all minority languages drew the attention of the Committee of Experts to the lack of qualified teachers and the lack of appropriate teaching materials. It seems also that the lack of qualified teachers is an argument used sometimes by the authorities to discourage the opening or maintenance of educational institutions with minority languages. In addition, the Committee of Experts understands that a number of requirements are put upon those who wish to import literature from abroad into school libraries. The Committee of Experts therefore invites the Ukrainian authorities to take measures aimed at easing the existing undue procedural requirements for accepting written materials from abroad²⁸.

159. The Ministry of Education confirmed that schools are only allowed to use textbooks published by the Ukrainian Ministry of Education or textbooks approved by this Ministry. However, speakers from different minorities complain that these books are outdated, insufficient in number and poorly translated from Ukrainian.

160. The Committee of Experts encourages the Ukrainian authorities to develop an educational policy whereby education in regional or minority languages is addressed, with a view notably to providing qualified teachers and adequate teaching materials.

The Committee of Experts encourages the Ukrainian authorities to develop a coherent strategy in the field of teacher training and to provide adequate teaching materials for regional or minority language education.

²⁸ See paragraphs 169 and 172 of the FCNM report, ACFC/OP/II(2008)004.

Paragraph 1

With regard to education, 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:

General comments

161. The Ukrainian authorities have in many instances declared that the provisions they opted for did not apply to some languages. The Committee of Experts recalls that when ratifying the charter and opting for several undertakings, the authorities commit themselves to ensuring, through the adoption of pro-active measures, that education in and teaching of regional or minority languages at all levels is available in practice when there is a sufficient demand.

162. The Committee of Experts therefore encourages the Ukrainian authorities to include information in the next periodical report about the specific situation concerning education for all the regional or minority languages that have been given Part III status.

Pre-school Education

- a i to make available pre-school education in the relevant regional or minority languages; or*
- ii to make available a substantial part of pre-school 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***

163. Two laws apply to children with a regional or minority language background. Pursuant to article 10 of the Law of Ukraine "On Preschool Education", the language(s) of a preschool institution are determined in accordance with the Constitution of Ukraine and the law on languages (see p.16 of the initial periodical report). In accordance with article 26 of the Law on Languages, "in the areas of dense settlement of other nationalities, preschool institutions can be established with the educational process carried out in the children's national or any other language". This Law also states that "where necessary, at preschool institutions separate groups can be formed with the language of education other than in the rest of any such institution".

164. The Committee of Experts invites the Ukrainian authorities to clarify whether education at pre-school level is offered in the minority language when there is sufficient demand and whether parents have recourse to any remedies if local authorities refuse to open a class.

Belorussian

165. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to receive education in this language (p. 18 of the periodical report).

166. The Committee of Experts understands that at the moment, there is no tuition in Belorussian in kindergartens and pre-schools but that education in Belorussian or teaching of the language as a subject is carried out to some extent through uncoordinated private initiatives. The Committee of Experts was informed by the speakers that a school could be opened in the Dnipropetrovsk and in the Rivne regions, if the speakers express this wish.

167. The Committee of Experts encourages the authorities to consult the speakers more thoroughly in order to get a clear picture of the needs of this community.

Bulgarian

168. According to the information provided by the Ukrainian authorities, this provision does not apply to Bulgarian (see p. 18 of the initial periodical report).

169. However, during the on-the-spot visit, the Committee of Experts was made aware of the existence of Bulgarian kindergartens in villages where there is a large concentration of Bulgarians, notably in the Odessa region.

Crimean Tatar

170. According to the information provided by the Ukrainian authorities, this provision does not apply to Crimean Tatar (see p. 23 of the initial periodical report). The Committee of Experts refers to its general comments above, and it invites the authorities to come back to this undertaking in their next report.

171. Furthermore, considering the vulnerability of this language, the Ukrainian authorities are encouraged to develop pro-active measures to support education in Crimean Tatar at pre-school level.

Gagauz

172. According to the information provided by the Ukrainian authorities, this provision does not apply to Gagauz (see p. 20 of the initial periodical report).

173. During the on-the-spot visit, problems related to the teaching of Gagauz as a subject in the Odessa region were raised by representatives of speakers. The Committee of Experts understands that these problems have been solved now. However, there is no teaching in Gagauz at kindergarten level.

174. The Committee of Experts was also informed that there is no support from the authorities, and that therefore the possibility to follow education in Gagauz, which is theoretically possible when there is a sufficient number of pupils, is very limited in practice.

German

175. According to the authorities, German is studied as a foreign language in general schools, including by children of the German minority. This however is not relevant at pre-school level. The Committee of Experts therefore invites the authorities to provide relevant information in their forthcoming periodical report.

Greek

176. According to the information provided by the Ukrainian authorities, this provision does not apply to Greek, but no further explanations are provided (see p. 21 of the initial periodical report). The Committee of Experts refers to its general comments above, and it invites the authorities to come back to this undertaking in their next report.

Hungarian

177. According to the information provided by the Ukrainian authorities, education in Hungarian is available in the Zakarpatya region, in 68 preschool institutions (2,856 children).

Language of the Jewish community/Yiddish

178. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

179. According to the information provided by the Ukrainian authorities, 19 pre-school institutions provide education in Moldovan in the Odessa region (see p.24).

180. The Committee of Experts invites the Ukrainian authorities to specify whether there is demand in regions other than the Odessa region, for instance in the Chernivtsi region where a large number of Moldovan speakers live.

Polish

181. Education in Polish is available in one preschool institution in the Lviv region and in several private preschool institutions (see p. 26 of the initial periodical report).

182. The Committee of Experts invites the Ukrainian authorities to specify whether there is a demand for pre-school education in Polish in other regions, such as in the Zhytomyr region where a dense population of Polish speakers live.

Romanian

183. According to the information provided by the Ukrainian authorities, education in Romanian is available in the Chernivtsi region (42 preschool institutions with 1,800 children) and in the Zakarpatya region (2 preschool institutions with 65 children, see p. 28 of the initial periodical report).

Russian

184. According to the Ukrainian authorities, education is available in Russian throughout Ukraine. According to the figures given, 157,033 children receive education in Russian at 971 preschool institutions (see p. 28 of the initial periodical report).

185. During the on-the-spot visit, the Committee of Experts received complaints from the Russian speakers that the number of pre-school establishments operating in Russian is constantly decreasing.

186. The Committee of Experts considers that the undertaking chosen by the Ukrainian authorities for Russian does not correspond to the existing offer of Russian-medium education at pre-school level. The Committee of Experts asks the Ukrainian authorities to provide information on the demand of pre-school education in Russian and how the authorities deal with this demand.

Slovak

187. According to the information provided by the Ukrainian authorities, this provision does not apply to Slovak (see p. 29 of the initial periodical report). The Committee of Experts refers to its general comments above and invites the authorities to come back to this undertaking in their next report.

Conclusion

188. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, the language of the Jewish community/Yiddish and Slovak. The Committee of Experts considers that the undertaking is fulfilled in relation to Hungarian, Romanian and Russian. However, for these languages the undertaking chosen does not correspond to the existing offer of education in these languages at pre-school level. As regards Moldovan and Polish the Committee of Experts considers that the undertaking is partly fulfilled and invites the authorities to provide more information in the next report.

Primary Education

- b i to make available primary education in the relevant regional or minority languages; or*
- ii to make available a substantial part of primary education in the relevant regional or minority languages; or*
- iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;*

General comments

189. In Ukraine, education is not divided between primary and secondary level. The division between compulsory and voluntary education comes after the 9th grade. The first nine years are compulsory : they comprise the “primary” level education between the 1st and 4th year, and “secondary” between the 5th and 9th year. As from the 10th to 12th grade, upper secondary school is voluntary.

190. Article 5 of the Law of Ukraine “On General Secondary Education”, aims at developing children’s respect for official and native languages, for the national values of the Ukrainian nation, and for the values of other nations and nationalities. According to Article 7 of this Law, the language(s) of instruction and education in general education institutions is (are) determined in accordance with the Constitution of Ukraine and the Law of Ukraine on languages. The Committee of Experts notes that according to the current legislation, education in Ukrainian and Russian at this level is compulsory (see p. 17 of the initial periodical report).

191. The Committee of Experts refers to its comments above regarding the lack of teaching materials and qualified teachers (see paragraphs 158-160).

Belorussian

192. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to receive education in this language (p. 18 of the initial report).

The Committee of Experts underlines that as Ukraine has ratified for this undertaking concerning Belorussian, the provision does apply to this language.

193. It was brought to the attention of the Committee of Experts that there are special classes between the 1st and the 5th grade, where Belorussian is studied as a subject in a village near Kyiv. In addition, two Sunday schools in Belorussian are operating in Lviv and Odessa and in 4 schools in Crimea although these 4 schools are not officially registered. The Committee of Experts was informed that the opening of Sunday schools in the Rivne and Chernihiv regions is currently being discussed.

Bulgarian

194. Both Bulgarian medium tuition and teaching of Bulgarian as a subject are available. According to the authorities, a total of 3,809 pupils study Bulgarian as a subject in the Zaporizhya region, the Odessa region (37 schools), and in the Autonomous Republic of Crimea (see p. 18 of the initial periodical report).

195. During the on-the-spot visit, the Ministry of Education informed the Committee of Experts that a new ABC –Book was available in Bulgarian.

Crimean Tatar

196. In the Autonomous Republic of Crimea, 2015 pupils study in Crimean Tatar, and 6,859 pupils study Crimean Tatar as a subject. Education is also provided in the Kherson region at primary level, where Crimean Tatar is taught as a curriculum component (97 pupils - see p.23).

197. The Committee of Experts was informed that in Crimea, there are 15 schools operating in Crimean Tatar, seven in Ukrainian and nearly 600 in Russian. Representatives of speakers stressed that this was not sufficient to cover their needs.

198. During the on-the-spot visit, the Ukrainian authorities informed the Committee of Experts that since 2002, additional textbooks have been developed, in particular an ABC-Book in Crimean Tatar. However, representatives of Crimean Tatar stressed their deep concern regarding the lack of quality teaching materials. They consider that these materials are outdated, insufficient in number and poorly translated from Ukrainian.

199. While acknowledging the efforts made by the Ukrainian authorities to open education institutions teaching in Crimean Tatar, the Committee of Experts invites them to develop further efforts in expanding the existing offer in this region, as well as on teaching materials for education at primary level.

Gagauz

200. According to the information provided by the authorities, a total of 545 pupils from the 1st to 4th grade study the Gagauz language as a subject (see p. 20 of the initial periodical report).

201. As the Gagauz community has a population of about 32 000 to 40 000 people, the Committee of Experts wonders whether the existing offer corresponds to the needs of the pupils. The Committee of Experts understands from the information gathered during the on-the-spot visit that there is a demand for education also in Odessa and in Kyiv.

German

202. According to the information provided by the Ukrainian authorities, this provision does not apply to German, as this language is only studied as a foreign language in general schools, including by children of the German minority (see p.25).

203. The Committee of Experts underlines that as Ukraine has ratified for this undertaking concerning German, the provision does apply to this language.

Greek

204. According to the Ukrainian authorities, teaching of Greek as a subject is available in the Kherson region and the Autonomous Republic of Crimea. There are schools in Mariupol, in the Donetsk region, specialising in modern Greek and the history and culture of Greece and of the Ukrainian Greeks (see p. 26 of the initial periodical report).

Hungarian

205. Hungarian-medium education is available in 71 general schools. In 27 bilingual general schools of the Zakarpatya region, 6,528 pupils study in Hungarian. In addition, 329 pupils study Hungarian as a subject (see p.30).

206. During the on-the-spot visit, the Ministry of Education informed the Committee of Experts that a new ABC-Book was available in Hungarian.

The language of the Jewish community/Yiddish

207. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

208. Moldovan is the language of instruction of 1,600 pupils. In addition, Moldovan is taught as a subject to 616 pupils, and it is a curriculum component of 6 educational institutions (see p. 24).

209. During the on-the-spot visit, Moldovan speakers indicated that the quality of teaching materials is not satisfactory.

Polish

210. According to the Ukrainian authorities education in or of Polish is provided in several regions, inter alia in five general schools of the Lviv and Khmelnytsk regions. Bilingual education is provided in one school in the Ivano-Frankivsk region (516 pupils). Polish is also a curriculum component, either as a compulsory or an optional subject in the Zhytomyr, Vinnytsya and Kherson regions (see p. 26).

211. The Committee of Experts was informed during the on-the-spot visit that the Ministry of Education has developed a new ABC-book in Polish.

Romanian

212. Romanian is the language of instruction of 8671 pupils in the Chernivtsi and Zakarpatya regions in 12 Romanian-language schools and 2 Ukrainian-Romanian-Russian language schools. In addition, 177 pupils study Romanian as a subject in Chernivtsi region (see p.29).

213. During the on-the-spot visit, the Ukrainian authorities informed the Committee of Experts that a new ABC-Book was available in Romanian. However, the Romanian speakers drew the attention of the Committee of Experts to the low quality of teaching materials, which are outdated, insufficient in number and poorly translated.

Russian

214. Teaching of Russian is compulsory at primary level. The Committee of Experts notes, however, that the share of the instruction in the Ukrainian language has continued to increase at all levels of education while, in particular, the share of the instruction in the Russian language has decreased.

215. According to the Ukrainian authorities, education is available in Russian throughout Ukraine: 1305 general schools provide education in Russian. In addition at 1860 bilingual general schools 269,647 pupils

are taught in Russian. Furthermore, 391 000 pupils study Russian as a subject (see p. 28 of the initial periodical report).

216. During the on-the-spot visit, the Committee of Experts received complaints from representatives of Russian speakers regarding the trend towards the closure of Russian schools, notably in regions where Russian speakers form a significant part of the population or even the local majority. The Committee of Experts understands this is the result of initiatives taken by the authorities to redress past practices which are felt to have overlooked the need for education in Ukrainian.

217. The Committee of Experts considers that the present undertaking does not correspond to the reality of Russian-medium education offered at primary level.

Slovak

218. According to the Ukrainian authorities, 53 pupils in Zakarpatya region receive education in Slovak. The language is not studied at primary level as a subject (see p. 29).

Conclusion

219. The Committee of Experts considers that the undertaking seems not to be fulfilled as regards Belorussian and the language of the Jewish community/Yiddish and it invites the authorities to clarify what measures have been taken to provide education in these languages. The Committee of Experts considers that the undertaking is partly fulfilled for Crimean Tatar, Gagauz, German and Slovak. It encourages the Ukrainian authorities to clarify whether the existing offer meets the demands of the speakers. Finally, the Committee of Experts considers that the undertaking is fulfilled in relation to Bulgarian, Greek, Hungarian, Moldovan, Polish, Romanian and Russian.

Secondary education

- c i to make available secondary education in the relevant regional or minority languages; or*
- ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

General comments

220. The Committee of Experts refers to the general description of Article 5 of the Law of Ukraine “On General Secondary Education” above (see paragraph 190).

221. The Committee of Experts encourages the authorities to adopt sufficient and appropriate measures to ensure the availability of teacher training and teaching materials in minority languages for secondary level (see paragraphs 158-160).

Belorussian

222. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to receive education in this language (p. 18 of the initial report). As for other undertakings, the Committee of Experts encourages the Ukrainian authorities to consult the speakers and evaluate their needs in respect to education in Belorussian or to Belorussian language classes at secondary level.

Bulgarian

223. Bulgarian is the language of instruction in bilingual and trilingual schools in the Odessa region (one school with instruction in Ukrainian and Bulgarian and one with instruction in Ukrainian, Russian and Bulgarian with 32 pupils). Bulgarian is also taught as a subject to 8251 pupils in the Zaporizhyya, Odessa,

Kirovohrad, Mykolaiv regions, and in the Autonomous Republic of Crimea (see the extensive information provided in the initial periodical report p. 19)

224. During the on-the-spot visit, representatives of speakers informed the Committee of Experts that they face difficulties with the local authorities. In some cases, local level authorities have reduced the number of lessons in Bulgarian, notably in three districts of the Zaporizhya region, in contradiction with the need of the speakers. In other cases, schools are only allowed to offer 1 to 2 hours per week of courses in Bulgarian, which does not meet the speakers' needs. The Committee of Experts invites the Ukrainian authorities to comment on this matter in the next monitoring round.

225. The Committee of Experts finally refers to its comments on the lack of proper teaching materials in Bulgarian. The Committee of Experts was indeed informed during the on-the-spot visit that the teaching materials are not adapted to all levels of education, and that there is no Bulgarian version of Ukrainian books. The Committee of Experts invites the Ukrainian authorities to clarify this issue in their forthcoming report.

Crimean Tatar

226. The figures provided by the Ukrainian authorities concerning education in Crimean Tatar and teaching of the language as a subject are unclear as different figures are given concerning the same groups. In the report, it is stated that in the Autonomous Republic of Crimea, 3,115 pupils receive education in Crimean Tatar in 15 general schools, 29 Russian-Crimean Tatar schools, 1 Ukrainian-Crimean Tatar school, and 35 Ukrainian-Russian-Crimean Tatar schools. Education is also available in the Zaporizhya and Kherson regions. In addition, Crimean Tatar is taught as a subject to 14,702 pupils (see p.23).

227. It is also stated in the report that 18,652 pupils study Crimean Tatar, and 4,002 pupils from 25 Crimean districts study their native language as an optional subject in the Autonomous Republic of Crimea. The Committee of Experts asks the authorities to clarify the situation in the next periodical report.

Gagauz

228. According to the Ukrainian authorities, Gagauz is taught as a subject and is a curriculum component in three schools in the Bolgrad, Kiliya and Reni districts (723 pupils - see p.20 of the initial periodical report).

229. The Committee of Experts refers to its comments regarding the conversion to the Latin script. It invites the authorities to clarify how this new transcription has been introduced in textbooks and teaching materials.

German

230. According to the information provided by the Ukrainian authorities, this provision does not apply to German, as this language is only studied as a foreign language in general schools, including by children of the German minority (see p.25). The Committee of Experts underlines that as Ukraine has ratified for this undertaking concerning German, the provision does apply to this language.

Greek

231. The Ukrainian authorities report that in the Kherson region and in the Autonomous Republic of Crimea Greek is taught as a subject (55 pupils). Greek is also offered as an optional subject in the Donetsk, Lviv and Odessa regions and in the Autonomous Republic of Crimea (1,670 pupils - see p.21).

Hungarian

232. In the Zakarpatya region, 11 608 pupils study in Hungarian in 71 general schools and 27 bilingual general schools. In addition, 665 pupils study Hungarian as a compulsory subject, and 521 pupils as an optional subject (see p. 30).

The language of the Jewish community /Yiddish

233. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

234. In the Odessa region, Moldovan is a language of instruction for several thousand pupils (2559 pupils in 7 general schools, 2966 pupils in 6 Ukrainian-Moldovan schools and 2 Russian-Moldovan schools). All in all, 5525 pupils receive education in Moldovan. Moldovan is also taught as a subject (726 pupils in regular classes and 1194 pupils in optional classes).

Polish

235. According to the Ukrainian authorities, Polish is taught as a compulsory or optional subject in all regions of Ukraine at secondary level (3889 pupils study Polish as a compulsory subject in the Zhytomyr, Volyn, Vinnytsya, Mykolai, Kirovograd, Kherson regions while 5328 pupils study it as an optional subject in Volyn, Vinnytsya, Chernihiv). Education in Polish is also available in 5 teaching and educational institutions of the Lviv and Khmelnytsk regions and in 1 general school of the Ivano-Frankivsk region.

236. The Ukrainian authorities underline that the Polish Diaspora in Pryluky provides for teaching materials, and that Polish language teachers have been invited from Poland. Furthermore, thanks to the initiative of the Nizhyn-based Polish Cultural Association, the Educational Society "Aster" and the management of the local university, a Polish language school for school children and students has been set up (see p.27 initial periodical report).

237. During the on-the-spot visit, representatives of Polish speakers drew the attention of the Committee of Experts to the fact that in certain villages the local authorities continue to object to the introduction of bilingual education despite the great majority of Polish speakers in these settlements. The Committee of Experts invites the Ukrainian authorities to comment on this issue in the next monitoring round, as well as on the availability of teaching materials in Polish.

Romanian

238. Romanian is the language of instruction in the Chernivtsi and Zakarpatya regions. There exist 91 general schools where teaching is given in Romanian. In addition, there exist 11 bilingual Ukrainian-Romanian schools and 2 trilingual Ukrainian-Russian-Romanian schools. A total of 24,226 pupils study in Romanian. The Romanian language is taught also as a compulsory and optional subject in the Chernivtsi region (146 pupils and 1534 pupils respectively - see p. 29).

239. During the on-the-spot visit, representatives of the Romanian community indicated that in Transcarpathia the opening of Ukrainian classes in some Romanian schools was done at the expense of the Romanian language.

240. The Committee of Experts invites the authorities to comment on this situation and indicate in their forthcoming report measures taken to ensure that instruction in the state language does not hamper education in Romanian.

Russian

241. The Ukrainian authorities report that Russian-medium education is available in all regions of Ukraine. Russian is the language of instruction in 1,305 general schools and in 1,860 bilingual general schools (688,221 pupils). Throughout Ukraine, 1,050,390 pupils study Russian as a compulsory subject, and 192,768 pupils study it as an optional subject (see p.28).

242. During the on-the-spot visit, the Committee of Experts received complaints from representatives of the Russian speakers regarding the trend towards the closure of Russian schools, notably in regions where Russian speakers form a significant part of the population or even the local majority.

243. The Committee of Experts notes that the amount of teaching that must take place in Ukrainian has continued to increase at all levels of education while, in particular, the amount of instruction in the Russian language has decreased.

244. The Committee of Experts considers that the present undertaking does not correspond to the reality of Russian-medium education offered at secondary level.

Slovak

245. As far as instruction in Slovak at secondary level is concerned, there seems to be education available but the figures provided by the Ukrainian authorities need to be clarified in the next report. The Committee of Experts understands that Slovak is taught as a compulsory and optional subject in secondary education (179 and 157 pupils respectively - see p. 29).

246. According to the Zakarpatya Regional State Administration, introduction of secondary education in Slovak is scheduled for the near term future in the Zakarpatya region. The Committee of Experts invites the authorities to follow-up on the initiatives in their forthcoming report.

Conclusion

247. The Committee of Experts considers that the undertaking seems not to be fulfilled as regards Belorussian and the language of the Jewish community/Yiddish and it invites the authorities to clarify what measures have been taken to grant education in these languages. The Committee of Experts considers that the undertaking is partly fulfilled for Gagauz, German and Slovak and it encourages the authorities to provide information in the next periodical report on whether the offer meets the demands of the speaker. Finally, the Committee of Experts considers that the undertaking is fulfilled in relation to Bulgarian, Crimean Tatar, Greek, Moldovan, Polish, Romanian, Russian and Hungarian. For all Part III languages, the Committee of Experts invites the authorities to comment on the teaching materials available at secondary level.

Technical and vocational education

- d i to make available technical and vocational education in the relevant regional or minority languages; or*
- ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

General comments

248. The law of Ukraine "On Higher Education" refers to the Law of Ukraine on languages, and in particular sections 2 and 3 of Article 3 of the Law on languages (see paragraph 151 above and p. 17 of the initial periodical report).

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak

249. According to the Ukrainian authorities, this undertaking does not apply to these languages. The Committee of Experts underlines that as Ukraine has ratified for this undertaking concerning these languages, the provision does apply to these languages.

250. The Ukrainian authorities are invited to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in these languages.

Russian

251. According to the Ukrainian authorities, there are 154 vocational schools with education in Russian in Dnipropetrovsk, Donetsk, Zaporizhyya, Kirovohrad, Luhansk, Kharkiv, Kherson regions and in the city of Sevastopol (see p. 28).

252. The Committee of Experts considers that the present undertaking does not correspond to the reality of Russian-medium education offered at technical and vocational level.

Hungarian

253. Education in Hungarian is provided in the vocational school in Beregove (Zakarpattya region) and is followed by 170 students.

Conclusion

254. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak. It considers that the undertaking is fulfilled as regards Hungarian and Russian.

The Committee of Experts encourages the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in Belorussian, Bulgarian, Crimean Tatar, Greek, Gagauz, German, Moldovan, Polish, Romanian and Slovak languages.

University and higher education”

- e i to make available university and other higher education in regional or minority languages; or
- ii to provide facilities for the study of these languages as university and higher education subjects; or
- iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

General comments

255. According to Article 29 of the Law on languages, persons entering higher and secondary specialized educational institutions shall take an entrance examination in Ukrainian. According to the law, it is also possible for persons having followed instruction in Russian to take the entrance examination in Russian. Furthermore, it is possible for persons entering higher educational institutions which provide training of national specialists to take an entrance examination in their native language.

256. In December 2007, however, the Ministry of Education adopted Decree N° 1171 requiring all final examinations in secondary education and entrance examinations to higher education institutions to be conducted in Ukrainian, even for those students who completed their curricula in educational institutions with minority languages. The Committee of Experts was informed that this decree was drafted without thorough discussions with representatives of minority language speakers. Different national minorities protested and following the recommendation made by the Ombudsman, the Ministry of Education recently decided to provide for a two-year transitional period. As a consequence, until 2010 entrance examinations will also be available in Crimean Tatar, Hungarian, Moldovan, Polish, Romanian and Russian.

257. The Committee of Experts is concerned by Decree n°1171 as it will be detrimental to the regional or minority languages. It agrees with the Advisory Committee of the Framework Convention on the protection of national minorities that “any strengthening of the State language in educational institutions with minority languages needs to be coupled with accompanying measures to help children acquire a better language proficiency from an early age. This cannot be achieved by a sudden change of the rules pertaining to language examinations in secondary education and entrance examinations”²⁹.

258. The Committee of Experts encourages the Ukrainian authorities to develop a comprehensive policy for education in regional or minority languages or for teaching these languages as a subject with a view to ensuring that a better proficiency in the State language is achieved without jeopardising the possibility of higher education for speakers of regional or minority languages in their language. Indeed, the obligation to take the entrance examinations to higher education in Ukrainian can discourage parents from sending their children to educational institutions with minority languages.

²⁹ See also paragraph 188 and 192-194, FCNM report on Ukraine, ACFC/OP/II(2008)004

259. In addition, the Committee of Experts was informed that there is a trend at University level towards removing all possibilities to study certain topics in minority languages or bilingually. The Committee of Experts is worried about the implications of such a change being implemented at university level as the university students do not at the present time always have the necessary linguistic skills in the Ukrainian language. The Committee of Experts invites the authorities to make sure that a qualitative higher education in regional or minority languages remains available for students belonging to national minorities.

The Committee of Experts encourages the Ukrainian authorities to ensure the necessary flexibility in regulating entrance to higher education.

Belorussian

260. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to receive education in this language (p. 18 of the initial report). As for other undertakings, the Committee of Experts encourages the Ukrainian authorities to consult the speakers and evaluate their needs regarding education in Belorussian and/or Belorussian language classes at this level.

Bulgarian

261. According to the information provided by the Ukrainian authorities, it is possible to study Bulgarian as a subject at several universities, notably at the Kyiv National Taras Shevchenko University, the Lviv Ivan Franko National University, the Odessa Mechnikov National University and the Izmail State University of Humanities. In addition, thanks to a Protocol of Cooperation in the Field of Education Between the Ministry of Education and Science of Ukraine and the Ministry of Education of the Republic of Bulgaria, students who graduate from national schools with a Bulgarian student contingent can study at higher educational institutions of Bulgaria (28 students in 2006, see p. 19).

Crimean Tatar

262. According to the Ukrainian authorities, Crimean Tatar is studied as a subject at the Crimean Engineering and Teacher Training University in the Autonomous Republic of Crimea and at the Tavria National Vernadsky University in Simferopol (see p. 23).

Gagauz

263. The authorities declare that this undertaking is not applied in respect of the Gagauz language due to the lack of a Protocol on Cooperation in the area of education between the Ministry of Education and Science of Ukraine and the Ministry of Education of the Republic of Moldova regarding training opportunities at the Komrat University (see p.20). The Committee of Experts understands that negotiations are underway with the President of the Autonomous Province of Gagauzia.

264. The Committee of Experts recalls that the undertaking concerns the provision of education at University level on the territory of Ukraine. During the on-the-spot visit, the Committee of Experts was informed that there is no education in Gagauz at university level, but that the department of Turkic languages of the University in Kyiv is currently trying to develop a Gagauz language group. The Committee of Experts invites the authorities to follow-up on these two aspects in their second periodical report.

German

265. German is studied as a separate subject at several Universities throughout Ukraine (see p. 25).

Greek

266. According to the information provided, Greek is studied as a subject at university level in four higher educational institutions in the Donetsk region, namely the Mariupol State University of Humanities, the Pryazovsk State Technical University, the Donetsk Institute of Tourism Business and the Donetsk Institute of Social Education (40 to 65 persons graduate annually, see p. 21).

Hungarian

267. Hungarian as a subject is studied at the Uzhgorod National University, the Lviv Mukacheve Institute of Humanities and Teacher Training, the Uzhgorod School of Culture, the Beregove Medical College. Education in Hungarian is provided in special groups at the Mukacheve state agrarian college, and the Zakarpatya Hungarian Ferenc Rackoczi II Institute, a private educational institution in Beregove (1,000 students).

268. The Uzhgorod National University has a chair of Hungarian Language and Literature and a chair of Hungarian History and European Orientation. Graduates of Hungarian-language schools until now have been entitled to take the entrance examinations to the Uzhgorod National University in Hungarian. Since 1988 a Centre of Hungarology has been operating at the Uzhgorod National University (see p.30).

Language of the Jewish community/Yiddish

269. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

270. According to the Ukrainian authorities, this undertaking does not apply to Moldovan (p. 24 of the initial report). The Ukrainian authorities are invited to clarify, in consultation with the speakers, if there is a demand for education at that level.

Polish

271. Polish as a subject is studied at several Universities throughout Ukraine (p.27).

Romanian

272. According to the authorities, Romanian as a discipline is studied at the Chernivtsi National Fedkovych University, the Uzhgorod National University and the teacher training colleges of the Chernivtsi and Zakarpatya regions (p.29).

273. Furthermore, following the agreement between the Zakarpatya State University and Romanian authorities, a branch of the Vasile Goldis Western University will be opened, which will enable speakers of Romanian from Zakarpatya to pursue higher education in their native language. The Committee of Experts invites the authorities to indicate, in their forthcoming report, if this branch has been opened.

274. The Committee of Experts was informed that in the Chernivtsy region, the call from representatives of the Romanian community to the authorities to set up a multicultural university with education in Romanian has not been acted upon. As a consequence, in this region students are obliged to study topics other than Romanian philology in Ukrainian exclusively³⁰.

275. The Committee of Experts encourages the Ukrainian authorities, in consultation with the speakers, to make education in Romanian available at university level.

Russian

276. Education at university level used to be available in Russian for all subjects. Following the Constitutional Court's ruling N°10-rp/99 on the use of the State language, efforts have been pursued to move towards University teaching in the Ukrainian language only. However, the Committee of Experts understands that, in respect of Russian language, this policy has not been implemented consistently³¹.

277. The Committee of Experts considers that such a move towards higher education only in Ukrainian would constitute an obstacle to a full access to higher education in the Russian language, which concerns many citizens of Ukraine who speak Russian as a native language.

³⁰ see also paragraphs 174-176 of the FCNM on Ukraine, ACFC/OP/II(2008)004

³¹ see also paragraph 175, 2nd report of the FCNM on Ukraine, ACFC/OP/II(2008)004

278. Russian is also studied as a subject at 33 universities and higher education institutions in Ukraine.

Slovak

279. Slovak as a subject is studied at the Uzhgorod National University and the Lviv Ivan Franko National University. Slovak is studied as a second foreign language at the Zakarpatya branch of the Kyiv University for Slavonic Studies (see p.29).

Conclusion

280. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Gagauz, the language of the Jewish community/Yiddish and Moldovan. It considers that the undertaking is fulfilled as regards Bulgarian, Crimean Tatar, German, Greek, Hungarian, Polish, Romanian and Slovak. As far as Russian is concerned, there still exists a broad offer to study Russian as a subject. The Committee of Experts is concerned, however, that the complete phasing out of higher education in Russian will constitute an obstacle to full access of Russian speakers to higher education.

Adult and continuing education

- f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or*
- ii to offer such languages as subjects of adult and continuing education; or*
- iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;*

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Russian, Romanian and Slovak

281. According to the Ukrainian authorities, this undertaking does not apply to these languages. The Committee of Experts underlines that as Ukraine has ratified for this undertaking concerning these languages, the provision does apply to these languages.

282. The Ukrainian authorities are invited to clarify, in consultation with the speakers, if there is a demand for adult and continuing education in these languages.

Teaching of history and culture

- g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;*

General comments

283. The Committee of Experts recalls that this undertaking covers all pupils in the relevant territories, regardless of their ethnic background. The aim of this undertaking is to ensure that school education in general includes the history, culture and tradition of the regional or minority language speakers in Ukraine.

284. The Committee of Experts was informed during the on-the-spot visit that the content of history textbooks did not always portray adequately the role played and the positive contributions made by national minorities. The history and culture of speakers of regional or minority languages has been reported as virtually absent from history and other textbooks.

285. The initiatives described by the authorities under this undertaking for most of the regional or minority languages are initiatives and not components of the curricula accessible to all children. The Ministry of Education reportedly considers that it would be too demanding to introduce elements of history on all national minorities in the general curricula and that there is no need to highlight in a particular chapter the

particular contribution made by national minorities to the Ukrainian State³². Very little information regarding this undertaking has been provided by the authorities in their initial periodical report.

286. The Committee of Experts considers that there is room for improvement in ensuring that an adequate portrait of the history, culture and traditions that are reflected by the regional or minority languages are integrated in the general curriculum. The Committee of Experts invites the authorities to take measures to ensure that the history, culture and traditions reflected by regional or minority languages are taught within the regular curricula in the relevant territories. The Committee of Experts remarks in this connection that this does not necessarily entail separate information on each individual language.

Belorussian

287. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to receive education in this language (p. 18 of the initial report).

288. The authorities refer to a number of private initiatives carried out by NGOs in the Donetsk region. These initiatives however are not relevant for the present undertaking .

Bulgarian

289. The history, culture and traditions of the Bulgarian nation are studied as an optional subject, notably in the Kirovohrad region and in the Autonomous Republic of Crimea, where there is a dense Bulgarian population. Several schools in the Odessa region organise events and also participate in a festival of children's and young people's amateur and folk art (see the list provided for by the authorities p. 19 of the initial periodical report). While acknowledging these activities, the Committee of Experts refers to its general comments above (paragraphs 283-286).

Crimean Tatar

290. In the Autonomous Republic of Crimea, all general schools provide a course on Crimean Tatar Language and Literature. In that frame, the history, culture and traditions of the Crimean Tatar nation are studied as an optional subject. In other general schools in the Zaporizhya region, it is also an optional subject (p.23).

Gagauz

291. The authorities refer to initiatives carried out by schools, such as the celebration of days of the native language and of the European cultural heritage. In the Odessa region, the schools of Bolgrad, Kiliya, Izmail and Reni districts organise theme days, class meetings and area study expeditions (see p. 21 initial periodical report). While acknowledging these activities, the Committee of Experts refers to its general comments above (paragraphs 283-286).

German

292. According to the Ukrainian authorities, this provision is not applicable as far as German is concerned as the language is taught as a foreign language in general schools, including to children of the German minority (see p. 26). This, however, is not relevant for the present undertaking. The Committee of Experts refers to its general comments above (paragraphs 285-288).

Greek

293. According to the Ukrainian authorities, the history, culture and traditions of the Greek nation are studied as an optional subject. In the Donetsk region there are 8 Sunday schools where the language, culture, history, customs and traditions of the nation are studied (see p. 21). While acknowledging these activities, the Committee of Experts refers to its general comments above (paragraphs 283-286).

³² see also paragraphs 166-168 of the FCNM report on Ukraine, ACFC/OP/II(2008)004

Hungarian

294. The Ukrainian authorities have provided very vague information regarding the teaching of Hungarian history, culture and traditions. It is said that this subject is studied as an optional subject in general and Sunday schools, without specifying the regions, the number of pupils and whether those pupils are Hungarian speakers exclusively (see p.30).

Language of the Jewish community/Yiddish

295. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

296. The Ukrainian authorities have provided detailed information on a number of initiatives (see p.24). These initiatives however are not relevant for the present undertaking. The Committee of Experts refers in this respect to the general remarks in paragraphs 283-286 above.

Polish

297. According to the information provided by the Ukrainian authorities, Polish history, culture and traditions are studied as an optional subject at general and Sunday schools in the Donetsk, Zakarpatya, Zhytomyr and Volyn regions (see p. 27). These initiatives however are not relevant for the present undertaking. The Committee of Experts refers in this respect to the general remarks in paragraphs 283-286 above.

Romanian

298. According to information provided by the Ukrainian authorities, the Romanian history, culture and traditions are studied as an optional subject at general schools in the Chernivtsi region (see p.29). It is not clear to the Committee of Experts to what extent pupils from other groups are able to follow classes of history and culture related to the Romanian language. The Committee of Experts invites the authorities to clarify how the history and culture of the Romanian language is portrayed in the general curriculum.

Russian

299. The Ukrainian authorities have provided little information under this undertaking (see p.28). The Committee of Experts invites the authorities to clarify how the history and culture of the Russian language is portrayed in the general curriculum.

Slovak

300. In the region of Zakarpatya, Slovak history, culture and traditions are studied as an optional subject in general schools. The Committee of Experts invites the authorities to provide more specific information on this undertaking in their forthcoming report, in order for the Committee of Experts to be able to assess the situation.

Conclusion

301. The Committee of Experts is not in a position to conclude since it lacks the necessary information.

Basic and further education of teachers

- h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;***

General comments

302. Both the Ukrainian authorities and representatives of minority languages underlined during the on-the-spot visit that there was a significant lack of qualified teachers. The Committee of Experts was made

aware that this is sometimes used by the authorities to discourage the opening or maintenance of educational institutions with minority languages³³. The Committee of Experts therefore calls on the Ukrainian authorities to step up their efforts to ensure that a sufficient number of qualified teachers are available.

The Committee of Experts encourages the authorities to take pro-active measures to ensure that a sufficient number of adequately trained teachers are available with a proficiency in the regional or minority languages.

Belorussian

303. According to the Ukrainian authorities, this undertaking does not apply to Belorussian as the speakers have not expressed the wish to set up general education institutions with education in Belorussian or Belorussian language classes (p. 18 of the initial report).

Bulgarian

304. Teacher training is available for different levels in Ukrainian schools, from basic professional to teacher refresher training programmes (see p. 19-20 of initial periodical report).

305. The Committee of Experts was informed during the on-the-spot visit that a programme of exchange between Ukraine and Bulgaria is arranged in the frame of an international agreement and that the two States reciprocally recognise the diplomas.

306. At the same time, during the on-the-spot visit, the Committee of Experts was also made aware that the capacities of the pedagogical institutes of Odessa have been reduced. Speakers also stressed the need for more teachers to be able to teach in Bulgarian.

Crimean Tatar

307. Teacher training is offered in the Autonomous Republic of Crimea, notably at the Crimean Engineering and Teacher Training University, the Tavria National Vernadsky University, the Simferopol Teacher Training School and the Crimean Republican Institute of Postgraduate Teacher Training (see p.23).

Gagauz

308. According to the authorities, the Kyiv National Taras Shevchenko University offers further training programmes for Gagauz language teachers and the Odessa Regional Institute for Advanced Teacher Training provides for teacher refresher courses (see initial periodical report p.20).

309. During the on-the-spot visit, the Committee of Experts was informed that 7 students are currently studying in the Turkic language at Kyiv University, and that refresher and advanced training courses at secondary level are in fact initiated and funded by the Union of Gagauz of Ukraine, with the authorities bearing the travel costs when the course is organised at Kyiv National University.

German

310. The authorities report that basic training of German language teachers is carried out at the Nizhyn State Mykola Gogol University and that refresher training courses for German language teachers are provided by the Chernihiv Regional Institute for Advanced Teacher Training. Training, further training, and refresher training are carried out at the Uzhhorod National University and the Transcarpathian Institute for Advanced Teacher Training. Refresher training is also carried out at the Volyn Institute for Advanced Teacher Training (see p.26).

³³ see also paragraph 166 of the FCNM report, ACFC/OP/II(2008)004

Greek

311. Basic and further teacher training of modern Greek is offered in the region of Donetsk, at the Mariupol State University for Humanities and the Tavria National Vernadsky University where 250 persons have graduated over the last 5 years. Continuous training is also available through exchange programmes with Greece and Cyprus. In addition, Mariupol hosts the national workshops for teachers of modern Greek which are attended by teachers from Greece and from the Mariupol State University for Humanities (see p. 21).

Hungarian

312. Teacher training is organised at the Uzhgorod National University, the Mukacheve Institute of Humanities and Teacher Training and the Zakarpatya Institute of Postgraduate Teacher Training. The Zakarpatya Hungarian Ferenc Rackoczi II Institute offers training, further training and refresher courses for teachers working in Hungarian-language general schools. The Zakarpatya Regional Institute of Postgraduate Teacher Training holds regular teaching guidance workshops and courses (see p. 30).

Language of the Jewish community/Yiddish

313. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

314. Initial and continuous training is offered in the region of Odessa, at the Odessa National Mechnikov University, the Bilgorod-Dnistrovsky Teacher Training School of the South Ukrainian Ushynsky Teacher Training University and the Izmail State University of Humanities. Teacher refresher courses are organised at the Odessa Regional Institute for Advanced Teacher Training. Between 2002 and 2006, 80 teachers of Moldovan language and literature took refresher training courses, and 75 primary school teachers improved their qualifications at postgraduate education institutions in the Republic of Moldova (see p. 24).

Polish

315. Training courses for teachers of Polish are offered at Zhytomyr, Lviv, Khmelnytsk and Volyn regional institutes of postgraduate teacher training. Advanced training of Polish language teachers is also available in the Volyn region. Polish language teachers from the Chernivtsi and Zhytomyr regions can also follow teacher further training courses in Poland (see p. 27).

Romanian

316. Teacher training is provided in the Chernivtsi and Zakarpatya regions by the Chernivtsi National Fedkovych University, the Uzhgorod National University, the Mukacheve Institute of Humanities and Teacher Training, the teacher training colleges of the Chernivtsi and Zakarpatya regions, the Chernivtsi Regional Research Institute of Postgraduate Teacher Training and the Zakarpatya Institute of Postgraduate Teacher Training (see p.29).

Russian

317. Training courses are offered to teachers of Russian at 27 regional institutes of postgraduate teacher training. The Donetsk Regional Institute of Postgraduate Teacher Training has developed specific teacher training electronic tools on language and literature. Russian-published teaching guidance literature and teaching guidance cases are also available (see p. 28).

Slovak

318. Teacher training is organised at the Uzhgorod National University and at the Zakarpatya Institute of Postgraduate Teacher Training. In addition, teachers of Slovak language and literature can participate in summer seminars held in the Slovak Republic (see p. 30).

Conclusion

319. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian and the language of the Jewish community/Yiddish. It encourages the authorities to inform the Committee of Experts on measures adopted to improve the current situation with respect to training of teachers in these languages. It considers that the undertaking is partly fulfilled for Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian and Slovak.

Monitoring

- i. ***to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.***

General comments

320. According to the practice of the Committee of Experts, the present undertaking presupposes that a monitoring body supervises the measures taken and the progress achieved in the provision of education in regional or minority languages or language learning courses, including the production and publication of the findings (see the 2nd evaluation report of the Committee on the situation of regional or minority languages in the United Kingdom, ECRML (2007) 2, paragraphs 214 ff).

321. The Committee of Experts received contradictory information from the initial periodical report and during the on-the-spot visit. The authorities refer to a certain number of institutions carrying out the monitoring of teaching in minority languages, whereas during the on-the-spot visit, the Ministry of Education confirmed to the Committee of Experts that it is the only body responsible for monitoring the teaching of regional or minority languages. The authorities are invited to clarify the scope and exact responsibility of each body for the Committee of Experts to have a clear picture of the situation.

322. The Ministry of Education indicated that the annual report, which contains a chapter on minority languages, is published on the website of the Ministry and that the information is disseminated to many education centres. This is followed up by a meeting where the content of the report is discussed. The Committee of Experts invites the authorities to clarify to what extent the discussion is focused on the teaching of regional or minority languages and how minority languages have benefited from these discussions. The Committee of Experts understands that the data collected are mainly statistics, but that the report does not focus much on the content of the education.

323. Finally, the Ministry of Education confirmed that this annual publication contains a chapter on Crimean Tatar, Hungarian, Moldovan, Polish, Romanian and Russian. The Committee of Experts recalls that when opting for this undertaking, the Ukrainian authorities committed themselves to supervising progress achieved for all Part III languages.

Belorussian

324. As for other undertakings, the Ukrainian authorities state that this provision is not applied in respect of the Belorussian language (see p.23).

Bulgarian, Gagauz, Moldovan

325. The Ukrainian authorities refer to several supervisory bodies, namely the Departments of Education and Science of regional state administrations, the Ministries of Education and Science of Ukraine and the Autonomous Republic of Crimea, as well as the Odessa Regional Institute for Teacher Advancement.

326. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in these languages and whether they draw up periodical reports that are made public.

Crimean Tatar, Greek

327. The Ukrainian authorities refer to the Departments of education and science of the regional state administrations, the Ministries of Education and Science of Ukraine and of the Autonomous Republic of Crimea.

328. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in Crimean Tatar and Greek and whether they draw up periodical reports that are made public.

German, Slovak

329. The initial periodical report refers to the Department of Education and Science of the Zakarpatya regional state administration and the Ministry of Education and Science of Ukraine as supervisory bodies.

330. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in German and Slovak and whether they draw up periodical reports that are made public.

Hungarian

331. The Departments of Education and Science of regional state administrations and the Ministry of Education and Science of Ukraine are the monitoring bodies mentioned by the authorities (see p.31).

332. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in Hungarian and whether they draw up periodical reports that are made public.

The Language of the Jewish community/Yiddish

333. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Polish

334. The Departments of Education and Science of regional state administrations and the Ministry of Education and Science of Ukraine as well as the Interdepartmental Coordination Council For National Minorities and Interethnic Relations of the regional state administration of the Volyn region are supervising the teaching in and of Polish (see p. 27-28).

335. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in Polish and whether they draw up periodical reports that are made public.

Romanian, Russian

336. Monitoring is reported to be carried out by the departments of education and science of regional state administrations and the Ministry of Education and Science of Ukraine.

337. The Committee of Experts refers to its comments above and invites the Ukrainian authorities to clarify whether all those institutions are responsible for monitoring education in Romanian and Russian and whether they draw up periodical reports that are made public.

Conclusion

338. The Committee of Experts is not in a position to conclude since it lacks the necessary information and invites the authorities to provide more information in the next periodical report.

Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

General comments

339. The Committee of Experts reminds the Ukrainian authorities that this provision concerns the availability of regional or minority language education outside the traditional language areas. The Explanatory Report stresses the need to apply this undertaking due to the modern circumstances of mobility (see paragraph 89).

340. According to the information provided by the Ukrainian authorities, the State does not prohibit activities aimed at permitting, encouraging or ensuring the study of minority languages at all respective education levels, provided this is justified by the number of persons using the language concerned. However, the authorities have not indicated how this principle is applied in practice.

341. By choosing this undertaking, the Ukrainian authorities have committed themselves to making available teaching in or of the regional or minority languages in other territories where there is a sufficient demand. The Committee of Experts therefore encourages the Ukrainian authorities to adopt the relevant measures to implement this undertaking in practice and to report on how they encourage speakers of minority languages to follow teaching in or of their language in these areas.

Belorussian

342. The Ukrainian authorities have not commented on this undertaking as far as Belorussian is concerned.

Bulgarian, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian and Slovak

343. According to the Ukrainian authorities, this undertaking is not applied in respect of these languages.

Crimean Tatar

344. The Ukrainian authorities report on education of the culture and tradition of Crimean Tatars at preschool institutions in several districts of the Zaporizhya region which are densely populated by national minorities (Bulgarians, Czechs, Crimean Tatars) and in one village in the Kherson district (see p.23).

The Language of the Jewish community/Yiddish

345. The first periodical report does not contain any information on Yiddish (see p.22). The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Conclusion

346. The Committee of Experts is not in a position to conclude since it lacks the necessary information and invites the authorities to provide more information in the next periodical report .

Article 9 - Judicial authorities

General comments

347. The initial periodical report states that, pursuant to the Judgment of the Constitutional Court of Ukraine #10-рп/99 of 14 December 1999, "the provisions of part one of article 10 of the Constitution of Ukraine, which establishes that "Ukrainian is the official language in Ukraine" shall be understood as follows: Ukrainian as the official language is a mandatory means of communication in the entire territory of Ukraine during exercise of powers by public authorities and local governments, (i.e. the language of acts, work, office and paperwork etc.) and in other public areas of social life as determined by the law. Bearing in mind that the judgment above is binding, final and cannot be appealed in the territory of Ukraine, the use of languages other than the official one in courts of justice is virtually ruled out". In the light of the information given by the

authorities under article 10 (see paragraph 379 below), the Committee of Experts asks the Ukrainian authorities to clarify the implications of this judgment, in particular as regards the possibility to use regional or minority languages before the courts.

348. According to the legislation in force in Ukraine, in particular article 10 of the law of Ukraine “On Judicial System of Ukraine”, Ukrainian shall be the language of use in the court system and the use of an interpreter shall be made only if a party to the litigation has insufficient knowledge of the official language. The Committee of Experts underlines, however, that the reference to insufficient knowledge of Ukrainian is not relevant to the undertakings of the Charter. This provision might be interpreted in such a way that judges qualify members of a linguistic minority in Ukraine as not falling under this protective provision, if they have a sufficient command of Ukrainian. The Committee of Experts therefore considers that the formula does not provide sufficient legal certainty.

349. The Committee of Experts recalls that the possibility for speakers to have access to an interpreter does not depend on the knowledge of the official language. The Committee of Experts underlines, in this regard, that the purpose of the Charter is to convert regional or minority languages into a means of communication in modern daily life. The undertakings under Article 9 play a significant role in achieving that purpose.

350. As far as the cost of interpretation is concerned, the Committee of Experts notes that it is to be borne by the speakers themselves in civil and administrative cases, and can be reimbursed only under strict conditions (if the party won the case). In other cases, notably in criminal proceedings, the right to use an interpreter is ensured by the State, but only if the person concerned has an insufficient knowledge of Ukrainian.

351. Another problem arises as courts and other judicial authorities lack funding for interpreters of minority languages (see p.30 periodical report). The Ukrainian authorities confirm that the languages most commonly used in legal proceedings are Ukrainian and Russian. The Committee of Experts encourages the Ukrainian authorities to ensure that the use of an interpreter is available for speakers of other regional or minority languages.

352. Finally, the Committee of Experts regrets that it has not received any information on how the existing legal framework is implemented in practice or to what extent regional or minority languages are used in legal proceedings. As indicated by the Ukrainian authorities in their initial periodical report, information regarding the application by courts of Article 9 of the Charter is not available and the authorities have not been able to provide information on any of the languages.

Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a ***in criminal proceedings:***

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to guarantee the accused the right to use his/her regional or minority language; and/or*
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or***
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,*
if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

353. The relevant provisions of the Criminal and Procedural Code of Ukraine (the CPC) stipulate that legal proceedings must be conducted in the Ukrainian language or the language of the majority of the population of the area (see Article 19 of CPC). The right of the parties to a legal procedure to use their native language or the language they can speak, or to use the services of an interpreter, is determined by the provisions of Articles 45 and 69 of the CPC of Ukraine (p. 31 initial periodical report).

354. The Committee of Experts was informed during the on-the-spot visit that Russian is the language commonly used during proceedings and that despite the amendments prescribing the systematic use of the Ukrainian language in all judicial proceedings in 2005, Russian seems to be used to a large extent

355. The Committee of Experts received contradictory information regarding the costs of interpretation. It is therefore unclear whether those costs are borne by the speakers or the authorities, and it invites the authorities to clarify this point in the next report.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian, Russian and Slovak

356. On the one hand, the information provided by the Ukrainian authorities goes much beyond the scope of Article 9 1 a iii of the Charter. Article 19 of Criminal procedure of Ukraine provides that legal proceedings shall be carried out in the Ukrainian language or in a language spoken by the majority of people living within the locality in question. Persons who participate in the case and do not speak the language of the legal proceedings shall have the right to make applications, testify, submit petitions, familiarize themselves with the case files, appear in court *in their native language and use services of an interpreter in compliance with the procedure established by the criminal procedural law of Ukraine*. In compliance with the procedure established by the criminal procedural code of Ukraine, a defendant shall be provided with investigative and judicial documents translated into his/her native language or any other language he/she might speak (see p.33)

357. On the other hand, the Committee of Experts reiterates that according to the undertaking chosen by Ukraine, requests and evidence in regional or minority languages must be accepted by courts irrespective of the knowledge of the official language.

358. The Ukrainian authorities have not provided information on the practice in implementing this undertaking. The Committee of Experts understands that in practice, speakers would use Ukrainian or Russian during criminal proceedings.

Conclusion

359. The Committee of Experts is not in a position to conclude on this undertaking and invites the authorities to provide more precise information on the practical use of these languages in the forthcoming report.

b in civil proceedings:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,**
if necessary by the use of interpreters and translations;

360. According to article 7 of the Code of Civil Procedure of Ukraine of 18.03.2004, participants in civil proceedings who do not speak the official language well enough, shall, in the order provided for by relevant codes, present their case, speak in court and petition in their native language or the language they can speak, while using the services of an interpreter (articles 27, 50 of CCP). The judicial documents are drawn up in the official language (see p. 32 initial periodical report).

361. The information provided by the Ukrainian authorities indicates that the protection offered is broader than the undertaking chosen by the authorities. It is possible to submit documents and evidence in any regional language or a language spoken by the minorities with the assistance of interpreters or translators in civil proceedings. However, at the same time, the Committee of Experts is concerned that this possibility depends on the discretion of the judge who will only allow a regional or minority language to be used if satisfied that the litigant does not speak or have insufficient command of the State language (see p. 33).

362. The Committee of Experts understands that in practice speakers of regional or minority languages other than Russian would use either Ukrainian or Russian during proceedings.

Conclusion

363. The Committee of Experts is not in a position to conclude on this undertaking and invites the authorities to provide more precise information on the practical use of all part III languages in the forthcoming report.

c in proceedings before courts concerning administrative matters:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or*
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,**
if necessary by the use of interpreters and translations;

364. Pursuant to article 15 of the Code of Administrative Proceedings, administrative proceedings shall be carried out in the official language. Persons who have no knowledge or insufficient knowledge of the official language are entitled to use their native language or the language they can speak or use the services of an interpreter in the order determined by the Code (article 49, 65 of CAP of Ukraine). The judicial documents are drawn up in the official language.

365. The Committee of Experts refers to its comments above (see paragraph 348) on the legal uncertainty resulting from the wording of the Law. It also invites the authorities to specify the remedies available to a party to an administrative case if a judge does not acknowledge the need for interpretation and to report on the lack of interpreters available.

366. The authorities have not provided any information on the use of regional or minority languages in administrative proceedings in practice. The Committee of Experts understands that speakers of regional or minority languages would use Ukrainian or Russian during administrative proceedings.

Conclusion

367. The Committee of Experts lacks information regarding all Part III languages and invites the authorities to provide the necessary information in their next report.

Paragraph 2

The Parties undertake:

- c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.**

General comments

368. The Ukrainian authorities have provided similar information concerning all languages covered by the Charter. This information confines itself to legal documents drafted in the frame of legal proceedings.

369. The Committee of Experts recalls that the present undertaking is broader than the strict scope of legal proceedings, and that it also concerns private legal acts between two parties. The Committee of Experts has received no information on the practice existing in Ukraine regarding the validity of legal documents, contracts etc. in regional or minority languages.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak

370. The Ukrainian authorities underline that pursuant to the applicable law the validity of judicial documents shall not be denied for the parties to a legal proceeding, if they are compiled within the country, solely based on the reason that the documents are in one of the regional or minority languages (see p.34 ff).

371. The Ukrainian authorities have not provided any information on the practice in implementing this undertaking.

Russian

372. The Ukrainian authorities have provided the same information as regards Russian and no information on the practice (see p. 41). Considering the particular situation of the Russian language in Ukraine, where many citizens are using this language in their private relations and transactions, the Committee of Experts invites the authorities to comment on the situation in their forthcoming report.

Conclusion

373. The Committee of Experts lacks information regarding all Part III languages and invites the authorities to provide the necessary information in their next report.

Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

374. The situation as regards Russian is very positive. The Ukrainian authorities have, however, indicated that this provision does not apply to 11 of the 13 part III languages. Furthermore, they have not provided relevant information regarding Crimean Tatar.

Belorussian, Bulgarian, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak

375. According to the Ukrainian authorities, this paragraph shall not be applied to these regional or minority languages (pp.34 ff). The Committee of Experts recalls that by opting for this specific undertaking, the Ukrainian authorities have committed themselves to taking the necessary measures to ensure that the most important statutory texts (constitutions, national laws, etc) and those relating particularly to speakers of minority languages are available in these languages.

Crimean Tatar

376. The information provided by the authorities refers to the undertaking under article 10 c). The Committee of Experts invites the Ukrainian authorities to clarify which official and statutory texts are available in Crimean Tatar, in accordance with the Constitution of the Autonomous Republic of Crimea. The Committee of Experts understands that no national statutory texts are available in Crimean Tatar.

Russian

377. Pursuant to a Decree of the President dated December 1996 No.1207/96 "On publishing legislative acts of Ukraine in the news-bulletin Official Bulletin of the Verkhovna Rada", the Ministry of Justice of Ukraine was instructed to ensure that laws and other regulatory legal acts of Ukraine were also published in the Russian language. Therefore, any law signed by the President of Ukraine, as well as the laws that have been officially made public by the Chairman of Verkhovna Rada, are published in Ukrainian and Russian (see p.41).

Conclusion

378. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Bulgarian, Gagauz, German, Greek, Hungarian, the language of the language of the Jewish

community/Yiddish, Moldovan, Polish, Slovak and Romanian. The Committee of Experts does not have the necessary information to conclude as regards Crimean Tatar and requests further information in Ukraine's next periodical report. The Committee of Experts considers that the undertaking is fulfilled for Russian.

The Ukrainian authorities should take measures to ensure that the most important national statutory texts are made available in Belorussian, Gagauz, Bulgarian, Crimean Tatar, Greek, the language of the Jewish community/Yiddish, German, Moldovan, Polish, Slovak, Romanian and Hungarian.

Article 10 - Administrative authorities and public services

General comments

379. The two main relevant domestic laws regulating the use of regional or minority languages within administrative authorities are the Law of Ukraine «On Languages in the Ukrainian SSR» and the Law «On national minorities in Ukraine». In 1999, the Constitutional Court of Ukraine ruled that in the course of exercising their powers, local executive bodies, as well as the authorities of the Autonomous Republic of the Crimea and other self-governing authorities, may use the Russian language as well as other languages of ethnic minorities to the extent of, and within the procedure established by the laws of Ukraine³⁴ (see p.43 initial periodical report). In the light of the information given by the authorities under article 9 (see paragraph 347 above), the Committee of Experts asks the Ukrainian authorities to clarify the implications of this judgment, in particular as regards the possibility to use regional or minority languages in relations with administration.

380. Article 5 of the Law on Languages provides that citizens have the right to address public bodies "in Ukrainian or another language of their work, in Russian or in a language acceptable to the parties". The right to address administrative authorities in minority languages other than Russian still requires either that the language in question is used as a working language by the said body or that the official concerned agrees to the use of the language (see p. 44 of the initial periodical report). However, the Law on languages provides for far-reaching guarantees compared to what Ukraine has opted for under Article 10 in relation to the Russian language. The Committee of Experts notes that this provision implies more limited guarantees for persons speaking other minority languages³⁵.

381. According to Article 8 of the law of Ukraine «On national minorities in Ukraine» and Article 3 of the Law on Languages, only in the localities where a minority constitutes a majority can the language of that minority be used by various public bodies as a working language along with the state Ukrainian language (see p. 45 initial periodical report). The Committee of Experts notes that this is a very high threshold compared to other European States. Such a threshold constitutes an obstacle in respect of minority languages in areas traditionally inhabited by a significant number of persons belonging to a national minority, and is incompatible with the Charter.

382. The Committee of Experts has come across several countries where the decision as to whether local or regional authorities are to provide services in the regional or minority language is determined by the number of speakers or by a fixed percentage of the population being speakers of that language. In cases where the speakers of a regional or minority language do not meet the aforementioned thresholds, a municipality is not obliged to use the language. In its practice, the Committee of Experts has always emphasized that thresholds may prevent the Charter from being applied to those regional or minority languages which are not in official use but which are still used by a sufficient number of speakers in municipalities or localities for the provisions of the Charter to be applicable. The Committee of Experts notes in particular that a wide discretion is left to the authorities and civil servants on the possibility to use regional or minority languages at local level, which is against the philosophy and principles laid down in the Charter (see for instance the 1st Report of the Committee of Experts on Slovakia, ECRML (2007) 1, paragraphs 44/47, the 2nd Report of the Committee of Experts on Sweden, ECRML (2005) 4, paragraph 16, and the 1st report of the Committee of Experts on Serbia, ECRML (2009) 2, para 23).

383. Other laws also have some relevance and impact on the use of regional or minority languages in relation with administration, notably the law of Ukraine «On Citizens' Appeals», the law of Ukraine "On Local

³⁴ see ruling No.10 of December 14, 1999

³⁵ see also paragraphs 153 and 154 of the FCNM report, ACFC/OP/II(2008)004

Self-Government in Ukraine", the Law of Ukraine "On Approval of the Constitution of the Autonomous Republic of the Crimea" (see p.44 and 45 of the initial periodical report which describe the relevant provisions of each law). The Committee of Experts will make reference to these laws where appropriate.

384. On the whole the Committee of Experts notes that the domestic legislation is more protective than the law on ratification of the Charter, as the Ukrainian authorities have not opted for paragraph 1 of Article 10.

The Committee of Experts encourages the Ukrainian authorities to review the threshold at which these articles are implemented in Ukraine in order to guarantee that speakers of all regional or minority languages in Ukraine are able to benefit from them where the number of speakers justifies it.

Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. ***the use of regional or minority languages within the framework of the regional or local authority;***

- c. ***the publication by regional authorities of their official documents also in the relevant regional or minority languages;***

- d. ***the publication by local authorities of their official documents also in the relevant regional or minority languages;***

General comment

385. For almost all languages, the Ukrainian authorities have provided very little information regarding their use in relation with the local and regional administration. The Committee of Experts recalls that by opting for the undertakings, the Ukrainian authorities have committed themselves to applying the Charter and to taking measures to ensure that the use of those languages at local and regional level is effective. The authorities are invited to report on measures taken to ensure the implementation of these undertakings.

The Ukrainian authorities are encouraged to take pro-active measures to ensure that speakers of regional or minority languages can use their language at local and regional level, thereby implementing the legal framework.

386. Several laws relevant to these undertakings have been mentioned by the Ukrainian authorities in their initial periodical report, in particular the law of Ukraine «On Citizens' Appeals». In accordance with Article 6 of this Law, "the citizens shall have the right to file appeals in the Ukrainian language or in any other language agreed by the parties, to the state and self-governance agencies, public unions or officials, enterprises, institutions and organizations irrespective of their pattern of ownership" (see p.45).

387. In addition, pursuant to Article 26 of the law of Ukraine "On Local Self-Government in Ukraine" any solution related to the issue of language(s) used by the Rada and its executive body in their activity and in official announcements shall fall under the exclusive competence of village, locality and city councils in accordance with the Law.

388. The Committee of Experts invites the Ukrainian authorities to specify how these two laws are applied in practice and provide concrete examples on how languages have benefited from them.

Belorussian, Gagauz, Greek, Moldovan, German, Polish and Slovak

389. Very little information has been submitted by the authorities in their initial periodical report. It is stated that ethnic Belorussians, Gagauz, Greeks, Moldovans, Germans, Poles and Slovaks do not usually use their native language while interacting with the local executive agencies and that official documents issued by the regional and local authorities are not published in these languages (see pp.46 ff).

390. The Committee of Experts encourages the Ukrainian authorities to take steps in order to ascertain whether there is a wish among the speakers for official documents from regional and local authorities to be

published in these languages and/or for Belorussian, Gagauz, Greek, Moldovan, German, Polish and Slovak to be used within the framework of these authorities.

Bulgarian

391. Very little information has been submitted by the authorities in their initial periodical report. Ethnic Bulgarians do not usually use their native language while interacting with the local executive agencies and official documents issued by the regional and local authorities are not published in Bulgarian (see p.46).

392. During the on-the-spot visit, the Committee of Experts was informed that in areas of compact settlement, written communication with the local administration is always in Ukrainian while Bulgarian is used in oral communication. It seems therefore that the oral contact is satisfactory especially at the level of village administration.

393. Representatives of the speakers underlined that the lack of official recognition of Bulgarian as an official regional language prevents its use on a more stable basis.

394. The Committee of Experts encourages the Ukrainian authorities to take steps in order to ascertain whether there is a wish among the speakers for official documents from regional and local authorities to be published in Bulgarian and/or for receiving written replies in Bulgarian.

Crimean Tatar

Regarding a:

395. According to Article 10 paragraph 1 of the Constitution of the Autonomous Republic of Crimea, the proper functioning and development, usage and protection of the Russian language, the Crimean Tatar language and the languages spoken by other ethnic nationalities along with the State language shall be ensured. The Verkhovna Rada (Supreme Council) of the Autonomous Republic of Crimea is competent for any issues related to ensuring the proper use of the Ukrainian, Russian, Crimean Tatar and other languages spoken by ethnic nationalities (see paragraph 2 of Article 26 of the ARC Constitution).

396. However, the Ukrainian authorities report that ethnic Crimean Tatars do not usually use their native language while interacting with the local executive agencies (see p.48 of the initial periodical report). The Committee of Experts encourages the authorities to comment on how the relevant laws are applied in practice.

Regarding c and d:

397. Pursuant to part 1 Article 2 of the Regulations of the Verkhovna Rada (Supreme Council) of the Autonomous Republic of the Crimea, regulatory legal documents of this body shall be published and made public in the State language as well as in the Russian language and in the Crimean Tatar language (p.48 of the initial periodical report).

398. The Committee of Experts lacks, however, information on how this undertaking is fulfilled in practice and invites the authorities to comment on that undertaking in the next monitoring round.

Hungarian

Regarding a:

399. The Ukrainian authorities report that in the Transcarpathia region, the Hungarian language is used along with the State language in district state administrations, municipal executive committees and settlement and village councils in the areas densely populated by ethnic Hungarians. Administrative documents and letterforms of common use are drawn up in both languages in these areas. As mentioned above, a threshold demanding that more than 50% of the population belong to a national minority is not in conformity with the Charter. The Committee of Experts asks the Ukrainian authorities to clarify in the next periodical report if there are areas with substantial Hungarian population outside the areas where the Hungarians constitute a majority.

Regarding c and d:

400. In the Transcarpathia region, the official documents issued by the state authorities are published both in the State language and in the Hungarian language within the areas densely populated by ethnic Hungarians (see p.51 of the initial periodical report).

401. As far as local authorities are concerned, in the Transcarpathia region, the official documents issued by local self-governance authorities are published both in the State language and in the Hungarian language within the areas densely populated by ethnic Hungarians (see p.52 of the initial periodical report).

The language of the Jewish community/Yiddish

402. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Romanian

Regarding a:

403. The information given by the Ukrainian authorities seems to be contradictory. On the one hand it is stated that ethnic Romanians do not usually use their native language while interacting with the local executive agencies. On the other hand, it is indicated that in the Transcarpathia region, particularly in the Tyachivskiy and Rakhivskiy districts, and in settlement and village councils, Romanians speak both the State language and the Romanian language. In the Chernivtsi region, in localities densely populated by Romanians, the Romanian language is used by the officials during oral communications. In this region, although the Romanian-speaking population may submit oral and written appeals to the authorities and receive oral replies in the Romanian language, the replies to written appeals will be provided in Ukrainian only (see p.50 of the initial periodical report).

404. The authorities are invited to clarify this point in the next report and to provide concrete examples on how Romanian is used when interacting with public authorities.

Regarding c and d:

405. Also here, the information given by the Ukrainian authorities seems to be contradictory. On the one hand, it is stated that official documents issued by the regional authorities are not published in the Romanian language. On the other hand, the Committee of Experts is informed that in the Transcarpathia and Chernivtsi regions, the official documents issued by the state authorities shall be published both in the State language and in the Romanian language within the places of compact residence of ethnic Romanians. As far as official documents issued by the regional authorities are concerned, they are published in the state language as well as in the Romanian language in the territorial places of compact residence of Romanian speakers.

406. The authorities have furthermore stated in the report that in most cases official documents issued by the local authorities are not published in the Romanian language. The Committee of Experts encourages the Ukrainian authorities to describe in the next periodical report the extent to which Romanian is actually used within the regional and local administration.

Russian

Regarding a:

407. The Ukrainian authorities report that ethnic Russians use their native language while interacting with the local executive agencies (see p.49). In the Autonomous Republic of Crimea in particular, and in accordance with Article 10 paragraph 2 of the Constitution, the Russian language shall be used in all spheres of social life (see p. 45).

408. In the Donetsk region, the regional authorities use Russian for public communication with citizens. In addition, the officials of Zaporizhya Regional State Administration and executive authorities shall have no right to dismiss an appeal for the sole reason that it has been filed in the Russian language. In addition, if citizens speak the Russian language in communication with the authorities, all clarifications and consultations shall be provided in the Russian language (see p.50).

Regarding c and d:

409. As far as regional authorities are concerned, the authorities report that official documents shall be published in the State language (see p. 49). The Committee recalls that by opting for this undertaking, the Ukrainian authorities have committed themselves to ensuring that local and regional authorities in dominantly Russian-speaking areas shall publish all their official documents also in Russian.

410. In the Donetsk region, the regional and local authorities publish inter alia all information related to processing citizens' appeals, schedules for reception of citizens and information on the processing status of the citizens' appeals in the Russian language (see p.49). The same is true for the other dominantly Russian-speaking regions of Eastern Ukraine and the Autonomous Republic of Crimea.

Conclusion

As regards a:

411. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Gagauz, German, Greek, Moldovan, Polish and Slovak. The undertaking is at least partly fulfilled as regards Bulgarian and Hungarian, and fulfilled as regards Russian. Due to the lack of information, the Committee of Experts cannot reach a conclusion for the language of the Jewish community/Yiddish, Romanian and Crimean Tatar.

As regards c and d:

412. The Committee of Experts considers that the undertakings are not fulfilled as regards Belorussian, Bulgarian, Gagauz, German, Greek, Moldovan, Polish and Slovak. The Committee of Experts considers that the undertakings are fulfilled for Russian and Hungarian, and for Crimean Tatar at least as regards the documents of regional authorities. Due to the lack of information, the Committee of Experts cannot reach a conclusion for the language of the Jewish community/Yiddish and Romanian.

- e. ***the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- f. ***the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***

413. According to Article 15 of the Law of Ukraine "On Languages in the Ukrainian SSR" the Ukrainian language shall be the language of congresses, sessions, conferences, plenary sessions, meetings, other gatherings of the state, party, public bodies, enterprises, institutions and organizations in Ukraine. However, under certain conditions, set forth in Article 3 of this law, a national language spoken by the majority of the population residing within a certain locality may be used together with the Ukrainian language during congresses, sessions, conferences, plenary sessions, meetings, other gatherings of state agencies and organizations (see p.45 of the initial periodical report).

414. The Ukrainian authorities are encouraged to inform the Committee of Experts of concrete examples on how this provision is applied in practice.

Belorussian, Bulgarian, German, Hungarian and Slovak

415. According to the Ukrainian authorities, the Belorussian, Bulgarian, German, Hungarian and Slovak languages may be used along with the State language during discussions at meetings held by the regional and local authorities, if its usage prevails in the said locality (p.46-52). However, the authorities have provided no concrete examples of these languages actually being used at local level in practice.

416. The Committee of Experts invites the authorities to provide information on whether these languages are used during debates in practice, and if so, in which regions.

Crimean Tatar

417. No information was given regarding the use of Crimean Tatar during debates of the local and regional authorities. In the light of the Constitution of the Autonomous Republic of Crimea, the Committee of Experts considers that Crimean Tatar should be used in practice and it invites the authorities to report on this undertaking in the next report.

Gagauz, Greek, Moldovan and Polish

418. No information has been provided on how these undertakings are implemented in practice (see pp. 47 ff).

Hungarian

419. According to the Ukrainian authorities, regional and local authorities use both the Ukrainian and Hungarian language during meetings and public events. The Ukrainian authorities are invited to provide concrete examples of the use of Hungarian in their forthcoming report.

Jewish community/Yiddish

420. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Romanian

421. According to the Ukrainian authorities, Romanian can be used during meetings of regional and local authorities alongside Ukrainian, notably in the Chernihiv region, in particular during sessions of the Gertsavsk district council (see p.50). They also indicate that in the Transcarpathia region both Ukrainian and Romanian are used during meetings held by local authorities and public events.

Russian

422. As far as the use of Russian during debates of local and regional authorities is concerned, the Ukrainian authorities confirm its use alongside Ukrainian, notably in the Donetsk region (see p.50).

423. Considering the use of Russian in other regions, the Ukrainian authorities are invited to provide more information in the next report.

Conclusion

424. The Committee of Experts lacks information concerning most languages. Concerning Russian, Romanian and Hungarian the undertakings seem to be fulfilled. The Committee of Experts looks forward to receiving information on the practical use of the languages in the next monitoring cycle.

- g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.**

General comments

425. According to Article 38 of the Law of Ukraine "On Languages in the Ukrainian SSR" it is possible to introduce place names in a minority language, but only if the minority in question constitutes a majority in the locality concerned.

426. In its opinions, the Advisory Committee of the Framework Convention for the Protection of National Minorities noted that the numerical threshold contained in the said provision was such that it constituted an obstacle in respect of certain minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority. Complaints were indeed received on the difficulties faced in practice to restore traditional local names, street names and other topographical indications³⁶. In that respect, the Committee of Experts refers to its comments above (paragraph 382).

³⁶ see paragraphs 161-164 of the FCNM report, ACFC/OP/II(2008)004

427. The Committee of Experts understands that the authorities are in the process of restoring historical names of compact settlements of national minorities. However, the authorities have not provided information at all for many languages in their initial periodical report. It invites the authorities to provide the necessary information in their next report and encourages the Ukrainian authorities to step up efforts to make it possible for place names to be also written in regional or minority languages.

Belorussian, Bulgarian, Gagauz, Greek, Moldovan and Polish

428. No information has been provided regarding this undertaking.

Crimean Tatar

429. No information has been provided regarding this undertaking. However, the Committee of Experts has been made aware that century-old Tatar place names in several villages have not been restored, as ethnic Crimean Tatar do not constitute the majority of the relevant localities as required by Article 38 and as the local self-government has not taken the necessary decisions for place names to be in the Crimean Tatar language.

430. The Committee of Experts invites the Ukrainian authorities to clarify this issue and inform the Committee of Experts on measures taken to overcome the reported problem.

German and Slovak

431. The authorities indicate that in the localities densely populated by ethnic Germans and Slovaks in the Transcarpathia region, place names are in Ukrainian as they consider that the number of Germans and Slovaks is very small (see p.49).

432. The Committee of Experts recalls that Ukraine has chosen this undertaking for German and Slovak. The Committee of Experts encourages the Ukrainian authorities to clarify in cooperation with the speakers whether there are places with a significant number of speakers justifying the adoption of traditional and correct forms of place-names in these languages.

Hungarian

433. In the Transcarpathia region, within the areas densely populated by Hungarians, names of settlements, institutions and educational institutions are written in both languages (see p.52). The Committee of Experts invites the Ukrainian authorities to provide more specific information regarding the use of the traditional and correct form for place names in Hungarian.

The language of the Jewish community/Yiddish

434. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Romanian

435. In the Transcarpathia region, within the areas densely populated by Romanians in the Tyachivskiy and Rakhivskiy districts, names of settlements, institutions and educational institutions are bilingual. In the Chernivtsi region, in most of the settlements located in the Gertsavskiy, Glybotskiy and Starozhynetskiy districts, place names of inhabited localities are written in both languages within the areas densely populated by ethnic Romanians (see p.51).

Russian

436. In the Donetsk region, the Russian language is used together with Ukrainian for writing names of localities (see p.50). The Committee of Experts invites the authorities to provide information on the situation of other regions where the Russian language has a traditional presence.

Conclusion

437. The Committee of Experts considers that the undertaking is at least partly fulfilled as regards Hungarian, Romanian and Russian. It cannot reach a conclusion on the fulfilment of this undertaking concerning the other Part III languages and invites the authorities to provide the relevant information in their forthcoming report. However, considering the threshold currently applied, the Committee of Experts invites the authorities to clarify the scope of Article 38 of the Law on languages.

Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- ...
 - c*** ***compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.***

General comments

438. In accordance with Article 6 of the Law of Ukraine "On Languages in the Ukrainian SSR" all officials of state, party, public agencies, institutions and organizations shall have a command of the Ukrainian language and the Russian language, and, if required, other national languages to the extent needed for fulfilling their official duties. If a person is employed without a command of the Ukrainian language or the Russian language, this person will have to acquire the knowledge of the languages used (see p. 43 of the 1st periodical report).

439. The Committee of Experts regrets that the Ukrainian authorities have provided very little information concerning this undertaking. The Committee of Experts recalls that the Ukrainian authorities have committed themselves to taking measures to ensure that public officials are able to use the regional or minority languages. It encourages the authorities to come back to this undertaking in their forthcoming report and indicate which measures are put in practice to comply with wishes from employees having a knowledge of a regional or minority language to be appointed in the territory where the language is used.

Belorussian, Bulgarian, Gagauz, Greek, Moldovan and Polish

440. The authorities have provided no information concerning this undertaking (see pp.46-49).

Crimean Tatar

441. The authorities have provided no information concerning this undertaking (see p. 48).

442. Considering the information provided by the authorities under other undertakings regarding the Constitution of the Autonomous Republic of Crimea, according to which the proper functioning and development, usage and protection of Russian, Crimean Tatar and the languages spoken by other ethnic nationalities along with the state language shall be ensured, the Committee of Experts is of the opinion that measures should be taken to ensure that speakers of Crimean Tatar are recruited. The Committee of Experts invites the authorities to comment on the situation in the Autonomous Republic in their forthcoming report.

German, Hungarian and Slovak

443. It seems that in the Transcarpathia region, officials mastering German, Hungarian or Slovak are hired within localities densely populated by Germans, Hungarians or Slovaks (see p.49-52). However, no precise data or figures have been made available by the authorities.

The language of the Jewish community/Yiddish

444. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Romanian

445. In several districts of the Chernivtsi region, within the localities densely populated by Romanians, officials who speak Romanian are employed provided they master Ukrainian. In the Gertzayevski, Storozhinetzki and Glybokski districts 80%, 30% and 15% respectively of the officials working in the state administration speak Romanian. The Ukrainian authorities also refer to officials employed in the Transcarpathia region mastering Romanian (see p. 51).

Russian

446. The authorities have provided no information concerning this undertaking (see p. 50). Considering the strong position of the Russian language in Ukraine, the Committee of Experts invites the authorities to provide the relevant information in their forthcoming report.

Conclusion

447. The Committee of Experts cannot conclude on the fulfilment of this undertaking and looks forward to receiving the relevant information in the next monitoring round. However, considering the threshold currently applied, the Committee of Experts invites the authorities to clarify the scope of Article 6 of the Law on languages.

Article 11 - Media

General comments on broadcast media

448. The law «On Television and Radio Broadcasting» imposes specific language-related quotas for broadcasting in Ukrainian on TV and radio. According to Article 10 (4) of this Law, nation-wide operators must now broadcast at least 75% of the programming in Ukrainian within each 24-hour slot. The body responsible for granting licences is the National Council of Ukraine for TV and Radio broadcasting (see the information provided by the authorities, p. 52). The Committee of Experts understands that these requirements imposed on broadcasting companies aim at promoting and protecting the State language. However, an overall exclusion of the use of the national minority languages in the nation-wide public service and private broadcasting sectors is not compatible with Article 11 of the Charter.

449. In the areas densely populated by national minorities, the National Council adopted recommendations on the language of programmes and shows in its Decision n°317 dd.14.04.2004. Paragraph 3 of this Decision indicates that in these areas, the National Council will take due account of language needs of these TV viewers and radio listeners. In places of compact settlement, broadcasting in regional or minority languages can be made within the quotas determined by the Law on TV and radio broadcasting. Therefore, licences must indicate that at least 75% of the programmes will be in Ukrainian (see item 2.2 and 2.3 of the decision).

450. After its visit, the Committee of Experts was made aware that the National Council amended this Decision and adopted new recommendations (amendments and supplements to Decision n°317 dd.14.04.2004, approved by Decision n°580 dd 26/03/ 2008). As far as national broadcasting is concerned, the Committee of Experts notes that as from September 2009 a minimum of 80% of programmes shall be in the Ukrainian language and 85% as of September 2010 (see 2.1 of the decision).

451. During the on-the-spot visit, the Committee of Experts was made aware of a number of obstacles for broadcasting in regional or minority languages. The Committee of Experts considers that even before the recent amendments the proportion of programmes and broadcasts that must be in the Ukrainian language was clearly inappropriate for minority language broadcasting, bearing in mind that the proportion of persons speaking regional or minority languages represent more than 50% of the population in several regions.

452. According to the Ukrainian authorities, the main problem is not so much in introducing programmes in regional or minority languages but rather the insufficient production of domestic TV and Radio programmes. Ukrainian TV and Radio stations tend to purchase significant volumes of foreign programmes, adapting them to comply with the requirements of the Ukrainian law, instead of developing programmes and broadcasts prepared in languages of ethnic minorities. Problems are indeed reported in relation to the production, distribution and broadcasting by non-state TV/Radio broadcasting companies, in particular in the

regions of Donetsk and Zaporizhyya. There are non-state broadcasting companies in almost all regions where ethnic minorities live. However, the major obstacle to the activities of the said companies consists in a lack of funding. Furthermore, the law of Ukraine on advertising expressly prohibits any sponsoring of news programmes and political programmes. All this adds to the financial risks of commercial TV/Radio companies, and they seem to take the view that it is not economically viable to launch projects for ethnic minorities (see p.52 of the initial periodical report).

453. This does not concern the public owned system, for which the activities are financed by the State. The authorities underline that the experience, notably in the Transcarpathia region, was positive.

454. The Ukrainian authorities acknowledge in their initial periodical report that there are problems with TV and Radio in the Odessa region, as speakers have neither TV nor radiofrequency signals. They also acknowledge that the number of programmes presented in the languages of ethnic minorities cannot satisfy their information and cultural-ethnic needs. The Committee of Experts invites the authorities to come back to this matter in their forthcoming report, and clarify whether solutions were found.

The Committee of Experts encourages the Ukrainian authorities to revise the regulations covering broadcast in regional or minority languages covered by the Charter.

Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

to the extent that radio and television carry out a public service mission:

- a. iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

General remarks

455. According to the information provided by the authorities there seems to be no TV/Radio broadcasting in regional or minority languages other than Russian on the territory of the Donetsk and Zaporizhyya regions (see p.55 of the periodical report). As far as other regions are concerned, public TV/radio broadcasting for ethnic minorities is available in the Transcarpathia, Zhytomyr, Odessa and Chernivtsi regions and in the Autonomous Republic of Crimea.

456. The Committee of Experts invites the authorities to clarify how speakers of minority languages present in Donetsk and Zaporizhyya have access to TV and Radio programmes in regional or minority languages.

457. The Committee of Experts also refers to its general comments above and especially its concerns about the quotas. The Committee of Experts encourages the authorities to review the new language quota provisions pertaining to public service operators to ensure that the right of speakers of regional or minority languages to impart and receive information in their languages is not subject to excessive limitations³⁷.

458. The Ukrainian authorities are also invited to comment on the use of regional or minority languages in the national media in their forthcoming report.

Belorussian

459. A radio programme "Batkovshyna" is broadcast in Belorussian in Sevastopol. It has been created jointly by the Sevastopol Regional State TV/Radio Company and the National-Cultural Communities Association of Sevastopol City (see p. 55).

460. The Committee of Experts notes, however, that there are other regions where there is an important presence of Belorussian speakers, in the Rivne or Chernihiv regions for instance.

³⁷ see paragraph 134 of the FCNM report, ACFC/OP/II(2008)004

461. In the light of the above, the Committee of Experts encourages the authorities to take steps to ensure that there are TV and/or radio programmes in Belorussian in other areas where there is a sufficient demand.

Bulgarian

462. There are several programmes in Bulgarian on different television channels and in the Autonomous Republic of Crimea, the State TV/Radio company "Krym" broadcasts a 15-minute television programme every week. In Odessa, the regional state TV/Radio Company has been broadcasting a 30-minute programme, "Roden kraj" for the past 20 years (see p. 56).

463. In the Zaporizhya region, TV/Radio broadcasting companies have tried to develop and broadcast programmes for ethnic minorities. However, this proved to be financially unviable and there are no programmes in Bulgarian in this region at present (see p. 56).

464. As far as public radio is concerned, a number of programmes are broadcast in Bulgarian, for instance the "Roden kraj" radio programme in the Odessa region, and three programmes "Bulgarian meetings" (15 minutes per week), "We are back" (15 minutes per month) and "Crimean Dialogue" (30 minutes per month) in the Autonomous Republic of Crimea.

465. During the on-the-spot visit, representatives of the Bulgarian speakers informed the Committee of Experts that the community has sent requests to the national council on minorities to increase the length of programmes in Bulgarian in public electronic media, but to date they have not achieved that aim for financial reasons. In addition, the Bulgarian speakers indicated that the imposition of quotas was making it extremely difficult to obtain a license for broadcasting programmes in Bulgarian, including at the regional level.

Crimean Tatar

466. The State TV/Radio company "Krym" in the Autonomous Republic of Crimea broadcasts several television programmes in Crimean-Tatar: "Povernennya" 20 minutes once per month, "Ana Yurt" 30 minutes twice per month, "Dzhanim stirav" 30 minutes twice per month, "Genchlik" 30 minutes once per month, "Miras" 20 minutes once per month, "Edebiy kervan" 20 minutes once per month, "Khaberler" 20 minutes twice per week, "Tuvwiam tilim" 30 minutes once per week, "Din ve urf-adetlerimiz" 30 minutes once per month, and "Shellyare" 25 minutes once per month.

467. The following radio programmes are available in Crimean Tatar : "Merabaniz balarar" 20 minutes once per week, "Peshraf" 20 minutes once per week, and "Music aleminde" 30 minutes once per month. The authorities also refer to private electronic media, which belong to another undertaking (see below under b ii).

Gagauz

468. Programmes are broadcast in Gagauz by the Odessa Regional State TV/Radio broadcasting company. There is a weekly 30-minute programme "Ana tarafi" which has been broadcast for 20 years, and a 30-minute television programme "Kolorit" twice per month (see page 56 of the initial periodical report). However, the authorities have provided conflicting information as to how often "Kolorit" is broadcast, either once or twice a month. The authorities are invited to clarify this question in the forthcoming periodical report.

469. In addition, the TV/Radio Company "Novyny Pridnistroviya" in Belgorod-Dniestrovsk City broadcasts certain radio-programmes in Gagauz among other regional or minority languages.

German

470. An annual total of 40 hours of television and radio programmes are broadcast in German by the Transcarpathia Regional State TV/Radio broadcasting company, namely the «Podrobytsi» news programme, «German sounds», and «My Generation».

471. The Committee of Experts is pleased to note that some of the programmes target the younger generation. However, it notes that the amount of broadcasting is very low and invites the authorities to provide information on the amount of broadcasting in German on radio and television respectively, and to clarify if the existing offer corresponds to the needs of the speakers.

Greek

472. Programmes from different regions are broadcast in Greek, mainly in the Autonomous Republic of Crimea, Donetsk and Belgorod. The State TV/Radio company "Krym" broadcasts the radio programme "Yasas" produced by the Sevastopol Regional State TV/Radio Company and the National-Cultural Communities Association of Sevastopol City, as well as two 15-minute weekly programmes, "Kalimera" and "Khoffnung". Since September 2004, the TV/Radio company "Mariupol Television" broadcasts a 20-minute programme "Az yesm" twice per week in the Donetsk region (see paragraph 136 above), which is also broadcast by Lviv Television and UT-1 in the Lviv region. In the Odessa region, "Novyny Pridnistroviya" TV/Radio Company develops and broadcasts some radio programmes in Greek.

473. The Greek speakers have indicated that the imposition of quotas for programmes in Ukrainian makes it extremely difficult to broadcast programmes in Greek.

Hungarian

474. 24 hours of television and 27 hours of radio programmes are broadcast per quarter in Hungarian in the region of Transcarpathia. In addition, programmes are broadcast by the "Tisa-1" TV Channel which was set up in November 2005 under the Transcarpathia Regional State TV/Radio Company (see p.65).

The language of the Jewish community/Yiddish

475. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

476. The Odessa Regional State TV/Radio broadcasting company has been broadcasting a 30-minute weekly programme "Plaiul natal" in Moldovan for the past 20 years. The Ukrainian authorities are invited to clarify if the existing offer of television programmes in Moldovan corresponds to the need of the speakers, and to indicate which radio programmes are available in Moldovan.

Polish

477. The Zhytomir Regional State TV/Radio Company broadcasts a 20-minute weekly radio programme «Slovo polske» and a further 40 minutes of radio-broadcasting in Polish per week. There is also a 30-minute television programme «U rodakiv» three times per week.

Romanian

478. The Transcarpathia Regional State TV/Radio Company broadcasts annually 95 hours of programmes in Romanian on television, and 112 hours of programmes on radio (see p.63). The information provided by the authorities is also referring to Hungarian under this undertaking which makes it unclear to which extent the programmes are in fact in Romanian (see p. 63).

479. The Committee of Experts understands that in the Chernivtsi region, programmes in Romanian are offered by the Regional State TV/Radio Company and the "TBA" TV/Radio Company. The authorities report that dozens of radio and TV transmitters have been installed on the border between Romania and Moldova. These transmitters broadcast programmes that can be received in the Chernivtsi region. According to the authorities, TV/Radio companies in Chernivtsi cannot withstand the competition from these programmes.

480. The Committee of Experts recalls however that the present undertaking aims at providing local broadcast in the regional or minority language and not radio and television programmes from a kin state. This requirement falls under paragraph 2 of Article 11. Therefore, the Committee of Experts underlines that the possibility of receiving broadcasts from another state in the region shall not prevent the State authorities from supporting the broadcasting of local programmes in Romanian.

Russian

481. According to the authorities, varying amounts of programmes are broadcast on television in the Russian language all over Ukraine.

482. The Russian speakers stressed that it was extremely difficult to obtain a license for broadcasting programmes in Russian - including at the regional level - as a result of the imposition of quotas.

483. As far as radio is concerned, many public owned regional media companies broadcast programmes in Russian, ranging from 10% of the total broadcast (Poltava Regional State TV/Radio Company) to 89% (Sevastopol Regional State TV/Radio Company). In addition, the Transcarpathia Regional State TV/Radio Company has been advised to set up an editorial office for broadcasting in the Russian language (p.62).

484. Bearing in mind the number of Russian speakers in Ukraine, the Committee of Experts encourages the authorities to clarify if the present level of broadcasting in Russian corresponds to the needs and wishes of the speakers.

Slovak

485. The Transcarpathia Regional State TV/Radio Company broadcasts 48 hours of television programmes and 48 hours of radio programmes in Slovak (see p.64 of the initial periodical report for a description of the different programmes).

Conclusion

486. The quota system hampers the implementation of the undertaking. However, the Committee of Experts has received information that programmes are broadcast in regional or minority languages to varying degrees. Reducing the quota system would benefit the development of broadcasting in regional or minority languages. The Committee of Experts considers nevertheless that the undertaking is partly fulfilled for all languages except Yiddish.

487. The Committee of Experts encourages the Ukrainian authorities to review the language quota provisions with regard to radio and television programmes in particular concerning the regional channels in order to ensure that the presence of programmes in regional or minority languages responding to the needs of the speakers is not subject to excessive limitations.

b. ii. to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

General comments

488. The Committee of Experts recalls that the present undertaking relates to private electronic media. The legal regime applicable in Ukraine to private operators is the Law on Television and Radio Broadcasting (see article 10). According to this law, a certain percentage of radio programmes must be in Ukrainian. This language quota is also applicable to radio stations broadcasting in regional and minority languages. The Committee of Experts refers to its general comments above (see paragraphs 448-453).

489. The Committee of Experts notes that in practice broadcasting in languages other than Ukrainian appears to be tolerated to a certain degree as far as private broadcasting is concerned at state level. The Committee of Experts also notes that a number of radio and TV stations broadcast in regional and minority languages at the regional level, although it received complaints on obstacles to provide such a service.

490. The Committee of Experts has not received the necessary information regarding many of the part III languages as the information provided mainly relates to radio programmes broadcast by public owned media. The Ukrainian authorities are therefore invited to include information on programmes in regional and minority languages on private radio stations in their forthcoming report.

Belorussian

491. The Ukrainian authorities have not provided any information (p. 55).

Bulgarian, Gagauz, German, Greek, Hungarian and Slovak

492. The Ukrainian authorities have only provided information relating to public broadcasting.

Crimean Tatar

493. Most of the information provided by the authorities refers to public owned radio broadcasting (see pp. 58 or 59 of the initial periodical report). The authorities also refer to private commercial TV/Radio broadcasting by Crimea Radio Maidan and the "TAV-DAIR" TV/Radio company which broadcast 50% of the total scope of radio broadcast in Crimean Tatar. As far as the latter is concerned, the authorities are invited to clarify the share between radio and television programmes.

The language of the Jewish community/Yiddish

494. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

495. According to the Ukrainian authorities, "Aktualitets" is a radio programme broadcast in Moldovan in the Odessa region. However, it is not clear to the Committee of Experts whether this programme is broadcast by a public or private radio station. Furthermore, no information has been given concerning the length and regularity of this programme.

Polish

496. Most of the information provided by the Ukrainian authorities refers to public broadcasting media in the Zhytomir Chernivtsi and Donetsk regions (see . 61). The authorities also refer to 10 hours of radio programmes being broadcast weekly by LLC «Regional Information Center», «Independence» located in Lviv City as well as the radio-stations "Nezalezhnist" and "Radio Maidan". However, it is not clear to the Committee of Experts if these radio stations are public or private.

Romanian

497. The Ukrainian authorities have provided an extensive description of the radio programmes in Romanian that are broadcast by public owned media in Chernivtsi and Transcarpathia (see p. 63). It is not clear to the Committee of Experts whether "Bukovyna" Radio Station in Chernivtsi is a public or a private radio station and invites the authorities to clarify this issue as well as to include any other information concerning radio programmes in Romanian on private radio stations in the next periodical report.

Russian

498. The Ukrainian authorities have provided an extensive description of the radio programmes in Russian that are broadcast by public owned media in Vinnytsya, Dniepropetrovsk, Donetsk, the Autonomous Republic of Crimea, Lugansk, Odessa, Poltava, Kherson, Sevastopol and Zhytomir. However no information regarding radio programmes in Russian on private radio stations has been given.

Conclusion

499. The Committee of Experts refers to its comments above concerning the quotas for the amounts of programmes that have to be in Ukrainian. The Committee of Experts encourages the Ukrainian authorities to provide precise information in the next periodical report regarding the extent to which these quotas are in fact applied to radio programmes in the regional and minority languages.

500. Furthermore, the Committee of Experts observes that the Ukrainian authorities have provided very little information regarding radio programmes in regional and minority languages broadcast by private radio stations. The authorities are encouraged to include this information as well as information on radio programmes in Yiddish in the next periodical report.

- c. ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*

General comments

501. The Committee of Experts recalls that the present undertaking relates to private electronic media.

502. The Committee of Experts refers to its general comments above and encourages the Ukrainian authorities to allow television programmes to be broadcast in regional and minority languages. The Committee of Experts has not received the necessary information regarding many of the part III languages, as the information provided mainly relates to television programmes broadcast by public media. The Ukrainian authorities are therefore invited to include information on programmes in regional and minority languages on private TV stations in their forthcoming report.

Belorussian

503. The Ukrainian authorities have not reported on the presence of Belorussian TV programmes on private TV stations (see p. 55). During the on-the-spot visit, the Committee of Experts was informed that at the moment there is no presence of Belorussian on private radio or television.

504. The Committee of Experts was made aware of a recent initiative of the Belorussian community which is currently working on a television programme in Belorussian. A request for financial support for this was made to the State Committee on Nationalities and Religions. However, the authorities have not yet responded to that request. The Committee of Experts invites the Ukrainian authorities to comment on this issue in their next report.

Bulgarian

505. Most of the information provided by the Ukrainian authorities refers to programmes already described under the undertaking related to public media. In this list of programmes, the authorities refer to "Novyny Pridnistroviya" TV/Radio Company (in Belgorod-Dniestrovskiy City) and TV/Radio Company "Real - ATV" which occasionally broadcast programmes in Bulgarian. The authorities are invited to clarify if these are private operators and -if so - to describe the length of and the regularity of those programmes (p. 56).

Crimean Tatar

506. Most of the information provided by the authorities refers to public owned radio broadcast. The authorities also refer to private commercial TV/Radio broadcasting in Crimea without providing, however, the necessary details for the Committee of Experts to be able to evaluate the situation. In the report, it is stated that 10% of the total number of television programmes of "Atlant-SV" (Radio Maidan) is in Crimean Tatar. However, it is not clear to the Committee of Experts whether this TV station is private or public. The Committee of Experts encourages the authorities to clarify this issue in their forthcoming report.

Gagauz, German, Greek, Hungarian, Moldovan and Slovak

507. The information provided by the Ukrainian authorities refers only to the public owned broadcast media (pp.57-65).

The language of the Jewish community/Yiddish

508. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Polish

509. Most of the information provided by the Ukrainian authorities refers to broadcasting by public owned media (see p.60). The Limited Liability Company "TV/Radio Company Soyuz-TV" is reported to broadcast 3 or 6 hours per day in Zhytomir City, producing its own programmes as well as broadcasting programmes from Poloniya TV channel. The length of the programmes is, however, unclear to the Committee of Experts as the information in the first periodical report seems to be contradictory (on p. 60 and p. 61). The Committee of Experts encourages the authorities to clarify this issue in the forthcoming report.

Romanian

510. Most of the information provided by the Ukrainian authorities refer to public owned media (see p. 64 of the initial periodical report).

Russian

511. The Ukrainian authorities have only provided information relating to public broadcasts (see p.62).

512. The Committee of Experts has received complaints about the imposition of quotas and the difficulties created by the quotas for television programmes to be broadcast in Russian by private TV stations.

Conclusion

513. The Committee of Experts encourages the Ukrainian authorities to provide precise information in the next periodical report regarding the extent to which the quotas described previously are in fact applied to television programmes in the regional and minority languages covered by the ratification by Ukraine of the Charter.

514. Furthermore, the Committee of Experts observes that the Ukrainian authorities have provided very little information regarding TV programmes in regional and minority languages on private TV stations. The authorities are encouraged to include this information in the next periodical report.

- d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

General comments

515. The Ukrainian authorities have provided little or no information on how this provision is implemented in practice in relation to many languages. The Committee of Experts recalls that by opting for this undertaking the Ukrainian authorities committed themselves to encouraging the production and distribution of audio and audiovisual work in the 13 regional or minority languages covered by the instrument of ratification. The Committee of Experts invites the Ukrainian authorities to provide information in the next periodical report on what steps have been taken with a view to fulfilling this undertaking.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, Greek and Moldovan

516. No information has been given by the Ukrainian authorities under this provision (p. 55).

German, Hungarian, Polish, Romanian and Slovak

517. The authorities have reported that the annual International Festival of TV and Radio programmes «My native Land» held in the Transcarpathia region is arranged by the State Committee for Television and Radio Broadcasting of Ukraine, the Transcarpathia Regional State Administration, the Regional Council and the Transcarpathia Regional State TV/Radio Company with assistance of the European Ethnic Broadcasting Association.

518. The Committee of Experts, however, has received no specific and concrete information on how this concerns German, Hungarian, Polish, Romanian and Slovak or to what extent audio and audiovisual works in these languages are produced and distributed.

The language of the Jewish community/Yiddish

519. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Russian

520. The Committee of Experts has received no specific and concrete information on how the above mentioned Festival concerns Russian or to what extent audio and audiovisual works in Russian are produced and distributed. According to the Ukrainian authorities, governmental authorities have created conditions for distributing audio and audio-visual works in Russian by public organizations of the Russian ethnic minority in the Volyn region (see p. 62).

521. In the absence of concrete examples, the Committee of Experts is not able to reach any conclusion on this undertaking. It invites the authorities to provide more specific information on how the Russian language benefits from governmental support in the field of production of audio and audiovisual works.

Conclusion

522. The Committee of Experts is unable to reach a conclusion as to the fulfilment of this undertaking and encourages the Ukrainian authorities to provide the necessary information in the next periodical report.

- e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*

General comments

523. The Ukrainian authorities refer to numerous newspapers in regional or minority languages in their initial periodical report (see p. 55 ff). However, few of those newspapers are supported by the authorities. The Committee of Experts was informed that the State Committee for Nationalities and Religions supports 6 publications in Armenian, Bulgarian, Crimean Tatar, Yiddish, Polish and Romanian.

524. During the on-the-spot visit, the Committee of Experts was made aware of difficulties, mainly of a financial character, faced by speakers of regional or minority languages regarding the publication of a newspaper in a regional or minority language. The Committee of Experts recalls that a newspaper in a regional or minority language is an important element in the preservation of the language and the culture of the speakers. It invites the authorities to consult representatives of the speakers of regional or minority languages to evaluate their needs and wishes with regard to this undertaking, and to clarify the criteria used for deciding whether a newspaper in a regional or minority language can receive support.

Belorussian

525. Several publications are available in different regions: in the Donetsk region the newspaper "Svitlytsya" contains a page in Belorussian every month; in the Lviv region, the newspapers "Vestki z Belurusi" (News from Belarus) and "Galytchyna Belarus" are published in Belorussian; in the Zaporizhzhya region the newspaper "We are together" contains articles in Belorussian; in the Chernihiv region, there is a periodical joint newspaper "Zhyva voda" (life-giving water) resulting from cooperation between journalists from three different regions: the Chernigiv Region, the Gomel Region and the Braynsk region in the Russian Federation (see p. 55)

526. During the on-the-spot visit the Committee of Experts was informed that editors from the newspaper "Friends", which has been published in Belorussian since 2001, have requested support from the authorities. It seems that support is not yet granted to this publication.

Bulgarian

527. According to the Ukrainian authorities, the Odessa region and the State Committee for Nationalities and Religions are financially supporting the Bulgarian newspaper "Roden krai". In the Zaporizhzhya region the newspaper "We are together" contains information on the daily life of the most numerous ethnic groups of the region. This newspaper is also published in Bulgarian (see p. 56 of the initial periodical report).

528. Non governmental sources informed the Committee of Experts during the on-the-spot visit that in the Crimea, Ukrainian newspapers contain one or two pages in Bulgarian.

Crimean Tatar

529. One newspaper is published by the Tatar national-cultural community in the Zaporizhzhya region. However, it is not indicated whether this newspaper is in Crimean Tatar and how frequently it is issued.

530. The Committee of Experts would also need more information regarding the situation in the Autonomous Republic of Crimea where the largest number of Crimean Tatar live.

Gagauz

531. According to the authorities, no application for registration of a printed publication in Gagauz has been submitted to the authorities (see p.57). The Committee of Experts was informed during the on-the-spot visit that a publication in Gagauz is available at local level, but that its sole financial support comes from the speakers as there is no public support. The Committee of Experts encourages the authorities to consult the speakers and to seek ways to support the existing publications.

German

532. The «German Central Newspaper» is published all over Ukraine and the newspaper «Hallo Freunde» is published in the region of Lviv. Articles in German are from time to time published in the «Visnyk ARN» (founded by the non-profit-making public organization «Nizhyn Development Agency») in the Chernihiv region.

533. The Ukrainian authorities are invited to clarify the figures indicated in the periodical report, making reference to the 11 print media published in German with combined texts and the 108 print media published in parallel editions, and to indicate whether this offer corresponds to the needs of the speakers (see p.60).

Greek

534. The "Hellenes of Ukraine", "Kambana" and "Khronos" newspapers are published for the ethnic Greeks.

Hungarian

535. According to the information given in the initial periodical report, 10 print media are published in Hungarian and 8 other print media have some content in Hungarian and other languages (see p. 65). The Committee of Experts invites the authorities to clarify whether this offer corresponds to the needs of the speakers.

The language of the Jewish community/Yiddish

536. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

537. The State Department for Nationalities and Religions supports the newspaper "Luceafărul" in Moldovan (see p.59). However, the authorities have not described how often this newspaper is issued. The authorities are invited to clarify this issue in the next periodical report.

Polish

538. The Polish newspaper "Poles of Donbas" is published in the Donetsk region; "Gazeta Lwowska", "Głos Nauczyciela" and "Radosc Wiary" magazines are published in the Lviv region. In the Zhytomir region, the periodical "Mozaika Berdychivska" is published once every two months and the daily "Gazeta Polska" is published in Ukrainian and Polish. In the region of Chernihiv, the newspaper "Orle plemię" has been published in Ukrainian and Polish since 2005, and "Visnyk ARN" is issued twice per month occasionally containing articles in Polish (see p. 61).

539. The Ukrainian authorities are invited to clarify the figures indicated in the periodical report, making reference to 5 print media published in Polish, while 3 print media are published with combined texts and 37 print media published in parallel editions, and to indicate whether this offer corresponds to the needs of the speakers.

Romanian

540. The information provided by the Ukrainian authorities is limited, referring to 6 print media published in Romanian, while 4 print media are published with combined texts and 4 more print media are published in parallel editions (see p.64 of the initial periodical report). The Committee of Experts invites the authorities to

clarify whether this offer corresponds to the needs of the speakers and to clarify the scope of their support to newspapers in Romanian.

Russian

541. The authorities have provided extensive information on newspapers in Russian (see pp.62-63 of the initial periodical report). All in all, 2343 print media are published in Russian, while 3598 printed media are published with combined texts and 3834 print media published in parallel editions (in Russian as well as in other languages).

Slovak

542. One newspaper in Slovak is published in the region of Transcarpathia (see p.65). The Committee of Experts encourages the authorities to indicate whether this satisfies the needs of the speakers.

Conclusion

543. The Committee of Experts considers that the undertaking is fulfilled as regards Belorussian, German, Polish and Russian, partly fulfilled for Bulgarian, and not fulfilled for Gagauz . It cannot reach a conclusion as regards Crimean Tatar, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Romanian and Slovak, and invites the authorities to provide more precise information. In particular, the Ukrainian authorities are invited to clarify the scope of their support for the publication of the newspapers in all languages.

544. The Committee of Experts encourages the authorities to increase the financial support for the publication of newspapers in regional or minority languages spoken by numerically smaller groups.

g. to support the training of journalists and other staff for media using regional or minority languages.

General comments

545. The Ukrainian authorities have provided little or no information on how this provision is implemented for many languages. The Committee of Experts recalls that by opting for this undertaking the Ukrainian authorities committed themselves to supporting the training of journalists and other staff for media using regional and minority languages covered by the ratification.

546. The Committee of Experts invites the Ukrainian authorities to provide information on what steps have been taken with a view to fulfil this undertaking in the next periodical report.

Belorussian, Crimean Tatar and Greek

547. No information has been provided by the Ukrainian authorities (see p. 55-57).

Bulgarian, Gagauz and Moldovan

548. According to the information provided by the authorities, the Odessa Regional Institute of Public Administration arranges training for journalists from print media published fully or partially in the languages of ethnic minorities on an annual basis (pp.56, 57 and 60).

549. The Committee of Experts recalls that the present undertaking covers the training of journalists but also other staff working in written and electronic media. The Committee of Experts invites the authorities to provide more specific information regarding the training itself (courses offered, regularity, target groups, etc).

German and Slovak

550. According to the Ukrainian authorities, Institutions of Higher Education in the region of Transcarpathia offer training for journalists (see p.60). However, no data about the number of journalists trained, the courses offered, etc., have been given.

Hungarian

551. The Ukrainian authorities report that a union of Hungarian Journalists of Transcarpathia was set up (see p. 65). However, there is no precise information regarding any training organised by this union nor about the scope of support from the authorities for training media staff using Hungarian.

The language of the Jewish community/Yiddish

552. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Polish

553. The information provided by the Ukrainian authorities is not sufficient to evaluate the situation. The authorities have confined themselves to informing the Committee of Experts that in the Donetsk region, Polish is not frequently used, and if required it is used in news coverage about various activities of the Polish speakers as well as memorable dates, national celebrations and other events (see p.61).

554. Considering the number of newspapers available in Polish, as well as the existing offer of TV and radio programmes in Polish, the Committee of Experts considers that there is a need to train staff working in the media using Polish.

Romanian

555. As far as the training of professional journalists is concerned, the authorities refer to institutions of higher education in the Transcarpathia region (see p.64). However, the information provided does not make it clear to what extent journalists and other staff working in Romanian benefit from this training.

556. The authorities also refer to the training of journalists who work for the Romanian-speaking editorial office of the Chernivtsi Regional State TV/Radio Company, through exchange with TV/Radio channels of Romania (see p.64).

Russian

557. According to the information provided by the Ukrainian authorities, journalists are trained at Uzhgorod National University. Furthermore, in the Donetsk region, workshops are arranged for newspaper editors working in local authorities. In addition, the Odessa Regional Institute of Public Administration arranges training for journalists from print media.

558. It is not clear to the Committee of Experts, however, to what extent the training provided to journalists by Uzhgorod National University and the workshops for newspaper editors working for local authorities and self-governance authorities in the region of Donetsk target staff working in the Russian language (see p.63 of the initial periodical report). It is not clear either how Russian-speaking media staff are trained by the Center for Training and Professional Development of the Odessa Regional Institute of Public Administration and other institutions.

559. Considering the number of newspapers in Russian as well as the offer of TV and radio programmes in Russian, the Committee of Experts considers that there is a need for training staff working in the media field using the Russian language.

Conclusion

560. The Committee of Experts considers that the undertaking is not fulfilled as regards Belorussian, Crimean Tatar, Greek and Polish, and that it is partly fulfilled as regards Russian and Romanian. The Committee cannot reach a conclusion as regards Bulgarian, Gagauz, German, Hungarian, Moldovan and Slovak and requests the Ukrainian authorities to provide more information.

Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

561. Pursuant to Article 42 of the law of Ukraine "On Television and Radio Broadcasting", no restrictions should be imposed to the retransmission of television and/or radio programmes from the territory of neighbouring countries to the territory of Ukraine, provided the content fully complies with the requirements of the European Convention on Trans-frontier Television. The right for retransmission of television and/or radio programmes is determined by a broadcasting license or a provider license of programme service (p.54).

562. The Committee of Experts received complaints during the on-the-spot visit regarding the recent decision adopted by the National Television and Radio Council according to which foreign programmes distributed in Ukraine via cable networks must have their programmes dubbed or translated into Ukrainian. Representatives of the Russian speakers, among others, claim that, if implemented, this decision would prevent all retransmission from foreign channels³⁸. In the view of the Committee of Experts dubbing or translation of the programme is not in conformity with the present undertaking.

563. The Committee of Experts encourages the Ukrainian broadcasting authorities to consult with the speakers and, in conformity with Article 11 paragraph 2 of the Charter, to ensure that no obstacles are unduly limiting the reception of regional or minority language programmes from neighbouring countries. It invites the authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes.

Belorussian

564. According to the Ukrainian authorities, residents near the border and in the neighbouring districts of the Chernigiv, Donetsk and Mykolaiv regions have the possibility to receive retransmission of radio and television programmes in Belorussian and Russian (see p.55).

Bulgarian

565. Radio and television programmes from Bulgaria are retransmitted in Mykolaiv, Odessa and in the City of Kyiv (see p.56 of the initial periodical report).

Crimean Tatar, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Romanian and Slovak

566. No specific information has been provided on these languages in the initial periodical report. The authorities made a very general statement according to which "free retransmission of radio and television programmes from neighbouring countries has been provided in the regions populated by ethnic minorities" (see p.57-65).

Gagauz

567. No specific information regarding Gagauz has been provided in the initial periodical report, although reference was made to the need for operators in Odessa to ensure broadcasts in Gagauz (see general comment above).

Polish

568. No specific information has been provided by the authorities under this undertaking. However, under other undertakings (b and c) the authorities report that the cable television network in the Lviv region

³⁸ see also paragraph 133 of the FCNM report, ACFC/OP/II(2008)004

retransmits three programmes broadcast on Polish Television. The Committee of Experts therefore invites the authorities to clarify how the retransmission operates in Lviv and in the Transcarpathia and Donetsk regions.

Russian

569. Television programmes from Russia are retransmitted on the territory of the Donetsk region (“RTR-Planeta” TV channel, “Worldwide Network”, “NTV - Mir”, “TV-Center” international channels etc.) The Committee of Experts invites the authorities to provide information for other regions of Ukraine.

Conclusion

570. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking due to a lack of information. It invites the authorities to clarify the extent to which retransmission of broadcasts from neighbouring states takes place and whether any restrictions are imposed in this respect. For all languages, the Committee of Experts invites in particular the Ukrainian authorities to provide more specific information on the number of channels available and how the retransmission works in practice given the obligation to subtitle or dub all programmes in languages other than Ukrainian.

Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

General comments :

571. According to the Ukrainian authorities, the legal framework provides for the interests of users of regional or minority languages to be represented in bodies guaranteeing the freedom and pluralism of the media. However, no relevant or specific information has been provided concerning many of the languages given part III protection. It is therefore unclear to the Committee of Experts how the interests of the speakers are taken into account. It invites the authorities to clarify this point in their next report, in particular the role played by the National Television Council.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Russian and Slovak

572. No specific information has been given on how the interests of speakers of those languages are taken into account in practice (see p. 55-65 initial periodical report).

Romanian

573. No specific information has been given on how the interests of speakers of Romanian are taken into account in practice (see p. 64 initial periodical report).

574. However, during the on-the-spot-visit, the Committee was informed that the Chernivtsi State Administration set up a Public Board in 2007 which includes representatives of the six most influential national-cultural associations within the region. During the meetings of the board, among other things issues related to financial support provided to national-cultural associations and assurance of freedom and pluralism of the mass media are discussed. However, it is unclear to the Committee of Experts how this Board is related to media broadcasters and authorities and how the interests of the Romanian speakers are taken into account.

Conclusion

575. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking due to a lack of information. It encourages the authorities to come back to this undertaking in their forthcoming report.

Article 12 - Cultural activities and facilities

General comments

576. Financial support to cultural activities carried out by NGOs is granted by the State Committee on Nationalities and Religions and the Ministry of Culture on the basis of project proposals presented through the Council of Leaders of the All-Ukrainian Public Associations of National Minorities. The Committee of Experts has been informed that since 2006, the process leading to the allocation of financial support has improved. The system is more open and transparent and during the on-the-spot visit representatives of speakers indicated that the authorities have had a pro-active approach towards minority NGOs.

577. However, representatives of the Council of Leaders of the All-Ukrainian Public Associations of National Minorities consider that their views are not sufficiently taken into account in this process³⁹. In addition, as acknowledged by the Ukrainian authorities, an unbalanced support is provided to the cultural activities carried out by minority groups. The Committee of Experts refers to its comments above (see under article 7 c), in particular since it received complaints during the on-the-spot visit, notably from Russian speakers, on the low amount of financial support granted. Although the support granted by the State Committee on Nationalities and Religions is better than some years ago, many representatives underlined during the on-the-spot visit that the support is not sufficient, especially given the high inflation since 2001. The Committee of Experts welcomes the progress made but it encourages the authorities to step up their efforts to better respond to the needs of the speakers.

578. A particular problem was also raised during the on-the-spot visit concerning the lack of longer-term subsidies for setting up and running institutions or renting premises⁴⁰. Several representatives, as indicated above under Article 12 paragraph 1 f, indicated that Cultural centres are a key element to keep their language and culture alive. Although the Committee of Experts understands that the Ukrainian authorities face budgetary difficulties, it encourages the authorities to pay more attention to requests from national minorities regarding Cultural centres as these are places making their respective language and culture visible to the public.

The Committee of Experts encourages the Ukrainian authorities to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres.

579. As regards cinematography, the Constitutional Court of Ukraine ruled, in its Decision N° 13-rp/20 07 of 20 December 2007, that the legal regime governing the use of the state language and the languages of national minorities was also applicable to the sphere of cinematography, implying that before distribution in Ukraine foreign films must be dubbed, post-synchronised or sub-titled into the State language. Failure to comply with this requirement implies that the permission to distribute and show foreign films is not given. According to Article 14 (2) of the Law on Cinematography, these films can also be dubbed, post-synchronised or sub-titled into minority languages in addition to Ukrainian⁴¹.

580. According to Article 3 of the Law on Cinematography "film distribution" not only covers the showing of films in special premises like cinemas, but also Television broadcasting channels. This means that all foreign films broadcast on television channels will have to be translated even if the language quota in Ukrainian is met (see general comments under article 11 above). The Committee of Experts notes that this will create an additional heavy burden for minority language broadcasts, as stressed by speakers of regional or minority languages during the on-the-spot visit.

581. It is the view of the Committee of Experts that the requirement to dub or sub-title every foreign film into Ukrainian may prove disproportionate for those films which are produced in Russian and in other minority languages. Furthermore it is unclear to the Committee of Experts if this obligation to dub, post-synchronise and subtitle also applies to programmes produced domestically.

³⁹ see also paragraph 91 of the FCNM report, ACFC/OP/II(2008)004

⁴⁰ see also paragraph 92 of the FCNM report, ACFC/OP/II(2008)004

⁴¹ see also paragraphs 138-139 of the FCNM report, ACFC/OP/II(2008)004

The Committee of Experts encourages the authorities to ensure that the distribution of films in minority languages is not hampered by excessive requirements in terms of dubbing, post-synchronisation and sub-titling into Ukrainian.

Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;***

Belorussian

582. Since 2001 the Belorussian national-cultural association "Syabry" organises cultural events in the Chernihiv region, notably the First Folklore Festival of Ethnic Cultures "Polis'ke kolo" (see p. 67 of the initial periodical report). According to the Ukrainian authorities, the Department of Foreign Documents of the Regional Scientific Library named after V.G. Korolenko is working towards the popularization of pieces of works in Belorussian and organised 3 cultural events in 2006.

583. For several languages including Belorussian, the Ukrainian authorities refer to the activities carried out by the Department of Foreign Literature of the State Regional Universal Library named after O. Gmyryev in the Mykolayiv region. It arranges sessions of "Polyglot" and "Translator" Clubs and book-fairs. It is unclear to the Committee of Experts how the Belorussian speakers benefit from these activities in practice. The Committee of Experts invites the authorities to clarify this issue and provide figures and data to better assess the situation.

584. According to the authorities, despite the favourable conditions for cultural activities in Belorussian to flourish in the Donetsk and Zaporizhzhya regions, there have been no specific requests made by speakers for support from the authorities (see p. 68).

Bulgarian

585. In the Mikolaiv region, the above mentioned Department of Foreign Literature organises activities to promote the Bulgarian language. The Committee of Experts invites the authorities to clarify how Bulgarian benefits in practice from these activities.

586. The Committee of Experts also invites the authorities to clarify if activities are supported in other regions where the Bulgarian language has a strong presence.

Crimean Tatar

587. The information provided by the Ukrainian authorities for all subparagraphs of Article 12 refers to activities to promote the Crimean Tatar language and culture in the regions of Mykolaiv and Kherson (p.72). The Committee of Experts recalls that information regarding the situation in the Autonomous Republic of Crimea is necessary for the Committee of Experts to be able to properly assess the situation.

Gagauz

588. In the Mikolaiv region, the above mentioned Department of Foreign Literature organises activities to promote the Gagauz language. The Committee of Experts invites the authorities to clarify how Gagauz benefits in practice from these activities.

589. Speakers reported during the on-the-spot visit that although the relations with the Ukrainian authorities and in particular the Ministry of Culture have substantially improved, the process for allocating state support is too complicated for small groups. Speakers also stressed that the support granted is not sufficient. In 2007 for instance, the Union of Gagauz in Ukraine received 10 000 hrvinas although they requested 25 000 hrvinas to organise cultural events.

German

590. The Ukrainian authorities have reported extensively on cultural works and activities available in German in the region of Transcarpathia, including theatre, books, activities for children, museum etc. They also refer to the work done by libraries in this region as well as in the Lviv, Volyn, Kherson and Chernihiv regions (see p. 73).

591. As for other languages, the Ukrainian authorities refer to the activities carried out by the Department of Foreign Literature in Mikolaiv region. The Committee of Experts invites the authorities to clarify how German benefits in practice from these activities.

Greek

592. In the Chernihiv region, more precisely in the local Greek community in Nizhyn, the authorities support a Sunday School and a folk dance company for children. In the Kherson region, the authorities support an Exhibition hall "Druzhba" in Genichensk City and the Regional Museum of Local Lore which displays cultural life of the Greeks (see p. 69).

593. As for other languages, the Ukrainian authorities refer to the activities carried out by the Department of Foreign Literature in the Mikolaiv region. The Committee of Experts invites the authorities to clarify how Greek benefits in practice from these activities.

594. The Committee of Experts also invites the authorities to clarify if activities are supported in other regions where the Greek language has a strong presence.

Hungarian

595. The region of Transcarpathia hosts 76 clubs and 87 libraries (408 thousand books in Hungarian) and a Regional Hungarian Drama Theatre (see p.78). The Association of Hungarian Librarians of Tanscarpathia has been working for 12 years to preserve and popularize Hungarian culture, language and literature and to maintain cooperation with libraries in Hungary.

596. In addition, the Ministry for National Cultural Heritage of Hungary and the Department of Foreign Languages of the Regional Universal Scientific Library have concluded an agreement and users have access to the electronic database of library resources of Hungary through a special software.

The language of the Jewish community/Yiddish

597. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Moldovan

598. The Ukrainian authorities refer to the activities carried out by the Department of Foreign Literature in Mikolaiv region. The Committee of Experts refers to its comments above and invites the authorities to clarify how Moldovan benefits in practice from these activities.

599. The Committee of Experts would also need more information regarding activities in other regions where there are Moldovan speakers.

Polish

600. The authorities underline that Polish literature is available in the libraries in the Transcarpathia, Chernihiv, Zhytomir and Lviv regions. In addition, cultural activities and music events are organised by regional associations for Polish culture and youth groups (see p.74). Finally, "Days of Polish Culture" are regularly organised in the Kherson region.

601. As for other languages, the Ukrainian authorities refer to the activities carried out by the Department of Foreign Literature in Mikolaiv region. The Committee of Experts invites the authorities to clarify how Polish benefits in practice from these activities.

Romanian

602. The information provided by the Ukrainian authorities refers mainly to literature available in the Transcarpathia region (8 libraries with 14000 books in Romanian) and in the Chernivtsi region (75 public libraries and 76 children's libraries in the settlements densely populated by Romanians with 300 000 books in Romanian). There are also annual grants made through the regional budget for publishing books by Romanian authors. In addition, two Art Schools are open to Romanian-speaking children and 29 amateur talent groups are registered in Transcarpathia (see p.77).

Russian

603. In the Transcarpathia region, the Center of Ethnic Minorities' Cultures provides services in the cultural field for the Russian ethnic minority. Millions of books are available in Russian in the libraries of this region, as well as in the Lviv, Chernihiv and Zhytomir regions (see p.76).

604. Theatre groups are supported by the authorities of the Transcarpathia and Chernivtsi regions. Festivals are organised in different regions, such as The "Days of Russian Culture" in Kherson, and in the Chernihiv region the "Slav Theatrical meetings" with the participation of Bryansk Drama Theatre and the "December Theatrical Evenings" with the participation of Theatres from Russia.

Slovak

605. Literature and theatrical activities in Slovak are available in the region of Transcarpathia in the areas densely populated by Slovaks (11 clubs, 5 libraries with 6500 books in Slovak and 27 amateur groups).

Conclusion

606. The Committee of Experts considers that the undertaking is fulfilled regarding Belorussian, Bulgarian, German, Greek, Hungarian, Polish, Romanian, Russian, and Slovak, partly fulfilled regarding Gagauz, and it cannot reach a conclusion as regards Crimean Tatar, the language of the Jewish community/Yiddish and Moldovan.

- b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;**

General comments

607. The Committee of Experts refers to its general comments, regarding in particular the obligation resulting from Article 14 (2) of the Law on Cinematography to dub, post-synchronise or sub-title films into Ukrainian and into minority languages in addition to Ukrainian (see paragraphs 579-581 above).

608. The Committee of Experts notes that this undertaking deals with support given by the authorities for works produced in the regional and minority languages to be made accessible to speakers of the official language of a state. In other words, it calls for the State to support producers of works in regional or minority languages in regard to dubbing, post-synchronising, and subtitling their works into Ukrainian. It is, therefore, not in conformity with this undertaking to introduce a legal obligation to dub, post-synchronise or subtitle all works produced in the regional and minority languages without economic support for such activities. During the on-the-spot visit, speakers stressed that applying this legislation in fact creates obstacles for works to be produced in regional or minority languages as the producers do not have the means to provide for the translation, dubbing, etc into the State language.

Belorussian, Bulgarian, Gagauz and Moldovan

609. According to the authorities, libraries in the Mykolayiv region keep and popularize literary works translated from these languages into Ukrainian (pp. 68 ff). However, no specific information has been provided on the number of books concerned.

610. The Committee of Experts invites the authorities to provide more information including on activities in other regions and on concrete examples where works are translated from these languages to other languages.

Crimean Tatar and Polish

611. The information provided by the Ukrainian authorities refers to activities carried out by libraries in the regions of Mykolaiv and Kherson (p.72 and 74). However, this information is too general and does not give a concrete idea of how the undertaking is fulfilled in practice.

612. The Committee of Experts also invites the Ukrainian authorities to provide information on how the undertaking is implemented regarding Crimean Tatar in the Autonomous Republic of Crimea.

German

613. The information given in the periodical report is insufficient, referring only to 127 books in German in the libraries of the Kherson region (see p.73). The Committee of Experts recalls that the present undertaking deals with works in German translated into other languages.

Greek

614. According to the authorities, libraries in the Mykolayiv region keep and popularize literary works translated from Greek into Ukrainian (p. 68). However, no specific information has been provided on the number of books concerned.

615. The authorities acknowledge that the libraries of the Kherson region do not have publications in Greek due to the lack of funding and that libraries of the Chernihiv region only have an insignificant number of books in the Greek.

Hungarian

616. The Committee of Experts cannot reach a conclusion as no precise information was sent on how cultural works in Hungarian (books, theatre plays, etc) are made available in other languages (see p.79).

617. The Committee of Experts invites the Ukrainian authorities to provide information on works in Hungarian translated into other languages.

The language of the Jewish community/Yiddish

618. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Romanian

619. The authorities report that books in Romanian are printed by the Region's publishing houses without specifying the region (see p.77). The Committee of Experts recalls that the present undertaking refers to the possibility to have books and other works in Romanian translated into other languages.

Russian

620. The authorities underline that books are printed in Russian and that the repertoire of the Russian Drama Theatre is in Russian (see p.76).

621. However, the authorities do not indicate whether the literature and cultural works in Russian are made available in other languages. Furthermore, the Committee of Experts lack information as to whether there is any support from the authorities for such activities.

Slovak

622. The Ukrainian authorities have not supplied any information concerning this undertaking.

Conclusion

623. The Committee of Experts cannot reach a conclusion as regards the fulfilment of this undertaking as the information provided is not sufficient. The Committee of Experts invites the authorities to provide information on works in regional or minority languages translated into other languages. The Committee of

Experts recalls that the present undertaking calls for the State to support producers of works in regional or minority languages in regard to dubbing, post-synchronising, and subtitling their works into Ukrainian. It invites the Ukrainian authorities to clarify how the authorities grant support to that end, by indicating in particular which languages have benefited from this support and the amount of money granted.

- c. *to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*

General comments

624. The Committee of Experts refers to its general comments above (paragraphs 581-583). It notes in particular the obstacles faced when translating a work produced in other languages into a regional or minority languages as the work must first be translated, dubbed, post-synchronised or subtitled in Ukrainian. It seems that no funds are left for regional or minority languages. It invites the authorities to clarify what kind of support they offer to producers to ensure that works are translated into regional or minority languages.

Belorussian, Bulgarian, Crimean Tatar, Gagauz and Moldovan

625. No information has been provided (see p. 68-72).

German, Hungarian, Romanian and Slovak

626. According to the Ukrainian authorities, the Transcarpathia Regional State TV/Radio Company has set up a joint editorial office for programmes in German, Hungarian, Romanian and Slovak. This service translates certain programmes into these languages from other languages (several hours of TV and of radio broadcasting). The "Tisa-1" TV Channel was also launched and it broadcasts programmes via satellite broadcasting, including programmes in these languages (see pp.73, 77 and 78).

627. The Committee of Experts invites the authorities to clarify if cultural works such as films, books, etc. originally produced in other languages are made available in German, Hungarian, Romanian and Slovak and whether any support is given by the authorities for this.

Greek

628. The authorities indicate that in the region of Donetsk, 5500 copies of 14 feature books, educational and documentary books for the Greek population were published during 2005-2006 (see p.70). There is no indication, however, that this material was translated from other languages into Greek.

The language of the Jewish community/Yiddish

629. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Polish

630. The information provided by the Ukrainian authorities is very limited as they refer to the Polish Film Festival held in the Donetsk region in 2006 (see p. 75). It is not clear to the Committee of Experts whether the films shown at the festival were originally produced in other languages, but made available in Polish.

Russian

631. The information provided by the authorities is very general as it refers to the Regional Library of the Kherson region which regularly submits information to the other libraries of the region about new editions of works in the languages of ethnic minorities living on the territory of the region (see p.76).

Conclusion

632. The Committee of Experts is not in a position to reach a conclusion in regard to the fulfilment of this undertaking as it has not received sufficient information. The authorities are invited to provide information regarding the translation, dubbing and subtitling of works produced in other languages into the 13 regional or minority languages covered by this undertaking.

- d. **to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**

Belorussian

633. Belorussian cultural NGOs are involved in the organisation of cultural activities. These include "Syabri" in the Chernihiv region, the 8 Belorussian organisations in the Donetsk region and a public organisation in the Lviv Region (p.68).

Bulgarian, Gagauz, Hungarian and Moldovan

634. No precise information has been provided by the Ukrainian authorities (see p. 69, 72, 79). It is reported that distribution of information about these languages and their cultural values during cultural events is ensured, without providing more concrete details.

Crimean Tatar

635. The information provided by the authorities is limited as only the annual Festival of National Cultures "We are all your children - Ukraine" held in the Lviv region is mentioned. (see p. 72).

636. The Committee of Experts encourages the authorities to provide the necessary information in the next periodical report and to report also on the situation in the Autonomous Republic of Crimea.

German

637. Cultural activities reflecting German culture are organised in the Transcarpathia region through the annual celebrations of German Art and the support to exhibitions of amateur artists and craftsmen. The authorities also refer to the participation of German ethnic minority artistic groups in festivals in the Lviv and Volyn regions and the city of Zhytomir (see p.73).

Greek

638. 44 public associations of Greeks are actively organising and supporting cultural activities in Greek in the Donetsk region, including 5 theatres, 18 song, 16 dance and 5 music companies as well as libraries and a museum in Mariupol. Since 2006 the League of Greek Artists coordinate measures aimed at developing the Greek cultural heritage. Some activities are also reported in the Lviv and Kherson regions (see p.70).

The language of the Jewish community/Yiddish

639. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Polish

640. 6 public associations of Poles are involved in organising cultural activities in the Donetsk region, notably song, dance and music performance. As for other languages, the authorities refer to cultural activities organised in the Lviv and Volyn regions, and the city of Zhytomir (see p.75).

Romanian

641. According to the authorities the presence of 82 Cultural Centres and Clubs, 16 Arts Schools and 583 amateur talent groups in the areas densely populated by Romanians in the Chernivtsi region satisfy the cultural needs of the Romanian community (see p.77).

Russian

642. As for other languages, the authorities report on cultural events involving Russian speakers in the Lviv and Donetsk regions. They also refer to cultural events in the city of Zhytomir and in the Volyn and Kherson regions. The Committee of Experts invites the authorities to provide more information regarding

other regions where large numbers of Russian speakers are living, such as the Kharkiv region, the Autonomous Republic of Crimea, etc.

Slovak

643. In the Transcarpathia region, support is granted for the annual celebrations of Slovak Folk Art "Slovenska veselitsa". Other activities are described in general terms and the Committee of Experts would need more precise information to better assess the situation (see p.78).

Conclusion

644. The Committee of Experts considers that the undertaking is fulfilled as regards Belorussian, Greek, German and Romanian. It cannot conclude as regards Bulgarian, Crimean Tatar, Gagauz, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Russian and Slovak.

- f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*

General comments

645. The Committee of Experts refers to its general comments above regarding the need to support cultural centres in order for regional and minority languages to flourish (see paragraphs 575-579). It invites the authorities to step up their efforts to make premises available in particular for smaller groups with little means at their disposal.

Belorussian

646. According to the Ukrainian authorities, the association "Syabry" can freely use concert halls in the Chernihiv region. In the Lviv region, the organisation "Belorussian Community of the Lviv Region" is represented on the Board of Representatives of ethnic minorities' public organizations within the Regional State Administration (see p.68 of the initial periodical report).

647. However, during the on-the-spot visit, Belorussian speakers stressed that the lack of cultural centres and/or offices is an acute problem for them given the scarcity of premises which can be used for such purposes.

Bulgarian

648. Very little information has been provided in the initial periodical report, where reference is made to three artists in the region of Mykolayiv who are regularly invited to participate in cultural-educational events (see p. 69). The Committee of Experts recalls that the present undertaking refers to the support provided by the authorities in facilitating and planning cultural activities. The information is therefore not sufficient.

649. During the on-the-spot visit, the Committee of Experts was informed of a pending case in Odessa concerning the Bulgarian cultural centre, located in a former theatre since 1996. Apparently the local and regional authorities who have restored the building are requesting the Bulgarian association to pay a substantial amount of money for renting the centre, that they cannot afford. The Committee of Experts is concerned about this case and encourages the authorities to find a way to provide the Bulgarian association with an appropriate cultural centre. It invites the authorities to comment on this case in their forthcoming report.

Crimean Tatar

650. The Ukrainian authorities have provided very little information, referring to the active participation of the head of the ethnic associations board in the events arranged in the Mykolaiv region (see p.72). No information is provided concerning the situation in the Autonomous Republic of Crimea.

Gagauz

651. No information was provided by the authorities.

652. During the on-the-spot visit, non governmental sources informed the Committee of Experts that the Union of Gagauz in Ukraine does not have enough means to rent an office and that meetings are therefore organised in private homes. The Committee of Experts invites the authorities to look into this case and to find ways to support the Union of Gagauz.

German

653. Several regional associations of ethnic Germans are actively promoting the German language and culture: 2 in the Transcarpathia region, 3 in the Lviv region and 1 in the Mykolaiv region (see p.74).

Greek

654. The Ukrainian authorities refer to a certain number of activities in Lviv where two Greek public organizations work on the revival of the identity, traditions and customs of the Greek people of Ukraine. As for other communities, Greek speakers are represented on the Board of Representatives attached to the head of the Regional State Administration. In the Mykolaiv region, the Greek national association "Ellas" manages the dancing theatre "Rhythms of the Planet". Finally, in the region of Kherson, workshops are arranged for the heads of communities and managers of amateur groups (see p. 70).

Hungarian

655. At national level, 12 regional associations of Hungarians represent the interests of the speakers, including "the Democratic Union of Hungarians of Ukraine". It is also reported that 395 amateur talent groups comprise 5363 members (see p.79). It is not clear, however, to the Committee of Experts to what extent the authorities support the Hungarian speakers in providing facilities and planning cultural activities.

The language of the Jewish community/Yiddish

656. Two national-cultural Jewish associations are actively involved in protecting and promoting the Jewish national culture, art, religion and language. In the Donetsk and Volyn regions, ethnic Jewish are encouraged to directly participate in events to popularize their national cultural heritage (see p.71). However, the authorities have not provided any concrete examples for the Committee of Experts to have a picture of the situation.

Moldovan

657. No information was provided by the authorities (see p.72).

Polish

658. Polish speakers are reported to be encouraged to participate in events organised in the Chernihiv, Volyn and Lviv regions and in the city of Mykolaiv (see p.75).

659. During the on-the-spot visit, representatives of the Polish speakers expressed their concern regarding the lack of cultural centres⁴².

Romanian

660. The Ukrainian authorities report that four regional ethnic associations of Romanians are closely cooperating with the State and local self-governance authorities in one region of Ukraine (see p.77). The Committee of Experts understands that the authorities refer to the Transcarpathia region, but it invites the Ukrainian authorities to clarify this point in the next report.

Russian

661. The Ukrainian authorities make reference to three regional associations of ethnic Russians in one region of Ukraine, which has developed close cooperation with the State and local self-governance authorities of the region (see p.77). The Committee of Experts understands that the authorities refer to the Transcarpathia region, but it invites the Ukrainian authorities to clarify this point in the next report.

⁴² See also paragraph 92 of the FCNM report, ACFC/OP/II(2008)004

662. In the Donetsk region, representatives of Russian communities are encouraged to directly participate in the events to popularize the national cultural heritage. The Committee of Experts invites the authorities to provide more specific information in this region as well as on the situation in all regions of Ukraine to better assess the situation concerning Russian.

Slovak

663. In the Transcarpathia region, four regional associations are closely cooperating with the State and local self-governance authorities (see p. 78). In Lviv a Slovak association is represented on the Board of Representatives attached to the head of Regional State Administration (see p. 78).

664. During the on-the-spot visit, representatives of the Slovak speakers expressed their need to have a cultural centre and the need to receive support from the authorities to that end⁴³.

Conclusion

665. The Committee of Experts considers that the undertaking is fulfilled as regards Greek, the language of the Jewish community/Yiddish and German. It is partly fulfilled as regards Belorussian, Bulgarian, Hungarian, Polish, Russian and Slovak and not fulfilled as regards Gagauz, Crimean Tatar, Moldovan and Romanian. It encourages the authorities to be more specific in their next periodical report.

- g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;**

General comments

666. The Committee of Experts notes that very little information has been provided by the authorities with respect to this undertaking. It invites the authorities to clarify, in particular, whether a national library of Ukraine keeps a copy of all books in regional or minority languages.

Belorussian, Bulgarian, Gagauz and Moldovan

667. No information has been provided by the Ukrainian authorities (see pp.68-72).

Crimean Tatar

668. The Ukrainian authorities refer to the publication of a book in the Mykolaiv region and digests on the celebrations and rites of the Crimean Tatar people published in the Kherson region (see p.72). However, it is not clear to the Committee of Experts whether an archives system exists in this region where books and other publications in Crimean Tatar are kept. The Committee of Experts recalls that this undertaking covers not only digests and the like, but all types of books and publications, including literature.

German, Hungarian, Polish, Romanian and Slovak

669. In the Transcarpathia region, a centre of Folk Arts has been set up with a view to collecting, storing and arranging presentation of works produced in this region. This activity is carried out in cooperation with the regional universal library (see p.74-79). The Committee of Experts invites the authorities to provide more specific information on the kind of works collected, including whether the works are in these languages.

670. The Committee of Experts invites the authorities to provide more information also on other regions.

Greek

671. Digests on the celebrations and rites of the Greek people are published in the Kherson region (see p.70). However, it is not clear to the Committee of Experts whether an archives system exists in this region where books and other publications in Greek are kept. The Committee of Experts recalls that this undertaking covers not only digests and the like, but all types of books and publications, including literature.

⁴³ See also paragraph 92 of the FCNM report, ACFC/OP/II(2008)004

672. The Committee of Experts invites the authorities to provide more information also on other regions such as Donetsk.

The language of the Jewish community/Yiddish

673. In the Volyn region, a publishing board facilitates the publishing of works, including in the languages of the Jewish community. The regional centre of folk arts in the Kherson region publishes repertory guideline collections "Traditional national celebrations and rites of peoples of Kherson region" (see p.71). The Committee of Experts recalls that the present undertaking is not dealing with publications but rather with how the publications are archived. It is unclear to the Committee of Experts whether such an archives system exists in these regions where those books are kept.

Russian

674. The Ukrainian authorities refer to the above mentioned centre of Folk Arts in the Transcarpathia and Kherson regions (see p.77). However, no precise indications have been made explaining how these activities are relevant for this undertaking to be fulfilled in practice with respect to Russian considering the fact that Russian is spoken in the whole territory of Ukraine. The Committee of Experts encourages the authorities to provide much more detailed information concerning Russian in the next periodical report.

Conclusion

675. The Committee of Experts is not in a position to reach a conclusion on the fulfilment of this undertaking as it has not received sufficient information. The Committee of Experts encourages the Ukrainian authorities to provide the necessary information in the next periodical report.

Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

General comments

676. According to the Ukrainian authorities, speakers of regional or minority languages are not prohibited from arranging cultural activities in their regional or minority language on the territory of Ukraine. However, there is no information on how this undertaking is implemented in practice and in particular what measures are taken by the authorities to encourage or provide cultural facilities and activities for speakers of regional or minority languages. The Committee of Experts recalls that non-prohibitive legislation is a good basis, but that this undertaking requires practical measures to be adopted in the parts of Ukraine where there is a sufficient number of speakers of a regional or minority language even though the area is outside the territories where the language in question has been traditionally used.

Belorussian

677. The Ukrainian authorities have provided no specific information. (see p. 68).

Bulgarian

678. The authorities refer to 2 national-cultural organizations in the Mykolaiv region (see p. 69 of the initial periodical report). The Committee of Experts invites the authorities to clarify the scope of their support to these or other organisations of Bulgarian speakers in other regions.

Crimean Tatar

679. The Ukrainian authorities refer to several cultural centres in the Kherson region (see p. 72). The Committee of Experts invites the authorities to clarify the scope of their support.

Gagauz

680. The Ukrainian authorities have provided no specific information (see p.69).

681. The Committee of Experts was made aware during the on-the-spot visit that when Gagauz participate in events throughout Ukraine or abroad, they do not receive support from the authorities.

German

682. A Center of German Culture and Business Cooperation and a regional department of the German associations of Ukraine "Wiedergeburt" are actively contributing to cultural activities in the city of Kherson (see p.74). The Committee of Experts invites the authorities to clarify the scope of their support to these or other organisations of German speakers in other regions.

Greek

683. In the Mykolaiv region and in the Kherson and Skadovsk cities, associations for the Greek culture are organising events (see p. 70). The Committee of Experts invites the authorities to clarify the scope of their support.

Hungarian, Romanian, Slovak

684. Very little information has been given by the Ukrainian authorities (see p. 78-79).

The language of the Jewish community/Yiddish

685. The Jewish Center "Shmoel" is proposing cultural activities in the city of Kherson (see p. 72). The Committee of Experts invites the authorities to clarify the scope of their support.

Moldovan

686. The Ukrainian authorities refer to the Jewish cultural centre "Shmoel" operating in the Kherson region (see p. 72). It is not clear to the Committee of Experts how this is relevant for the Moldovan speakers.

Polish

687. A Polish Ethnic Association is organising cultural activities in the Mykolaiv and Kherson regions, and 4 Polish Folk amateur groups perform in the Chernihiv region. The local authorities support their participation in International Festivals (see p. 75).

688. The Committee of Experts recalls that the present undertaking refers to geographical areas where the relevant regional or minority language has not been traditionally used. As the information provided by the authorities concerns areas where Polish has been traditionally used, the Committee of Experts invites the authorities to clarify the scope of their support to organisations in other regions.

Russian

689. A Russian Cultural Center "Rusich" is operating in the city of Kherson (see p. 77). The Committee of Experts invites the authorities to clarify the scope of their support.

690. The Committee of Experts recalls that the present undertaking refers to geographical areas where the relevant regional or minority language has not been traditionally used. The information provided by the authorities concerns areas where Russian has been traditionally used.

Conclusion

691. The Committee of Experts is not in a position to reach a conclusion on the fulfilment of this undertaking as it has not received sufficient information. The Committee of Experts encourages the Ukrainian authorities to provide information on the scope of their support in areas where the regional or minority languages have not been traditionally used in their next report.

Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”

General comments

692. For many languages the authorities have reported that they endeavour to take into consideration the language concerned in pursuance of the cultural policy. However, it is not clear to the Committee of Experts whether the cultural policy concerned refers to external cultural policy (“abroad”). In addition, no specific information has been granted on how this cultural policy reflects the linguistic diversity in practice. The Committee of Experts encourages the authorities to supply this information in their next report.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, Greek and Moldovan

693. No relevant information has been provided by the Ukrainian authorities (see pp. 69-73).

German and Russian

694. The information given by the authorities is of a rather general nature and does not provide the Committee of Experts with the necessary information to properly evaluate the situation.

Hungarian, Polish, Romanian and Slovak

695. The Transcarpathia region has concluded agreements on artistic relations with neighbouring countries, allowing for exchanges of artistic groups and the participation in festivals and exhibitions abroad. Over one year, groups of these ethnic groups from Transcarpathia participated in at least 20 cultural events held abroad (see p.78 of the initial periodical report). In the region of Donetsk, attention is paid to popularize the Polish cultural heritage, and the best creative teams of the region participate in annual international festivals held in Poland (see p.75).

The language of the Jewish community/Yiddish

696. The first periodical report does not contain any information on Yiddish. The Committee of Experts invites the authorities to provide such information in their forthcoming periodical report.

Conclusion

697. The Committee of Experts is not in a position to reach a conclusion as to the fulfilment of this undertaking as it has not received sufficient information. The Committee of Experts encourages the Ukrainian authorities to provide the necessary information in the next periodical report.

Article 13 - Economic and social life

General comments

698. The Committee of Experts regrets that very little information has been made available by the Ukrainian authorities on how regional or minority languages are used in economic and social life. The Committee of Experts recalls that the mere reference to the legal framework, including the Constitution, is not sufficient for the Committee of Experts to properly assess the situation of these languages in practice.

699. The Committee of Experts recalls that by opting for the following undertakings, the Ukrainian authorities have committed themselves to taking pro-active measures to ensure that the rights under the Charter are protected in practice.

Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- b. to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;**

700. According to the authorities, it follows from the legal framework described in the State initial report that throughout Ukraine, there shall be no provisions contained in by-laws of any enterprise or in private documents that would exclude or limit the use of regional or minority languages, at least between persons who use the same language.

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak

701. No information has been provided by the Ukrainian authorities (see p. 80-82).

Russian

702. No information has been provided by the Ukrainian authorities (see p.81). Given the special recognition of Russian as a language of use in the economic and social sector in the Law of Languages, the Committee of Experts considers that more information should be provided.

Conclusion

703. The Committee of Experts is not in a position to reach a conclusion on the fulfilment of this undertaking as it has not received sufficient information. The Committee of Experts encourages the Ukrainian authorities to provide the necessary information in the next periodical report.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

Belorussian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, the language of the Jewish community/Yiddish, Moldovan, Polish, Romanian and Slovak

704. No information regarding practical measures adopted to oppose practices designed to discourage the use of those languages has been given by the authorities.

Russian

705. No information regarding practical measures adopted to oppose practices designed to discourage the use of Russian has been given by the authorities.

706. During the on-the-spot visit and in a number of written observations received subsequently, the Committee of Experts was informed about issues relating to the language to be used for information in connection with medicine. According to the Russian speakers, it is mandatory that the information regarding medicine (doses, how often medicines should be administered, possible side effects, etc) may only be in Ukrainian. According to the Russian speakers, a number of people living in Ukraine, however, do not have a sufficient command of the Ukrainian language to be able to understand the instructions if they are only in Ukrainian.

707. The Committee of Experts is of the opinion that a regulation banning the use of Russian alongside Ukrainian in situations like this may be seen as a practice designed to discourage the use of Russian in connection with economic activities.

708. The Committee of Experts encourages the Ukrainian authorities to provide information in the next periodical report on this issue.

Conclusion

709. The Committee of Experts is not in a position to reach a conclusion in regard to the fulfilment of this undertaking as it has not received sufficient information, and encourages the Ukrainian authorities to provide the necessary information in the next periodical report.

Article 14 - Transfrontier exchanges

General comments

710. The Ukrainian authorities have signed many agreements with neighbouring countries that are described in more detail below. On the basis of certain agreements concluded notably with Hungary, Romania and Slovakia, bilateral commissions were set up to supervise the implementation of the agreements⁴⁴. The Committee of Experts invites the Ukrainian authorities to provide any relevant information on the observations of those Bilateral Commissions in their forthcoming report.

711. The Committee of Experts is aware that tensions of bilateral relations between Ukraine and the Russian Federation have increased, including on language issues. The Committee of Experts understands that those tensions have had an impact on the work of the Russian-Ukrainian bilateral Commission. The Committee of Experts invites both States to find ways and means to reinforce bilateral cooperation on minority issues and in particular their language rights.

The Parties undertake:

- a. ***to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***

Belorussian

712. An Agreement was signed in 1991 between the Ukrainian Soviet Socialist Republic and the Belorussian Soviet Socialist Republic. In accordance with Article 4 of the Agreement, measures shall be taken to preserve and develop the ethnic, cultural, linguistic and religious identity of ethnic minorities living in the two countries (see page 82). The authorities have, however, not included any information on any practical measures taken in the ambit of this Agreement.

Bulgarian

713. Article 6 of the Agreement between the Ukrainian Government and the Bulgarian Government from 31 December 1993 provides for the possibility to design separate agreements with a view to implementing specific measures to preserve and develop the ethnic and cultural identity of both communities in their respective countries, i.e. learning the language, history, culture and traditions, exchanging teachers, training and advanced training of teachers, scientists and employees in the cultural sphere, as well as admitting students and pupils into educational institutions, etc.

714. The Ministries of Education of Ukraine and of Bulgaria have also signed an agreement which provides for scholarships for participation in Summer language courses arranged by universities in Ukraine and in Bulgaria, exchanges of teachers of Ukrainian and Bulgarian language and literature for advanced training, and for students to study Bulgarian or, accordingly, Ukrainian.

Crimean Tatar

715. No information has been provided by the authorities. The Committee of Experts invites the authorities to provide information in their forthcoming report.

⁴⁴ See also paragraph 233 of the FCNM report, ACFC/OP/II(2008)004

Gagauz

716. The information provided by the Ukrainian authorities refers to the provisions of the Agreement between the Ukrainian Government and the Government of Bulgaria dating from 31 December 1993. However, in the report the authorities refer to Ukrainians permanently living in the Bulgarian Republic, as well as Bulgarians living on the territory of Ukraine, i.e. Bessarabia, Crimean and Azov Bulgarians and Gagauzians (p. 83).

717. Considering that the Autonomous Province of Gagauzia is located in Moldova, the Committee of Experts encourages the authorities to provide information in the next periodical report on existing or future bilateral agreements between Ukraine and Moldova.

German

718. Several agreements have been signed by Ukraine and Germany, inter alia the Joint Declaration on Cooperation Principles between Ukraine and the Federal Republic of Germany and the Agreement on Cooperation related to deportees of German nationality and mutual securing of rights of ethnic minorities on the territory of Ukraine. It follows from the latter agreement that minorities with due consideration to their free choice, shall be able to preserve and develop their language, culture and national traditions as well as to freely practice religion. Furthermore, they shall have the right to freely use their native language at home and in public, to exchange and disseminate information using their languages and to have free access thereto (see p.83). Another agreement was signed in August 1997 on Cooperation with regard to the persons of German parentage living in Ukraine.

719. A specific Agreement has been in force since 24 March 1994 on dispatching German teachers to educational institutions of Ukraine to provide training and advanced training for Ukrainian German teachers and teachers of specialized subjects, as well as to teach German as a native language, particularly in the regions of Ukraine where Ukrainian citizens of German parentage live (see p. 83).

Greek

720. A Friendship and Cooperation Agreement between Ukraine and Greece has been in force since 22 June 1998 governing the field of culture and education. However, no precise information concerning the content of this Agreement or concerning activities carried out on the basis of this agreement have been provided.

Hungarian

721. The provisions of the Joint Declaration on Cooperation Principles between the Ukrainian SSR and Hungary on securing the rights of ethnic minorities has been applicable since 31 May 1991. It contains provisions envisaging the introduction of legislative, administrative and other measures for the ethnic minorities to be able to exercise their right to freely use their native language in private and public life, in writing and in speaking, including the right to use their national name and surnames (see p.89).

722. In addition, the following bilateral agreements between Ukraine and Hungary were executed in the sphere of trans-border exchanges: the Agreement on Friendship and Cooperation Principles between Ukraine and Hungary (in force since 16 June 1993) and the Cooperation Agreement between Ukraine and Hungary on culture, science, and education (in force since 15 September 1995).

The language of the Jewish community/Yiddish

723. An agreement on Cooperation in the sphere of education and culture has been in force between the Ukrainian Government and the Government of Israel since 20 April 1994. In addition, Article 9 of the Memorandum of Understanding and Key Principles of Cooperation between Ukraine and the State of Israel (operative since 12 January 1993) defines that the Parties shall facilitate further development of cooperation and contacts within the sphere of culture, education, science and technology, arts, literature, health care, mass media - including radio and TV broadcasting, tourism and sports.

Moldovan

724. Since 1 November 1996, the Neighbourliness, Friendship and Cooperation Agreement between Ukraine and Moldova guarantees to the persons belonging to ethnic minorities and living on the territory of the corresponding Party, individual rights and common rights such as free expression as well as the right to preserve and develop their ethnic, cultural, linguistic and religious identity, including protection from any attempts of assimilation against their will. Pursuant to Article 1 of the Agreement on Cooperation in the sphere of Education, Science and Culture between the Ukrainian and the Moldovan Governments (effective date 20 March 1993), the Parties to the Agreement shall develop and maintain cooperation between corresponding organizations and institutions of both countries in the sphere of education, science and culture, sports, tourism and international politics, publishing and press, radio and television, as well as cinematography on the basis of mutual respect, parity and neighbourliness (see p. 83).

725. Considering the new development as regards cinematography (see above under Article 12), the Committee of Experts invites the Ukrainian authorities to clarify if this has had an impact on the above mentioned agreement.

Polish

726. Article 1 of the Friendship and Cooperation Agreement between Ukraine and Poland, which has been effective since 30 December 1992, affirms the right of persons belonging to the respective minorities, individually or collectively, to express, preserve and develop their ethnic, cultural, linguistic and religious identity without any discrimination and under conditions of full equality before the law (see p. 84 of the initial periodical report).

727. The Parties shall take the relevant measures for the purpose of exercising these rights, in particular, the right to:

- study and teach the native language, use it, and disseminate it.
- found and maintain own educational, cultural and religious organizations and societies;
- use names and surnames using the sounds typical of the native language.

728. The following agreements have been signed between Ukraine and Poland regarding transborder cooperation: the Declaration of principles and key guidelines of development of Ukrainian-Polish relations (effective date: 13 October 1990); the Agreement of Cooperation Principles between Ukraine and the Republic of Poland on securing the rights of ethnic minorities (effective date: 2 February 1994); the Preliminary Agreement between Ukraine and Poland on cultural and scientific cooperation (effective date: 18 May 1992); the Friendship and Cooperation Agreement between Ukraine and Poland (effective date: 30 December 1992); the Cooperation Agreement between Ukraine and Poland on culture, science, and education (effective date: 22 November 1999).

Romanian

729. The Agreement on Cooperation in the sphere of education and culture between the Ukrainian Government and the Government of Romania entered into force on 30 November 1992. Pursuant to Article 13 of the Agreement on Friendship and Cooperation between Ukraine and Romania (in force since 22 October 1997), ethnic, cultural, language and religious practices of the respective minorities living in the two countries are respected. In particular, the agreement protects the right to individual or collective freedom of expression as well as the right to preserve and develop their ethnic, cultural, linguistic and religious identity and to protect and develop their culture and to be protected from any attempts of assimilation against their will. The Agreement also protects the right to receive education in the native language in a sufficient number of schools and in state and specialized educational institutions, located in accordance with the geographical allocations of corresponding minorities as well as the right to use the native language while interacting with state authorities in accordance with the state law and international commitments of the Parties (see p. 86-87).

Russian

730. The Ukrainian Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic signed an agreement on 14 June 1991. Article 3 of this Agreement determines that each of the High Contracting Parties shall guarantee to the citizens of the other Party, as well as to stateless persons living on its territory, irrespective of their national identity or other differences, their civil, political, social, economic, and cultural rights and freedoms in accordance with the generally acknowledged international human rights.

731. The following agreements have been signed between Ukraine and the Russian Federation regarding transborder cooperation: the Agreement on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation (effective date: 8 February 1995); the Cooperation Agreement between Ukraine and the Russian Federation on culture, science, and education (effective date: 28 August 1995); the Agreement on Friendship, Cooperation and Partnership between Ukraine and Russian Federation (effective date: 4 April 1999); the Agreement between the Ministry of Education of Ukraine and the Ministry of General Vocational Education of the Russian Federation on Cooperation in the Educational Sphere (signed: 27 February 1998); the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Cooperation in the sphere of TV/Radio broadcasting (signed: 23 October 2000);

732. The cultural cooperation between the two countries is also based on the Agreement on cultural cooperation between the Ministry of Culture of Ukraine and the Ministry of Culture of the Russian Federation in force since 25 March 1994, which stipulates the facilitation of annual programmes and projects of cultural cooperation such as arrangement of tours for theatres, artistic groups and single performers, providing national libraries with print products, cinema, photo and photographic documents, establishing integrated library-information systems, catalogues and inter-library circulation departments, exchanging arts exhibitions and museum specimens, movies, television and radio programmes, arranging festivals, contests, conferences and other events in the sphere of professional art, folk art, entertainment activity and protection of cultural heritage (see p.86).

733. The Committee of Experts notes that tensions have increased in the bilateral relations between Ukraine and the Russian Federation, including on language issues⁴⁵. The Committee of Experts therefore invites the Ukrainian authorities to explore ways and means to strengthen bilateral co-operation on minority language issues with the Russian Federation.

Slovak

734. Since 16 June 1994, Article 9 of the Friendship and Cooperation Agreement between Ukraine and the Slovak Republic stipulates that the two States undertake to do their best to facilitate the expansion of contacts between citizens of their countries both on an individual basis and through state and public organizations. The Parties have also agreed to facilitate the establishment of ties and cooperation between public organizations, trade unions, churches, foundations, educational and cultural institutions, research institutes and mass media of both countries. A specific agreement on cultural cooperation between the Ministry of Culture and Art of Ukraine and the Ministry of Culture of the Slovak Republic has also been signed between the two countries and came into force on 23 January 1996 (see p.88).

Conclusion

735. The Committee of Experts considers that the undertaking is fulfilled as regards Belorussian, Bulgarian, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian and Slovak. It cannot reach a conclusion as regards Gagauz, Crimean Tatar and the language of the Jewish community/Yiddish.

- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.**

Belorussian

736. There is extensive cooperation between local and regional authorities of Ukraine and Belarus. The authorities of the Chernihiv region, Lviv Regional State Administration, Mykolaiv Regional State Administration, the Donetsk region, Zhytomir Regional State Administration and the Rivne region have signed many agreements with several regional authorities from Belarus (see p. 82 of the initial periodical report)

737. As far as local authorities are concerned, the Sevastopol City State Administration and the Minsk City Executive Committee signed a Cooperation Agreement concerning trade and the economic and cultural spheres on 5 July 1997. On 1 October 1998, the Council of Ministers of the Autonomous Republic of Crimea

⁴⁵ See also paragraphs 235 and 237 of the FCNM report, ACFC/OP/II(2008)004

and the Minsk City Executive Committee (Belarus Republic) signed a Cooperation Agreement concerning trade and the economic, research-and-technological and cultural spheres (see p. 82).

Bulgarian

738. The Mykolaiv Regional State Administration has signed an interregional Agreement with the Pleven region of Bulgaria. The Committee of Experts lacks information as to whether the agreement also deals with aspects of language and culture.

Crimean Tatar and Moldovan

739. The authorities have not provided any information under this undertaking.

Gagauz

740. The authorities have not provided any information under this undertaking.

German

741. A cooperation agreement was signed by Chernihiv City and Memmingen City in Bavaria, Germany. Over the past 12 years, educational institutions of Memmingen City have maintained cooperation, notably in introducing new professions and implementing vocational-technical schools of the region. Lviv Regional State Administration also signed an Agreement and writs of execution on cooperation in different spheres with the Land of Thuringia in Germany. Finally, in the Volyn region cooperation exists between the authorities of regional and local self-governance whereby the interests of the German ethnic minority in the region are satisfied (see p. 84). However, it is unclear to the Committee of Experts with which regions this cooperation has been developed and it invites the authorities to provide more specific information.

Greek

742. An agreement on inter alia cooperation in the field of education has been signed by Nizhyn city in the Chernihiv region of Ukraine and the city of Yanina in Greece (see p.83). The Donetsk region is particularly active in the sphere of education, culture, religion, etc. A draft Agreement is being prepared on interregional cooperation between the Donetsk region and administrative entities in Greece.

743. Cultural cooperation is also stipulated by a memorandum on establishing the Euro region "MEOTIDA", by the Donetsk region and the Lugansk and Rostov regions in the Russian Federation. It will cover the Greek population in Mariupol and in some districts of the Donetsk region. Activities are also being carried out to facilitate cultural exchanges between Greeks living in the Black Sea region within the framework of the border cooperation programme "the Black Sea".

Hungarian

744. The Transcarpathia regional state administration in Ukraine and the Szabolcs-Szatmár-Bereg county in Hungary have signed a Framework Cooperation Agreement in the humanitarian, educational, cultural, information and special training spheres. The Lviv Regional State Administration in Ukraine has signed an agreement and writs of execution on cooperation in different spheres with the Baranya county in Hungary.

745. At local level, cooperation agreements have been concluded between the Perechyn City Council in Ukraine and the Nodyched City Council in Hungary, between Uzhgorod City Council in Ukraine and the cities of Hiredgza and Beikeshchaba in Hungary, between Vynogradiv City in Ukraine and Nirbator City in Hungary, between Rakhiv City Council in Ukraine and the 5th District of Budapest City Seged City in Hungary, and between Svalyava City in Ukraine and Nirmigaldi City in Hungary (see p.89).

The language of the Jewish community/Yiddish

746. According to the Ukrainian authorities, the interests of the Jewish ethnic minorities are satisfied through a trans-border cooperation project which is being developed in the Volyn region between the authorities of regional and local self-governance (see p.83). However, it is unclear to the Committee of Experts which regions this cooperation concerns and it invites the authorities to provide more specific information.

Polish

747. There is extensive cooperation between local and regional authorities of Ukraine and Poland. A draft Agreement between the Transcarpathia region and the Ciscarpathian voivodship in Poland is being prepared. At regional level, cooperation agreements have been signed between the Velykoberezhnyanska regional state administration in Ukraine and the regional council and Leskiv povit of Ciscarpathian voivodship in Poland and between the Vinogradivska regional state administration in Ukraine and the Sanok gmina in Poland.

748. Several agreements, including interregional cooperation agreements, have been signed by the Donetsk, Lviv, Volyn and Mykolaiv, Ivano-Frankivsk and the Rivenska regions as well as the Autonomous Republic of Crimea covering many aspects relevant to the respective minorities, including education and culture (see p. 85).

749. At local level, there are cooperation agreements between the Mizhgirska City Council in Ukraine and Vlodova City in Poland, between Uzhgorod City Council in Ukraine and Yaroslav City in Poland, between Chop City in Ukraine and Sokołów Małopolski in Poland and between the Velyka Dobron village of Uzhgorod district in Ukraine and the Korchyna gmina of Ciscarpathian voivodship in Poland.

Romanian

750. The regional authorities of Transcarpathia have concluded several agreements with regional authorities in Romania, notably in the Maramureş and the Satu-Mare districts. The Ivano-Frankivsk regional state administration in Ukraine has signed agreements with the Vaslui District Council and the Suchava District Council in Romania, including on cultural cooperation. The Euro region project "Upper Prut", which includes the Chernivtsi region in Ukraine and the Botoşani and Suceava districts in Romania, govern relations between state and local authorities of these regions (see p. 88).

751. However, it was brought to the attention of the Committee of Experts that the Romanian speakers in Ukraine were facing administrative complications in relation to frequent transfrontier contacts following Romania's accession to the European Union⁴⁶.

Russian

752. Many transborder agreements have been signed between different regions: the Donetsk region has signed agreements with 9 regions of the Russian Federation on inter alia economic, technological and humanitarian cooperation. There are currently negotiations for an agreement with Moscow City on the facilitation of the development of the culture of ethnic minorities and on expanding cooperation and direct contacts between cultural institutions such as theatres, libraries, museums, youth organisations and foundations. The Lviv Regional State Administration has signed an agreement and writs of execution on cooperation in different spheres with 4 regions of the Russian Federation. The Ivano-Frankivsk region has signed cooperation agreements with 2 regions of the Russian Federation. The regional authorities of the Chernihiv region has entered into 31 agreements with regions of the Russian Federation within the framework of trans-border cooperation. The Rivne region is to sign agreements on interregional cooperation with 3 regions of the Russian Federation. The Autonomous Republic of Crimea has signed 15 Agreements with several regions of the Russian Federation (see p. 87).

Slovak

753. Several agreements have been signed by the Transcarpathia region and the Koshytski self-governance territory and the Pryashyivsk self-governance territory of the Slovak Republic, including on cultural cooperation. Lviv Regional State Administration in Ukraine has signed an agreement and writs of execution on cooperation in different spheres with the Pryashiv Territory of the Slovak Republic. The Ivano-Frankivsk region in Ukraine has signed an agreement on principles of mutual relations and cooperation development with the Košice Territory and the Prešov Territory in the Slovak Republic.

⁴⁶ See also paragraph 234 of the FCNM report, ACFC/OP/II(2008)004

754. At local level, cooperation agreements have been signed between Perechyn City, Uzhgorod City Council, Velykoberezyanska District State Administration, Rakhiv Local Council in Ukraine and several cities and local self-governance authorities in the Slovak Republic (see p. 88).

Conclusion

755. The Committee of Experts considers that the undertaking is fulfilled as regards Belorussian, German, Greek, Hungarian, Polish, Romanian, Russian and Slovak. It cannot reach a conclusion as regards Bulgarian, Crimean Tatar, Gagauz, the language of the Jewish community/Yiddish and Moldovan.

Chapter 3. Findings

General situation

A. The Committee of Experts expresses its gratitude to the Ukrainian authorities for the good cooperation with regard to the preparation and organisation of the “on-the-spot” visit. This has allowed the Committee of Experts to obtain information on policy and legal developments in the promotion and protection of regional or minority languages in Ukraine. The Committee of Experts is aware that ratifying the Charter in Ukraine has been a very complex process. During the on-the-spot visit the Committee of Experts was informed that a new instrument of ratification was being drafted. The Ukrainian authorities are invited to take this first evaluation report into consideration when revising the instrument of ratification.

B. Ukraine is characterised by a particularly rich linguistic diversity. The Ukrainian history places the State language in a singular situation and the Committee of Experts appreciates that there is a widespread feeling in Ukraine of the need to strengthen the position of the State language. At the same time, the Committee of Experts recalls that a legitimate interest in promoting the use of the State language as one of the means to ensure national cohesion must not hamper the promotion and protection of regional or minority languages. The authorities are encouraged to take a balanced approach in that respect.

C. The protection of minorities and their languages enjoys a high level of constitutional 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. However, these 13 languages differ widely both in the number of users and in the level of protection previously achieved. 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. The Committee of Experts also notes that some languages have been left out of the scope of the Charter such as Armenian, Czech, Romani and Tatar as well as some languages that are specifically endangered, such as Karaim and Krimchak.

D. In Ukraine, the Law on languages dates back to 1989 and does not correspond to the present situation. None of the many draft laws on languages presented to the Parliament in the past few years have been adopted. The Ukrainian authorities issued a Policy Paper on the State language policy in April 2008 without having previously carried out consultations with speakers of regional or minority languages. The Ukrainian authorities are invited to better coordinate the whole language policy in consultation with the speakers and to adopt a new legislation that reflects today’s situation in Ukraine.

E. There have been problems in implementing the undertakings of the Charter. This seems partly to have been due to rather frequent changes of responsibility concerning national minorities within the state administration. In addition, financial resources allocated for projects carried out by minority groups are not sufficient and such funds are distributed unevenly between different groups. The State Committee on Nationalities and Religions, which is responsible for that matter, will need to be given the relevant means to fulfil its task.

F. As regards *education*, Ukraine has a long-standing tradition of education in regional or minority languages with a system of monolingual and bilingual schools operating in regional or 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 right to education in regional or minority languages or to regional or minority language courses. In practice, some local authorities have shown a lack of support for minority language education. The Committee of Experts notes that the number of hours where instruction must be given in the Ukrainian language has continued to increase at all levels of education while, in particular, the share of instruction in the Russian language has decreased. In December 2007, the Ministry of Education decided that all final examinations in secondary education and all entrance examinations to higher education institutes would be conducted in Ukrainian only, even for those students who complete their curricula in educational institutions with minority languages as the medium of education. The Committee of Experts is aware that the entry into force has been postponed for two years. After this two-year period however, the problems posed by the rigid language demand will still exist. As a consequence many parents may send their children to Ukrainian schools. A further problem is the lack of adequate teaching materials and of teacher training in many languages.

G. It is difficult to assess the extent to which regional or minority languages are in fact used before *judicial authorities* as no practical information has been provided by the authorities. It seems, however, that

on the whole the use of regional or minority languages has declined over the past years. In 2005, the Ukrainian authorities have adopted amendments prescribing the obligatory use of Ukrainian in all judicial proceedings. Furthermore, the Committee of Experts notes that there is a shortage of interpreters/translators. Due to these practical obstacles speakers of regional or minority languages are seldom encouraged (and occasionally may in fact be discouraged) to use their language before judicial authorities.

H. According to the Ukrainian legislation, minority languages will be used *within the administration* only in localities where a minority constitutes a majority. This is a very high threshold compared to other European countries and may prevent the Charter from being applied to those regional or minority languages which are not in official use but which are still used by a sufficient number of speakers in municipalities or localities for the provisions of the Charter to be applicable. Furthermore, the practical implementation of the provisions of the Charter is often hampered by a lack of linguistically skilled staff in local and regional authorities.

I. A number of problems hamper the implementation of some provisions of the Charter in relation to the *media*. The Ukrainian legislation imposes language quotas concerning the use of Ukrainian in order to promote the use of the State language in radio and television broadcasting (75% since 2005, 80% after 2009 and 85% in 2010). In addition, the National Television and Radio Council of Ukraine has decided that all foreign programmes distributed in Ukraine via cable network must be dubbed or subtitled into Ukrainian. Any subtitling, dubbing etc into regional or minority languages must then be done in addition to subtitling, dubbing etc into Ukrainian. These requirements put an unreasonable burden on radio and TV stations broadcasting programmes in regional or minority languages.

J. There exists a comprehensive offer of *cultural activities* relating to regional or minority languages. However, the lack of long-term subsidies prevents regional or minority language speakers to set up and/or run facilities such as cultural centres. 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. In the area of cinematography, the recent language restrictions making it obligatory to dub, post-synchronise or sub-title every foreign film into Ukrainian are not in conformity with the commitments entered into by Ukraine under the Charter. These measures may have a disproportionate effect on the distribution of films in minority languages.

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

Overview of the situation of the regional or minority languages

L. The provision of education in *Belorussian* or of Belorussian language classes is practically non-existent. The same is true concerning the use of Belorussian in relation with the judicial authorities and with the administration. The proximity between the Belorussian 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 Belorussian are carried out mainly by NGOs. 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. However, problems have been noticed concerning the licensing process for broadcasting in Bulgarian due to the imposition of a quota for programmes in Ukrainian described previously. As far as cultural activities are concerned, the issue of the Bulgarian cultural centre in Odessa should be dealt with by the authorities.

N. The presence of *Crimean Tatar* in school education needs to be strengthened. Strong measures are needed to support this language given its vulnerable situation. There is a great need in particular to develop adequate teaching materials and to train more teachers. Despite the constitutional guarantees in the Autonomous Republic of Crimea, the use of Crimean Tatar by the administration is very limited. There is no indication on the availability of newspapers in Crimean Tatar. No information has been provided by the

authorities regarding cultural activities 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. *Gagauz* is practically absent in the judicial system and in relations with the administration, but has a certain presence on radio and TV. Substantial measures are needed to ensure the use of this language, in particular by supporting print media in *Gagauz* and establishing a cultural centre.

P. *German* is taught as a foreign language in the educational system of Ukraine on a wide scale. However, it is not clear whether the needs and wishes of the speakers are adequately provided for in the existing arrangement. *German* is neither used in the courts, with the administration nor in economic and social life. There is some presence of *German* in the media and a rich offer in *German* as regards cultural activities with active NGOs promoting *German* language and culture.

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, except as regards the provisions of Articles 9 and 13, as *Hungarian* is not used before the courts or in economic life. The Committee of Experts considers that undertakings relating to education do not adequately reflect the situation of *Hungarian* to which more ambitious undertakings could be applied. Some clarification is needed as regards the support granted in the cultural field.

S. *Moldovan* has a relatively good presence in the education system. However, it is neither used in the courts nor by local and regional administration or in economic life. The written press in *Moldovan* is supported by the authorities. Very little if any information has been given by the authorities regarding the use of *Moldovan* in cultural activities and it seems that the undertakings chosen with regard to Articles 12 and 13 are not implemented in practice.

T. Instruction in *Polish* is available at nearly all levels of education. Opposition within certain local authorities concerning the setting up of bilingual secondary education has been reported, however. *Polish* is not used in judicial proceedings or by local and regional authorities. Public television and radio programmes are broadcast in *Polish*. The authorities are invited to clarify whether the existing offer in print media is satisfactory. Special support is needed to set up a cultural centre.

U. The Ukrainian authorities are aware of the need to promote the *Romani* language. Significant efforts have been made to provide teaching materials and vocational training for the teachers of *Roma* language and culture.

V. The situation of the *Romanian* language in the fields of education, media and cultural activities as well as in relation with local and regional authorities is by far and large good. However, complaints were voiced regarding the lack of appropriate teaching materials. Also, information is needed on privately owned media broadcasting in *Romanian*. *Romanian* is not used in courts or in the economic sector.

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 these undertakings, in particular those in education and concerning the media, do not adequately reflect the situation of *Russian* to which more ambitious undertakings could be applied. The Committee of Experts notes that the recent measures affecting the *Russian* language in the field of education, media and culture will have problematic consequences for the *Russian* speakers.

X. The authorities are invited to clarify the scope of *Slovak* education offered in Ukraine. Particular efforts are needed to facilitate and encourage the use of *Slovak* in the courts and in relations with regional and local authorities. *Slovak* is not used in economic life. 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. The lack of a cultural centre is a matter of concern for the community.

Y. The Committee of Experts understands that the language traditionally spoken by the Jewish community in Ukraine mentioned in the instrument of ratification is *Yiddish*. However, it is unclear to the Committee of Experts to what extent the information given by the authorities does in fact concern the Yiddish language.

Z. Other languages are not mentioned in the instrument of ratification of Ukraine, but could nevertheless be covered by part II of the Charter, such as Armenian, Czech, Karaim, Krimchak, Romani, Ruthenian and Tatar. 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. When languages are endangered or on the verge of extinction, urgent measures must be adopted especially in the education field to ensure the survival of these languages.

The Ukrainian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Ukraine. At the same time it emphasised the need for the Ukrainian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1090th meeting on 7 July 2010, the Committee of Ministers adopted its Recommendation addressed to Ukraine, which is set out in Part B of this document.

Appendix I: Instrument of Acceptance



Ukraine :

Declaration contained in the instrument of ratification deposited on 19 September 2005 - Or. Engl.

Ukraine declares that the provisions of the Charter shall apply to the languages of the following ethnic minorities of Ukraine : Belorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.

Period covered: 1/1/2006 -

The preceding statement concerns Article(s) : 3

Declaration contained in the instrument of ratification deposited on 19 September 2005 - Or. Engl.

Ukraine undertakes obligations under Parts I, II, IV, V of the Charter except paragraph 5 of Article 7 of Part II.

Ukraine declares that the following paragraphs and subparagraphs of Article 8 to 14 of Part III of the Charter shall be applied with respect to each regional language listed above () to which the provisions of the Charter shall apply :*

- a. Subparagraphs a (iii), b (iv), c (iv), d (iv), e (iii), f (iii), g, h, i of paragraph 1, and paragraph 2 of Article 8;*
- b. Subparagraphs a (iii), b (iii), c (iii) of paragraph 1, subparagraph c of paragraph 2 and paragraph 3 of Article 9;*
- c. Subparagraphs a, c, d, e, f, g of paragraph 2, and subparagraph c of paragraph 4 of Article 10;*
- d. Subparagraphs a (iii), b (ii), c (ii), d, e (i), g of paragraph 1, paragraph 2 and paragraph 3 of Article 11;*
- e. Subparagraphs a, b, c, d, f, g of paragraph 1, paragraph 2 and paragraph 3 of Article 12;*
- f. Subparagraphs b and c of paragraph 1 of Article 13;*
- g. Subparagraphs a and b of Article 14.*

Ukraine declares that, in application of the provisions of the Charter, the measures aimed at the establishment of the Ukrainian language as the official language, its development and functioning in all spheres of social life in the whole territory of Ukraine shall not be construed as preventing or threatening the preservation or development of the languages to which the provisions of the Charter shall apply as stated above ().*

(*) [Note by the Secretariat: See the declaration made by Ukraine to Article 3 of the Charter, on 19 September 2005.]

Period covered: 1/1/2006 -

The preceding statement concerns Article(s) : 2

Appendix II: Comments by the Ukrainian authorities

Comments by the Ukrainian Authorities on the Content of the First Report by the Committee of Experts of the European Charter for Regional or Minority Languages

The Ukrainian authorities are very grateful to the Committee of Experts of the European Charter for Regional or Minority Languages for the report. Having taken into consideration their findings and proposals for recommendations the Ukrainian authorities express their will to provide the comments on the following points of Part III:

C. The protection of minorities and their languages enjoys a high level of constitutional 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. However, these 13 languages differ widely both in the number of users and in the level of protection previously achieved. 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. The Committee of Experts also notes that some languages have been left out of the scope of the Charter such as Armenian, Czech, Romani and Tatar as well as some languages that are specifically endangered, such as Karaim and Krimchak.

Taking into consideration the necessity to increase the list of languages to be covered by the Charter, actual situation of the languages in Ukraine, real possibilities and Ukraine's obligations under the Charter, the Ministry of Foreign Affairs of Ukraine elaborated and submitted to the Cabinet of Ministers of Ukraine the draft law "On Amendments to the Law of Ukraine "On the Ratification of the European Charter for Regional or Minority Languages".

On 15 September 2008 the above-mentioned draft law approved by the Cabinet of Ministers of Ukraine was submitted to Verkhovna Rada of Ukraine (registration number 0098).

This draft law introduces amendments to the current Law of Ukraine № 802-IV "On Ratification of the European Charter for Regional or Minority Languages" adopted by Verkhovna Rada of Ukraine on 15 May 2003, aiming at bring the title of this law in compliance with the official translation of the Charter and correcting inaccuracy in the titles of some languages in Article 2 of the current law.

The list of languages covered by the Charter is supplemented by the Armenian and Roma languages. The title of the languages "Jewish" and "Greek" are put as "Yiddish" and "modern Greek (Romaic)".

D. In Ukraine, the Law on languages dates back to 1989 and does not correspond to the present situation. None of the many draft laws on languages presented to the Parliament in the past few years have been adopted. The Ukrainian authorities issued a Policy Paper on the State language policy in April 2008 without having previously carried out consultations with speakers of regional or minority languages. The Ukrainian authorities are invited to better coordinate the whole language policy in consultation with the speakers and to adopt a new legislation that reflects today's situation in Ukraine.

On February 16, 2009, the Ministry of Culture and Tourism of Ukraine with the Decree № 66/0/16-09 created the working group on the Draft Law of Ukraine «On the Promotion and Use of Languages in Ukraine». The new draft law should radically differ with its provisions from the existing USSR Law «On Languages in Ukrainian SSR», dated 1989, as it will represent the current situation in Ukraine.

For this moment the Ministry of Culture and Tourism of Ukraine has completed and submitted to the Cabinet of Ministers of Ukraine the Draft of «Concept of the Implementation of the State Language Policy in Ukraine» that was elaborated in 2006.

All interested citizens of the state and, in particular, representatives of national minorities were able to join the discussions while this document was being worked out. The members of the working group did not get the official applications from representatives of national minorities.

The Draft Concept was put for the open public discussion, in particular, it was approved by delegates of the IV World Forum of Ukrainians, it was supported by delegates of the V Congress of Ukrainian Writers, and it was also published in press and on the official website of the Ministry of Culture and Tourism of Ukraine.

E. There have been problems in implementing the undertakings of the Charter. This seems partly to have been due to rather frequent changes of responsibility concerning national minorities within the state administration. In addition, financial

resources allocated for projects carried out by minority groups are not sufficient and such funds are distributed unevenly between different groups. The State Committee on Nationalities and Religions, which is responsible for that matter, will need to be given the relevant means to fulfil its task.

In the initial report of Ukraine on the implementation of the European Charter for Regional or Minority Languages there was a note that various government authorities and local authorities are made responsible for the implementation of the Charter provisions within their competencies.

The State Committee of Ukraine on Nationalities and Religions is mandated to create the conditions for free development of regional or minority languages in Ukraine and carry out measures aimed at the implementation of the provisions of the European Charter for Regional or Minority Languages.

Beginning from 2007 the Division on language policy and implementation of the Charter has been functioning within the structure of the State Committee of Ukraine on Nationalities and Religions.

The State Committee of Ukraine on Nationalities and Religions is the only one central body of the executive power that has a separate budget program "Activities on the implementation of the provisions of the European Charter for Regional or Minority Languages". Hereby, it is a chief manager of the funds annually allocated to it from the State Budget of Ukraine since 2005.

Within the framework of the above-mentioned budgetary program the State Committee of Ukraine on Nationalities and Religions provides financial support to public associations of national minorities for carrying out different cultural activities – days of native language, contests, competitions on the better knowledge of mother tongue, seminars, conferences, symposia on language issues, publishing handbooks, dictionaries, reference books in mother tongues, curricula, textbooks and teaching materials for Sunday schools etc.

During 2005-2007 the State Committee of Ukraine on Nationalities and Religions allocated 1mln.831 thousand hryvnas for the promotion and preservation of 13 minority languages covered by the European Charter for Regional or Minority Languages.

The State Committee of Ukraine on Nationalities and Religions distributes budgetary funds in accordance with the applications on the financial support submitted by public associations of national minorities.

When distributing the funds for the projects of public associations of national minorities a number of factors are taken into consideration, namely, the activity and readiness of speakers to organize the events aimed at preserving their mother tongue, the quantity of speakers and real situation of the language.

While the State budget is drafting for a relevant year the State Committee of Ukraine on Nationalities and Religions systematically raises the issue of increasing the allocation of budgetary funds for the implementation of the Charter provisions.

F. As regards education, Ukraine has a long-standing tradition of education in regional or minority languages with a system of monolingual and bilingual schools operating in regional or 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 right to education in regional or minority languages or to regional or minority language courses. In practice, some local authorities have shown a lack of support for minority language education. The Committee of Experts notes that the number of hours where instruction must be given in the Ukrainian language has continued to increase at all levels of education while, in particular, the share of instruction in the Russian language has decreased. In December 2007, the Ministry of Education decided that all final examinations in secondary education and all entrance examinations to higher education institutes would be conducted in Ukrainian only, even for those students who complete their curricula in educational institutions with minority languages as the medium of education. The Committee of Experts is aware that the entry into force has been postponed for two years. After this two-year period however, the problems posed by the rigid language demand will still exist. As a consequence many parents may send their children to Ukrainian schools. A further problem is the lack of adequate teaching materials and of teacher training in many languages.

The total number of hours assigned for learning the Ukrainian language and literature is equal to that set aside for studying the language and literature of national minorities (Russian included). Thus, it constitutes 22 hours per week for pupils in the 5-9th forms and 9,5 hours for pupils in the 10-12th forms.

All subjects at schools (classes) with the Russian language of education are taught in Russian (except for some subjects that will be taught in Ukrainian in accordance with the Program of improvement of learning Ukrainian at secondary educational establishments with education in minority languages for 2008-2011); 2-3 lessons of Russian a week and 2 lessons of the integrated course "Literature" (Russian and foreign) are compulsory.

At secondary educational establishments with education in Russian pupils take the state total attestation (finals) in all compulsory subjects in the language of teaching; they can also take an exam in the Russian language and literature (to their choice).

Ukraine has formed a consistent system of training teachers for schools with education in minority languages and qualitative teaching materials (textbooks, handbooks, manuals, dictionaries).

J. There exists a comprehensive offer of cultural activities relating to regional or minority languages. However, the lack of long-term subsidies prevents regional or minority language speakers to set up and/or run facilities such as cultural centres. 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. In the area of cinematography, the recent language restrictions making it obligatory to dub, post-synchronise or sub-title every foreign film into Ukrainian are not in conformity with the commitments entered into by Ukraine under the Charter. These measures may have a disproportionate effect on the distribution of films in minority languages.

In order to preserve and promote ethnic, linguistic and cultural diversity of national minorities of Ukraine the State Committee of Ukraine on Nationalities and Religions elaborated "Comprehensive Measures on implementation of the state policy on international relations and promotion of cultures of national minorities in Ukraine until 2010" that were adopted by the Cabinet of Ministers on 22 May 2007, and most of the regions worked out their own programs or activities to implement them.

The Comprehensive Measures envisage providing annual organizational and financial assistance on activities of national minorities aimed at the preservation and promotion of their languages, including:

- Cultural and educational activities aimed at raising tolerance, respect for the culture, history, language, customs and traditions of various nationalities;
- Competition of the essays on «The language of each nation is unique and native», it is held among representatives of national minorities;
- Financial support for newspapers in minority languages;
- Elaboration of philological training programs in Russian and other minority languages, integrated courses «Literature» (literature of national minorities and foreign literature) for general educational establishments with Russian or other minority languages;
- Regional and interregional Competitions in native languages and literatures of national minorities;
- Assistance to the activities of regional cultural centers of national minorities in Ukraine;
- Promotion to making tourist routes in places of compact residence of national minorities to acquaint with their ethnic, cultural and linguistic peculiarities.

Every year with the formation of the State Budget of Ukraine the State Committee of Ukraine on Nationalities and Religions systematically brings up an issue on increasing the financing of budget programs «Measures on the implementation of provisions of the European Charter for Regional or Minority Languages» and «Measures on the revival of culture of national minorities and financing of newspapers in their languages».

L. The provision of education in Belorussian or of Belorussian language classes is practically non existent. The same is true concerning the use of Belorussian in relation with the judicial authorities and with the administration. The proximity between the Belorussian 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 Belorussian are carried out mainly by NGOs. Further support from the authorities is clearly needed.

There were no appeals to the education authorities from representatives of Byelorussian national minority on the issue of setting up educational establishments or classes with the Byelorussian language of education or learning this language as a subject. In case such appeals are submitted, the Ministry of Education and Science of Ukraine will provide adequate support.

The Byelorussian language is learned at cultural centers and Sunday schools that are founded by public associations and function with the assistance of local education authorities.

N. The presence of Crimean Tatar in school education needs to be strengthened. Strong measures are needed to support this language given its vulnerable situation. There is a great need in particular to develop adequate teaching materials and to train more teachers. Despite the constitutional guarantees in the Autonomous Republic of Crimea, the use of Crimean Tatar by the administration is very limited. There is no indication on the availability of newspapers in Crimean Tatar. No information has been provided by the authorities regarding cultural activities carried out in the Autonomous Republic of Crimea or on the use of Crimean Tatar in social and economic relations.

In order to meet the educational needs of the representatives of Crimean Tatar national minority there are 26 groups (486 children) with the Crimean Tatar language of teaching at schools and preschool establishments.

Besides, there are 26 schools with education in Russian and Crimean Tatar language, one school with education in Ukrainian and Crimean Tatar language and 38 schools with education in Ukrainian, Russian and Crimean Tatar language. In these schools there are 236 classes with the Crimean Tatar language of teaching where 2725 pupils study. Totally 5644 pupils are taught in the Crimean Tatar language.

At the same time the Crimean Tatar language is studied by 17725 pupils as a compulsory subject of the curriculum and by 5153 pupils as an optional one.

The Ministry of Education and Science of Ukraine carries out consistent activities aimed at improving the provision of educational establishments (including those with the Crimean Tatar language of education) with teaching materials.

Affiliated to the Ministry of Education and Science of the Autonomous Republic of Crimea there is the Scientific Council on preparing teaching materials, dictionaries and reference books in the Crimean Tatar language to the publication.

In accordance with the National Standard of General Secondary Education the Ministry of Education and Science of Ukraine continues the activities on preparing textbooks for secondary schools with the Crimean Tatar language of education that are necessary for the transition to a new content, structure and 12-year term of studies.

In 2008 the Ministry of Education and Science of Ukraine published textbooks in the Crimean Tatar language and literature for the 8-th form pupils, translated textbooks in History of Ukraine, World History, Algebra, Geometry, Biology, Physics, Chemistry, and Geography into the Crimean Tatar language.

The Ukrainian - Crimean Tatar - Ukrainian terminology dictionary is compiled and ready to be published. The textbooks in the Crimean Tatar language and literature for the 9-th form pupils and curricula for the 10-12-th form pupils of specialized schools have been designed.

In the Autonomous Republic of Crimea 534 teachers teach the Crimean Tatar language at schools.

In 2008 100 teachers of the Crimean Tatar language and literature followed the retraining courses at the Crimean Republican Institute of Postgraduate Teacher Training. Training of teachers for educational establishments with the Crimean Tatar language of education is provided by higher educational institutions of the Autonomous Republic of Crimea under existing specialities (majors) within the "state requirement".

The Crimean Engineering and Teacher Training University provides training for teaching staff in accordance with the following majors: teacher of the Crimean Tatar language and Russian, teacher of the Crimean Tatar language and Ukrainian, teacher of the Crimean Tatar language and English, teacher of primary schools, teacher of preschool establishments.

The Tavria National University named after V. Vernadsky provides training for teachers of the Crimean Tatar language and literature at the department of the Crimean Tatar language and Eastern Languages and Literatures.

The activities of the Program of Resettling of the Deported Crimean Tatars and Persons of Other Nationalities Who Returned to Ukraine for Residence, their Adaptation and Integration into the Ukrainian Society until 2010 which is approved by the resolution of the Cabinet of Ministers of Ukraine № 637 from May 11, 2006 envisage:

- Assistance in providing schools with the Crimean Tatar language of education with textbooks, teaching materials and curricula;
- Improvement of the system of training and retraining of teachers for schools with the Crimean Tatar language of education;
- Assistance in the development of mass-media published or broadcasted in repatriates' native language, the Crimean Tatar language included.

The newspapers "Maarif isleri", "Yany Dyunya", "Uchan-su" (a supplement to the newspaper "Vremya, vperyod") are issued exclusively in the Crimean Tatar language as well as the magazines "Tasyi", "Kasevet".

Some printed media are issued in three languages (Crimean Tatar, Ukrainian and Russian). They are "Kyrym/Crimea", "Hydaet", "Areket", "Kerch habergycy", "Tesyry", "Yurt", "Vatan Hatyma", "Maalm", "Qasaba/Settlement", "Kurman", "Altyn yaruk/Golden shine", "Halk cedasy", "Baladar dyunyasy", "Geslev", "Zaman", "Dialog", "Holos molodyegy", "Habergy", "Avdet", "Devir" and the magazine "Tan".

In 2006-2007 with the financial support of the State Committee of Ukraine on Nationalities and Religions the Association of the Crimean Tatar teachers "Maarifchi" published the handbook for writing in the Crimean Tatar language for the first-form pupils "My first exercise book" (in two parts), the Crimean Tatar – Ukrainian - Russian dictionary in 3 volumes and the text book "Elifbe" ("ABCbook").

In order to satisfy ethnic, cultural and linguistic needs of Crimean Tatars the State Committee of Ukraine on Nationalities and Religions, Ministry of Culture and Tourism of Ukraine, the Republican Committee of the Autonomous Republic of Crimea on the issues of international relations and deported citizens provide annual financial support to Crimean Tatar associations for carrying out various cultural activities, namely, Crimean Tatar national festivals "Navruz" and "Kuyram-bayram", folkloric festival "Ak-kaya – Bila Skelia", days of the Crimean Tatar culture, international festival of the Crimean Tatar and Turk culture "Shidny bazar" ("Eastern Market").

The Crimean Tatar Music and Drama Theatre, the State Crimean Tatar Folk Ensemble "Haytarma" and Professional Folk Ensemble "Krym" ("Crimea") have been functioning in the Autonomous Republic of Crimea.

The Ministry of Culture and Tourism of Ukraine pays special attention to the restitution of cultural values to the Crimean Tatar nation. This issue was discussed at the second International Scientific Conference «Crimean Tatar cultural values: search, attribution, the problem of preservation and restitution». The conference continued the cycle of scientific and practical activities on the cultural values of the Crimean Tatar nation.

In May, 2007 L'viv Museum of the History of Religion returned to Bakhchisaray State Historical and Cultural Reserve approximately 30 Crimean Tatar old-printed editions.

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. Gagauz is practically absent in the judicial system and in relations with the administration, but has a certain presence on radio and TV. Substantial measures are needed to ensure the use of this language, in particular by supporting print media in Gagauz and establishing a cultural centre.

The Gagauz language as a subject is learned by 1400 pupils of secondary educational establishments.

The Ministry of Education and Science of Ukraine published the curriculum in Gagauz and reading for the 1-4th forms and the curriculum in Gagauz for the 5-12th forms of secondary schools, in Latin graphics as well.

The Scientific and Methodical Commission in Minority Languages of the Scientific Council of the Ministry of Education and Science of Ukraine approved the manuscript of teaching materials in Gagauz for the 1st form (in Latin graphics) to the publication with the sign "recommended by the Ministry of Education and Science of Ukraine".

The State Committee of Ukraine on Nationalities and Religions provided the financial support to the Ukrainian public association «Gagauz Union of Ukraine» on the round-table on the topic: «Problems, perspectives and ways of improving and studying the Gagauz language and literature» (2007) and publication of the manual for out-of-school reading in the Gagauz language for Sunday schools (2008).

P. German is taught as a foreign language in the educational system of Ukraine on a wide scale. However, it is not clear whether the needs and wishes of the speakers are adequately provided for in the existing arrangement. German is neither used in the courts, with the administration nor in economic and social life. There is some presence of German in the media and a rich offer in German as regards cultural activities with active NGOs promoting German language and culture.

The education authorities did not receive any applications from the representatives of the German minority with the request of setting up schools or classes with the German language of instruction.

In Ukraine there are 7136 secondary schools where the German language is studied as a subject. Moreover, the German language as the minority language is studied at cultural and educational centers and Sunday schools. These establishments were founded by public organizations and operate with the assistance of local education authorities.

S. Moldovan has a relatively good presence in the education system. However, it is neither used in the courts nor by local and regional administration or in economic life. The written press in Moldovan is supported by the authorities. Very little if any information has been given by the authorities regarding the use of Moldovan in cultural activities and it seems that the undertakings chosen with regard to Articles 12 and 13 are not implemented in practice.

During 2006-2007 the state financial support was provided to carry out the Competition on the Moldovan language and literature, the folklore festival «Mertsishor», and the all-Ukrainian festival of the Moldovan culture «Dniester Wave»; to publish the newspaper «Luchaferul» and the booklet of the conference devoted to the study of the Moldovan language and literature in Ukraine.

V. The situation of the Romanian language in the fields of education, media and cultural activities as well as in relation with local and regional authorities is by far and large good. However, complaints were voiced regarding the lack of appropriate teaching materials. Also, information is needed on privately owned media broadcasting in Romanian. Romanian is not used in courts or in the economic sector.

The Ministry of Education and Science of Ukraine pursues consistent activities on amending the supply of secondary schools with teaching materials (schools with the Romanian language of instruction included).

In accordance with the National Standard of General Secondary Education there have been designed and published curricula in the Romanian language, integrated course "Literature" (Romanian and foreign) for the 5-12th forms, Romanian and reading for the 1-4th forms, and textbooks for the pupils of the 1-4th and 5-7th forms. In 2008 the Ukrainian – Romanian – Ukrainian terminology dictionary was published. The manuscripts of textbooks for the 9th form were written. The curricula in the Romanian language and the integrated course "Literature" (Romanian and foreign) for the 10-12th forms of the specialized schools were prepared to publishing.

Moreover, according to the Minutes on Cooperation in Education between the Ministry of Education and Science of Ukraine and the Ministry of Education, Researches and Youth of Romania the Mixed Commission of Experts was set up in order to carry out the analysis on correspondence of the content of Ukrainian textbooks in language, literature, history and geography in Romania and Romanian ones in Ukraine and work out recommendations for those who develop textbooks.

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 these undertakings, in particular those in education and concerning the media, do not adequately reflect the situation of Russian to which more ambitious undertakings could be applied. The Committee of Experts notes that the recent measures affecting the Russian language in the field of education, media and culture will have problematic consequences for the Russian speakers.

In Ukraine there is an extensive network of educational institutions to ensure the educational needs of the Russian minority.

Thus, in 2008/2009 academic year in Ukraine there are 20 045 general educational establishments where 4 438 383 pupils study.

Among them, there are 1 199 general educational establishments with the Russian language of instruction (403 719 pupils) and 1 628 – with the English and Russian language of instruction (368 594 pupils has the Russian language of instruction). There are also schools with three languages of instruction (English, Russian and Crimean Tatar; Ukrainian, Russian and Romanian; Ukrainian, Russian and Bulgarian; Ukrainian, Russian and Moldavian).

The total number of pupils in general educational establishments with the Russian and Ukrainian language of instruction is 779 423 pupils.

Moreover, the Russian language as a subject is studied by 1 292 518 pupils, 165 544 pupils study Russian optionally or in clubs.

The Ministry of Education and Science of Ukraine elaborated multivariate curricula that count the peculiarities of teaching the Russian language and literature in different types of educational institutions, particularly:

- for secondary schools with the English language of instruction and the study of Russian language;
- for secondary schools with the Russian or other minority language of instruction;
- for specialized schools with the Russian or other minority language of instruction and the advanced study of foreign languages.

The Ministry of Education and Science of Ukraine suggested two variants of common curriculum for secondary schools with the Russian language of instruction. One of them provides the study of Russian or other minority language as a subject in an invariant component for the 1-12th forms (2 hours per week). The second provides the study of these languages at the request of pupils and their parents through the variant component (from the 1 or 5th forms to the 12th form inclusively). This variability gives an opportunity to consider regional peculiarities of the Ukrainian population.

The new educational curricula in the Ukrainian language (reading) and Russian (reading) for primary schools, educational curricula in the Ukrainian language and literature, in the Russian language and integrated course «Literature» (Russian and foreign literature) for primary and high school, teaching materials, exercise books, dictionaries have been already elaborated for all types of educational institutions with the 12-year term of studies.

Thus, in order to improve pupils' command of the official language, facilitate the process of their preparation to the external independent assessment, and master the terminology of the school curriculum the Ukrainian-Russian-Ukrainian terminology dictionary was published with the respective sign of the Ministry of education and science of Ukraine.

The choice of textbooks is carried out on the competition basis.

General educational establishments with the Russian language of instruction are fully provided with textbooks.

Such magazines as "World Literature at Secondary schools of Ukraine" (in Russian and Ukrainian), "Russian Philology at Ukrainian Schools" (in Russian), and "Russian Enlightenment" (in Russian) are published for teachers of the Russian language and literature.

There are 919 state vocational technical schools in Ukraine. In 35 of them teaching of all subjects is carried out in Russian. The number of pupils studying in Russian is 51.4 per cent or 12.5 per cent of the total contingent of pupils of vocational technical schools.

Teaching of all subjects is carried out in Russian in 26 vocational technical schools in the Autonomous Republic of Crimea and in 6 schools in the city of Sevastopol.

Only some subjects are taught in Russian: in 3 vocational technical schools in Dnipropetrovsk oblast, in 19 – in Donetsk oblast, in 11 – in Zaporizhzhya oblast, in 63 – in Luhansk oblast, in 13 – in Odesa oblast, in 4 – in Kharkiv oblast.

These vocational technical schools are provided with the sufficient amount of textbooks in comprehensive subjects and technical ones.

Higher educational establishments that provide education in Russian are situated mainly in Luhansk, Donetsk, Kharkiv, Dnipropetrovsk, Odesa oblasts and the Autonomous Republic of Crimea.

In 2007/2008 academic year 59656 students got their education in Russian in higher educational establishments of I-II levels of accreditation, it constitutes 13,5 per cent of their total amount of students.

Teacher training for secondary schools with the Russian language of education is carried out by 12 higher educational establishments of I-II levels of accreditation and 34 higher educational establishments of I-IV levels of accreditation in all administrative and territorial units of Ukraine. Higher educational establishments train teachers in Humanities, Natural Sciences, Social Sciences in the Russian language.

X. The authorities are invited to clarify the scope of Slovak education offered in Ukraine. Particular efforts are needed to facilitate and encourage the use of Slovak in the courts and in relations with regional and local authorities. Slovak is not used in economic life. 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. The lack of a cultural centre is a matter of concern for the community.

In order to meet the educational needs of the representatives of the Slovak minority Uzhgorod specialized school of the I-III level № 21 with the Slovak language of instruction and the advanced study of foreign languages continues to work in 2008/2009 academic year. In this school 79 pupils of the 1-4th forms study in the Slovak language. The pupils of the 5-11th forms study the Slovak language as a subject.

The total number of pupils who study the Slovak language as a subject is 224 and there are 202 pupils who study Slovak optionally or in clubs.

Five teachers from the Slovak Republic teach at primary school as well as they teach Mathematics, Biology, Fine Arts and Manual Work in the 5-9th forms.

The curriculum in the Slovak language for the 5-12th forms of secondary schools was elaborated according to the requirements of the National Standard of General Secondary Education to improve the situation with teaching materials of secondary schools with the Slovak language of instruction.

Teachers of secondary schools participate in the teacher advancement courses and teaching days organized by the Zakarpattia Postgraduate Teacher Training Institute to raise their level of proficiency. They attend linguistic professional courses organized by the Scientific center of Mateya Bela University in Banska Bystrica (the Slovak Republic).

39 students with the qualification in Philology (the Slovak language and literature) study at the Slovak language and literature Department of the Philological Faculty of Uzhgorod National University.

Every year students have linguistic training in the Slovak Republic. The professors of the Department go on an internship to Jan Amos Comenius University of Bratislava, Mateya Bela University of Banska Bystrica and Pryashiv University.

With the participation of the Slovak language and literature Department the scientific conferences on the Ukrainian-Slovak relations concerning language, literature, history and culture takes place every two years. In particular, the topics were «Perspectives of the development of Slovakian studies in Ukraine», «Slovaks in the Transcarpathian Ukraine and the Slovak-Ukrainian frontier zone». Scientists of higher educational institutes of Ukraine and the Slovak Republic were invited to participate in them.

The Department published the scientific booklet «Studia Slovacistica» with the articles of the Slovak and Ukrainian scientists.

In December, 2008 Zakarpattia regional authorities took a decision to found the Slovak cultural center on the basis of the secondary school № 21 with the Slovak language of education in Uzhgorod. Some of the school premises will be allocated for the center.

Y. The Committee of Experts understands that the language traditionally spoken by the Jewish community in Ukraine mentioned in the instrument of ratification is Yiddish. However, it is unclear to the Committee of Experts to what extent the information given by the authorities does in fact concern the Yiddish language.

The Jewish language is the general name for the language of Jews. In Ukraine according to the Charter the protection of Jewish language comprises simultaneous protection of two languages - Hebrew and Yiddish. The information of the First Periodic Report of Ukraine on the European Charter for Regional or Minority Languages about the Jewish language mainly concerns the Hebrew language.

Z. Other languages are not mentioned in the instrument of ratification of Ukraine, but could nevertheless be covered by part II of the Charter, such as Armenian, Czech, Karaim, Krimchak, Romani, Ruthenian and Tatar. 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. When languages are endangered or on the verge of extinction, urgent measures must be adopted especially in the education field to ensure the survival of these languages.

Despite the fact that the Armenian, Roma, Karaim, Tatar, Czech languages are not included in the European Charter for Regional or Minority Languages, the state ensures the satisfaction of ethnic cultural and language needs of these national minorities.

During 2006-2007 the state support was provided to these national minorities on the following events:

Karaims

- the International Karaim Ethnographic festival "Karaims invite friends", the national holiday "Orak tuyou" and the round table "The experience of preservation and promotion of the Karaim language" were held;
- the national calendar of Crimean Karaims was published and the support was provided for the publication of the Karaim newspaper "Tunyen, Buhun. Yaryn" ("Yesterday. Today. Tomorrow").

Roma

- the all-Ukrainian scientific-practical conference «Roma in Ukraine: from past to future», the seminar-training «The situation with the satisfaction of ethnic-cultural needs of Roma in Ukraine», round table «Roma and Media», scientific-practical conference «Roma in Ukraine. Historic and ethnic-cultural evolution of the Roma in Ukraine (XVI-XX centuries) » and folklore festivals «Amala», «Romani bakht», «Roma holiday» were held.

Armenians

- the Armenian Culture Days in Kharkiv and the all-Ukrainian plein-air «The Armenian monuments of culture and architecture in Ukraine» were held;
- the financial support was provided for the publication of the newspaper «Aragats» in Armenian.

Tatars

- the Turkic-Tatar contest-festival «Kyiv sandugachi» and the all-Ukrainian conference «Problems of education of youth in Tatar national traditions» were held;
- the financial support was provided for the publication Tatar magazine «Dudlyk».

Czechs

- the Czech Culture Days and the competition for the best knowledge of the Czech language were held;
- the reference book «Archives of Society «Czech conversation in L'viv» (1867-1936)» was published.

Regarding the measures to support the Ruthenian language, it should be noted that due to different historical reasons the local ethnographic (subethnic) groups of ethnic Ukrainians appeared in the past and still partially exist on the territory of Ukraine. They have kept some differences in culture, household, customs and traditions for a long time. They are Lemkis, Boyks, Hutsuls, Lytvyns, Polishchuks and Ruthenians.

According to the all-Ukrainian census of 2001 10.2 thousand people of Zakarpattia region identified themselves as Ruthenians. In accordance with the fact that was scientifically proven by experts in history, ethnology and linguistics, we may affirm that the Eastern Slavic population of Transcarpathia, called Ruthenians, is the part of the ethnic Ukrainians that has peculiarities of culture, language, household, but it's not a national minority.

The Ukrainian state appreciates and promotes the cultural identity of the autochthonous population of Transcarpathia, it maintains the existing tradition of ancient self-names «Ruthenians», «Rus'» that helped to keep the memory of Rus'-Ukraine for centuries and protect their national identity.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Ukraine

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

**Recommendation RecChL(2010)6
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Ukraine**

*(Adopted by the Committee of Ministers on 7 July 2010
at the 1090th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Bearing in mind the instrument of acceptance submitted by Ukraine on 19 December 2005;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Ukraine;

Having taken note of the comments submitted by the Ukrainian authorities on the content of the report of the Committee of Experts;

Bearing in mind that this evaluation is based on information submitted by Ukraine in its first periodical report, supplementary information given by the Ukrainian authorities, information submitted by bodies and associations legally established in Ukraine and on the information obtained by the Committee of Experts during its "on-the-spot" visit;

Recommends that Ukraine take account of all the observations of the Committee of Experts and, as a matter of priority:

1. develop in close consultation and co-operation with the representatives of minority language speakers a structured education policy for regional or minority languages and secure the right of minority language speakers to receive education in their languages, while preserving the achievements already attained and the existing best practices in this field;
2. review the present regulation on the use of minority languages with a view to ensure their use for access to higher education;
3. modify the existing threshold for official use of regional or minority languages in local and regional administration, so that the Charter can be applied in situations where the number of speakers justifies it;
4. ensure that quotas imposed for broadcast programmes (TV and radio), as well as the requirement to dub, subtitle and postsynchronise all foreign films into Ukrainian are not detrimental to broadcasting radio and television programmes in regional and minority languages and do not hamper the distribution of media products and films in regional or minority languages;
5. strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages;
6. take effective measures to protect and promote the Karaim and Krimchak languages which are in danger of extinction;
7. while revising the instrument of ratification, take into account all findings, conclusions and recommendations made by the Committee of Experts, in particular those related to Article 4 paragraph 2 of the Charter as formulated in the findings in Chapter 3 (paragraph 3.1.C) of their report.