



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 15 January 2014

ECRML (2014) 3

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN UKRAINE

2nd 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 improving its language legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under 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 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, paragraph 1, an outline for periodical reports 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 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 of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain 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" by a delegation of the Committee of Experts to the State in question. 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 of Experts to evaluate more effectively 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 may decide to address to the State Party.

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

adopted by the Committee of Experts on 15 November 2012
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. The Ukrainian authorities published the Charter on 25 December 2006 in the Official Bulletin of Ukraine (issue #50).

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The second periodical report, which had been due on 7 July 2011, was submitted by the Ukrainian authorities on 6 January 2012. This report has been made public.

1.2 Work of the Committee of Experts

3. The second evaluation report is based on the information the Committee of Experts obtained through the second periodical report of Ukraine and through meetings held with representatives of the speakers of the minority languages and the Ukrainian authorities during the on-the-spot visit, which took place from 24 to 27 September 2012. The Committee of Experts has received a joint alternative report from the “Human Rights Public Movement ‘Russian-speaking Ukraine’”, the “Human Rights Organisation ‘Common Goal’” and associations of the Bulgarian, Crimean Tatar, Gagauz, German, Greek, Jewish, Romanian and Russian national minorities, submitted pursuant to Article 16.2 of the Charter.

4. The present report focuses on the measures taken by the Ukrainian authorities to respond to the recommendations of the Committee of Experts and the Committee of Ministers of the first monitoring cycle. This report also highlights new issues, which the Committee of Experts considers to be of particular importance in the context of this second monitoring cycle.

5. The Committee of Experts has in the present report presented detailed observations and recommendations which the Ukrainian authorities are encouraged to take into account when developing their policies on the regional or minority languages. On this basis, the Committee of Experts has also proposed recommendations to the Committee of Ministers to be addressed to the Government of Ukraine, as provided in Article 16.4 of the Charter. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit (September 2012). Any changes after that time will be taken into account in the next report of the Committee of Experts concerning Ukraine.

6. The present report was adopted by the Committee of Experts on 15 November 2012.

1.3 Presentation of the regional or minority language situation in Ukraine

Greek

7. In the first evaluation report, the Committee of Experts asked the Ukrainian authorities to “clarify the situation of Pontian Greek and consult the speakers to assess their needs.”

8. The second periodical report does not contain information about this issue. On the other hand, the periodical report refers in some places, under the heading of the “Greek minority languages”, to Rumaic and

Urum, in addition to Modern Greek. In light of the information obtained from the minority language speakers during the on-the-spot visit, the Committee of Experts understands that Rumaic, Urum and Pontian Greek are varieties of Greek benefiting from Part III in the context of its application to the Greek language “as a whole” (Modern Greek and varieties) rather than regional or minority languages in their own right. The majority of the Greek speakers in Ukraine seem to speak Modern Greek.

9. The Committee of Experts asks the Ukrainian authorities to provide information, in the next periodical report, to what extent Rumaic, Urum and Pontian Greek are promoted in the context of the application of the Charter to Greek.

Ruthenian

10. The Committee of Experts notes that the new Law of Ukraine "On the Principles of State Language Policy" (see under 1.4.1 in detail) also mentions Ruthenian as a protected language. The Committee of Experts welcomes this step and looks forward to receiving, in the next periodical report, more information on practical measures taken to protect and promote this language.

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

1.4.1 The Law of Ukraine "On the Principles of State Language Policy"

11. In the first evaluation report, the Committee of Experts noted that the legislation on minority languages (the 1989 Law of the Ukrainian Soviet Socialist Republic On Languages in the Ukrainian SSR and the 1992 Law on National Minorities) was outdated, lacked clarity in the inter-relation between both laws and was partly contradictory, thus creating legal uncertainty. The Committee of Experts therefore “encourage[d] the Ukrainian authorities, in consultation with the minority language speakers, to adopt a new law on the use of languages which gives clear legal guidelines to authorities and citizens.”

12. On 3 July 2012, after the submission of Ukraine’s second periodical report to the Council of Europe, the Parliament (Verkhovna Rada) of Ukraine adopted the Law of Ukraine On the Principles of State Language Policy (hereafter referred to as the “Language Law”), which replaces the 1989 Law of the Ukrainian Soviet Socialist Republic On Languages in the Ukrainian SSR. While the scope of the new Language Law goes beyond the substance of the Charter, it incorporates some of the latter’s legal concepts and provides a basis for the implementation of several Charter undertakings chosen by Ukraine in its instrument of ratification.

13. As regards concepts, Article 1.1 of the Language Law adopts literally the definition of “regional or minority languages” contained in Article 1.ai and ii of the Charter.¹ In addition, the Language Law adopts in Article 1.1 the concept of “territory in which the regional or minority language is used” from Article 1.b of the Charter and defines it. Pursuant to that definition, “the geographical area in which the [regional or minority] language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter” (adopted from Article 1.b of the Charter) corresponds to “the territory of one or more administrative units of Ukraine (Crimea, region, district, city, town, village)”. Consequently, the Language Law can be applied to a minority language already at the level of a village. In view of the Committee of Experts, this provision is of considerable importance for the implementation of several Charter provisions concerning Part III languages which have a relatively low number of speakers.

14. In addition, a number of provisions of the Language Law are largely congruent with provisions of the Charter. As regards undertakings ratified by Ukraine, large congruence exists inter alia in Articles 7.6, 11.1 and 11.6 of the Language Law (concerning Article 10.2.a of the Charter), Article 10.1 (Article 9.3 Charter), Articles 10.2 and 11.5 (Article 10.2.d Charter), Article 11.2 (Article 10.4.c Charter), Article 14.3 (Articles 9.1.iiii/biii/ciii Charter), Article 18.3 (Article 13.1.b Charter), Article 20.11 (Article 8.1.h Charter), Article 24.1 (Article 11.1.d Charter), Article 24.3 (Article 11.1.iiii Charter), Article 24.5 (Article 11.2 Charter) and Article 27.1 (Article 10.2.g Charter).

15. Furthermore, several provisions of the Language Law are largely congruent with Charter provisions currently not contained in Ukraine’s instrument of ratification: Article 11.2 of the Language Law (Article 10.1.iii and 10.4.b Charter), Article 11.3 (Article 10.1.iii and 10.2.b Charter), Article 14.1-2 (Article 9.1.ai/bi/ci Charter), Article 14.3 (Article 9.1.d Charter), Article 14.4 (Article 9.1.ii/bii/cii Charter), Article 14.6 (Article 9.1.iiiv Charter), Article 20.2 (Article 8.1.ai/bi/ci/di/fi Charter) and Article 28.3 (Article 10.5 Charter).

¹ Without its last sentence concerning dialects of the official language(s) of the State and the languages of migrants

16. Pursuant to Article 7.3 of the Language Law, its provisions shall apply to the minority languages provided that their speakers constitute at least 10% of the population in one of the six territorial administrative units mentioned above. “[I]n some cases, taking into account the specific situation”, local councils can also decide to apply the Language Law to languages whose speakers make up less than 10% of the local population. The Committee of Experts notes that the latter provision is essential to ensure that languages with a relatively low number of speakers and/or low degree of local concentration benefit from the Language Law as well, in particular Yiddish, Slovak and Gagauz. In order to initiate the application of the Language Law to a language, at least 10% of the residents of a given territorial administrative unit must sign a petition to that effect on whose basis the local council will decide. So far, this procedure has been initiated and completed with respect to the Hungarian, Romanian and Russian languages.

17. During the on-the-spot visit, the Committee of Experts was informed by the Ukrainian authorities that, shortly after the adoption of the Language Law, the President of Ukraine decided to set up a working group whose task it is to prepare amendments to the law. It appears that one of the proposals under discussion is to replace the aforementioned 10%-threshold with a 30%-threshold. Considering that the Language Law was also conceived to facilitate the application of the Charter, the Committee of Experts would like to underline that limiting the application of Charter provisions to territorial administrative units where 30% of the population belong to a national minority would lead to a legal set-up incompatible with the obligations under the Charter and deprive minority languages of protection accorded to them. In this regard, the Committee of Experts would like to point to its standing interpretation of the Charter with regard to 20%-thresholds in other states parties²; a 30%-threshold is in any case too high as it would deprive minority languages whose speakers do not attain it in a single place of full protection under the Charter.

18. In view of the Committee of Experts, the procedure of signing of a petition by 10% of the residents, does not appear appropriate for Part III languages with a relatively low number of speakers. Most speakers of several Part III languages are to a considerable extent linguistically assimilated and use the minority language only in some limited domains; they are not used to invoke their language rights in public. It is therefore unlikely that speakers of such languages would initiate a petition and/or be able to mobilise sufficient support to meet the 10%-threshold. An additional obstacle is that, for reasons of historical experience, many minority language speakers might feel uncomfortable revealing their linguistic and ethnic background by signing the required petition.

19. However, if the aforementioned procedure is maintained in its current form, it is important that the Ukrainian authorities take active steps so as to ensure the application of the Language Law to all Part III languages. The Ukrainian authorities could, for example, identify with regard to all relevant Part III languages those territorial administrative units where there are a sufficient number of speakers of the given language and then carry out awareness-raising and information activities to initiate the procedure. Considering that for several Part III languages the only relevant territorial administrative units will be villages, it is also important that the Language Law maintains the current “bottom-up” approach, namely the possibility to apply it as soon as the smallest territorial administrative unit (a village) fulfils the requirements.

The Committee of Experts encourages the Ukrainian authorities to take active steps ensuring the application of the Law of Ukraine On the Principles of State Language Policy to all Part III languages in a way which implements the Charter in practice.

1.4.2 *The Ukrainian law on ratification of the Charter*

20. In the first monitoring cycle, the Committee of Experts underlined that, pursuant to Article 4.2, the level of protection granted by any instrument of ratification should reflect at least the level of protection that a given minority language already enjoys in accordance with national legislation, policies and practice. In the case of Ukraine, however, the Committee of Experts noted that the level of protection granted by the ratification instrument was below the existing level of protection applied in Ukraine, especially regarding education. At that time, Ukraine was considering a law “On introducing Amendments to the Law of Ukraine On Ratification of the European Charter for Regional or Minority Languages”, inter alia with a view to upgrading the level of protection. Against this background, the Committee of Ministers recommended Ukraine, **“while revising the instrument of ratification, (to) 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.”** In addition, the Committee of Experts encouraged the Ukrainian authorities, when modifying the

² See for example 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, paragraphs 592-593; 1st Report of the Committee of Experts on Romania, ECRML(2012)3, paragraphs 35, 37

instrument of ratification (in accordance with Article 3.2), to upgrade the level of protection in order to reflect the domestic level of minority language protection.

21. The second periodical report does not contain specific information about this issue. However, the Committee of Experts notes that provisions of the new Law of Ukraine On the Principles of State Language Policy are largely congruent with several Charter provisions currently not contained in Ukraine's instrument of ratification (see under 1.4.1 above), namely Articles 8.1.ai, bi, ci, di, fi; 9.1.ai, aii, aiv, bi, bii, ci, cii, d; 10.1.a.ii, 10.2.b, 10.4.b and 10.5. The Committee of Experts encourages the Ukrainian authorities, when modifying the instrument of ratification in accordance with Article 3.2, to take these provisions into account in order to reflect the domestic level of minority language protection.

1.4.3 *The implementation of the Charter*

22. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities to take measures to ensure the use of regional or minority languages in public life." However, the information provided in the second periodical report still largely focuses on the legislative framework and does not deal with all the recommendations and questions regarding practical measures contained in the first evaluation report. The absence of information about the practical implementation of a considerable number of provisions indicates that there exists no structured approach for the application of each of the undertakings entered into by Ukraine under the Charter.

23. With regard to the implementation of Charter provisions (especially in the field of education), the second periodical report states in several instances that their practical implementation falls within the responsibility of local and regional authorities (e.g. the decision about whether or not a minority language class shall be opened). In light of its meetings with representatives of the minority language speakers during the on-the-spot visit, the Committee of Experts also notes that the authorities at times leave the organisation of minority language education to the initiative of minority associations and Sunday schools run by them.

24. However, as far as the delegation of competences to local and regional authorities is concerned, the Committee of Experts wishes to underline that the national authorities must ensure that subordinate levels of administration implement the relevant undertakings in practice. Even if competences are delegated to local and regional authorities, the State represented by the national authorities still has the final responsibility. As regards the occasional outsourcing of the provision of minority language education to Sunday schools, it must be borne in mind that the Charter puts obligations on its states parties to organise minority language education within the ordinary education system. While the education provided by Sunday schools may complement the offer, it usually does not meet the pedagogical standards required by the Charter for minority language education.³

25. In light of statements received from representatives of the minority language speakers, it also appears that the information provided by the national authorities to the relevant local and regional authorities regarding the obligations arising from the Charter is insufficient. In addition, the national authorities have not adopted specific legal provisions enabling and ensuring the practical implementation of all the undertakings under the Charter at regional and local levels. On the contrary, the Committee of Experts has been made aware of cases where the national authorities had prevented local authorities from implementing measures to the benefit of minority languages which the latter had justified by making reference to the Charter.

26. The Committee of Experts reiterates that the undertakings entered into by Ukraine under the Charter need to be implemented in practice. This requires that the Ukrainian authorities take positive measures, on their own initiative and in co-operation with the representatives of the minority language speakers, with a view to protecting and promoting the minority languages in public life. In light of the above, the Committee of Experts considers that the Ukrainian authorities should consult the associations representing the national minorities concerned as well as the relevant local and regional authorities with a view to drawing up a mid-term strategy on the implementation of the Charter in respect of each minority language. Such a strategy should define concrete steps, administrative responsibilities and a time-frame to implement each undertaking.⁴ In addition, there should be clarity as to which national authority or authorities are in charge of co-ordinating the measures to implement the undertakings of the Charter.

³ See for example 2nd Report of the Committee of Experts in respect of Hungary, ECRML (2004) 5, paragraph 27

⁴ See for example 1st Report of the Committee of Experts in respect of Romania, paragraph 29; 1st Report of the Committee of Experts in respect of Poland, paragraph 24

The Committee of Experts encourages the Ukrainian authorities to adopt a structured approach for the implementation of each undertaking under the Charter, in co-operation with the representatives of the minority language speakers.

1.4.4 Census results

27. The Committee of Experts has been informed by representatives of the minority language speakers that many persons belonging to national minorities in Ukraine, as a result of historical experience, do not declare their minority affiliation in censuses. In addition, in the form used for the last census, the word “Russkiy” (referring to ethnic Russians) has reportedly been replaced by “Rossiyskiy” referring to the much smaller group of citizens of Russia.

28. In light of the above, the Committee of Experts encourages the Ukrainian authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of users of the minority languages and their geographic distribution. Relevant estimates could be based on local indicators such as the existence of minority-related associations, events, education or the number of subscriptions to print media in that language.

Chapter 2 Conclusions of the Committee of Experts on how the Ukrainian authorities have reacted to the recommendations of the Committee of Ministers

Recommendation no. 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”

29. There are still a number of unanswered challenges in the education field. For most of the smaller minority languages, the demand for education still is not met to a satisfactory degree. There is still a lack of teaching materials and of teachers able to teach subjects in minority languages. Ukraine has so far not developed a comprehensive education policy for each of the minority languages. In regard of Hungarian, Romanian and Russian the situation is by and large satisfactory and the right of speakers to receive education in these languages is more or less secured. The traditional models of teaching in Hungarian, Romanian and Russian have been preserved, although there seems to be a certain decline in the number of pupils enrolled.

Recommendation no. 2:

“review the present regulation on the use of minority languages with a view to ensure their use for access to higher education”

30. Under the decrees adopted by the Ministry of Science and Education, Youth and Sport of Ukraine in 2010 and 2011, applicants who completed their full secondary education in Russian or other minority languages and who wish to enrol at higher education establishments can take independent external exams translated into the language of teaching (with the exception of tests on the Ukrainian language and literature and foreign languages).

Recommendation no. 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”

31. After the submission of Ukraine’s second periodical report to the Council of Europe, namely on 3 July 2012, the Parliament (Verkhovna Rada) of Ukraine adopted the Law of Ukraine On the Principles of State Language Policy (hereafter referred to as the “Language Law”), which replaces the 1989 Law of the Ukrainian Soviet Socialist Republic On Languages in the Ukrainian SSR. Pursuant to Article 7.3 of the new Language Law, its provisions can apply to a minority language in a territorial administrative unit provided that its speakers constitute at least 10% of the local population. “[I]n some cases, taking into account the specific situation”, local councils can also decide to apply the Language Law to languages whose speakers make up less than 10% of the local population.

32. The Language Law can constitute a basis for the implementation of some undertakings under Article 10 of the Charter. Obviously, this presupposes that the Language Law is applied in practice to all Part III languages, which at present is not the case.

Recommendation no. 4:

“ensure that quotas imposed for broadcast programmes (TV and radio), as well as the requirement to dub, subtitle and post-synchronise 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”

33. With respect to the requirement to dub, subtitle and post-synchronise foreign films into Ukrainian, the new Law of Ukraine "On the Principles of State Language Policy" abolishes this requirement. The quota system mentioned in the recommendation is no longer prescribed by legislation.

Recommendation no. 5:

“strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages”

34. Although some positive developments have taken place, on the whole there is still an unmet demand from users of minority languages for support needed to establish and sustain cultural centres. The support

given by local and regional authorities seems to be mostly of a short term nature. Organisations of minority language speakers complained about the lack of long term financing schemes that could create some stability for the maintenance of the cultural centres.

Recommendation no. 6:

“take effective measures to protect and promote the Karaim and Krimchak languages which are in danger of extinction”

35. There is still a lack of effective measures to promote the Karaim and Krimchak languages.

Recommendation no. 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”

36. The attempts at revising the instrument of ratification have come to a hold. The new Law of Ukraine "On the Principles of State Language Policy" could, however, form the basis for a revised instrument of ratification.

Chapter 3 The Committee's evaluation in respect of Part II and Part III of the Charter

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

37. Part II applies to Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Karaim, Krimchak, Moldovan, Polish, Romani, Romanian, Russian, Ruthenian, Slovak and Yiddish. The Karaim, Krimchak, Romani and Ruthenian languages are covered by Part II only whereas the other languages receive additional protection under Part III. In its evaluation of Part II, the Committee of Experts will deal with the Part III languages only with regard to areas that are not covered by the Part III provisions applying to the language concerned.

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;

38. As mentioned above (see under 1.4.1), the Parliament (Verkhovna Rada) of Ukraine adopted the Law of Ukraine "On the Principles of State Language Policy" in 2012. Article 7.2 of this law ("Regional or Minority Languages in Ukraine") enumerates the 13 Part III languages and the three Part II languages. The Committee of Experts welcomes this recognition. The Committee of Experts also welcomes the recognition of Ruthenian as a minority language in Ukraine which will be covered by Part II.

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;

39. In the first evaluation report, the Committee of Experts asked the Ukrainian authorities to provide information about how the administrative-territorial reform initiated in 2005 has been to the benefit of the minority languages. According to the second periodical report, the administrative-territorial reform has so far not been implemented.

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

40. 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.⁵

41. As regards the *legal framework* and *bodies* for the protection and promotion of the minority languages, the Committee of Experts refers to its observations under Article 7.1.a and 1.4 respectively.

42. Regarding financial support, the Committee of Experts was informed about the budget programme "Measures to implement the European Charter for Regional or Minority Languages". According to the second periodical report, the financial support for measures to revive the culture of national minorities was significantly reduced in 2009 and accounted for 150 000 UAH (approximately 15 000 EUR). In 2010, 3.5 million UAH (approximately 350 000 EUR) were allocated and one million UAH (about 100 000 EUR) in 2011. In addition, the Committee of Experts was informed by the authorities of the Odessa region during the on-the-spot visit that the financial means for the implementation of the Charter are made available on the basis of projects. This practice, however, is problematical to the extent that the implementation of the undertakings that the Ukrainian authorities entered into under the Charter cannot depend entirely on whether

⁵ See e.g. 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

or not the authorities receive project applications. Besides, the aforementioned amounts are manifestly insufficient to permit the practical implementation of Ukraine's undertakings under the Charter. The Committee of Experts therefore asks the Ukrainian authorities to clarify, in the next periodical report, what other State funds are available for that purpose.

43. During the second monitoring cycle, the Committee of Experts received information that the way funds are allocated to different national minorities is not balanced. In addition, the Committee of Experts has received criticism about the fact that the funds are predominantly used to finance projects having only an indirect or no link with language promotion (e.g. general minority events, painting courses, costume festivals). Furthermore, there are no transparent procedures for the allocation of financial support. Accordingly, it is difficult for the language groups to plan their activities.⁶

44. The Committee of Experts encourages the Ukrainian authorities to provide adequate funding permitting the practical implementation of the undertakings under the Charter, in particular by strengthening institutional funding, and to develop a transparent procedure for allocating financial support according to the needs of the linguistic groups.

Crimean Tatar

45. In the first evaluation report, the Committee of Experts asked the Ukrainian authorities to provide information about measures promoting the Crimean Tatar language in the framework of the programme of resettling Crimean Tatars.

46. According to the second periodical report, the Autonomous Republic of Crimea has so far allocated the amount of 3 748 000 UAH (about 376 000 EUR) *inter alia* for the publication of teaching manuals, methodical aids and fiction books. There is, however, no specific information about measures carried out within the framework of the resettlement programme.

Romani

47. The protection and promotion of Romani is intertwined with the protection of Roma in other areas. If a number of social and other issues related to the Roma are not solved, this will also have a negative consequence on the protection and promotion of their language. Authorities in particular in the Odessa and Transcarpathia regions started to take measures in promoting effective equality. These efforts, however, are reportedly of an *ad hoc* nature and lack the consistency and depth required to result in sustainable changes. While efforts have been made to issue birth certificates and identity documents to the Roma, there are worrying reports that a significant part of the Roma population in some areas of Transcarpathia is still without the necessary identity documents, which prevents their access to a number of important social rights, including education.⁷ Prejudice against the Roma people still prevails and results in disadvantages and lack of equality in a number of areas, including education, provision of health services and employment. The low status of Romani in the education system is a result of that situation. The Ukrainian authorities thus should adopt, as a matter of urgency, a national action plan to counter these inequalities and to promote the status of Romani in the education system and in public life.⁸

Karaim and Krimchak

48. In the first monitoring cycle, the Committee of Ministers recommended Ukraine to **"take effective measures to protect and promote the Karaim and Krimchak languages which are in danger of extinction."**

49. The second periodical report does not contain specific information about this issue other than in the field of education.

The Committee of Experts urges the Ukrainian authorities to take effective measures to protect and promote the Karaim and Krimchak languages which are in danger of extinction.

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

⁶ See paragraph 17 *et al*, Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

⁷ See paragraph 13, Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

⁸ See paragraphs 47, 53 *et al* Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

Karaim and Krimchak

50. In the first monitoring cycle, representatives of the Karaim and Krimchak speakers informed the Committee of Experts that they both used a cultural centre in Crimea. They expected this property to be returned to their minorities, in accordance with the Presidential Decree for the return of property to ethnic groups, but lacked the financial means to run the cultural centre. Against this background, the Committee of Experts encouraged the Ukrainian authorities to provide the necessary support to this cultural centre. In addition, the Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**”

51. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, the Committee of Experts was informed that a cultural centre in Crimea provides cultural activities in which Karaim is used.

52. The Committee of Experts urges the Ukrainian authorities to provide the necessary support to the cultural centre used by Karaim and Krimchak speakers in Crimea.

Romani

53. In the first evaluation report, the Committee of Experts “encourage[d] the competent authorities to take measures, in cooperation with the speakers, to support the presence of Romani in the media and in cultural life.” Also, it encouraged the Ukrainian authorities to facilitate access to a cultural centre for Roma.

54. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Romani speakers informed the Committee of Experts that there are television programmes in Romani in Transcarpathia. No more specific information is available.

55. The Committee of Experts asks the Ukrainian authorities to provide an overview of the media presence of Romani in the next periodical report.

The Committee of Experts urges the Ukrainian authorities to take measures, in co-operation 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;*

56. Like the initial periodical report, the second periodical report does not contain specific information about this provision.

57. The Committee of Experts asks the Ukrainian authorities to provide information about the implementation of this provision in the next periodical report.

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

Part III languages

58. In the first monitoring cycle, the Committee of Experts “encourage[d] the Ukrainian authorities to ensure the necessary flexibility in regulating entrance to higher education” so that a qualitative higher education in minority languages remains available for students belonging to national minorities. In addition, the Committee of Ministers recommended Ukraine to **review the present regulation on the use of minority languages with a view to ensuring their use for access to higher education.**

59. The second periodical report states that, under the decrees adopted by the Ministry of Science and Education, Youth and Sport of Ukraine in 2010 and 2011, applicants who completed their full secondary education in Russian or other minority languages and who wish to enrol at higher education establishments can take independent external exams translated into the language of teaching (with the exception of tests on the Ukrainian language and literature and foreign languages). The Committee of Experts welcomes this change.

Karaim and Krimchak

60. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities to develop teaching materials and teacher training, in close co-operation with the speakers of Karaim and Krimchak.

61. According to the second periodical report, the Association of Crimean Karaites "Krymkaraylar", with assistance by the Crimean authorities, has organised three so-called Sunday schools where the **Karaim** language, history and culture were taught to 25 students. Furthermore, extracurricular classes in Karaim are offered in Eupatoria. The Ukrainian authorities have also financed the publication of a Karaim dictionary and a teaching manual. Teacher training is carried out at the faculty of the Crimean Tatar and Oriental Philology at the Taurida National Vernadsky University and the Crimean Engineering-Pedagogical University in Simferopol.

62. As far as **Krimchak** is concerned, the Crimean authorities have supported the organisation of two so-called Sunday schools in the cities of Kerch and Feodosiia where the Krimchak language, history and culture were taught to 24 students. They have also financed the publication of a teaching manual.

63. The Committee of Experts urges the Ukrainian authorities to develop, in close consultation with the speakers, appropriate ways and means to promote the two languages in educational terms.

Romani

64. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities to provide substantial support to ensure the possibility for children to follow Romani language and literature classes."

65. According to the second periodical report, the Ukrainian authorities have published curricula for teaching Romani from the fifth to eleventh grades of general secondary schools. In 2011, a new curriculum plan for the first to the fourth grades of secondary schools was developed. Cultural and educational centres as well as three Sunday schools (45 pupils) in the regions of Donetsk and Odessa provide Romani courses. Roma associations also teach the Roma language, culture and traditions to children. There are textbooks for Romani-language education. However, during the on-the-spot visit, representatives of the Romani speakers stressed a lack of teachers, textbooks and Sunday schools for Romani teaching. There are some efforts by regional authorities to recruit Roma mediators and/or Roma assistants to promote attendance of Roma children in school. There does not exist, however, any educational model adapted to the needs of Roma children.

66. According to the Third Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Ukraine, there still exists an ongoing pattern of segregation of Roma children in school, relegating them to separated classes or schools.⁹ These separate schools often are in a very poor condition, without the necessary educational facilities, which makes it even more difficult to improve Romani education.

67. While welcoming the progress that has been made, the Committee of Experts encourages the Ukrainian authorities, on the basis of the existing curricula, to introduce the teaching of Romani at all appropriate levels of education and to strengthen their efforts to combat segregation.

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;

68. The Committee of Experts notes that the present provision concerns also adult non-speakers of a minority language.

69. In the second periodical report, the Ukrainian authorities provide information regarding the possibilities for non-speakers of minority language to learn them. The Committee of Experts provides an overview of this information below.

70. The Taras Shevchenko National University of Kyiv as well as cultural and educational centres and Sunday schools in the Autonomous Republic of Crimea and in the Odessa region provide **Belarusian** courses.

⁹ See paragraph 23 *et al*, Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

71. Secondary schools, universities, cultural and educational centres in the Autonomous Republic of Crimea and in the Zaporizhya, Kirovohrad, Mykolayiv and Odessa regions teach **Bulgarian**.
72. Secondary schools and universities as well as so-called Sunday schools in the Autonomous Republic of Crimea, in the Zaporizhya and Kherson regions, and in Sevastopol city teach **Crimean Tatar**.
73. Secondary schools in the Odessa region provide **Gagauz** courses. It is not clear whether the Ukrainian authorities have also provided facilities for adult non-speakers of Gagauz.
74. Schools at all levels and in all regions of Ukraine teach **German**. It is not clear whether the Ukrainian authorities have also provided facilities for adult non-speakers of German.
75. Secondary schools and universities, cultural and educational centres, and Sunday schools in the Autonomous Republic of Crimea, in the Donetsk, Odessa, Kherson regions, and in the Kyiv and Sevastopol cities teach **Greek**.
76. Secondary schools and universities in the Transcarpathian region provide **Hungarian** courses.
77. Cultural and educational centres as well as so-called Sunday schools in the Autonomous Republic of Crimea provide **Karaim** courses.
78. So-called Sunday schools in the Autonomous Republic of Crimea provide **Krimchak** courses.
79. Secondary schools in the Odessa region provide **Moldovan** courses. It is not clear whether the Ukrainian authorities have also provided facilities for adult non-speakers of Moldovan.
80. Secondary schools, universities, cultural and educational centres, and Sunday schools in the regions of Vinnytsia, Volyn, Zhytomyr, Ivano-Frankivsk, Kyiv, Lviv, Odessa, Rivne, Ternopil, Khmelnytsk, Chernivtsi and in the city of Kyiv provide **Polish** courses.
81. Secondary schools and universities of the Transcarpathian and Chernivtsi regions provide **Romanian** courses.
82. Schools at all levels, cultural and educational centres, and Sunday schools all over Ukraine provide **Russian** courses.
83. Secondary schools in the Transcarpathian region and the Uzhhorod National University provide **Slovak** courses.
84. Cultural and educational centres as well as so-called Sunday schools in the regions of Vinnytsia, Zhytomyr, Zaporizhya, Kyiv, Lviv, Odessa, Kharkiv, Cherkasy, Chernivtsi, Chernihiv and in the city of Kyiv provide **Yiddish** courses.
85. The Committee of Experts asks the Ukrainian authorities to clarify in the next periodical report whether they have also provided facilities for adult non-speakers of Gagauz, German and Moldovan.

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

86. According to the second periodical report, research on several minority languages has been carried out: **Belarusian** (ethno-cultural research by the National Academy of Sciences), **Bulgarian** (research on Bulgarian dialects in Ukraine, publication of scientific series), **Crimean Tatar** (e.g. research on psycholinguistics, dialectology, word-building, syntax), **Gagauz** (research on literature at the University of Kyiv), **German** (research by the University of Uzhhorod on German dialects in Transcarpathia and methodology of teaching German), **Greek** (e.g. dialectology and translation studies, ethno-linguistic research), **Hungarian** (e.g. research by the University of Uzhhorod on Hungarian dialects in Ukraine, various scientific publications), **Moldovan** (as part of a research on several languages at the University of Izmail) **Polish** (research on Polish language and literature at the Universities of Kyiv, Lviv, Odessa and Zhytomyr, publication of scientific journals), **Romanian** (research on Romanian language at the University of Chernivtsi and, as part of a research on several languages, at the University of Izmail), **Russian** (research on Russian language and literature at the Universities of Kyiv, Odessa, Kamyranets-Podilsky, Kirovohrad, Sumy and

Vinnytsia, publication of scientific journals), and **Slovak** (e.g. research by the University of Uzhhorod on Slovak linguistics, lexicography, onomatology and literary translation; publication of a scientific journal). As far as **Yiddish** is concerned, the Committee of Experts lacks any information.

87. With regard to **Karaim**, the Committee of Experts asked the Ukrainian authorities in the first evaluation report to provide information about the possibility to open a chair for the Karaim language and literature at the University of Simferopol. According to the second periodical report, the establishment of a Department of Karaim language and literature at the Crimean State Engineering Pedagogical University and the recruitment of teachers of **Karaim** and **Krimchak** are currently under consideration. The Committee of Experts asks the Ukrainian authorities to report about the further development 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.*

88. Like the initial periodical report, the second periodical report does not contain specific information about this provision.

89. The Committee of Experts asks the Ukrainian authorities to provide information about the implementation of this provision in the next periodical report.

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.

90. The Committee of Experts has not been made aware of problems relating to this provision.

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.

91. In the first evaluation report, the Committee of Experts "encourage[d] 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" and to take measures to improve respect, understanding and tolerance on the whole of the territory of Ukraine in relation to minority languages.

Awareness-raising

92. According to the second periodical report, a number of festivals, conferences, competitions and exhibitions related to national minorities and their languages have contributed to raising awareness of the linguistic groups in Ukraine. Examples include the festival of language and culture of peoples living in the Donetsk region, events in the framework of the Day of the Mother Tongue concerning the Bulgarian, German, Polish and Russian languages, and an international children's camp for 2 200 children from several national minorities.

Education

93. In the first evaluation report, the Committee of Experts considered that strong measures should be taken to include elements of the culture expressed by the minority languages spoken in Ukraine as an integral part of the Ukrainian cultural heritage in the general curriculum for Ukrainian pupils.

94. According to the second periodical report, the educational activities cover inter alia the topics "All the peoples of Ukraine live in harmony and peace" (at elementary school), "Ukraine - multicultural state" (primary school), "Tolerance to all the ethnic groups and nationalities", "National and ethnic traditions", and "Culture of interethnic relations in multicultural area" (secondary school). Furthermore, education establishments in the Autonomous Republic of Crimea offer the course "Culture of Neighbourhood", which aims to promote tolerance, language culture and friendly relations between children of different nationalities. In the 2010/2011 academic year, 250 schools and 15 higher educational establishments provided this course. In secondary

schools, the optional courses "Fundamentals of Orthodox Culture in Crimea" and "Fundamentals of Islamic culture in Crimea" were introduced.

Media

95. In the first evaluation report, the Committee of Experts asked the Ukrainian authorities to provide information on measures aimed at encouraging the media to eliminate stigmatising approaches towards speakers of minority languages.

96. The second periodical report does not contain specific information about this issue. The Committee of Experts asks again the Ukrainian authorities to include such information in the next periodical report.

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.

General consultation of minority language speakers

97. In the first evaluation report, the Committee of Experts "encourage[d] 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."

98. The second periodical report does not contain specific information about this issue. According to the third Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Ukraine, the Council meets only very irregularly and it is no longer granted access to high level officials.¹⁰

99. Bearing in mind its observations made under 1.4.2 above (adoption of a structured approach on the implementation of the Charter), the Committee of Experts urges 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.

Consultation of minority language speakers in the field of education

100. In the first evaluation report, the Committee of Experts also "encourage[d] 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."

101. The second periodical report states that, in response to the aforementioned recommendation, the Ministry of Education and Science, Youth and Sport created the Public Council of heads of education programmes of the All-Ukrainian associations of national minorities as an advisory and consultative body in 2009. The Public Council meets once a quarter and inter alia considers draft laws and regulations. The Committee of Experts welcomes this step.

Consultation of minority language speakers in the context of periodic reporting

102. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities to consult representatives of the minority language speakers when preparing the second periodical report.

103. When preparing the said report, the Ministry of Education and Science, Youth and Sport held consultations with representatives of the speakers of all 16 languages covered by the Charter. The Committee of Experts welcomes this. During the on-the-spot visit, however, the Committee of Experts received complaints that consultations with the co-ordinators of the joint alternative report from the "Human Rights Public Movement 'Russian-speaking Ukraine'", the "Human Rights Organisation 'Common Goal'" and associations of eight national minorities had only taken place after submission of the periodical report to the Council of Europe.

104. The Committee of Experts encourages the Ukrainian authorities to consult the relevant minority associations regarding the implementation of the recommendations contained in this second evaluation report as well as in the context of the drafting of the next periodical report.

Paragraph 5

¹⁰ See paragraph 138, Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

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.

105. The Ukrainian authorities declared in their instrument of ratification that Article 7 paragraph 5 does not apply.

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

3.2.0 General issues concerning all Part III languages

106. Part III of the Charter applies to Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Russian, Slovak and Yiddish. The implementation of Part III is affected by a number of structural problems concerning all these languages. The Committee of Experts will deal with such general issues in the following section before examining the implementation of Part III separately in respect of each language.

a.) Education

a.i) *Teaching in and of the Part III languages*

107. In the first monitoring cycle, the Committee of Ministers recommended Ukraine to “**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**”. Furthermore, the Committee of Experts “encourage[d] the Ukrainian authorities to develop a comprehensive policy for education in regional or minority languages or for teaching these languages as a subject (...).”

108. In the instrument of ratification, the Ukrainian authorities have chosen Article 8 paragraph 1.a.iii, b.iv, c.iv, d.iv and e.iii. These undertakings require the authorities to provide for one of three possible models of minority language education (*two* models at pre-school level), namely to teach (nearly entirely) *in* the given minority language, to make available *a substantial part* of education in the minority language, or (except at pre-school level) to teach the given language only as a subject, if so requested by a sufficient number of speakers. The chosen undertakings leave it open which educational models will be implemented in the various places where there exists a sufficient number of minority language speakers. The choice of the educational model in a given place will depend on the situation of the minority language in question and the preferences of the parents or students.

109. The Committee of Experts observed in the first evaluation report that the existing level of protection in Ukraine is higher than the level reflected by the ratification instrument. Nevertheless, the fact that the educational models have not been specified in the ratification instrument must not mean that the implementation of the Charter is confined to a lower or the lowest of the options.

110. On the contrary, the Committee of Experts considers that, without a specification of the educational models, teaching in minority languages and teaching of minority languages should be available on the basis of an individual “model mix” reflecting the situation of the given language and the wishes expressed by its speakers. According to representatives of the speakers of Bulgarian, Crimean Tatar, German, Greek, Hungarian, Moldovan, Polish, Romanian and Russian, there generally exists an interest within these groups in both education in these languages as well as in teaching them as a subject. Each minority, however, places different emphasis on the individual models in accordance with the situation of their language. In their view, the Ukrainian authorities should elaborate a comprehensive policy for education in minority languages and for teaching these languages as a subject and determine, for each language, an individual “model mix” (share between minority language medium education¹¹ and teaching the minority language as a subject¹²). For speakers of Hungarian, Romanian and Russian, it appears that teaching in these languages would remain the norm whereas the other models would be demanded only by smaller parts of these groups and outside the core settlement areas. Other minorities expect that most pupils/students would request bilingual education or teaching of the language whereas the offer of teaching in the language or bilingual education would be limited to a few local strongholds of the respective minority or individual schools.

111. In light of the above, the Committee of Experts strongly advises the Ukrainian authorities to develop, in co-operation with the speakers, a comprehensive policy for education in minority languages and for teaching these languages as a subject, in accordance with the situation of each language and the preferences of the speakers.

¹¹ Article 8 paragraph 1.a.i, ii; b.i, ii; c.i, ii; d.i, ii; e.iii

¹² Article 8 paragraph 1.b.iii; c.iii; d.iii; e.iii

a.ii) Organisation of minority-language education

112. As far as the organisation of minority-language education is concerned, a passive attitude of the authorities prevails. In their view, the availability of such an offer is a mere reflection of demand by parents or pupils, requiring no specific activity by the authorities. The Committee of Experts has also received contradictory information as regards the demand for minority language education. While the second periodical report states that regarding several languages no applications for the provision of certain models of minority language education have been received, representatives of the minority language speakers informed the Committee of Experts that the demand for minority language education is far from being met.

113. As in the first monitoring cycle, the Committee of Experts received complaints from representatives of minority language speakers that local authorities, and the regulations applied by them, often discourage or even refuse the opening of new classes teaching minority languages, or teaching in minority languages. In fact, the authorities of the Odessa region informed the Committee of Experts during the on-the-spot visit that in practice the (parents of) 50% of the pupils or students of a class must apply for the provision of minority language education to be entitled to it. The Committee of Experts notes that the aforementioned practice implies that in practice minority language education is only a realistic option in areas where the minority constitutes the local majority of the population (in Ukrainian terminology referred to as “compact settlement areas”). However, the promotional measures in the Charter aim in particular at situations where the speakers of minority languages are in a minoritarian situation. The practice that the (parents of) 50% of the pupils or students of a class must apply for the provision of minority language education is therefore not compatible with the spirit of the Charter. Furthermore, the Romanian speakers informed the Committee of Experts that headmasters in a number of cases have refused to set up classes teaching in Romanian, even in compact settlements with a strong presence of the Romanian speakers and where there is an expressed wish by parents to set up such classes. Similar claims were also raised by representatives of the Polish speakers.

114. The aforementioned passive approach of the authorities is also problematical from the viewpoint of the Charter which requires pro-active measures by the authorities. The Committee of Experts underlines that the undertakings entered into by Ukraine under education require the authorities to make available minority language education at the different levels of education. This implies that the educational offer needs to precede the demand, i.e. that the education has to be organised (*inter alia* teacher training, selection of schools, textbook production, financing) before the authorities are approached by parents or pupils. Such an offer also needs to ensure continuity from pre-school to technical and vocational education in the geographical areas concerned.

115. There exists a structural problem in the legislative set-up of minority language education in Ukraine. As also the Advisory Committee of the Framework Convention for the Protection of National Minorities has stressed in its third Opinion on Ukraine, there is a lack of legal certainty as regards access to education in minority languages, as there is no precise legal framework with regard to educational rights. The decision whether to open a minority language class or school lies with the local authorities, according to the Law on Local Self-government. Local authorities, however, are often hesitant to open or maintain minority language classes. Clear legal guarantees for the provision of minority language education should be established.¹³

a.iii) Awareness-raising among parents and pupils/students

116. Furthermore, the Committee of Experts considers that more awareness-raising about the virtues of, and opportunities for, minority language education is needed. It could be envisaged, for example, that the local authorities in the traditional language areas regularly provide parents of newly-born children with an information package about the opportunities of teaching in or of the given minority language.¹⁴

117. The Committee of Experts urges the Ukrainian authorities to make available teaching in and of Part III languages as well as to inform pupils and parents actively about the offer and encourage them to make use of it.

b.) Judicial authorities

b.i) Legal basis for the implementation of Article 9

¹³ See paragraph 127, Third Opinion on Ukraine of the Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/III(2012)002

¹⁴ See for example 1st Report of the Committee of Experts in respect of the United Kingdom, paragraph 68; 2nd Report of the Committee of Experts in respect of the Slovak Republic, paragraph 55; 4th Report of the Committee of Experts in respect of Hungary, paragraph 66

118. In the first evaluation report, the Committee of Experts stressed that the implementation of the undertakings in Article 9 may not be limited to parties who have insufficient knowledge of the Ukrainian language.

119. However, according to the second periodical report, the implementation of Article 9.1.iiii, biii and ciii is still limited to persons who have an insufficient knowledge of Ukrainian. In addition, it is stated that, pursuant to the Judgment of the Constitutional Court #10- /99 of 14 December 1999, the use of languages other than the official one in courts of justice is virtually ruled out.

120. On the other hand, the Committee of Experts notes that Article 14.3 of the new Law of Ukraine "On the Principles of State Language Policy" provides that, in the areas where this law applies, the courts are allowed to file written documents in a minority language. In addition, persons involved in the proceedings have the right to the oral use of a minority language (Article 14.4). In either case the possibility to use a minority language is limited to cases where the person concerned does not speak Ukrainian. Bearing in mind that pursuant to Article 14.2 the state even guarantees that proceedings as a whole are held in the minority language, the Language Law can constitute a basis for the implementation of Article 9.1.iiii, biii and ciii of the Charter. Obviously, this presupposes that the Language Law is applied in practice to all Part III languages, which at present is not the case. The Committee of Experts therefore refers to its recommendation made under 1.4.1, encouraging the Ukrainian authorities to apply the Language Law to all Part III languages.

b.ii) Availability of interpretation

121. In the first evaluation report, the Committee of Experts also "encourage[d] the Ukrainian authorities to ensure that the use of an interpreter is available for speakers of [all Part III] languages." Furthermore, concerning Article 9.1.iii, the Committee of Experts asked the Ukrainian authorities to clarify whether the costs of interpretation are borne by the minority language speakers or the authorities.

122. Articles 14.3 and 14.4 of the new Language Law foresee that translation and interpretation will be provided without additional cost for the parties. The possibility to hold proceedings in a minority language shall be considered in the recruitment of judicial staff, including judges (Article 14.2).

b.iii) Practical implementation of the legal framework

123. In the first evaluation report, the Committee of Experts asked the Ukrainian authorities to provide information on how the existing legal framework is implemented in practice with regard to all Part III languages (not only Russian).

124. As in the first monitoring cycle, the Ukrainian authorities state in their second periodical report that information on the application of Article 9 is not registered by courts and not displayed in their statistical reports. Besides, the periodical report indicates only the amounts of money allocated in each region for translators during proceedings in local courts, without specifying for which minority languages the money was spent. According to representatives of the minority language speakers, there is a lack of interpreters for minority languages at courts.

125. The Committee of Experts asks the Ukrainian authorities to provide, in their next periodical report, information on how the existing legal framework is implemented in practice regarding all Part III languages.

c.) Administrative authorities

c.i) Threshold for official use of minority languages in local and regional administration

126. Until 2012, public bodies could use a minority language as a working language along with Ukrainian only in such places where the given minority constituted a majority of the local population, pursuant to Article 8 of the Law of Ukraine "On National Minorities" and Article 3 of the Law on Languages. In the first monitoring cycle, the Committee of Ministers therefore recommended Ukraine to "**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.**" In addition, the Committee of Experts "encourage[d] the Ukrainian authorities to lower the threshold at which [the undertakings under Article 10] 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."

127. Pursuant to Article 7.3 of the new Language Law, its provisions can apply to a minority language in a territorial administrative unit provided that its speakers constitute at least 10% of the local population. "[I]n

some cases, taking into account the specific situation”, local councils can also decide to apply the Language Law to languages whose speakers make up less than 10% of the local population.

128. In light of its examination made under 1.4.1, the Committee of Experts acknowledges that the Language Law can constitute a basis for the implementation of Article 10.2.a, d and g as well as Article 10.4c of the Charter. Obviously, this presupposes that the Language Law will apply to all Part III languages, which at present is not the case. The Committee of Experts therefore refers to its recommendation made under 1.4.1, encouraging the Ukrainian authorities to apply the Language Law to all Part III languages. It should be noted, however, that the Language Law does not provide a basis for the implementation of Article 10.2.c, e and f of the Charter.

129. The Committee of Experts encourages the Ukrainian authorities to implement its undertakings under Article 10 concerning all Part III languages in practice.

c.ii) Measures encouraging minority language speakers to use their language in dealings with the authorities

130. In the first evaluation report, the Committee of Experts had no information about how the relevant national laws are implemented in practice. It “encourage[d] the Ukrainian authorities 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.”

131. The second periodical report does not contain specific information about this issue. The Committee of Experts considers that the effective use of a minority language by administrative authorities, and in contacts with them, requires both organisational measures such as the appointment of public service employees having a knowledge of the given minority language (as provided by Article 10.4.c) and measures encouraging the minority language speakers to avail themselves of the possibility to use this language during contacts with the authorities. Measures of encouragement are particularly needed where minority language speakers are not accustomed to use their language in dealings with the authorities. Such measures could avoid that speakers assume that they would be perceived as “trouble-makers”. The Ukrainian authorities should therefore take concrete measures to encourage the use of the minority languages in the administration, *inter alia* by making official documents in the minority languages more automatically available and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in the relevant minority languages.

132. The Committee of Experts urges the Ukrainian authorities to take measures encouraging minority language speakers to use their language in dealings with local and regional authorities with a view to implementing the legal framework in practice.

d.) Media: quotas imposed for broadcast programmes and the requirement to dub, subtitle and post-synchronise foreign films into Ukrainian

133. In the first monitoring cycle, the Committee of Ministers recommended Ukraine to **“ensure that quotas imposed for broadcast programmes (TV and radio), as well as the requirement to dub, subtitle and post-synchronise 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.”** In addition, the Committee of Experts “encourage[d] the Ukrainian authorities to revise the regulations covering broadcast in regional or minority languages covered by the Charter.”

134. The second periodical report does not contain specific information about these issues. As far as the quotas imposed for broadcast programmes are concerned, representatives of the minority language speakers have informed the Committee of Experts that the broadcast time of programmes in the minority languages has decreased for all languages during the reporting period.

135. The Law of Ukraine "On the Principles of State Language Policy" abolishes the requirement to dub, subtitle and post-synchronise foreign films into Ukrainian. The quota system mentioned in the recommendation is no longer prescribed by legislation.

3.2.1. Belarusian

136. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 12, paragraph 1.a, d
Article 14.b.

Article 8 - Education

Teaching materials

137. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

138. The second periodical report does not contain specific information about this issue.

139. There are no indications that teaching materials for Belarusian-language education exist. The Committee of Experts understands, however, that Ukraine is currently in a process of developing a comprehensive policy for education in Belarusian or for teaching this language as a subject, in conformity with its undertakings under the Charter. In this context, the Committee of Experts stresses that the provision of adequate teaching materials forms, like the basic and further training of teachers (see under Article 8.1.h below), an essential part of the development and implementation of such a comprehensive policy.

140. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Belarusian-language education.

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:

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**

141. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

142. According to the second periodical report, there are no pre-schools using Belarusian because education establishments and education authorities have not received any applications from parents. There is nonetheless a pre-school in the city of Melitopol which has organised activities in Belarusian (language learning, folk songs, games, dances).

143. However, it is not clear to the Committee of Experts whether these activities take place within the state education system or whether they are a private initiative. Besides, the Committee of Experts is of the view that the number of only one pre-school using Belarusian does not correspond to the number of Belarusian speakers in Ukraine. As far as the absence of applications is concerned, experience tells that this is often the result of a lack of information among parents and of awareness of the advantages of minority language education (see also under 3.2.0, a), above). Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with the representatives of the Belarusian speakers, promote the possibility of Belarusian-language education in pre-schools among the Belarusian speakers.

144. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Belarusian speakers, to make available at least a substantial part of pre-school education in this language.

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;*

145. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

146. According to the second periodical report, only one family has applied for primary education in Belarusian during the reporting period. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with representatives of the Belarusian speakers, promote the possibility of Belarusian-language education in primary schools among the Belarusian speakers.

147. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Belarusian speakers, to make available primary education in Belarusian or to provide for the teaching of this language as a subject.

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;*

148. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

149. According to the second periodical report, there has been no application for the setting up of secondary school classes using Belarusian. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with the representatives of the Belarusian speakers, promote the possibility of Belarusian-language education in secondary schools among the Belarusian speakers.

150. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Belarusian speakers, to make available secondary education in Belarusian or to provide for the teaching of this language as a subject.

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;*

151. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education” in Belarusian.

152. According to the second periodical report, Belarusian is not used in technical and vocational education. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with representatives of the Belarusian speakers, promote the possibility of Belarusian-language education in technical and vocational schools among the Belarusian speakers.

153. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Belarusian speakers, to make available technical and vocational education in Belarusian or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Belarusian speakers, Belarusian language education at the different levels of education, in conformity with the undertakings entered into under the Charter.

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;***

154. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

155. According to the second periodical report, the Institute of Philology at the Taras Shevchenko National University of Kyiv enrolled the first 14 students of Belarusian in 2010. The Committee of Experts welcomes this development.

156. The Committee of Experts considers this undertaking fulfilled.

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;***

157. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

158. The second periodical report states that, as part of continuing education, the Belarusian language, culture, history, traditions and customs are studied by adults in four Sunday schools in the Autonomous Republic of Crimea and in the Odessa region.

159. The Committee of Experts welcomes the fact that there is an offer of Belarusian adult education. It asks the authorities to inform the Committee of Experts about the measures taken to favour and/or encourage the offering of Belarusian adult education.

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;***

160. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

161. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Belarusian minority is taught in the areas in which Belarusian is used.

162. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

163. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

164. According to the second periodical report, the Institute of Philology of the Taras Shevchenko National University of Kyiv opened the Centre of the Belarusian language and culture in 2009 whose students will become teachers of Belarusian. While welcoming this development, the Committee of Experts considers that the Ukrainian authorities should develop a coherent strategy for the training of teachers who would be able to teach subjects in Belarusian or to teach Belarusian as a subject, in accordance with Ukraine’s undertakings under the Charter.

165. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Ukrainian authorities to develop a coherent strategy for the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to Belarusian.

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.*

166. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

167. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry’s website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

168. The Committee of Experts underlines¹⁵ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

169. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Belarusian and for drawing up periodic reports of their findings, which will be made public.

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.

170. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

171. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Belarusian-language education outside the traditional language areas. However, given that Ukraine has ratified this undertaking and in light of the observations under Article 8.1.a.iii, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with the

¹⁵ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

representatives of the Belarusian speakers, promote the possibility of teaching in or of Belarusian outside the areas where this language is traditionally used among the Belarusian speakers.

172. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Belarusian speakers to provide teaching in or of Belarusian outside the areas where this language is traditionally used.

Article 9 - Judicial authorities

173. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for at least formal fulfilment of the undertakings under Article 9.1.iii, biii and ciii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Belarusian language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

174. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

175. In light of its observations and recommendations made under 3.2.0 and paragraph 173 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Belarusian.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

176. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

177. In light of its observations and recommendations made under 3.2.0 and paragraph 173 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Belarusian.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

178. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

179. In light of its observations and recommendations made under 3.2.0 and paragraph 173 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Belarusian.

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.*

180. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

181. The second periodical report does not contain specific information about this issue.

182. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

183. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available” in Belarusian.

184. According to the second periodical report, this undertaking is only applied to Russian.

185. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Belarusian.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

186. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

187. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Belarusian language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

188. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

189. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Belarusian speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Belarusian more automatically available (also on websites), informing in Belarusian about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Belarusian.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Belarusian speakers to use their language in dealings with local and regional authorities.

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;

190. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

191. The second periodical report does not contain specific information about this undertaking. There are no indications that Belarusian is used within the framework of regional and local authorities.

192. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Belarusian within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

193. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

194. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

195. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Belarusian and to provide concrete examples of the practical implementation in the next periodical report.

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

196. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

197. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

198. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Belarusian and to provide concrete examples of the practical implementation in the next periodical report.

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;

199. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

200. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

201. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Belarusian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;

202. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

203. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

204. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Belarusian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

205. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

206. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), it appears that in the recent past there has been no such case with regard to Belarusian. In general, there are no indications that this undertaking is implemented.

207. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Belarusian, inter alia by pursuing the restoration of historical place-names.

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.*

208. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

209. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

210. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Belarusian to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

211. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Ukrainian authorities to take steps to ensure that there are television and/or radio programmes in Belarusian also in areas other than Sevastopol. Also, it asked the Ukrainian authorities to submit information about the use of the minority languages in the national media and to clarify what television and radio programmes in minority languages exist in Donetsk and Zaporizhya.

212. The second periodical report does not contain specific information about these issues.

213. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcasting time and the frequency of the time-slots allocated to Belarusian on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Belarusian for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Belarusian on public radio and television.

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

214. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

215. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Belarusian.

216. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Belarusian, for example through financial support or licensing requirements.

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

217. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

218. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Belarusian.

219. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Belarusian, for example through financial support or licensing requirements.

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

220. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

221. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

222. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Belarusian and to provide concrete examples of the practical implementation 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;

223. The Committee of Experts underlines that, in conformity with its regular interpretation, a “newspaper” in the sense of this undertaking has to be published at least weekly.¹⁶

224. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to clarify the scope of their support for the publication of newspapers in Belarusian.

225. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Belarusian speakers informed the Committee of Experts that at present there is no newspaper in this language.

¹⁶ See for example 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 174

226. The Committee of Experts considers this undertaking not fulfilled.

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

227. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

228. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

229. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Belarusian.

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.

230. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

231. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Belarusian in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Belarusian in the next periodical report.

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.

232. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

233. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

234. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Belarusian 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.

Article 12 - Cultural activities and facilities

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:

- 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;*

235. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of its implementation and to specify the amount of money granted.

236. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

237. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Belarusian by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

238. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

239. The second periodical report does not contain any information about the implementation of this undertaking regarding Belarusian. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

240. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Belarusian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

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

241. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

242. According to the second periodical report, the Ukrainian authorities have transferred a building free of charge to the “Belarusian Community of the Lviv Region”. Considering the size of the Belarusian national minority in Ukraine, the Committee of Experts considers that the Ukrainian authorities should support additional cultural centres for the speakers of this language and should ensure the operation of these centres by providing long-term subsidies needed for running them.

243. There is no information about whether the financial support to cultural activities and facilities related to Belarusian has been increased.

244. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Belarusian speakers in setting up or running cultural centres.

- 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;*

245. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

246. The second periodical report does not contain any information about this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

247. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Belarusian.

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.

248. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

249. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Belarusian in practice.

250. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Belarusian in territories other than those in which this language is traditionally used.

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.”

251. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

252. According to the second periodical report, the Region of Chernihiv signed an agreement on co-operation in culture with the Gomel Executive Committee (Belarus) in 2011. The Committee of Experts recalls, however, that the present undertaking concerns not only the kin state of a minority, but all countries in which Ukraine presents its culture.

253. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Belarusian language and the culture it reflects.

Article 13 - Economic and social life

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;*

254. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

255. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

256. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

257. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

258. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

259. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;***

260. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but lacked information about its implementation in practice.

261. In addition to the information of the first monitoring cycle, the second periodical report specifies that Ukraine has concluded agreements with Belarus on the mutual recognition and equivalence of educational documents and academic titles as well as on co-operation in education (2001). Exchanges between educational institutions at all levels are organised between both countries.

262. The Committee of Experts considers this undertaking fulfilled.

3.2.2. Bulgarian

263. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. This provision is Article 12.1.a.

Article 8 - Education

Teaching materials

264. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

265. According to the second periodical report, the Ukrainian authorities have recommended to publish textbooks for Bulgarian for the third and fifth grades, supplementary textbooks, manuals and methodical guidelines. However, it is not clear whether such teaching materials have actually been published and introduced in schools. Furthermore, secondary schools use textbooks from Bulgaria.

266. The Committee of Experts urges the Ukrainian authorities to ensure that there are adequate teaching materials available for Bulgarian-language education at all relevant levels of education and grades and to provide an overview of the existing teaching materials in the next periodical report.

267. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Bulgarian-language education.

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:

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***

268. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

269. According to the second periodical report, Bulgarian is not used in pre-school as no applications have been received from parents. In pre-schools in the Odessa region, in areas of compact settlement of the Bulgarian national minority, there are nonetheless pre-schools which, according to the periodical report, promote the learning of the Bulgarian language as well as of Bulgarian folk songs. However, it appears from the periodical report that these activities do not even comply with the requirements of Article 8.1.a.ii.

270. As far as the absence of applications is concerned, experience tells that this is often the result of a lack of information among parents and of awareness of the advantages of minority language education (see also under 3.2.0, a), above). Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with the representatives of the Bulgarian speakers, promote the possibility of Bulgarian-language education in pre-schools among the Bulgarian speakers.

271. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Bulgarian speakers, to make available at least a substantial part of pre-school education in this language.

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;**

272. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

273. The second periodical report states that, in the region of Odessa and in the Autonomous Republic of Crimea, 65 children attend primary education in Bulgarian and 2 794 children learn Bulgarian as a subject. During the on-the-spot visit, representatives of the Bulgarian speakers informed the Committee of Experts that Bulgarian is usually taught only two hours per week and that even in compact settlement areas of the Bulgarian national minority no regular offer of Bulgarian-language education is available.

274. The Committee of Experts is of the view that the number of pupils attending primary education in Bulgarian does not adequately correspond to the number of Bulgarian speakers in Ukraine and the fact that many of them live in compact settlement areas. Therefore, the Ukrainian authorities should promote, in co-operation with representatives of the Bulgarian speakers, a shift from mainly teaching Bulgarian as a subject to Bulgarian-medium education at primary level, in conformity with the options bi or bii and in all areas where there is a substantial number of Bulgarian speakers. As regards the teaching of Bulgarian as a subject, the Committee of Experts considers that two lessons per week are clearly insufficient to provide the pupils with a degree of fluency in the language that would make the active use of Bulgarian in public life a realistic option.

275. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Bulgarian speakers, to extend the offer of teaching in Bulgarian and teaching Bulgarian as a subject.

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;**

276. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

277. The second periodical report states that, in the Odessa region, there is one secondary school providing bilingual education (Bulgarian/Ukrainian) and one secondary school providing trilingual education (Bulgarian/Russian/Ukrainian). 10 148 pupils learn Bulgarian as a subject (regions of Zaporizhyya, Kirovohrad, Kyiv, Mykolayiv, Odessa, Autonomous Republic of Crimea, city of Kyiv), but the number of hours devoted to the teaching of Bulgarian seems to be insufficient. According to the second periodical report, representatives of the Bulgarian speakers have expressed the wish that the number of Bulgarian classes per week be increased.

278. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Bulgarian speakers, to explore ways to extend the offer of Bulgarian-language education in order to respond to the demand expressed by speakers.

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;**

279. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Bulgarian [...].”

280. According to the second periodical report, Bulgarian is not used in technical and vocational education. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has

ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with representatives of the Bulgarian speakers, promote the possibility of Bulgarian-language education in technical and vocational schools among the Bulgarian speakers.

281. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Bulgarian speakers, to make available technical and vocational education in Bulgarian or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Bulgarian speakers, teaching in or of Bulgarian at the different levels of education, in conformity with the undertakings entered into under the Charter.

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;***

282. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

283. According to the second periodical report, eleven universities and one pedagogical college offer studies of Bulgarian.

284. The Committee of Experts considers this undertaking fulfilled.

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;***

285. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

286. The second periodical report states that, as part of continuing education, the Bulgarian language, culture, history, traditions and customs are studied by adults in education centres and Sunday schools in the Autonomous Republic of Crimea, in the regions of Odessa and Zaporizhyya, and in the cities of Kyiv and Sevastopol.

287. The Committee of Experts considers this undertaking fulfilled.

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;***

288. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

289. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Bulgarian minority is taught in the areas in which Bulgarian is used. In addition, representatives of the minority

language speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

290. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

291. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

292. According to the second periodical report, teachers of Bulgarian for general secondary education are trained at several universities (Odessa National Mechnikov University, Oles Honchar National University of Dnipropetrovsk, K. D. Ushynsky South-Ukrainian Pedagogical University, State Humanities University of Izmail, State Pedagogical University of Berdiansk, Pedagogical College of Bilhorod-Dnistrovsk). The Committee of Experts considers that the Ukrainian authorities should take steps to provide the basic training of teachers able to teach subjects in Bulgarian.

293. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Ukrainian authorities to provide the basic training of teachers able to teach subjects in Bulgarian.

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.*

294. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

295. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

296. The Committee of Experts underlines¹⁷ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

297. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Bulgarian and for drawing up periodic reports of their findings, which will be made public.

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.

298. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

¹⁷ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

299. According to the second periodical report, Bulgarian is taught in the city and region of Kyiv which are areas outside the traditional language area.

300. The Committee of Experts considers this undertaking fulfilled. It encourages the Ukrainian authorities to provide information about other non-traditional areas where this language is taught.

Article 9 - Judicial authorities

301. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1. aiii, biii and ciii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Bulgarian language.

302. During the on-the-spot visit, representatives of the Bulgarian speakers informed the Committee of Experts that their language is not used in practice before judicial authorities.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

303. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

304. In light of its observations and recommendations made under 3.2.0 and paragraph 301 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Bulgarian.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

305. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

306. In light of its observations and recommendations made under 3.2.0 and paragraph 301 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Bulgarian.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

307. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

308. In light of its observations and recommendations made under 3.2.0 and paragraph 301 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Bulgarian.

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.*

309. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

310. The second periodical report does not contain specific information about this issue.

311. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

312. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Bulgarian [...]”

313. According to the second periodical report, this undertaking is only applied to Russian.

314. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Bulgarian.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

315. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

316. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Bulgarian language.

317. The Language Law does not deal with matters relevant for Article 10.2.c, e and f.

Measures encouraging minority language speakers to use their language in dealings with the authorities

318. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

319. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, the Ukrainian authorities should take concrete measures encouraging Bulgarian speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Bulgarian more automatically available (also on websites), informing in Bulgarian about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Bulgarian.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Bulgarian speakers to use their language in dealings with local and regional authorities.

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;

320. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

321. The second periodical report does not contain specific information about this undertaking. There are no indications that Bulgarian is used within the framework of regional and local authorities.

322. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Bulgarian within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

323. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

324. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

325. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Bulgarian and to provide concrete examples of the practical implementation in the next periodical report.

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

326. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

327. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

328. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Bulgarian and to provide concrete examples of the practical implementation in the next periodical report.

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;

329. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

330. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

331. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Bulgarian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;

332. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

333. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

334. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Bulgarian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.***

335. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

336. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), the Committee of Experts was informed during the on-the-spot visit that in the recent past there has been no such case with regard to Bulgarian. At the moment, Bulgarian place-names are not used on place-name signs.

337. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Bulgarian, inter alia by pursuing the restoration of historical place-names in the Odessa region.

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.***

338. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

339. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

340. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Bulgarian to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

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

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

341. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of the minority languages in the national media and to clarify what television and radio programmes in minority languages exist in Donetsk and Zaporizhya.

342. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Bulgarian speakers informed the Committee of Experts that there are two television programmes in Bulgarian (one 30 minutes per week, another one 30 minutes every two weeks) and a radio programme of 30 minutes duration per week. The Committee of Experts notes that the broadcast time and the frequency of the time-slots allocated to Bulgarian on public radio and television does not correspond to the high number of Bulgarian speakers in Ukraine.

343. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Bulgarian on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Bulgarian for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Bulgarian on public radio and television.

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

344. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

345. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Bulgarian.

346. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Bulgarian, for example through financial support or licensing requirements.

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

347. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

348. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Bulgarian.

349. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Bulgarian, for example through financial support or licensing requirements.

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

350. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

351. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

352. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Bulgarian and to provide concrete examples of the practical implementation 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;*

353. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to clarify the scope of their support for the publication of newspapers in Bulgarian.

354. The second periodical report does not contain specific information about this issue.

355. The Committee of Experts still considers this undertaking partly fulfilled. It asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Bulgarian.

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

356. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

357. The second periodical report does not contain specific information about this undertaking. During the on-the-spot visit, representatives of the Bulgarian speakers informed the Committee of Experts that the training of journalists and other staff for media is not supported by the authorities.

358. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Bulgarian.

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.

359. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

360. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Bulgarian in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Bulgarian in the next periodical report.

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.

361. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

362. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

363. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Bulgarian 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.

Article 12 - Cultural activities and facilities

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:

- 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;*

364. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

365. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

366. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Bulgarian by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

367. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

368. The second periodical report does not contain any information about the implementation of this undertaking regarding Bulgarian. There are no indications that it is implemented regarding Bulgarian in practice.

369. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Bulgarian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

370. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

371. The second periodical report states that, with the active participation of the regional association of Bulgarian culture, celebrations were held in Zaporizhya dedicated to the Day of Slavic writing and Bulgarian culture.

372. The Committee of Experts considers this undertaking fulfilled.

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

373. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

374. According to the second periodical report, the Ukrainian Centre of Bulgarian Culture in Odessa hosts a Sunday school, folk dance groups and various exhibitions. The Committee of Experts visited this cultural centre during its on-the-spot visit. While in the previous monitoring cycle the authorities were requesting the Bulgarian minority association to pay a substantial amount of money for renting the centre, the Committee of Experts learned from the Odessa regional authorities that the centre is now made available for a symbolical rent of UAH 1. The Committee of Experts welcomes this improvement. However, considering the size of the Bulgarian national minority in Ukraine, the Committee of Experts considers that the Ukrainian authorities should support additional cultural centres for the speakers of this language.

375. There is no information about whether the financial support to cultural activities and facilities related to Bulgarian has been increased.

376. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Bulgarian speakers in setting up or running cultural centres.

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;

377. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

378. The second periodical report does not contain any information about this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

379. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Bulgarian.

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.

380. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

381. The information contained in the second periodical report concerns the Mykolayiv region and thus the traditional settlement area. It is therefore not relevant for this undertaking.

382. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Bulgarian in territories other than those in which this language is traditionally used.

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."

383. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

384. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

385. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Bulgarian language and the culture it reflects.

Article 13 - Economic and social life

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;*

386. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

387. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

388. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

389. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

390. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

391. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;*

392. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

393. In addition to the information of the first monitoring cycle, the second periodical report specifies that Ukraine has inter alia concluded agreements with Bulgaria on the mutual recognition and equivalence of educational documents and academic titles as well as on co-operation in education, science and culture.

394. The Committee of Experts considers this undertaking fulfilled.

- 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.*

395. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

396. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Bulgarian in practice.

397. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, for the benefit of the Bulgarian language, 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.

3.2.3. Crimean Tatar

Article 8 Education

398. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. This provision is Article 8.1.eiii.

Teaching materials

399. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

400. According to the second periodical report, the Ukrainian authorities have financed the publication of textbooks on the Crimean Tatar language and literature for the first to the eleventh grades as well as textbooks in Crimean Tatar for other subjects. The Committee of Experts welcomes the comprehensive offer of teaching materials for Crimean Tatar.

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:

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**

401. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to develop pro-active measures to support education in Crimean Tatar at pre-school level.”

402. According to the second periodical report, there are 22 pre-schools with Crimean Tatar as the language of instruction which are attended by 545 children. The Committee of Experts is of the view that the relatively low number of children attending pre-school education in Crimean Tatar does not adequately correspond to the high number of Crimean Tatar speakers in Ukraine. Therefore, the Ukrainian authorities should promote, in co-operation with representatives of the Crimean Tatar speakers, the possibility to make available at least a substantial part of pre-school education in Crimean Tatar.

403. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Crimean Tatar speakers, to extend the offer of pre-school education in Crimean Tatar.

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;**

404. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled, but encouraged the Ukrainian authorities to expand the offer in Crimea.

405. According to the second periodical report, 2 126 primary school pupils learn Crimean Tatar as a subject in the Donetsk and Kherson regions as well as in the Autonomous Republic of Crimea. The Committee of Experts notes that these figures are significantly lower than the figures provided in the first monitoring cycle and probably incomplete. The Committee of Experts considers that the Ukrainian authorities

should promote, in co-operation with representatives of the Crimean Tatar speakers, the possibility to make available at least a substantial part of primary education in Crimean Tatar.

406. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Crimean Tatar speakers, to extend the offer of primary education in Crimean Tatar.

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;**

407. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

408. The second periodical report states that, in the Autonomous Republic of Crimea, there are 15 secondary schools with Crimean Tatar as the language of instruction, 23 secondary schools with teaching in Crimean Tatar and Russian, and 39 secondary schools teaching in Crimean Tatar, Russian and Ukrainian. 14 642 students study Crimean Tatar as a subject.

409. The Committee of Experts considers this undertaking fulfilled.

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;**

410. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Crimean Tatar [...].”

411. According to the second periodical report, Crimean Tatar is not used in technical and vocational education.

412. In light of the offer of Crimean Tatar-language education at primary and secondary levels and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Crimean Tatar-language education in technical and vocational schools among the speakers.

413. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Crimean Tatar speakers, to make available technical and vocational education in Crimean Tatar or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to extend, in co-operation with representatives of the Crimean Tatar speakers, the offer of teaching in Crimean Tatar at pre-school and primary levels and to make available Crimean Tatar language education at technical and vocational level.

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;**

414. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

415. The Committee of Experts was informed that so-called Sunday schools teach Crimean Tatar, but it is not clear whether these address adults.

416. The Committee of Experts encourages the Ukrainian authorities to provide specific information in the next periodical report about the offering of Crimean Tatar as a subject of adult and continuing education.

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;*

417. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

418. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Crimean Tatar minority is taught in the areas in which Crimean Tatar is used. During the on-the-spot visit, representatives of the Crimean Tatar speakers stated that there is little information in school books about their history and culture.

419. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

420. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

421. According to the second periodical report, the Crimean State Engineering Pedagogical University, the Tavrida National V. I. Vernadsky University and the Pedagogical Vocational School of Simferopol train teachers of Crimean Tatar for general secondary education. The Crimean Republican Institute of Postgraduate Education and the Institute of Postgraduate Education of the Sevastopol Municipal Humanities University provide for further training of teachers.

422. The Committee of Experts considers that the Ukrainian authorities should provide the basic and further training of teachers who would be able to use Crimean Tatar in pre-school as well as in technical and vocational education, in accordance with Ukraine’s undertakings under the Charter. During the on-the-spot visit, representatives of the Crimean Tatar speakers underlined that the development of basic and further training of teachers for their language has a high priority for the Crimean Tatar minority.

423. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to Crimean Tatar.

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.***

424. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

425. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

426. The Committee of Experts underlines¹⁸ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

427. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Crimean Tatar and for drawing up periodic reports of their findings, which will be made public.

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.

428. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

429. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Crimean Tatar-language education outside the traditional language area. However, Crimean Tatar courses are offered by two so-called Sunday schools in the regions of Zaporizhyya and Kherson. This offer seems to be organised by the Crimean Tatars themselves. Crimean Tatar is also offered as a subject in primary education in the public education system in the Donetsk region. During the on-the-spot visit, however, representatives of the Crimean Tatar speakers stated that the authorities do not provide for the teaching of Crimean Tatar outside the traditional language area. The Committee of Experts invites the Ukrainian authorities to clarify this issue in the next periodical report. Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Crimean Tatar outside the areas where this language is traditionally used among the Crimean Tatar speakers.

430. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Crimean Tatar speakers, to provide teaching in or of Crimean Tatar outside the areas where this language is traditionally used where the number of speakers justifies it.

Article 9 - Judicial authorities

431. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Crimean Tatar language.

¹⁸ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

432. During the on-the-spot visit, representatives of the Crimean Tatar speakers informed the Committee of Experts that their language is not used in practice before judicial authorities and that there are no court interpreters for this language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

433. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

434. In light of its observations and recommendations made under 3.2.0 and paragraph 431 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Crimean Tatar.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

435. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

436. In light of its observations and recommendations made under 3.2.0 and paragraph 431 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Crimean Tatar.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

437. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

438. In of its observations and recommendations made under 3.2.0 and paragraph 431 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Crimean Tatar.

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.

439. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

440. The second periodical report does not contain specific information about this issue.

441. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

442. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Crimean Tatar [...].”

443. The second periodical report states that, regarding Crimean Tatar, this undertaking is applied to statutory texts of Crimea. While welcoming this practice, the Committee of Experts notes that the present undertaking obliges the Ukrainian authorities to make available also the relevant *national* statutory texts.

444. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Crimean Tatar.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

445. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

446. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine "On the Principles of State Language Policy" can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Crimean Tatar language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

447. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

448. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Crimean Tatar speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Crimean Tatar more automatically available (also on websites), informing in Crimean Tatar about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Crimean Tatar.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Crimean Tatar speakers to use their language in dealings with local and regional authorities.

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;*

449. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts was not in a position to reach a conclusion on the fulfilment of this undertaking.

450. The second periodical report does not contain specific information about this undertaking. There are no indications that Crimean Tatar is used within the framework of regional and local authorities.

451. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Crimean Tatar within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

452. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

453. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

454. The Committee of Experts asks the Ukrainian authorities to clarify the issue and, if such publications exist, to provide concrete examples in the next periodical report.

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

455. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

456. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

457. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Crimean Tatar and to provide concrete examples of the practical implementation in the next periodical report.

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;*

458. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

459. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

460. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Crimean Tatar in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;*

461. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

462. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

463. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Crimean Tatar in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

464. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

465. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), the Committee of Experts was informed during the on-the-spot visit that in the recent past there has been no such case with regard to Crimean Tatar. At the moment, Crimean Tatar place-names are not used on place-name signs.

466. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Crimean Tatar, inter alia by pursuing the restoration of historical place-names in Crimea.

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.*

467. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

468. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

469. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Crimean Tatar to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

470. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

471. The second periodical report does not contain specific information about this undertaking. During the on-the-spot visit, representatives of the Crimean Tatar speakers informed the Committee of Experts that there is a television programme in Crimean Tatar of 2.5 hours per week, but no radio programme. The Committee of Experts considers that the broadcast time available on television is too limited compared to the number of Crimean Tatar speakers in Ukraine.

472. The Committee of Experts considers this undertaking partly fulfilled regarding television and not fulfilled regarding radio. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Crimean Tatar on public television and to broadcast a public radio programme in

Crimean Tatar. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Crimean Tatar for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Crimean Tatar on public radio and television.

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

473. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

474. The second periodical report does not contain specific information about this issue. However, representatives of the Crimean Tatar speakers confirmed during the on-the-spot visit that private radio programmes are broadcast in Crimean Tatar.

475. The Committee of Experts welcomes this information and asks the Ukrainian authorities to provide more precise information about the broadcasting of radio programmes in Crimean Tatar 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;

476. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

477. The second periodical report does not contain specific information about this issue. However, representatives of the Crimean Tatar speakers confirmed during the on-the-spot visit that one private television channel is broadcasting in Crimean Tatar.

478. The Committee of Experts welcomes this information and asks the Ukrainian authorities to provide more precise information about the broadcasting of television programmes in Crimean Tatar 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;

479. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

480. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Crimean Tatar in practice.

481. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Crimean Tatar and to provide concrete examples of the practical implementation 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;

482. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support for the publication of the newspapers in all languages covered by Part III.

483. The second periodical report does not contain specific information about this issue. Representatives of the Crimean Tatar speakers confirmed during the on-the-spot visit that there is one weekly published in Crimean Tatar. However, they considered the state support provided in this field insufficient.

484. The Committee of Experts welcomes the information about the existence of at least one newspaper in Crimean Tatar and asks the Ukrainian authorities to provide precise information about the support granted to the operation of newspapers in Crimean Tatar in the next periodical report.

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

485. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

486. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Crimean Tatar in practice.

487. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Crimean Tatar.

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.

488. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

489. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Crimean Tatar in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and the retransmission of programmes in Crimean Tatar in the next periodical report.

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.

490. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

491. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Crimean Tatar in practice.

492. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Crimean Tatar 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.

Article 12 - Cultural activities and facilities

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;

493. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

494. According to the second periodical report, there is a museum and a cultural club promoting the Crimean Tatar national cultural traditions in Sevastopol. Furthermore, there are a Crimean Tatar Academic Music and Drama Theatre and a Crimean Tatar library in Crimea. It seems clear that a number of these institutions also promote the Crimean Tatar language.

495. The Committee of Experts considers this undertaking fulfilled.

- 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;*

496. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

497. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Crimean Tatar in practice.

498. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Crimean Tatar by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

499. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

500. The second periodical report does not contain any information about the implementation of this undertaking regarding Crimean Tatar. There are no indications that it is implemented with regard to Crimean Tatar in practice.

501. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Crimean Tatar to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

502. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

503. According to the second periodical report, the Ministry of Culture of the Autonomous Republic of Crimea holds national and international festivals aimed to popularise the Crimean Tatar language and literature (notably "Khydyrlez", "Bakhchisarai", "Teprech-Kefe" [on pop music] and "Derviza - Hezlev kapusy").

504. The Committee of Experts considers this undertaking fulfilled.

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

505. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended Ukraine to **"strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages."** In addition, the Committee of Experts encouraged the Ukrainian authorities "to provide long-term subsidies to

regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

506. According to the second periodical report, cultural associations of the Crimean Tatars co-operate closely with the relevant authorities. However, there is no specific information about cultural centres at the disposal of the Crimean Tatar speakers.

507. Furthermore, there is no information about whether the financial support to cultural activities and facilities related to Crimean Tatar has been increased.

508. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Crimean Tatar speakers in setting up or running cultural centres.

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;

509. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

510. The second periodical report does not contain any information about this undertaking. There are no indications that the archival functions of this undertaking are implemented with regard to Crimean Tatar in practice.

511. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Crimean Tatar.

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.

512. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

513. According to the second periodical report, there are Crimean Tatar cultural centres in the Kherson region (Chaplinsky district, city of Genichesk). Also, libraries of the Chernihiv region have works in Crimean Tatar at their disposal.

514. The Committee of Experts considers this undertaking fulfilled.

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.”

515. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

516. According to the second periodical report, representatives of the Crimean Tatar minority are regularly involved in various international activities with the aim of cultural exchange. It is, however, not clear whether these activities are part of Ukraine’s cultural policy abroad.

517. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Crimean Tatar language and the culture it reflects.

Article 13 - Economic and social life

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;**

518. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

519. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

520. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

521. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

522. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

523. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;**

524. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

525. According to the second periodical report, Ukraine has concluded agreements with Turkey on co-operation in culture and in education.

526. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to clarify whether existing agreements with other countries could be applied in such a way as to foster contacts between the users of Crimean Tatar and Tatar in the fields of culture, education, information, vocational training and permanent education, or whether such agreements could be concluded.

- 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.**

527. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

528. The second periodical report does not contain specific information about this undertaking.

529. The Committee of Experts asks the Ukrainian authorities to provide specific information in the next periodical report. on how they facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Crimean Tatar is used in identical or similar form.

3.2.4. Gagauz

Article 8 - Education

Teaching materials

530. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

531. According to the second periodical report and information received from representatives of the Gagauz speakers, a textbook on the Gagauz language and a reader for the first grade were published and financed from the state budget and the Gagauz Union of Ukraine. From 2012, the Ukrainian authorities plan to publish textbooks for the eleventh grade. Textbooks for the other relevant levels of education are not yet available and are imported from the Autonomous Territorial Unit of Gagauzia (in the Republic of Moldova). During the on-the-spot visit, representatives of the Gagauz speakers stated that imported textbooks can, however, only to a limited extent be used in the Ukrainian context.

532. The Committee of Experts understands, however, that Ukraine is currently in a process of developing teaching materials in the Latin script for Gagauz-language education. In this context, the Committee of Experts stresses that the provision of adequate teaching materials forms, like the basic and further training of teachers (see under Article 8.1.h below), an essential part of the development and implementation of a comprehensive policy for Gagauz-language education.

533. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Gagauz-language education.

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:

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***

534. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

535. According to the second periodical report and information received from representatives of the Gagauz speakers during the on-the-spot visit, there is no pre-school education entirely or substantially in Gagauz because education establishments and authorities have not received any applications from parents. In pre-schools in the region of Odessa, there are nonetheless pre-schools which promote learning Gagauz, folk songs, games and dances. However, it is not clear to the Committee of Experts whether these activities take place within the state education system or whether they are a private initiative. As far as the absence of applications is concerned, experience tells that this is often the result of a lack of information among parents and of awareness of the advantages of minority language education (see also under 3.2.0, a), above). Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Gagauz-language education in pre-schools among the Gagauz speakers.

536. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Gagauz speakers, to make available at least a substantial part of pre-school education in this language.

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;***

537. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to clarify whether the existing offer meets the demands of the speakers.”

538. According to the second periodical report, 482 primary school pupils in the region of Odessa learn Gagauz as a subject (compared to 545 pupils in the first monitoring cycle). During the on-the-spot visit, representatives of the Gagauz speakers informed the Committee of Experts that Gagauz is usually taught only one hour per week and that even in compact settlement areas of the Gagauz minority no regular offer of Gagauz-language education is available. There have been no applications for teaching entirely or substantially in Gagauz.

539. The Committee of Experts reiterates its observation made in the first evaluation report that the number of pupils learning Gagauz is relatively low. Furthermore, the Committee of Experts considers that teaching Gagauz during one lesson per week is clearly insufficient to provide the pupils with a degree of fluency in the language that would make the active use of Gagauz in public life a realistic option. The current offer of teaching Gagauz does not even comply with the requirements of Article 8.1.biii, the weakest of the three options to which Article 8.1.biv refers.

540. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Gagauz speakers, to extend the offer of education in or of Gagauz.

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;**

541. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to provide information in the next periodical report on whether the offer meets the demands of the speakers.

542. According to the second periodical report, 1 418 pupils in the region of Odessa learn Gagauz as a subject (compared to 723 pupils in the first monitoring cycle). According to the information provided by the Gagauz speakers during the on-the-spot visit, this offer does not meet the existing demand.

543. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Gagauz speakers, to extend the offer of education in or of Gagauz.

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;**

544. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Gagauz [...].”

545. According to the second periodical report, Gagauz is not used in technical and vocational education. Bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Gagauz-language education in technical and vocational schools among the Gagauz speakers.

546. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Gagauz speakers, to make available technical and vocational education in Gagauz or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Gagauz speakers, Gagauz language education at the different levels and in all areas inhabited in relevant numbers by Gagauz speakers.

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;***

547. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

548. According to the second periodical report, Gagauz is currently not used in university and higher education. However, the Institute of Philology at the Taras Shevchenko National University of Kyiv will enrol the first students of Gagauz in 2013.

549. The Committee of Experts considers this undertaking not fulfilled at present. It encourages the Ukrainian authorities to facilitate the provision of university or other forms of higher education in Gagauz or of facilities for the study of Gagauz as university or higher education subjects.

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;***

550. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

551. According to the second periodical report, Gagauz is not used in adult and continuing education.

552. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to favour and/or encourage the offering of Gagauz as a subject of adult and continuing education.

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;***

553. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

554. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Gagauz minority is taught in the areas in which Gagauz is used. Representatives of the minority language speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

555. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

556. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

557. According to the second periodical report, the Institute of Philology at the Taras Shevchenko National University of Kyiv is considering enrolling the first students who could be teachers of Gagauz in 2013. While welcoming this development, the Committee of Experts considers that the Ukrainian authorities should develop a coherent strategy for the training of teachers who would be able to teach subjects in Gagauz or to teach Gagauz as a subject.

558. The Committee of Experts considers this undertaking not fulfilled at present.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to Gagauz.

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.*

559. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

560. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry’s website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

561. The Committee of Experts underlines¹⁹ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

562. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Gagauz and for drawing up periodic reports of their findings, which will be made public.

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.

563. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

564. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Gagauz-language education outside the traditional language areas. However, during the on-the-spot visit, representatives of the Gagauz speakers informed the Committee of Experts that

¹⁹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

there is a concrete interest in teaching Gagauz in the city of Kyiv. The Ukrainian authorities might therefore wish to explore this proposal in co-operation with the Gagauz speakers.

565. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Gagauz speakers, to provide teaching in or of Gagauz outside the areas where this language is traditionally used.

Article 9 - Judicial authorities

566. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1. aiii, biii and ciii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Gagauz language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

567. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

568. In light of its observations and recommendations made under 3.2.0 and paragraph 566 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Gagauz.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

569. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

570. In light of its observations and recommendations made under 3.2.0 and paragraph 566 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Gagauz.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

571. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

572. In light of its observations and recommendations made under 3.2.0 and paragraph 566 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Gagauz.

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.*

573. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

574. The second periodical report does not contain specific information about this issue.

575. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

576. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Gagauz [...]”

577. According to the second periodical report, this undertaking is only applied to Russian.

578. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Gagauz.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

579. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

580. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Gagauz language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

581. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

582. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Gagauz speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Gagauz more automatically available (also on websites), informing in Gagauz about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Gagauz.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Gagauz speakers to use their language in dealings with local and regional authorities.

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;

583. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

584. The second periodical report does not contain specific information about this undertaking. There are no indications that Gagauz is used within the framework of regional and local authorities.

585. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Gagauz within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

586. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

587. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

588. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Gagauz and to provide concrete examples of the practical implementation in the next periodical report.

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

589. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

590. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

591. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Gagauz and to provide concrete examples of the practical implementation in the next periodical report.

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;

592. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

593. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

594. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Gagauz in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;

595. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

596. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

597. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Gagauz in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.***

598. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

599. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), the Committee of Experts was informed during the on-the-spot visit that in the recent past there has been no such case with regard to Gagauz. At the moment, Gagauz place-names are not used on place-name signs.

600. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use or adoption of traditional and correct forms of place-names in Gagauz, *inter alia* by pursuing the restoration of historical place-names.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Gagauz, inter alia by pursuing the restoration of historical place-names.

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.***

601. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

602. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

603. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Gagauz to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

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

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

604. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit further information about the use of Gagauz in the national media.

605. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Gagauz speakers informed the Committee of Experts that there is a weekly television programme of 30 minutes duration in Gagauz and a weekly radio programme of 20 minutes duration. However, it seems that these programmes cannot be received in all the areas where Gagauz is used. Furthermore, the Committee of Experts notes that the broadcast time and the frequency of the time-slots allocated to Gagauz on public radio and television is very low.

606. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Gagauz on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Gagauz for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Gagauz on public radio and television.

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

607. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

608. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Gagauz.

609. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Gagauz, for example through financial support or licensing requirements.

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

610. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

611. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Gagauz.

612. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Gagauz, for example through financial support or licensing requirements.

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

613. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

614. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

615. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Gagauz and to provide concrete examples of the practical implementation 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;*

616. The Committee of Experts underlines that, in conformity with its regular interpretation, a “newspaper” in the sense of this undertaking has to be published at least weekly.²⁰

617. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

618. The second periodical report does not contain specific information about this undertaking. During the on-the-spot visit, representatives of the Gagauz speakers informed the Committee of Experts that there is no newspaper in this language.

619. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to facilitate the creation of at least one newspaper in Gagauz to be published with sufficient frequency.

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

620. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

621. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

622. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Gagauz.

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.

623. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

624. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Gagauz in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Gagauz in the next periodical report.

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.

625. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

²⁰ See for example 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 174

626. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

627. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Gagauz 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.

Article 12 - Cultural activities and facilities

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;*

628. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

629. According to the second periodical report, libraries in the Odessa region, including in places of compact settlement of the Gagauz, have books in Gagauz at their disposal and organise book presentations. The Committee of Experts notes, however, that the present undertaking concerns various sectors of cultural life and that further activities are required to fully implement it.

630. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to promote cultural activities to the benefit of the Gagauz language in various fields.

- 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;*

631. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

632. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

633. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Gagauz by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

634. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

635. The second periodical report does not contain any information about the implementation of this undertaking regarding Gagauz. There are no indications that it is implemented with regard to Gagauz in practice.

636. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Gagauz to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

637. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

638. The second periodical report does not contain specific information about the implementation of this undertaking for Gagauz. There are no indications that it is implemented with regard to Gagauz in practice.

639. The Committee of Experts considers the repeated lack of information as an indication that the undertaking is not fulfilled.

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

640. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

641. According to the second periodical report, the Gagauz cultural society "Birlik" (Odessa region) obtained premises for ten years at concessional terms for carrying out statutory activities. The Committee of Experts considers that the Ukrainian authorities may wish to investigate whether they could support additional cultural centres for the speakers of this language.

642. There is no information about whether the financial support to cultural activities and facilities related to Gagauz has been increased.

643. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Gagauz speakers in setting up or running cultural centres.

- 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;*

644. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

645. The second periodical report does not contain any information about this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

646. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Gagauz.

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.

647. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

648. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Gagauz in practice.

649. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Gagauz in territories other than those in which this language is traditionally used.

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.”

650. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

651. The second periodical report does not contain specific information about the implementation of this undertaking for Gagauz. There are no indications that it is implemented with regard to Gagauz in practice.

652. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Gagauz language and the culture it reflects.

Article 13 - Economic and social life

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;*

653. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

654. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

655. The Committee of Experts considers this undertaking fulfilled

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

656. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

657. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

658. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;*

659. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

660. According to the second periodical report, Ukraine has concluded agreements with the Republic of Moldova inter alia on co-operation in education, science and culture and on mutual recognition and equivalence of educational documents and academic titles. However, the Committee of Experts lacks information to what extent this co-operation comprises the Autonomous Territorial Unit of Gagauzia and

whether it is to the benefit of the Gagauz language. During the on-the-spot visit, representatives of the Gagauz speakers proposed an intensified co-operation with the University of Comrat in Gagauzia.

661. The Committee of Experts asks the Ukrainian authorities to provide information, in the next periodical report, to what extent the co-operation with the Republic of Moldova is to the benefit of the Gagauz language.

- 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.*

662. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

663. The second periodical report does not contain specific information about this undertaking. The Committee of Experts was informed during the on-the-spot that there is some co-operation with the Autonomous Territorial Unit of Gagauzia (Republic of Moldova), but it asks the Ukrainian authorities to provide, in the next periodical report, specific information concerning the extent of co-operation between regional and local authorities on both sides of the border with relevance to the Gagauz language.

3.2.5. German

664. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 12, paragraph 1.d, f

Article 14.a, b.

Article 8 - Education

Educational model for German as a minority language

665. As the Committee of Experts noted in its first evaluation report, the offer of teaching German as a (second) foreign language in certain schools does not on its own implement the undertakings under Article 8. This observation applies especially in light of the fact that, according to German speakers met during the on-the-spot visit, German is not even taught as a foreign language in several places inhabited in relevant numbers by persons belonging to the German minority who would be interested in learning German. The Committee of Experts considers that the Ukrainian authorities should also develop and implement an educational model for German as a minority language which takes the traditional character of that language into account, for example by using local German dialects alongside standard German in pre-schools and by using German literature from Ukraine in primary and secondary education. The implementation of such a model is particularly relevant in the Transcarpathia region where in some municipalities the majority or a substantial share of the population belongs to the German minority (e.g. in Schönborn and Pawschyno), but also in the Odessa region (e.g. in Kudrjawka and Wynohradne).

Teaching materials

666. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

667. According to the second periodical report, the Ukrainian authorities have approved textbooks for German for the 1st and 11th grades as well as supplementary textbooks, manuals and methodical guidelines. However, it is not clear whether any of these teaching materials have actually been published and introduced in schools or whether they are yet to be published. New curriculum plans for the 1st-4th grades of general secondary schools were developed in 2011. During the on-the-spot visit, representatives of the German speakers confirmed that there is a lack of adequate teaching materials for German-language education.

668. The Committee of Experts urges the Ukrainian authorities to ensure that there are adequate teaching materials available for German-language education at all relevant levels of education and grades and to provide an overview of the existing teaching materials in the next periodical report.

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:

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*

669. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

670. According to the second periodical report, as of the 2010/2011 school year, a group of 22 children attend pre-school education in German in Mukachevo (Transcarpathia region). A kindergarten in Melitopol (Zaporizhyya region) has organised groups of German culture, but it is not clear whether these groups provide at least a substantial part of pre-school education in German, as required by Article 8.1.a.iii. During the on-

the-spot visit, representatives of the German minority informed the Committee of Experts that their associations offer pre-school education in German (e.g. in Kyiv). However, this offer is not part of the state education system and not supported by the Ukrainian authorities. The Committee of Experts is of the view that the Ukrainian authorities should, in co-operation with representatives of the German speakers, make available at least a substantial part of pre-school education in German in the relevant areas.

671. The Committee of Experts considers this undertaking partly fulfilled in Transcarpathia and not fulfilled in the other parts of Ukraine where German is used. It encourages the Ukrainian authorities, in co-operation with representatives of the German speakers, to extend the offer of pre-school education in German.

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;*

672. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to clarify whether the existing offer meets the demands of the speakers.”

673. According to the second periodical report, while there have been no applications for primary education in German, 88 091 pupils studied German as a subject/foreign language in the 2010/2011 school year. During the on-the-spot visit, representatives of the German speakers stated that there exists locally also an interest in teaching in German, especially in Transcarpathia where German-medium education has been provided until the 1990s. The Committee of Experts considers that the Ukrainian authorities should take this interest into account when developing and implementing an educational model for teaching German/teaching in German as a minority language, rather than only as a foreign language (see above).

674. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the German speakers, to make available primary education in and of German.

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;*

675. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the authorities to provide information in the next periodical report on whether the offer meets the demand of the speakers”.

676. According to the second periodical report, while there have been no applications for secondary education in German, 620 670 students studied German as a subject/foreign language in public and private schools in the 2010/2011 school year. As in the case of primary education, the Committee of Experts considers that the Ukrainian authorities should take the existing demand for bilingual education into account when developing and implementing an educational model for teaching German/teaching in German as a minority language, rather than only as a foreign language.

677. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities, in co-operation with representatives of the German speakers, to make available secondary education in and of German.

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;

678. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] German [...].”

679. According to the second periodical report, German is not used in technical and vocational education. Bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of German-language education in technical and vocational schools among the German speakers.

680. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the German speakers, to make available technical and vocational education in German or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the German speakers, teaching in or of German as a minority language at the different levels of education, in conformity with the undertakings entered into under the Charter.

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;**

681. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

682. According to the second periodical report, the National Technical University “Kharkiv Politechnic Institute” established a German Technical Faculty, where training is partly carried out in German. A similar institution has been established at the National Polytechnic University of Odessa. The Committee of Experts welcomes this development.

683. The Committee of Experts considers this undertaking fulfilled.

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;**

684. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

685. According to the second periodical report, German is studied as part of adult education in evening schools. German is also studied, as part of continuing education, in 38 education centres and Sunday schools (953 students) in the Autonomous Republic of Crimea and several other regions of Ukraine.

686. The Committee of Experts considers this undertaking fulfilled.

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;**

687. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

688. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the German minority is taught in the areas in which German is used. During the on-the-spot visit, however, representatives of the German speakers informed the Committee of Experts that there exists practically no awareness in the Ukrainian public at large of the German language as a traditionally present minority language of Ukraine. In addition, there seem to have been cases where German speakers encountered difficulties in applying for promotional measures for their language as they were told that German would be a foreign language rather than a minority language. The Committee of Experts notes that the fact that German is taught as a foreign language does not affect the status of German as a minority language traditionally present in Ukraine.

689. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

690. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

691. According to the second periodical report, 34 higher education institutions and classical pedagogical universities train teachers of German for primary and secondary education. In addition, all regional Institutes of Postgraduate Education provide for further training. During the on-the-spot visit, representatives of the German speakers informed the Committee of Experts that no training is provided for pre-school teachers and teachers in technical and vocational education. Furthermore, there is a consistent lack of German teachers at primary and secondary levels. In light of the above, the Committee of Experts reiterates that the Ukrainian authorities should develop a coherent strategy for the training of teachers who would be able to teach German and, where appropriate, to teach in German, in accordance with Ukraine’s undertakings under the Charter.

692. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to German.

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.*

693. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

694. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry’s website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

695. The Committee of Experts underlines²¹ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

696. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of German and for drawing up periodic reports of their findings, which will be made public.

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.

697. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

698. Based on the information received, it seems that German is taught all over the territory of Ukraine as a foreign language. However, that educational model is not suited to the needs of the minority. The Committee of Experts asks the Ukrainian authorities to inform it on the steps taken to develop an educational model adapted to the needs of the speakers in the next periodical report.

Article 9 - Judicial authorities

699. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the German language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

700. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

701. In light of its observations and recommendations made under 3.2.0 and paragraph 699 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in German.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

702. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

²¹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

703. In light of its observations and recommendations made under 3.2.0 and paragraph 699 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in German.

- c in proceedings before courts concerning administrative matters:*
 - iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;*

704. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

705. In light of its observations and recommendations made under 3.2.0 and paragraph 699 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in German.

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.*

706. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

707. The second periodical report does not contain specific information about this issue.

708. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

709. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] German [...].”

710. According to the second periodical report, this undertaking is only applied to Russian.

711. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in German.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

712. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine “On the Principles of State Language Policy”

713. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the German language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

714. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities 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."

715. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging German speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in German more automatically available (also on websites), informing in German about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in German. Such measures are particularly relevant in the Transcarpathia region where in several municipalities the majority or a considerable share of the population belongs to the German minority (e.g. Schönborn and Pawschyno), but also in the Odessa region (e.g. Kudrjawka and Wynohradne).

The Committee of Experts urges the Ukrainian authorities to take measures encouraging German speakers to use their language in dealings with local and regional authorities.

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;

716. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

717. The second periodical report does not contain specific information about this undertaking. There are no indications that German is used within the framework of regional and local authorities.

718. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of German within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

719. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

720. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

721. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in German and to provide concrete examples of the practical implementation in the next periodical report.

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

722. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

723. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

724. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in German and to provide concrete examples of the practical implementation in the next periodical report.

- 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;*

725. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

726. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

727. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of German in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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;*

728. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

729. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

730. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of German in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

731. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

732. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), the Committee of Experts learned during the on-the-spot visit that a municipality in the Transcarpathia region has adopted the place-name Schönborn as its official name. The restoration of historical place-names in German is also relevant for other municipalities in Transcarpathia, in the Odessa region and in Crimea with a relevant number of German speakers. In addition, some municipalities in the Transcarpathia and Odessa regions have symbolically introduced certain street names wholly or partly in German.

733. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in German, inter alia by pursuing the restoration of historical place-names in the Transcarpathia and Odessa regions and in Crimea.

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.*

734. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

735. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

736. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of German to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

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

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

737. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of the minority languages in the national media and to clarify what television and radio programmes in minority languages exist in Donetsk and Zaporizhyya.

738. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the German speakers informed the Committee of Experts that there are no national public television and radio programmes in German. However, it appears that there are still regional programmes in German in Transcarpathia.

739. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to make adequate provision so that public broadcasters offer radio and television programmes in German, including programmes for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to German on public radio and television.

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

740. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

741. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in German.

742. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in German, for example through financial support or licensing requirements.

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

743. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

744. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in German.

745. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in German, for example through financial support or licensing requirements

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

746. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

747. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to German in practice.

748. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in German and to provide concrete examples of the practical implementation 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;

749. The Committee of Experts underlines that, in conformity with its regular interpretation, a “newspaper” in the sense of this undertaking has to be published at least weekly.²²

750. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but encouraged the Ukrainian authorities to increase the financial support for the publication of newspapers in German.

751. The second periodical report does not contain any specific information about this issue. During the on-the-spot visit, representatives of the German speakers informed the Committee of Experts that the “Deutsche Zentrale Zeitung” is published only once every three months. It does consequently not constitute a “newspaper” in the sense of the Charter.

752. In light of this information, the Committee of Experts must revise its conclusion and consider this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to facilitate the creation of at least one newspaper in German to be published with sufficient frequency.

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

753. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

754. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to German in practice.

755. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using German.

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

²² See for example 1st Report of the Committee of Experts on Romania, ECRML (2012) 3, paragraph 174

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.

756. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

757. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to German in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in German in the next periodical report.

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.

758. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

759. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to German in practice.

760. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of German 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.

Article 12 - Cultural activities and facilities

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;*

761. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but asked the Ukrainian authorities to clarify how German benefits in practice from cultural activities carried out in the Mikolayiv region.

762. The second periodical report does not contain specific information about this issue. Nevertheless, the second periodical report refers to works in German available in libraries in the Vinnytsia, Ivano-Frankivsk and Kherson regions. In addition, cultural activities are organised by the two centres of German culture in the Kherson region, as well as the regional museum. Also, the international poetry festival "Meridian Czernowitz" has been organised in Chernivtsi (Czernowitz in German) which inter alia dealt with literary works in German.

763. The Committee of Experts considers this undertaking fulfilled.

- 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;*

764. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

765. The information in the second periodical report is not relevant for this undertaking. During the on-the-spot visit representatives of the German minority informed the Committee of Experts that they were not aware of works produced in German in Ukraine having been translated into other languages.

766. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in German by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

767. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

768. According to the second periodical report, the Transcarpathian regional state television and radio company does translations of programmes into German from other languages. There is no information available about whether the Ukrainian authorities support activities making cultural works such as films or books originally produced in other languages available in German.

769. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to foster access in German to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken 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;*

770. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

771. The second periodical report does not contain any new information about this undertaking. There are no indications that it is implemented with regard to German in practice.

772. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 German.

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.

773. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support to the German cultural centres in various regions.

774. According to the second periodical report, the German language has a traditional presence all over Ukraine. The Committee of Experts therefore refers to its observations and recommendations made under Article 12.1.

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."

775. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

776. According to the second periodical report, the Donetsk region organises various events promoting the German cultural heritage from Ukraine in Germany. There is no information on activities carried out by the national authorities. The Committee of Experts recalls that the concept of the 'cultural policy abroad' not

only refers to the kin-state, but also obliges the authorities to show the multilingual nature more generally in countries in which their cultural institutions are active.²³

777. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the German language and the culture it reflects.

Article 13 - Economic and social life

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;*

778. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

779. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

780. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

781. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

782. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

783. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

²³ See also third evaluation report in respect of Hungary, ECRML (2007) 5, paragraph 202

3.2.6. Greek

784. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8 paragraph 1.eiii
Article 12 paragraph 1.d
Article 14.b.

Article 8 - Education

Teaching materials

785. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

786. According to the second periodical report, the Ukrainian authorities have approved the textbook "The Modern Greek language (elementary level)" and a workbook on Greek for the fifth grade of secondary education where also manuals and textbooks from Greece and Cyprus are used. Furthermore, the Kyiv National University of Trade and Economics has published a textbook on Modern Greek for students.

787. The Committee of Experts urges the Ukrainian authorities to ensure that there are adequate teaching materials available for Greek-language education at all relevant levels of education and grades and to provide an overview of the existing teaching materials in the next periodical report.

788. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Greek-language education.

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:

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***

789. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

790. According to the second periodical report, there is no pre-school education entirely or substantially in Greek because education establishments and authorities have not received any applications from parents. In pre-schools in the region of Donetsk, in areas of compact settlement of the Greek national minority, there are nonetheless pre-schools which promote learning Greek, folk songs, games and dances. However, it is not clear to the Committee of Experts whether these activities take place within the state education system or whether they are a private initiative.

791. As far as the absence of applications is concerned, experience tells that this is often the result of a lack of information among parents and of awareness of the advantages of minority language education (see also under 3.2.0, a), above). Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Greek-language education in pre-schools among the Greek.

792. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Greek speakers, to make available at least a substantial part of pre-school education in this language.

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;***

793. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

794. According to the second periodical report, 618 primary school pupils in the region of Donetsk and the Autonomous Republic of Crimea learn Greek as a subject. During the on-the-spot visit, representatives of the Greek speakers informed the Committee of Experts that such teaching takes place during four hours per week. There have been no applications for teaching entirely or substantially in Greek.

795. The Committee of Experts observes that the number of pupils learning Greek is relatively low considering the size of the Greek national minority. Furthermore, the Committee of Experts considers that the Ukrainian authorities could explore, in co-operation with representatives of the Greek speakers, whether in at least some schools a substantial part of primary education in Greek could be made available.

796. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Greek speakers, to extend the offer of education in or of Greek.

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;***

797. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

798. The second periodical report states that, in the regions of Donetsk, Odessa, Kherson, in the city of Kyiv and in the Autonomous Republic of Crimea, 3 379 secondary school pupils study Greek as a subject. In addition, 19 students learn Urum in extra-curricular hours in the Donetsk region and 38 students learn Rumaic.

799. The Committee of Experts considers this undertaking fulfilled.

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;***

800. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Greek [...].”

801. According to the second periodical report, Greek is not used in technical and vocational education. In light of the observations made under Article 8.1.aiii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Greek-language education in technical and vocational schools among the Greek speakers.

802. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Greek speakers, to make available technical and vocational education in Greek or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Greek speakers, teaching in or of Greek at pre-school and technical and vocational levels, in conformity with the undertakings entered into under the Charter.

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;*

803. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

804. According to the second periodical report, the Greek language, culture, history, traditions and customs are studied by adults in 26 education centres and Sunday schools (817 students) in the Autonomous Republic of Crimea, in the regions of Odessa, Dnipropetrovsk, Donetsk, Zaporizhyya, Luhansk, Mykolayiv, Kharkiv, Kherson, Cherkasy, Chernihiv, and in the city of Kyiv.

805. The Committee of Experts considers this undertaking fulfilled.

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;*

806. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

807. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Greek minority is taught in the areas in which Greek is used. Representatives of the minority language speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

808. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

809. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

810. According to the second periodical report, several universities provide basic training of teachers of Greek (State University of Mariupol, Taras Shevchenko National University of Kyiv, Slavic University of Kyiv, National Linguistic University of Kyiv, Mechnikov National University of Odessa, Ivan Franko National University of Lviv, Vernadskyi Taurida National University). Further teacher training is organised in Greece and Cyprus through annual exchange programmes. However, the Committee of Experts considers that the Ukrainian authorities should also provide the basic and further training of teachers for the pre-school and technical and vocational levels, in accordance with Ukraine’s undertakings under the Charter.

811. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers who would be able to use or teach Greek at pre-school as well as technical and vocational levels.

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.***

812. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

813. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

814. The Committee of Experts underlines²⁴ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

815. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Greek and for drawing up periodic reports of their findings, which will be made public.

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.

816. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

817. According to the second periodical report, Greek is taught in the Donetsk region and the city of Kyiv. It seems that the Ukrainian authorities have not received any applications to provide for Greek-language education in other places outside the traditional language areas.

818. The Committee of Experts considers this undertaking fulfilled.

Article 9 - Judicial authorities

819. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Greek language.

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:

²⁴ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

a in criminal proceedings:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

820. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

821. In light of its observations and recommendations made under 3.2.0 and paragraph 819 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Greek.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

822. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

823. In light of its observations and recommendations made under 3.2.0 and paragraph 819 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Greek.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

824. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

825. In light of its observations and recommendations made under 3.2.0 and paragraph 819 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Greek.

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.

826. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

827. The second periodical report does not contain specific information about this issue.

828. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

829. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Greek [...].”

830. According to the second periodical report, this undertaking is only applied to Russian.

831. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Greek.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

832. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

833. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Greek language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

834. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities 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."

835. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Greek speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Greek more automatically available (also on websites), informing in Greek about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Greek.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Greek speakers to use their language in dealings with local and regional authorities.

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;***

836. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

837. The second periodical report does not contain specific information about this undertaking. There are no indications that Greek is used within the framework of regional and local authorities.

838. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Greek within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

839. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

840. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

841. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Greek and to provide concrete examples of the practical implementation in the next periodical report.

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

842. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

843. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

844. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Greek and to provide concrete examples of the practical implementation in the next periodical report.

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;*

845. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

846. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

847. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Greek in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;*

848. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

849. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

850. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Greek in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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.*

851. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

852. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), it appears that in the recent past there has been no such case with regard to Greek. At the moment, there are no indications that Greek place-names are used on place-name signs.

853. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Greek, inter alia by pursuing the restoration of historical place-names in the Odessa and Kherson regions as well as in Crimea.

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.*

854. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

855. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

856. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Greek to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
 - iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

857. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of the minority languages in the national media and to clarify what television and radio programmes in minority languages exist in Donetsk and Zaporizhyya.

858. The second periodical report does not contain specific information about this issue.

859. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Greek on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Greek for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Greek on public radio and television.

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

860. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

861. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Greek.

862. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Greek, for example through financial support or licensing requirements.

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

863. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

864. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Greek.

865. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Greek, for example through financial support or licensing requirements.

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

866. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

867. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Greek in practice.

868. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Greek and to provide concrete examples of the practical implementation 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;

869. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify whether there were newspapers of the Greek national minority published in Greek.

870. The second periodical report does not contain specific information about this issue.

871. The Committee of Experts considers the repeated lack of information as an indication that this undertaking is not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to facilitate the creation of at least one newspaper in Greek.

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

872. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

873. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Greek in practice.

874. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Greek.

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.

875. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

876. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Greek in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Greek in the next periodical report.

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.

877. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

878. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Greek in practice.

879. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Greek 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.

Article 12 - Cultural activities and facilities

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;*

880. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to clarify how Greek benefits from cultural activities carried out in the Mikolayiv region and whether there are cultural activities to the benefit of Greek in regions other than Chernihiv, Kherson and Mikolayiv.

881. According to the second periodical report, there are two theatres, cultural centres and various music groups promoting the Greek language in the Donetsk region. Furthermore, a number of cultural events have been organised by the Greek minority in the Odessa region where there is also a Greek museum and a library.

882. The Committee of Experts considers this undertaking fulfilled.

- 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;*

883. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

884. The second periodical report does not contain specific information about the implementation of this undertaking for Greek. There are no indications that it is implemented with regard to Greek in practice.

885. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Greek by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

886. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

887. The second periodical report does not contain any information about the implementation of this undertaking for Greek. There are no indications that it is implemented with regard to Greek in practice.

888. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Greek to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

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

889. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

890. According to the second periodical report, the region of Donetsk regularly hosts festivals, days of culture, competitions, exhibitions and children's cultural competitions related to the Greek language and organised in co-operation with the Greek minority. Furthermore, the city of Odessa has provided the Greek minority with local premises.

891. There is no information about whether the financial support to cultural activities and facilities related to Greek has been increased.

892. The Committee of Experts still considers this undertaking fulfilled.

- 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;*

893. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

894. The second periodical report does not contain any information about this undertaking. There are no indications that it is implemented with regard to Greek in practice.

895. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Greek.

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.

896. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support to the Greek cultural centres in the Mykolayiv region.

897. According to the second periodical report, there are cultural activities and adequate means for their implementation in areas of compact Greek settlement in the Donetsk region.

898. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Greek in territories other than those in which this language is traditionally used.

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.”

899. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

900. The second periodical report does not contain specific information about the implementation of this undertaking for Greek. There are no indications that it is implemented with regard to Greek in practice.

901. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Greek language and the culture it reflects.

Article 13 - Economic and social life

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;***

902. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

903. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

904. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

905. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

906. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

907. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;*

908. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

909. According to the second periodical report, the Mariupol State University (Ukraine) has signed a co-operation agreement with the Yannina University (Greece). However, it is not clear to what extent the activities carried out under this agreement are to the benefit of the Greek language.

910. The Committee of Experts considers this undertaking still fulfilled, but asks the Ukrainian authorities to specify to what extent the co-operation with universities in Greece is to the benefit of the Greek language.

3.2.7 Hungarian

911. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8 paragraph 1.biv, eiii
Article 14.a, b.

Article 8 - Education

Teaching materials

912. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

913. According to the second periodical report, the Ukrainian authorities have inter alia financed the publication of textbooks on the Hungarian language and literature for the first to the eleventh grades and translated textbooks into Hungarian for other subjects.

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:

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***

914. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

915. According to the second periodical report, the Transcarpathia region has 70 pre-schools with Hungarian as the language of instruction. 3 451 children are enrolled in these pre-schools compared to 2856 children in the first monitoring cycle. In addition, the periodical report refers to the wish expressed by representatives of the Hungarian speakers that pre-schools using Hungarian as the medium of instruction should be established in the city of Rakhiv and in the municipalities of Yasin, Velykyi Bychkiv and Kobyletska Poliana (Rakhiv district).

916. The Committee of Experts considers this undertaking fulfilled. It encourages the Ukrainian authorities to explore, in consultation with representatives of the Hungarian speakers, whether the offer of pre-school education in Hungarian could be extended.

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;***

917. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

918. According to the second periodical report, in region of Transcarpathia, there are 70 secondary schools with Hungarian as the language of instruction. Bilingual education is provided by 31 secondary schools (Hungarian/Ukrainian). 15 126 students attend secondary education in Hungarian and 1 091 students learn Hungarian as a subject.

919. The Committee of Experts considers this undertaking fulfilled.

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;**

920. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

921. The second periodical report refers to the wish expressed by representatives of the Hungarian speakers to extend the offer of Hungarian-language education at vocational schools in Transcarpathia.

922. While considering this undertaking still fulfilled, the Committee of Experts encourages the Ukrainian authorities to explore, in consultation with representatives of the Hungarian speakers, whether the offer of technical and vocational education in Hungarian could be extended.

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;**

923. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

924. According to the second periodical report, 300 persons attend Hungarian courses in adult and continuing education.

925. The Committee of Experts considers this undertaking fulfilled.

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;**

926. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

927. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Hungarian minority is taught in the areas in which Hungarian is used. This seems to be the case to a certain degree. However, during the on-the-spot visit, representatives of the Hungarian speakers expressed their wish to be more involved in the elaboration of the curricula relating to the teaching of the history and culture of the Hungarian minority so as to ensure that the Hungarian speakers can better identify themselves with the presentation.

928. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;**

929. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

930. According to the second periodical report, further teacher training is provided by the Uzhhorod National University, the Zakarpatya Hungarian Institute F. Rakoczi II, the Mukachevo Humanities and Pedagogical Institute of Further Teacher training and the Zakarpatya Institute of Postgraduate Teacher Training and its subsidiary in the city of Berehovi.

931. The Committee of Experts considers this undertaking fulfilled.

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.*

932. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

933. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

934. The Committee of Experts underlines²⁵ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

935. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Hungarian and for drawing up periodic reports of their findings, which will be made public.

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.

936. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

937. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Hungarian-language education outside the traditional language areas. However, given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Hungarian outside the areas where this language is traditionally used among the Hungarian speakers.

938. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Hungarian speakers, to provide teaching in or of Hungarian outside the areas where this language is traditionally used.

Article 9 - Judicial authorities

²⁵ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

939. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for at least formal fulfilment of the undertakings under Article 9.1. aiii, bii and ciii, provided that its application with regard to the given minority language has been decided. This is the case for the Hungarian language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

940. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

941. In light of its observations and recommendations made under 3.2.0 and paragraph 939 above, the Committee of Experts asks for further information concerning the application of the new Language Law to Hungarian in areas where there is a sufficient number of speakers.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

942. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

943. In light of its observations and recommendations made under 3.2.0 and paragraph 939 above, the Committee of Experts considers this undertaking formally fulfilled. It encourages the Ukrainian authorities to take steps promoting the implementation of this undertaking also in practice.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

944. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

945. In light of its observations and recommendations made under 3.2.0 and paragraph 939 above, the Committee of Experts considers this undertaking formally fulfilled. It encourages the Ukrainian authorities to take steps promoting the implementation of this undertaking also in practice.

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.

946. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

947. The second periodical report does not contain specific information about this issue.

948. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

949. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Hungarian.”

950. According to the second periodical report, this undertaking is only applied to Russian.

951. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Hungarian.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

952. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

953. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. This is the case for the Hungarian language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

954. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

955. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Hungarian speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Hungarian more automatically available (also on websites), informing in Hungarian about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Hungarian.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Hungarian speakers to use their language in dealings with local and regional authorities.

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;*

956. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to clarify if there are areas with a relevant number of Hungarian speakers outside the areas where the Hungarians constitute a majority (as in Transcarpathia).

957. The second periodical report does not contain specific information about this issue. In light of the information provided by representatives of the Hungarian speakers during the on-the-spot visit, it appears that Hungarian is still only used within the framework of the regional or local authorities in the areas where the Hungarian national minority constitutes a large majority of the population. However, the Committee of Experts

recalls that this undertaking applies also to those local and regional authorities where the Hungarian speakers do not make up the majority of the local population, but represent nevertheless a sufficient number for the purpose of this undertaking.

958. The Committee of Experts considers this undertaking partly fulfilled regarding municipalities where the Hungarian speakers constitute a majority of the population. Regarding municipalities where the Hungarian speakers do not make up the majority of the local population, but represent nevertheless a sufficient number for the purpose of this undertaking, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Hungarian within the framework of the regional or local authorities in all the areas with a relevant number of Hungarian speakers.

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

959. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

960. The second periodical report does not contain specific information about this undertaking. In light of the information received during the on-the-spot visit (see under Article 10.2a above), it appears that regional authorities do not consistently translate their official documents into Hungarian.

961. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Hungarian in all the areas with a relevant number of Hungarian speakers.

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

962. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

963. The second periodical report does not contain specific information about this undertaking. In light of the information received during the on-the-spot visit (see under Article 10.2a above), it appears that local authorities do not consistently translate their official documents into Hungarian.

964. The Committee of Experts considers this undertaking partly fulfilled regarding municipalities where the Hungarian speakers constitute a majority of the population. Regarding municipalities where the Hungarian speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of this undertaking, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Hungarian in all the areas with a relevant number of Hungarian speakers.

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;*

965. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. The Ukrainian authorities had informed the Committee of Experts that Hungarian was used in debates in regional assemblies. Nevertheless, the Committee of Experts asked the Ukrainian authorities to submit more explicit information about the use of Hungarian in the context of this undertaking.

966. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

967. In view of this new information, which contradicts the information received during the first monitoring round, the Committee of Experts is not in a position to conclude. It asks the Ukrainian authorities to clarify the issue in the next periodical report.

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;*

968. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to submit information about its implementation in practice.

969. The second periodical report does not contain specific information about this issue. In light of the information provided by representatives of the Hungarian speakers during the on-the-spot visit, it appears that Hungarian is still only used in local assemblies in the areas where the Hungarian national minority constitutes a large majority of the population.

970. The Committee of Experts considers this undertaking partly fulfilled regarding municipalities where the Hungarian speakers constitute a majority of the population. Regarding municipalities where the Hungarian speakers do not make up the majority of the local population, but represent nevertheless a sufficient number for the purpose of this undertaking, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by all relevant local authorities of Hungarian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

971. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

972. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Hungarian speakers informed the Committee of Experts that there are bilingual place-name signs (Ukrainian-Hungarian) in Transcarpathia, but not in all municipalities inhabited by a substantial number of Hungarian speakers. Further action in this field would be required.

973. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Hungarian, inter alia by pursuing the restoration of historical place-names in the Transcarpathia region.

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.*

974. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

975. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

976. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Hungarian to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

977. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of Hungarian in the public service media.

978. The second periodical report does not contain specific information about this issue.

979. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Hungarian on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Hungarian for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Hungarian on public radio and television.

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

980. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

981. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Hungarian.

982. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Hungarian, for example through financial support or licensing requirements.

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

983. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

984. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Hungarian.

985. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Hungarian, for example through financial support or licensing requirements.

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

986. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

987. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

988. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Hungarian and to provide concrete examples of the practical implementation 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;

989. In the first evaluation report, the Committee of Experts was not in a position to reach a conclusion on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support for the publication of the newspapers in Hungarian.

990. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Hungarian speakers confirmed the continued existence of newspapers in Hungarian.

991. The Committee of Experts considers this undertaking fulfilled. It asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Hungarian.

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

992. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

993. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

994. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Hungarian.

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.

995. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

996. The second periodical report does not contain specific information about this issue. However, the Committee of Experts is aware that the direct reception of radio and television broadcasts from Hungary is possible in practice.

997. The Committee of Experts considers this undertaking fulfilled.

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.

998. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

999. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

1000. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Hungarian 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.

Article 12 - Cultural activities and facilities

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;*

1001. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1002. According to the second periodical report, in the Transcarpathia region, there are 94 public libraries having 408 000 books in Hungarian. The Committee of Experts considers in light of the size of the Hungarian national minority that further and more diversified activities are needed in order to comply with this undertaking.

1003. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to promote cultural activities to the benefit of the Hungarian language in various fields.

- 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;*

1004. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1005. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

1006. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Hungarian by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1007. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1008. According to the second periodical report, the editorial staff of the Transcarpathian regional state TV and Radio Company translates programmes into Hungarian. There is no information available about whether the Ukrainian authorities support activities making cultural works such as films or books originally produced in other languages available in Hungarian.

1009. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to foster access in Hungarian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1010. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1011. According to the second periodical report, State and local authorities in Transcarpathia support Hungarian cultural activities and disseminate information about Hungarian culture.

1012. The Committee of Experts considers this undertaking fulfilled.

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

1013. In the first evaluation report, the Committee of Experts considered this undertaking only partly fulfilled as it was not clear to what extent the Ukrainian authorities support the associations of the Hungarian minority in providing facilities and planning cultural activities. The Committee of Ministers recommended Ukraine to **“strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.”** In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1014. According to the second periodical report, in Transcarpathia, there are 13 regional cultural associations of Hungarians and the Democratic Union of Hungarians in Ukraine. The Committee of Experts lacks information about the scope of support by the Ukrainian authorities for these associations. Furthermore, there is no information regarding financial support to cultural activities and facilities where there is a direct participation of the Hungarian speakers.

1015. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Hungarian speakers in setting up or running cultural centres.

- 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;*

1016. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1017. The second periodical report does not contain any information about this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

1018. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Hungarian.

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.

1019. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1020. The information contained in the second periodical report is not relevant for this undertaking. There are no indications that this undertaking is implemented with regard to Hungarian in practice.

1021. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Hungarian in territories other than those in which this language is traditionally used.

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.”

1022. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1023. In the second periodical report, there is no information available about relevant activities undertaken by the national authorities. The Committee of Experts recalls that the present undertaking concerns not only the kin state of a minority, but all countries in which Ukraine presents its culture.

1024. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide specific information in the next periodical report on how they make appropriate provision, in pursuing their cultural policy abroad, for the Hungarian language and the culture it reflects.

Article 13 - Economic and social life

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;*

1025. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1026. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1027. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

1028. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1029. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1030. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

3.2.8. Moldovan

Article 8 - Education

Teaching materials

1031. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1032. According to the second periodical report, from 2000 to 2011 the Ukrainian authorities published textbooks for Moldovan for the 1st-11th grades, as well as translations into Moldovan of textbooks for other subjects. Two additional materials were published in 2008 and 2010, while others have been approved. New curricula have been developed for teaching Moldovan for the 5th-11th grades. In 2011, new curriculum plans were drafted for Moldovan for the 1st-4th grades, for schools teaching in Moldovan and in Ukrainian.

1033. On the basis of the available information, it is not clear to the Committee of Experts to what extent textbooks and teaching materials are available for other subjects taught in Moldovan, at all levels of education or whether the existing textbooks are up-to-date, bearing in mind the recently developed new curricula. Furthermore, the representatives of the Moldovan speakers have raised the issue of the insufficient number of textbooks and teaching materials for Moldovan.

1034. The Committee of Experts urges the Ukrainian authorities to ensure that there are adequate teaching materials available for Moldovan education at all relevant levels of education and grades and to provide an overview of the existing teaching materials in the next periodical report.

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:

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***

1035. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

1036. According to the second periodical report, 16 pre-school institutions provide education in Moldovan in the Odessa region (1 065 children).

1037. The Committee of Experts notes a decrease in the number of institutions providing pre-school education in Moldovan (19 in the first monitoring cycle). In view of the representatives of the Moldovan speakers, the number of the kindergartens is insufficient, as these were set up only in the compact settlement area.

1038. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to explore, in consultation with representatives of the Moldovan speakers, how the offer of pre-school education in Moldovan could be extended.

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;***

1039. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1040. According to the second periodical report, in the Odessa region six schools provide education in Moldovan and seven schools bilingual education. In addition, in the 2010/2011 school year, 1 177 pupils studied Moldovan.

1041. During the on-the-spot visit, representatives of the Moldovan speakers draw the attention of the Committee of Experts to an overall shift from education only in Moldovan to bilingual education, while they would prefer the first model.

1042. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the authorities to explore, in consultation with the Moldovan speakers, the ways to further develop Moldovan primary education (see also 3.2.0).

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;**

1043. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1044. According to the second periodical report, in the 2010/2011 school year, there were six schools providing education in Moldovan and seven bilingual schools. 3 877 students studied in Moldovan and 2038 studied Moldovan as a subject.

1045. The Committee of Experts notes that there is one school less for each of the two models and that the number of pupils studying in Moldovan decreased (5 525 students in the first monitoring cycle). During the on-the-spot visit, the representatives of the Moldovan speakers draw the attention of the Committee of Experts to an overall shift from education only in Moldovan to bilingual education, while they would prefer the first model.

1046. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it encourages the authorities to explore, in consultation with the Moldovan speakers, the ways to further develop Moldovan secondary education (see also 3.2.0).

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;**

1047. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Moldovan [...]”

1048. According to the second periodical report, Moldovan is not used in technical and vocational education. In light of the observations made under 3.20.a and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Moldovan-language education in technical and vocational schools among the Moldovan speakers.

1049. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Moldovan speakers, to make available technical and vocational education in Moldovan or to provide for the teaching of this language as a subject.

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;**

1050. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1051. According to the second periodical report, university or other higher education is not provided in Moldovan, nor is the language studied in any institution of this level. However, following an initiative of the speakers, the Mechnikov National University in Odessa is considering to offer the possibility to study Moldovan.

1052. The Committee of Experts considers this undertaking not fulfilled.

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;*

1053. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1054. According to the second periodical report, in the 2010/2011 school year, 94 persons attended evening courses in Moldovan. In addition, 35 children and adults studied Moldovan in two Sunday schools in the Odessa region.

1055. The Committee of Experts considers this undertaking fulfilled.

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;*

1056. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

1057. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Moldovan minority is taught in the areas in which Moldovan is used. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the Moldovan speakers that a history book about the Moldovans in Ukraine has been published. However, it is not used in schools.

1058. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

1059. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

1060. According to the second periodical report, training of teachers of Moldovan is provided at the Y. Fedkovych National University of Chernivtsi, the K.D. Ushynsky South-Ukrainian Pedagogical University, the State Humanities University in Izmail, the Pedagogical College in Bilhorod-Dnistrovsk and the Odessa Regional Institute for Advanced Teacher Training.

1061. During the on-the-spot visit, representatives of the Moldovan speakers informed the Committee of Experts that only further training is provided for teachers of Moldovan. Furthermore, there is no information as to how teachers able to teach subjects in Moldovan are trained. The Committee of Experts considers that the Ukrainian authorities should develop a coherent strategy for the training of teachers who would be also able to teach subjects in Moldovan, in accordance with Ukraine's undertakings under the Charter.

1062. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers able to teach subjects in Moldovan.

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.*

1063. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1064. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1065. The Committee of Experts underlines²⁶ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1066. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Moldovan and for drawing up periodic reports of their findings, which will be made public.

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.

1067. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1068. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Moldovan education or teaching of Moldovan outside the traditional areas. However, given that Ukraine has ratified this undertaking and in light of the observations under 3.2.0 a, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Moldovan outside the areas where it is traditionally used among the Moldovan speakers.

1069. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Moldovan speakers, to provide teaching in or of Moldovan outside the areas where this is traditionally used.

Article 9 - Judicial authorities

1070. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority

²⁶ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of Moldovan.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1071. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1072. In light of its observations and recommendations made under 3.2.0 and paragraph 1070 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Moldovan.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1073. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide more precise information on the implementation of the undertaking in practice.

1074. In light of its observations and recommendations made under 3.2.0 and paragraph 1070 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Moldovan.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1075. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1076. In light of its observations and recommendations made under 3.2.0 and paragraph 1070 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Moldovan.

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.

1077. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1078. The second periodical report does not contain specific information about this issue.

1079. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

1080. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Moldovan [...]”

1081. According to the second periodical report, this undertaking is only applied to Russian.

1082. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Moldovan.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1083. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1084. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of Moldovan.

Measures encouraging minority language speakers to use their language in dealings with the authorities

1085. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

1086. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Moldovan speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Moldovan more automatically available (also on websites), informing in Moldovan about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Moldovan.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Moldovan speakers to use their language in dealings with local and regional authorities.

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;*

1087. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1088. The second periodical report does not contain specific information about this issue. There are no indications that Moldovan is used within the framework of regional and local authorities.

1089. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Moldovan within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

1090. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1091. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the Moldovan speakers that regional authorities do not publish their official documents also in Moldovan.

1092. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Moldovan and to provide concrete examples of the practical implementation in the next periodical report.

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

1093. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1094. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the Moldovan speakers that local authorities do not publish their official documents also in Moldovan.

1095. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Moldovan and to provide concrete examples of the practical implementation in the next periodical report.

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;*

1096. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1097. The second periodical report does not contain specific information about this issue. There is no indication that this undertaking is implemented in practice.

1098. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Moldovan in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;*

1099. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1100. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Moldovan speakers that in some local assemblies Moldovan is used in the debates.

1101. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to encourage the use by local authorities of Moldovan in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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.*

1102. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1103. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Moldovan speakers that there is no bilingual signage.

1104. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Moldovan, inter alia by pursuing the restoration of historical place-names in the Odessa region.

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.***

1105. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1106. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1107. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Moldovan to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:***
 - iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

1108. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of the minority languages in the national media.

1109. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Moldovan speakers informed the Committee of Experts that there is a 30 minutes radio programme in Odessa. As far as television is concerned, the Moldovan speakers stated that the reason they do not watch the programmes in Romanian is that the topics are not of their interest. The Committee of Experts considers that the Ukrainian authorities could explore, in co-operation with the Moldovan speakers, ways to develop this programme, as far as the content and time-frame are concerned, so as to respond to the interests of the Moldovan speakers as well.

1110. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Moldovan on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Moldovan for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Moldovan on public radio and television.

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

1111. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1112. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Moldovan.

1113. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Moldovan, for example through financial support or licensing requirements.

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

1114. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1115. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Moldovan.

1116. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Moldovan, for example through financial support or licensing requirements.

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

1117. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1118. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1119. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Moldovan and to provide concrete examples of the practical implementation 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;

1120. In the first evaluation report, the Committee of Experts was not in a position to reach a conclusion on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support for the publication of the newspapers in all languages covered by Part III.

1121. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the Moldovan speakers that the newspaper "Luceafărul" is published weekly and receives support from the authorities.

1122. The Committee of Experts considers this undertaking fulfilled.

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

1123. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1124. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1125. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Moldovan.

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.

1126. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1127. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Moldovan in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Moldovan in the next periodical report.

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.

1128. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1129. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1130. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Moldovan 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.

Article 12 - Cultural activities and facilities

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;*

1131. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify how Moldovan benefits from cultural activities carried out in the Mikolayiv region and whether there are cultural activities to the benefit of Moldovan in other regions.

1132. According to the second periodical report, in the Mykolayiv region there are four Moldovan amateur artistic groups. In the Kirivohrad region, there are two Moldovan ensembles. The periodical reports further states that books in Moldovan (61 144 copies) are available in the libraries in the Odessa region.

1133. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to promote cultural activities to the benefit of Moldovan in various fields.

- 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;*

1134. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1135. According to the second periodical report, books translated from Moldovan into Ukrainian are available in libraries. However, there is no information on the support of the Ukrainian authorities for such translations, nor for dubbing, post-synchronisation and subtitling activities.

1136. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Moldovan by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1137. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1138. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1139. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Moldovan to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1140. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1141. According to the second periodical report, several cultural activities have been organised in co-operation with the minority associations.

1142. The Committee of Experts considers this undertaking fulfilled.

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

1143. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1144. According to the second periodical report, the All-Ukrainian national-cultural Moldovan Association and the Moldovan national-cultural association “Izvor” in Reni obtained premises for their activities. During the on-the-spot visit, representatives of the Moldovan speakers informed the Committee of Experts of their wish to set up and run a cultural centre in Odessa.

1145. There is no information about whether the financial support to cultural activities and facilities related to Moldovan has been increased.

1146. The Committee of Experts still considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Moldovan speakers in setting up or running cultural centres.

- 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;*

1147. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1148. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1149. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Moldovan.

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.

1150. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1151. The information contained in the second periodical report with regard to this undertaking is not relevant. There are no indications that this undertaking is implemented with regard to Moldovan in practice.

1152. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Moldovan in territories other than those in which this language is traditionally used.

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.”

1153. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1154. According to the second periodical report, the Odessa Region is member of the “Lower Danube” Euroregion, along with authorities from Romania and the Republic of Moldova. There is no information available about relevant activities undertaken by the national authorities. Also, the Committee of Experts recalls that the present undertaking concerns not only the kin state of a minority, but all countries in which Ukraine presents its culture.

1155. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for Moldovan and the culture it reflects.

Article 13 - Economic and social life

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;*

1156. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1157. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1158. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

1159. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1160. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1161. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;**

1162. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1163. The second periodical report specifies that Ukraine has concluded an agreement with the Republic of Moldova on the mutual recognition and equivalence of educational documents and academic titles. An agreement and protocols of co-operation in the field of education were concluded by the relevant ministries of the two countries in 2010.

1164. The Committee of Experts considers this undertaking fulfilled.

- 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.**

1165. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1166. The second periodical report does not contain specific information on this undertaking. Nevertheless, the report refers under Article 12.3 to the co-operation of the Odessa region with authorities from Romania and Moldova, within the "Lower Danube" Euroregion.

1167. The Committee of Experts considers this undertaking fulfilled.

3.2.9. Polish

1168. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1.e.iii
Article 12 paragraph 1.a
Article 14.b.

Article 8 - Education

Teaching materials

1169. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1170. The second periodical report does not contain specific information about this issue.

1171. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Polish-language education.

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:

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***

1172. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

1173. According to the second periodical report, there are three pre-school groups (one of these is private) in the city of Struiy (Lviv region) with Polish as the language of instruction. 107 children attend these groups. In addition, there are a pre-school group in the Horodok municipal district (Khmelnutsk region; 30 children) and two groups in the Chernivtsi region which use Polish to some extent. However, the Committee of Experts is of the view that the number of pupils attending pre-school education in Polish does not correspond to the number of Polish speakers in Ukraine. Therefore, the Ukrainian authorities should explore, in co-operation with representatives of the Polish speakers, whether the offer could be extended.

1174. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Polish speakers, to extend the offer of pre-school education in Polish.

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;***

1175. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1176. According to the second periodical report, 525 pupils attend primary schools providing education in Polish (regions of Odessa, Zhytomyr, Khmelnytsk and Chernivtsi; city of Kyiv) and 806 pupils learn Polish as a subject.

1177. The Committee of Experts considers this undertaking fulfilled.

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;**

1178. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1179. The second periodical report states that, in the Ivano-Frankivsk, Lviv and Khmelnytsk regions, there are five secondary schools with Polish as the language of instruction and two secondary schools providing bilingual education in Polish and Ukrainian. 1 357 students attend secondary education in Polish and 8 338 students learn Polish as a subject (regions of Vinnytsia, Volyn, Donetsk, Zhytomyr, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Odessa, Rivne, Ternopil, Kherson, Khmelnytsk, Chernivtsi and in the city of Kyiv).

1180. The Committee of Experts considers this undertaking fulfilled.

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;**

1181. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Polish [...].”

1182. According to the second periodical report, Polish is not used in technical and vocational education. Bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Polish-language education in technical and vocational schools among the Polish speakers.

1183. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Polish speakers, to make available technical and vocational education in Polish or to provide for the teaching of this language as a subject.

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;**

1184. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1185. According to the second periodical report, the Polish language is studied by adults in 105 education centres and Sunday schools (5 455 students) in all the administrative units of Ukraine, except for the region of Poltava.

1186. The Committee of Experts considers this undertaking fulfilled.

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;**

1187. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

1188. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Polish minority is taught in the areas in which Polish is used.

1189. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

1190. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

1191. According to the second periodical report, several universities provide basic teacher training for general secondary schools (Taras Shevchenko National University of Kyiv, Ivan Franko National University of Lviv, V. Stefanyk Precarpathian National University, Lesia Ukrainka Volyn University, Pedagogical University of Drohobych, State University of Kamianets-Podilskyi, National University of Khmelnytsk). Further teacher training is organised at the Institutes of Postgraduate Education of Volyn, Zhytomyr, Lviv and Khmelnytsk. The Committee of Experts received no information concerning organised teacher training for the technical and vocational level.

1192. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to provide the basic and further training of the teachers required to teach Polish, or in Polish, in technical and vocational education.

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.*

1193. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1194. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1195. The Committee of Experts underlines²⁷ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1196. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Polish and for drawing up periodic reports of their findings, which will be made public.

²⁷ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

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.

1197. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1198. According to the second periodical report, Polish is taught in the city of Kyiv. The Ukrainian authorities have not received any applications to provide for Polish-language education in other places outside the traditional language areas.

1199. The Committee of Experts considers this undertaking fulfilled.

Article 9 - Judicial authorities

1200. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Polish language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1201. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1202. In light of its observations and recommendations made under 3.2.0 and paragraph 1200 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Polish.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1203. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide more precise information on the implementation of the undertaking in practice.

1204. In light of its observations and recommendations made under 3.2.0 and paragraph 1200 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Polish.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1205. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1206. In light of its observations and recommendations made under 3.2.0 and paragraph 1200 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Polish.

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.*

1207. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1208. The second periodical report does not contain specific information about this issue.

1209. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

1210. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Polish [...].”

1211. According to the second periodical report, this undertaking is only applied to Russian.

1212. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Polish.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1213. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1214. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Polish language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

1215. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

1216. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Polish speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Polish more automatically available (also on websites), informing in Polish about obligations

arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Polish.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Polish speakers to use their language in dealings with local and regional authorities.

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;***

1217. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1218. The second periodical report does not contain specific information about this undertaking. There are no indications that Polish is used within the framework of regional and local authorities.

1219. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Polish within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

1220. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1221. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

1222. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Polish and to provide concrete examples of the practical implementation in the next periodical report.

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

1223. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1224. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

1225. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Polish and to provide concrete examples of the practical implementation in the next periodical report.

- 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;***

1226. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1227. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

1228. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Polish in debates in their assemblies, if necessary through the

provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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;*

1229. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1230. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

1231. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Polish in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

1232. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1233. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Polish speakers informed the Committee of Experts that bilingual place-name signs (Ukrainian-Polish) are missing even in areas of compact settlement of the Polish minority.

1234. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Polish, inter alia by pursuing the restoration of historical place-names.

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.*

1235. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1236. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

1237. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Polish to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

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

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

1238. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of Polish in the national media.

1239. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Polish speakers informed the Committee of Experts that programmes in Polish are only broadcast by regional television channels.

1240. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Polish on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Polish for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Polish on public radio and television.

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

1241. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1242. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Polish.

1243. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Polish, for example through financial support or licensing requirements.

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

1244. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1245. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Polish.

1246. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Polish, for example through financial support or licensing requirements.

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

1247. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1248. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Polish in practice.

1249. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Polish and to provide concrete examples of the practical implementation 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;*

1250. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to clarify the scope of their support for the publication of newspapers in Polish.

1251. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Polish speakers confirmed that newspapers in Polish continue to be published (one newspaper appears twice per week).

1252. The Committee of Experts considers this undertaking fulfilled. It asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Polish.

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

1253. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1254. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Polish in practice.

1255. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Polish.

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.

1256. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1257. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Polish in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Polish in the next periodical report.

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.

1258. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1259. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Polish in practice.

1260. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Polish 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.

Article 12 - Cultural activities and facilities

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:

- 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;*

1261. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1262. The information contained in the second periodical report with regard to this undertaking is not relevant. There are no indications that this undertaking is implemented with regard to Polish in practice.

1263. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Polish by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1264. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1265. According to the second periodical report, the Ternopil Regional Drama Theatre translated a play into Polish. The Committee of Experts notes, however, that further activities are necessary in order to fulfil this undertaking.

1266. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to take additional steps fostering access in Polish to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1267. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1268. According to the second periodical report, there were two interregional festivals of Polish culture in the Donetsk region. Furthermore, a Polish cultural association, with the assistance of the authorities, held a seminar "Poland and Ukraine". It is, however, not clear to the Committee of Experts to what extent these activities have benefited the Polish language.

1269. The Committee of Experts considers this undertaking partly fulfilled.

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

1270. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended Ukraine to **"strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages."** In addition, the Committee of Experts encouraged the Ukrainian authorities "to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres" and to increase the financial support to cultural activities and facilities related to these languages.

1271. According to the second periodical report, the Polish minority obtained a building ("Polish House") in Zhytomyr. In the Transcarpathia region, there is a regional cultural society of Poles which co-operates with the regional and local authorities.

1272. There is no information about whether the financial support to cultural activities and facilities related to Polish has been increased.

1273. The Committee of Experts considers this undertaking fulfilled. It asks the Ukrainian authorities to provide, in the next periodical report, information about the financial support to cultural activities and facilities related to Polish.

- 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;**

1274. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1275. The second periodical report does not contain any information about this undertaking. There are no indications that this undertaking is implemented with regard to Polish in practice.

1276. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Polish.

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.

1277. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1278. The information contained in the second periodical report with regard to this undertaking is not relevant.

1279. The Committee of Experts encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Polish in territories other than those in which this language is traditionally used.

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."

1280. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1281. According to the second periodical report, the authorities of the Donetsk region promote, in Poland, the cultural heritage of Poles in Ukraine (festivals, exhibitions, youth festivals, seminars, conferences, exchange of cultural delegations, etc.). There is no information available about relevant activities undertaken by the national authorities. Also, the Committee of Experts recalls that the present undertaking concerns not only the kin state of a minority, but all countries in which Ukraine presents its culture.

1282. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Polish language and the culture it reflects.

Article 13 - Economic and social life

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;**

1283. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1284. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1285. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

1286. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1287. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1288. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;**

1289. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1290. In addition to the information provided in the first monitoring cycle, the second periodical report specifies that the teachers exchange programme of Ukrainian and Poland has been expanded. In the 2010/2011 academic year, 22 teachers of Polish language and literature from Poland worked in secondary schools of Ukraine. The report also refers to a considerable number of exchanges between educational institutions in both countries. The Committee of Experts welcomes these activities.

1291. The Committee of Experts considers this undertaking fulfilled.

3.2.10. Romanian

1292. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 12, paragraph 1.a, d

Article 14.a, b.

Article 8 - Education

Teaching materials

1293. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1294. According to the second periodical report, in the years 2000-2011, the authorities have financed the publication of textbooks for Romanian language and literature for the 1st-11th grade. In 2008 and 2010 two additional materials were published, while others were recommended for publishing. New curricula have been developed for Romanian language and reading for the 1st-4th grades and Romanian language and literature for the 5th-11th grades. In 2011 new curriculum plans were developed for Romanian language and reading for the 1st-4th grades, for two optional courses and for two extracurricular courses. The Institute of Innovation Technologies in Chernivtsi co-operated in developing the teaching materials. In addition, the Yuriy Fedkovich National University in Chernivtsi and the Taras Shevchenko National University in Kyiv published textbooks and manuals for students, for Romanian language and literature. The Committee of Experts commends the authorities for taking these measures.

1295. On the basis of the available information, it is not clear to the Committee of Experts to what extent textbooks and teaching materials are available for other subjects taught in Romanian, in addition to Romanian language and literature, at all levels of education. Furthermore, it is not clear to the Committee of Experts whether the existing textbooks for Romanian language and reading or literature are up-to-date, bearing in mind the recently developed new curricula.

1296. The Committee of Experts urges the Ukrainian authorities to ensure that there are adequate teaching materials available for Romanian-language education at all relevant levels of education and grades and to provide an overview of the existing teaching materials in the next periodical report.

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:

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***

1297. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1298. According to the second periodical report, 2 444 children attend pre-school education in Romanian in 45 kindergartens in the Chernivtsi and Transcarpathia regions.

1299. During the on-the-spot visit, the representatives of the Romanian speakers informed the Committee of Experts that the mother tongue pre-school education is absent in a number of localities where the Romanian national minority is compactly settled. The offer of Romanian-language pre-school education should be therefore extended. Some steps have been taken, for example, in Yordaneshty/Iordanești (Chernivtsi region), where the setting up of a Romanian-language kindergarten is under consideration.

1300. In light of this information, the Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in consultation with representatives of the Romanian speakers, to extend the offer of pre-school education in Romanian.

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;*

1301. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1302. According to the second periodical report, there are 82 schools teaching in Romanian and 15 schools where teaching takes place partly in Romanian. In the 2010/2011 school year 6 207 pupils studied in Romanian and 277 studied the language.

1303. The Committee of Experts notes a significant decrease in the number of pupils studying in Romanian (8 671 pupils in the first cycle), which, according to the representatives of the Romanian speakers, is partly due to demographic reasons. Furthermore, the Committee of Experts has been informed that in a number of localities where the Romanian national minority constitutes a large majority or a significant part of the population, there is no teaching in or of Romanian. In the Chernivtsi region, these are Gliboka, Valya Kuzmina, Koroviya, Korchivtsi, Sterche, Novyi Vovchynets, Turyatka, Chagor, Prosikuriani, Petrichanka, Kam'yanka, Molodiya (all in the Glyboksky district), Baniliv-Pidgirny, Davidivka, Klynivka, Zrub-Komarivsky, Novi Broskivtsi, Stari Broskivtsi (all in the Storozhynets district), Koteleve (Novoselytsya district), Kolinkivtsi (Khotyn district), Shishkivtsi (Sokyryany district).

1304. According to the information received during the on-the-spot visit from representatives of the Romanian-speakers, the headmasters of schools have refused in a number of cases to set up Romanian-language classes in the school. This is a result of the structural problem raised under 3.2.0 concerning the lack of legal certainty as regards the provision of minority language education.

1305. In light of this information, the Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to extend, in consultation with representatives of the Romanian speakers, the offer of primary education in Romanian.

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;*

1306. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it invited the authorities to indicate measures taken to ensure that instruction in the state language does not hamper education in Romanian.

1307. According to the second periodical report, in the Chernivtsi and Transcarpathia regions, 82 schools provide secondary education in Romanian and 15 schools provide education partly in Romanian. In the 2010/2011 school year, 18 866 pupils studied in Romanian, 578 studied the language as a subject and 289 studied Romanian as an optional or extracurricular subject.

1308. As far as the measures taken to ensure that instruction in Ukrainian does not hamper education in Romanian, the authorities state that students and parents choose the language of teaching and no complaints have been received. However, the setting up of classes with Ukrainian as the language of teaching in schools which used to offer only education in Romanian is still a concern for the Romanian speakers, who have raised the issue in several meetings with the authorities.

1309. Furthermore, the Committee of Experts notes a significant decrease in the number of pupils studying in Romanian (24 226 pupils in the first cycle) and of schools providing education in Romanian (91 in the

previous monitoring cycle). In addition, during the on-the-spot visit, the Committee of Experts has been informed that in a number of localities where the Romanian national minority constitutes a large majority or a significant part of the population, there is no teaching in or of Romanian (see under Article 8.1.biv above).

1310. The representatives of the Romanian speakers have also expressed their concern about the order of the Ministry of Education and Science, Youth and Sport providing for the teaching, in the Romanian-language secondary schools, of certain subjects in Ukrainian, and have asked the authorities to withdraw this regulation. The Committee of Experts refers to its observations and recommendations under 3.2.0 above and points out that, in accordance with the undertakings chosen by Ukraine, the wishes expressed by the speakers and the situation of the Romanian language, secondary education in Romanian, and not only a substantial part, should be made available.

1311. The Committee of Experts is concerned about these shifts in Romanian secondary education. It asks the authorities to provide specific information regarding the background of these changes, including information on which subjects, previously taught in Romanian, are now taught in Ukrainian.

1312. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to extend, in consultation with representatives of the Romanian speakers, the offer of secondary education in Romanian.

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;

1313. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Romanian [...].”

1314. According to the second periodical report, Romanian is not used in technical and vocational education. In light of the observations made under 3.2.0.a) and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Romanian-language education in technical and vocational schools among the Romanian speakers.

1315. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Romanian speakers, to make available technical and vocational education in Romanian or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to extend, in consultation with the representatives of Romanian speakers, the offer of education in Romanian at the different levels, in conformity with the undertakings entered into under the Charter.

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;

1316. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It “encourage[d] the Ukrainian authorities, in consultation with the speakers, to make education in Romanian available at university level.”

1317. According to the second periodical report, 85 students study in Romanian at the Pedagogical College of the Yuri Fedkovych National University in Chernivtsi. Romanian is taught at the Yuriy Fedkovych National University in Chernivtsi, the Taras Shevchenko National University in Kyiv, in State Humanities University in

Izmail, the State Technological University of Zhytomyr and the pedagogical colleges of the Zakarpatya and Chernivtsi regions.

1318. Nevertheless, the Romanian speakers have expressed their interest for higher education in Romanian also in other fields, in addition to Romanian philology, at the Yuriy Fedkovych National University in Chernivtsi. In addition, they have renewed their call for setting up a multilingual university in Chernivtsi.

1319. The Committee of Experts considers this undertaking fulfilled. It asks the authorities to investigate to what extent the situation of the Romanian language justifies the provision of university education in Romanian in other fields, in line with the wishes expressed by the speakers.

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;*

1320. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1321. According to the second periodical report, in the 2010/2011 school year 580 persons attended education in Romanian, as part of continuing education for adults, in evening schools.

1322. The Committee of Experts considers this undertaking fulfilled.

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;*

1323. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.” Furthermore, it invited the Ukrainian authorities to clarify how the history and culture of the Romanian language is portrayed in the general curriculum.

1324. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Romanian minority is taught in the areas in which Romanian is used. Representatives of the minority language speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

1325. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

1326. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

1327. According to the second periodical report, basic and further teacher training for teachers of Romanian takes place at the Uzhgorod National University and its colleges, the Fedkovych National

University in Chernivtsi, the State Humanities University in Izmail and the regional institutes for Advanced Teacher Training in Chernivtsi and Odessa.

1328. It is not clear, however, how basic and further training of teachers which teach other subjects in Romanian takes place. During the on-the-spot visit, the representatives of the Romanian speakers confirmed that there is a clear deficit of teachers able to teach other subjects in Romanian.

1329. The Committee of Experts considers that the Ukrainian authorities should develop a coherent strategy for the training of teachers who would be able to teach other subjects in Romanian, in accordance with Ukraine's undertakings under the Charter.

1330. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts urges the Ukrainian authorities to provide the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to Romanian.

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.*

1331. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1332. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1333. The Committee of Experts underlines²⁸ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1334. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Romanian and for drawing up periodic reports of their findings, which will be made public.

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.

1335. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1336. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Romanian-language education outside the traditional language areas. However, given that Ukraine has ratified this undertaking and in light of the observations under 3.2.0.a, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Romanian outside the areas where this language is traditionally used among the Romanian speakers.

1337. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Romanian speakers, to provide teaching in or of Romanian outside the areas where this language is traditionally used.

Article 9 - Judicial authorities

²⁸ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

1338. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1. aiii, biii and ciii, provided that its application with regard to the given minority language has been decided. This is the case for the Romanian language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1339. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1340. In light of its observations and recommendations made under 3.2.0 and paragraph 1338 above, the Committee of Experts considers this undertaking formally fulfilled. It encourages the Ukrainian authorities to take steps promoting the implementation of this undertaking also in practice.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1341. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide more precise information on the implementation of the undertaking in practice.

1342. In light of its observations and recommendations made under 3.2.0 and paragraph 1338 above, the Committee of Experts considers this undertaking formally fulfilled. It encourages the Ukrainian authorities to take steps promoting the implementation of this undertaking also in practice.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1343. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1344. In light of its observations and recommendations made under 3.2.0 and paragraph 1338 above, the Committee of Experts considers this undertaking formally fulfilled. It encourages the Ukrainian authorities to take steps promoting the implementation of this undertaking also in practice.

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.

1345. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1346. The second periodical report does not contain specific information about this issue.

1347. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

1348. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Romanian.”

1349. According to the second periodical report, this undertaking is only applied to Russian.

1350. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Romanian.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1351. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1352. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. This is the case for the Romanian language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

1353. In the first evaluation report, the Committee of Experts “encourage[d] the Ukrainian authorities 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.”

1354. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Romanian speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Romanian more automatically available (also on websites), informing in Romanian about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Romanian.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Romanian speakers to use their language in dealings with local and regional authorities.

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;*

1355. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts was not in a position to reach a conclusion on the fulfilment of this undertaking.

1356. The second periodical report does not contain specific information about this undertaking. According to the information provided by Romanian speakers during the on-the-spot visit, Romanian is only used orally in those localities where the Romanian national minority constitutes a large majority of the population. The Committee of Experts recalls that this undertaking applies to all local and regional authorities where the Romanian speakers represent a sufficient number for the purpose of this undertaking. It also covers oral and written communication of those authorities.

1357. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to encourage the use of Romanian within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

1358. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1359. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented in practice.

1360. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Romanian and to provide concrete examples of the practical implementation in the next periodical report.

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

1361. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1362. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented in practice.

1363. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Romanian and to provide concrete examples of the practical implementation in the next periodical report.

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;*

1364. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to submit information about its implementation in practice.

1365. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

1366. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Romanian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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;*

1367. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Ukrainian authorities to submit information about its implementation in practice.

1368. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1369. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Romanian in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

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.*

1370. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1371. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Romanian speakers informed the Committee of Experts that the setting up of bilingual place-name signs in Romanian is gradually taking place.

1372. The Committee of Experts considers this undertaking partly fulfilled.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Romanian, inter alia by pursuing the restoration of historical place-names in the Chernivtsi and Transcarpathia regions.

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.***

1373. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1374. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1375. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Romanian to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:***
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;***

1376. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of the minority languages in the national media and to clarify what television and radio programmes in minority languages exist in Donetsk and Zaporizhya.

1377. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Romanian speakers informed the Committee of Experts that the broadcast time of programmes in Romanian has decreased.

1378. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Romanian on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Romanian for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Romanian on public radio and television.

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

1379. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1380. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Romanian.

1381. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Romanian, for example through financial support or licensing requirements.

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

1382. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1383. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Romanian.

1384. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Romanian, for example through financial support or licensing requirements.

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

1385. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1386. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1387. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Romanian and to provide concrete examples of the practical implementation 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;

1388. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to clarify the scope of their support for the publication of the newspapers in all languages covered by Part III.

1389. The second periodical report does not contain specific information about this issue. During the on-the-spot visit, representatives of the Romanian speakers informed the Committee of Experts of the continued existence of newspapers in Romanian, which receive financial support from the authorities.

1390. The Committee of Experts considers this undertaking fulfilled. Nevertheless, it asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Romanian.

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

1391. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

1392. The second periodical report does not contain specific information about this undertaking. Bearing in mind that there are a number of publications in Romanian as well as an offer on television, the Committee of Experts considers that there is a need for training staff working in the media field using Romanian.

1393. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Romanian.

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.

1394. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1395. The second periodical report does not contain specific information about this issue. However, the Committee of Experts is aware that the direct reception of radio and television broadcasts from Romania is possible in practice.

1396. The Committee of Experts considers this undertaking fulfilled.

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.

1397. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1398. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1399. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Romanian 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.

Article 12 - Cultural activities and facilities

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:

- 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;*

1400. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1401. According to the second periodical report, books translated from Romanian into Ukrainian are available in libraries. However, there is no information on the support of the Ukrainian authorities for such translations, nor for dubbing, post-synchronisation and subtitling activities.

1402. The Committee of Experts asks the Ukrainian authorities to submit more precise information on the support given to the translation, dubbing, post-synchronisation and subtitling activities of works produced in Romanian into other languages and to include examples of the measures taken in their next periodical report.

- 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;*

1403. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1404. According to the second periodical report, the Transcarpathian regional state television and radio company does translations of programmes into Romanian from other languages. There is no information available about whether the Ukrainian authorities support activities making cultural works such as films or books originally produced in other languages available in Romanian.

1405. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to foster access in Romanian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

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

1406. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1407. The information in the second periodical report is not relevant for the present undertaking. There is also no information about whether the financial support to cultural activities and facilities related to Romanian has been increased.

1408. The Committee of Experts considers this undertaking not fulfilled. The Committee of Experts urges the Ukrainian authorities to provide long-term subsidies to the Romanian speakers in setting up or running cultural centres.

- 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;*

1409. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1410. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1411. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Romanian.

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.

1412. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1413. The information contained in the second periodical report regarding this undertaking is not relevant. There are no indications that this undertaking is implemented with regard to Romanian in practice.

1414. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Romanian in territories other than those in which this language is traditionally used.

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.”

1415. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1416. According to the second periodical report, the Transcarpathia region participates in international cultural exchanges and events. Furthermore, the local authorities of Chernivtsi co-operate with the local authorities of Suceava and Câmpulung-Moldovenesc (Romania) in the cross-border co-operation project “Promotion of common cultural heritage in cross-border region Chernivtsi-Suceava”, part of the Romania-Ukraine Neighbourhood Programme.

1417. There is no information available about relevant activities undertaken by the national authorities. Moreover, the Committee of Experts recalls, however, that the present undertaking concerns not only the kin state of a minority, but all countries in which Ukraine presents its culture.

1418. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Romanian language and the culture it reflects.

Article 13 - Economic and social life

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;***

1419. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1420. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1421. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

1422. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1423. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1424. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

3.2.11. Russian

1425. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 9, paragraph 3
Article 10, paragraph 2.a, c, d, f
Article 11 paragraph 1.ei
Article 12 paragraph 1.a
Article 14.a, b.

Article 8 - Education

Teaching materials

1426. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1427. According to the second periodical report, the Ukrainian authorities have supported the publication of the series “School library” on the Russian language and literature, which is used in secondary education, as well as various other teaching materials for secondary and higher education.

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:

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*

1428. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1429. According to the second periodical report, Ukraine has 1 012 pre-schools with Russian as the language of instruction. 171 713 children are enrolled in these pre-schools compared to 157 033 children in the first monitoring cycle.

1430. The Committee of Experts considers this undertaking fulfilled.

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;*

1431. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but noted that the undertaking did not correspond to the reality of Russian-medium education at primary level.

1432. The information contained in the second periodical report regarding this undertaking is not sufficiently clear. According to information received during the on-the-spot visit, instruction in Russian has decreased.

1433. While considering this undertaking still fulfilled, the Committee of Experts encourages the Ukrainian authorities to ensure that primary education in Russian remains available to those pupils whose families so request.

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;**

1434. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but noted that the undertaking did not correspond to the reality of Russian-medium education at secondary level.

1435. According to the second periodical report, there are 1 149 secondary schools with Russian as the language of instruction (685 806 pupils). Bilingual secondary education is provided by 1 373 schools in Russian and Ukrainian, three schools in Russian and Moldovan and 23 schools in Russian and Crimean Tatar. In addition, 39 schools teach in Russian, Crimean Tatar and Ukrainian while three schools teach in Russian, Ukrainian and Bulgarian, Moldovan and Romanian respectively. 1 242 184 students learn Russian as a subject. According to information received during the on-the-spot visit, the amount of teaching in Ukrainian has continued to increase while the amount of instruction in Russian has decreased.

1436. While considering this undertaking still fulfilled, the Committee of Experts encourages the Ukrainian authorities to ensure that secondary education in Russian remains available to those students who so request.

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;**

1437. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled, but noted that the undertaking did not correspond to the reality of Russian-medium education offered at technical and vocational level.

1438. According to the second periodical report, there are 35 vocational schools with Russian as the language of instruction (16 023 students) and 100 vocational schools teaching in Russian and Ukrainian (37 599 students).

1439. The Committee of Experts considers this undertaking fulfilled.

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;**

1440. In the first evaluation report, the Committee of Experts did not conclude on the fulfilment of this undertaking. It observed that, while there still exists a broad offer to study Russian as a subject, the complete phasing out of higher education in Russian will constitute an obstacle to full access of Russian speakers to higher education.

1441. According to the second periodical report, 33 455 students in I-II levels of accreditation and 217 649 students in III-IV levels of accreditation obtain higher education in Russian. More than 40 higher educational institutions all over Ukraine provide courses on Russian.

1442. The Committee of Experts considers this undertaking fulfilled.

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;**

1443. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1444. According to the second periodical report, Russian courses are offered by evening schools (26 070 people) as well as by ten education centres and Sunday schools (178 students) in the regions of Vinnitsia, Ivano-Frankivsk, Rivne and Ternopil.

1445. The Committee of Experts considers this undertaking fulfilled.

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;**

1446. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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.”

1447. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Russian minority is taught in the areas in which Russian is used. This seems to be the case to a certain degree. However, representatives of the Russian speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

1448. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;**

1449. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training” and 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.”

1450. According to the second periodical report, basic teacher training for secondary education is provided by twelve (I-II levels of accreditation) and 34 higher education establishments (III-IV levels) respectively in all parts of Ukraine. Further teacher training is provided for in all regional Institutes of Postgraduate Education.

1451. The Committee of Experts considers this undertaking fulfilled.

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.**

1452. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1453. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the Russian speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1454. The Committee of Experts underlines²⁹ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1455. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Russian and for drawing up periodic reports of their findings, which will be made public.

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.

1456. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1457. According to information received by the Committee of Experts, Russian is taught in all regions of Ukraine.

1458. The Committee of Experts considers this undertaking fulfilled.

Article 9 - Judicial authorities

1459. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. This is the case for the Russian language. In addition, the Committee of Experts is aware that Russian is frequently used during judicial proceedings.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1460. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1461. In light of the observations made in paragraph 1459, the Committee of Experts considers this undertaking fulfilled.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

²⁹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

if necessary by the use of interpreters and translations;

1462. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1463. In light of the observations made in paragraph 1459, the Committee of Experts considers this undertaking fulfilled.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1464. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1465. In light of the observations made in paragraph 1459, the Committee of Experts considers this undertaking fulfilled.

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.

1466. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1467. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1468. The Committee of Experts considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1469. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1470. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. This is the case for the Russian language.

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:

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.

1471. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1472. The second periodical report does not contain specific information about this issue.

1473. The Committee of Experts considers this undertaking partly fulfilled. It asks the Ukrainian authorities to submit specific information about the use of Russian place-names in the next periodical report.

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.*

1474. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1475. The second periodical report does not contain specific information about this issue. According to representatives of the Russian speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

1476. The Committee of Experts asks the Ukrainian authorities to submit information about the implementation of this undertaking in the next periodical report.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

1477. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

1478. The second periodical report does not contain specific information about this undertaking. However, it is obvious that there are public radio and television programmes broadcast in Russian.

1479. The Committee of Experts considers this undertaking fulfilled.

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

1480. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1481. The second periodical report does not contain specific information about this undertaking. However, it is obvious that there are private radio programmes broadcast in Russian.

1482. The Committee of Experts considers this undertaking fulfilled.

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

1483. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1484. The second periodical report does not contain specific information about this undertaking. However, it is obvious that there are private television programmes broadcast in Russian.

1485. The Committee of Experts considers this undertaking fulfilled. It nonetheless asks the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in Russian.

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

1486. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1487. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts is aware that there is a significant production and distribution of audio and audiovisual works in Russian.

1488. The Committee of Experts considers this undertaking fulfilled.

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

1489. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

1490. The second periodical report does not contain specific information about this undertaking.

1491. The Committee of Experts asks the Ukrainian authorities to inform about the training of journalists and other staff for media using Russian.

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.

1492. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1493. The second periodical report does not contain specific information about this issue. However, the Committee of Experts is aware that the direct reception of radio and television broadcasts from the Russian Federation is possible in practice.

1494. The Committee of Experts considers this undertaking fulfilled.

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.

1495. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1496. The second periodical report does not contain specific information about this undertaking.

1497. The Committee of Experts asks the Ukrainian authorities to inform about how the interests of the Russian speakers are represented within the relevant bodies.

Article 12 - Cultural activities and facilities

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:

- 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;*

1498. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1499. According to the second periodical report, five plays were translated from Russian into Ukrainian in the Sumy regional children's and youth theatre. It is obvious that also a number of other works have been translated or dubbed from Russian into Ukrainian.

1500. The Committee of Experts considers this undertaking fulfilled.

- 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;*

1501. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1502. The information contained in the second periodical report with regard to this undertaking is not relevant. However, there are clearly works produced in other languages which have been translated into Russian.

1503. The Committee of Experts considers this undertaking fulfilled.

- 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;*

1504. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1505. According to the second periodical report, the local and regional authorities of Rivne, Sumy and Kharkiv support regular Russian cultural activities and disseminate information about Russian culture, in co-operation with cultural societies of the Russian speakers.

1506. The Committee of Experts considers this undertaking fulfilled.

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

1507. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1508. According to the second periodical report, the authorities of the Sumy region co-operate with associations of the Russian minority. The Committee of Experts assumes that this is the case also for other regions where Russian is used.

1509. The Committee of Experts considers this undertaking fulfilled.

- 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;*

1510. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1511. The second periodical report does not contain any information about this undertaking.

1512. The Committee of Experts asks the Ukrainian authorities to inform about the bodies responsible for collecting and keeping a copy of works produced in Russian.

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.

1513. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1514. According to information received by the Committee of Experts, cultural activities to the benefit of the Russian language are organised in all regions of Ukraine.

1515. The Committee of Experts considers this undertaking fulfilled.

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.

1516. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1517. According to the second periodical report, the Cherkasy region has seven agreements concluded with the Russian Federation which envisage cultural exchanges of theatres and festivals. There is no information available about relevant activities undertaken by the national authorities.

1518. The Committee of Experts asks the Ukrainian authorities about relevant activities in Ukrainian cultural policy abroad.

Article 13 - Economic and social life

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;*

1519. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1520. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1521. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

1522. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1523. The second periodical report still does not contain the requested information. However, the Committee of Experts was informed by representatives of the Russian speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities. In addition, according to the available information, it is still mandatory that the information regarding medicine (doses, how often medicines should be administered, possible side effects, etc.) may only be in Ukrainian.

1524. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

3.2.12. Slovak

1525. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1.eiii
Article 12 paragraph 1.a
Article 14.b.

Article 8 - Education

Teaching materials

1526. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1527. According to the second periodical report, the Ukrainian authorities have supported the publication of textbooks and scientific teaching aids, including the first textbook in Ukraine on the Slovak language, a manual on the "History of Slovakia" and the university textbook "Contemporary Slovak legal terminology". It is, however, not clear whether there are teaching materials available for all levels of education. In this context, the Committee of Experts stresses that the provision of adequate teaching materials forms, like the basic and further training of teachers (see under Article 8.1.h below), an essential part of the development and implementation of a comprehensive policy for Slovak-language education.

1528. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Slovak-language education.

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:

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**

1529. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1530. According to the second periodical report, Slovak is not used in pre-school education. Given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Slovak-language education in pre-schools among the Slovak speakers.

1531. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Slovak speakers, to make available at least a substantial part of pre-school education in this language.

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;**

1532. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It “encourage[d] the Ukrainian authorities to clarify whether the existing offer meets the demands of the speakers.”

1533. The information contained in the second periodical report is not sufficiently specific.

1534. The Committee of Experts still considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Slovak speakers, to extend the offer of teaching in or of Slovak.

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;**

1535. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to provide information in the next periodical report on whether the offer meets the demand of the speakers.

1536. According to the second periodical report, bilingual education (Slovak/Ukrainian) is provided in the city of Uzhhorod (Transcarpathia region). Secondary education in Slovak is attended by 113 students in the Transcarpathian region whereas 214 students learn Slovak as a subject and 246 as an optional subject. There are currently no plans to extend the offer of Slovak-medium education, but the Ukrainian authorities would like to revisit the issue in due course. In addition, the periodical report refers to the wish expressed by representatives of the Slovak speakers that the teaching of Slovak be offered also in other parts of Transcarpathia.

1537. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Slovak speakers, to extend the offer of secondary education in Slovak or of teaching this language as a subject to other places in Transcarpathia where Slovak is traditionally used.

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;**

1538. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to clarify, in consultation with the speakers, if there is a demand for technical and vocational education in [...] Slovak [...]”

1539. According to the second periodical report, Slovak is not used in technical and vocational education. Bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Slovak-language education in technical and vocational schools among the Slovak speakers.

1540. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Slovak speakers, to make available technical and vocational education in Slovak or to provide for the teaching of this language as a subject.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Slovak speakers, Slovak-language education at pre-school as well as technical and vocational levels.

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;*

1541. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1542. According to the second periodical report, Slovak is not used in adult and continuing education.

1543. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to favour and/or encourage the offering of Slovak as a subject of adult and continuing education.

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;*

1544. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

1545. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Slovak minority is taught in the areas in which Slovak is used.

1546. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

1547. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It "encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training" and 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."

1548. According to the second periodical report, further teacher training is provided by the Transcarpathia and Uzhhorod National Universities of Further Teacher Training as well as in the Slovak Republic. Considering the absence of the Slovak language at pre-school as well as technical and vocational levels, the Committee of Experts considers that the training of teachers for Slovak must be extended.

1549. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide the basic and further training of the teachers required for Slovak-language education at pre-school as well as technical and vocational levels.

The Committee of Experts encourages the Ukrainian authorities to make available, in co-operation with representatives of the Slovak speakers, Slovak language education at the different levels of education, in conformity with the undertakings entered into under the Charter.

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.*

1550. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1551. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1552. The Committee of Experts underlines³⁰ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1553. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Slovak and for drawing up periodic reports of their findings, which will be made public.

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.

1554. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1555. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Slovak-language education outside the traditional language areas. However, given that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Slovak outside the areas where this language is traditionally used among the Slovak speakers.

1556. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Slovak speakers, to provide teaching in or of Slovak outside the areas where this language is traditionally used.

Article 9 - Judicial authorities

1557. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Slovak language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1558. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

³⁰ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

1559. In light of its observations and recommendations made under 3.2.0 and paragraph 1557 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Slovak.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

1560. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1561. In light of its observations and recommendations made under 3.2.0 and paragraph 1557 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Slovak.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

1562. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1563. In light of its observations and recommendations made under 3.2.0 and paragraph 1557 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Slovak.

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.

1564. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1565. The second periodical report does not contain specific information about this issue.

1566. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

1567. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Slovak [...].”

1568. According to the second periodical report, this undertaking is only applied to Russian.

1569. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Slovak.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1570. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1571. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Slovak language.

Measures encouraging minority language speakers to use their language in dealings with the authorities

1572. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities 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."

1573. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take concrete measures encouraging Slovak speakers to use their language in dealings with local and regional authorities, *inter alia* by making official documents in Slovak more automatically available (also on websites), informing in Slovak about obligations arising from the Charter, and by ensuring that signs on administrative buildings as well as plates/doorplates used in administration offices also have inscriptions in Slovak.

The Committee of Experts urges the Ukrainian authorities to take measures encouraging Slovak speakers to use their language in dealings with local and regional authorities.

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;***

1574. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1575. The second periodical report does not contain specific information about this undertaking. There are no indications that Slovak is used within the framework of regional and local authorities.

1576. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use of Slovak within the framework of regional and local authorities and to provide concrete examples of the practical implementation in the next periodical report.

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

1577. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1578. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that regional authorities do not publish their official documents also in relevant minority languages.

1579. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by regional authorities of their official documents also in Slovak and to provide concrete examples of the practical implementation in the next periodical report.

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

1580. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1581. The second periodical report does not contain specific information about this undertaking. However, the Committee of Experts was informed by representatives of the minority language speakers that local authorities do not publish their official documents also in relevant minority languages.

1582. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the publication by local authorities of their official documents also in Slovak and to provide concrete examples of the practical implementation in the next periodical report.

- 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;*

1583. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1584. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that regional assemblies do not use minority languages in debates.

1585. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by regional authorities of Slovak in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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;*

1586. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1587. The second periodical report does not contain specific information about this issue. However, the Committee of Experts was informed by representatives of the minority language speakers that local assemblies do not use minority languages in debates.

1588. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use by local authorities of Slovak in debates in their assemblies, if necessary through the provision of interpretation, and to provide concrete examples of the practical implementation in the next periodical report.

- 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.*

1589. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1590. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1591. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the use or adoption of traditional and correct forms of place-names in Slovak, *inter alia* by pursuing the restoration of historical place-names.

The Committee of Experts encourages the Ukrainian authorities to promote the use or adoption of traditional and correct forms of place-names in Slovak, inter alia by pursuing the restoration of historical place-names in the Transcarpathia region.

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.*

1592. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1593. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

1594. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to comply as far as possible with requests from public service employees having knowledge of Slovak to be appointed in the territory in which that language is used and to specify, in the next periodical report, which measures are put in practice.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

1595. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Ukrainian authorities to submit information about the use of Slovak in the national media.

1596. The second periodical report does not contain specific information about this issue.

1597. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Slovak on public radio and television. Furthermore, the Committee of Experts encourages the Ukrainian authorities to make adequate provision so that broadcasters offer radio and television programmes in Slovak for children.

The Committee of Experts encourages the Ukrainian authorities to increase the broadcast time and the frequency of the time-slots allocated to Slovak on public radio and television.

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

1598. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1599. The second periodical report does not contain specific information about this issue. There are no indications that private radio programmes are broadcast in Slovak.

1600. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private radio programmes in Slovak, for example through financial support or licensing requirements.

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

1601. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1602. The second periodical report does not contain specific information about this issue. There are no indications that private television programmes are broadcast in Slovak.

1603. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage and/or facilitate the broadcasting of private television programmes in Slovak, for example through financial support or licensing requirements.

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

1604. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1605. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1606. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Slovak and to provide concrete examples of the practical implementation 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;

1607. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian authorities to increase the financial support for the publication of newspapers in Slovak.

1608. The second periodical report does not contain specific information about this issue.

1609. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Slovak as well as how often the newspaper(s) is/are published.

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

1610. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1611. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1612. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to develop and implement a specific scheme supporting the training of journalists and other staff for media using Slovak.

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.

1613. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1614. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Slovak in practice during the reporting

period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception retransmission of programmes in Slovak in the next periodical report.

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.

1615. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1616. The second periodical report does not contain specific information about this undertaking. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1617. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to ensure that the interests of the users of Slovak 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.

Article 12 - Cultural activities and facilities

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:

- 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;**

1618. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1619. The second periodical report does not contain specific information about the implementation of this undertaking for Slovak.

1620. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Slovak by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;**

1621. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1622. According to the second periodical report, the Transcarpathian regional state television and radio company does translations of programmes into Slovak from other languages. There is no information available about whether the Ukrainian authorities support activities making cultural works such as films or books originally produced in other languages available in Slovak.

1623. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to foster access in Slovak to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1624. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1625. According to the second periodical report, local authorities of Transcarpathia support annual regional festivals of Slovak culture. However, it is not clear from this information whether appropriate allowance for incorporating the knowledge and use of the Slovak language is made in these activities.

1626. The Committee of Experts considers this undertaking partly fulfilled.

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

1627. In the first evaluation report, the Committee of Experts considered this undertaking partly fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1628. The information contained in the second periodical report regarding this undertaking is not relevant.

1629. The Committee of Experts considers this undertaking partly fulfilled. It urges the Ukrainian authorities to provide long-term subsidies to the Slovak speakers in setting up or running cultural centres.

- 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;*

1630. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1631. The second periodical report does not contain any information about this undertaking. There are no indications that it is implemented with regard to Slovak in practice.

1632. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Slovak.

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.

1633. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1634. The information contained in the second periodical report regarding this undertaking is not relevant. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1635. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Slovak in territories other than those in which this language is traditionally used.

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.”

1636. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1637. The information contained in the second periodical report regarding this undertaking is not relevant. There are no indications that this undertaking is implemented with regard to Slovak in practice.

1638. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Slovak language and the culture it reflects.

Article 13 - Economic and social life

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;*

1639. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1640. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1641. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*

1642. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1643. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1644. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;*

1645. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled.

1646. In addition to the information provided in the first monitoring cycle, the second periodical report specifies that Ukraine has concluded agreements with the Slovak Republic on the mutual recognition and equivalence of educational documents and academic titles as well as on co-operation in education. Furthermore, teachers of Slovak-language primary and secondary schools attend training on the Slovak language in Slovakia.

1647. The Committee of Experts considers this undertaking fulfilled.

3.2.13. Yiddish

Article 8 - Education

Teaching materials

1648. In the first evaluation report, the Committee of Experts encouraged the Ukrainian authorities “to provide adequate teaching materials for regional or minority language education.”

1649. According to the second periodical report, adapted manuals and textbooks in Yiddish have been imported from Israel. It is, however, not clear whether there are teaching materials available for all levels of education, in accordance with the undertakings under the Charter. The Committee of Experts stresses that the provision of adequate teaching materials forms, like the basic and further training of teachers (see under Article 8.1.h below), an essential part of the development and implementation of a comprehensive policy for Yiddish-language education.

1650. The Committee of Experts urges the Ukrainian authorities to provide adequate teaching materials for Yiddish-language education.

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:

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**

1651. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1652. According to the second periodical report, there is no pre-school education entirely or substantially in Yiddish because education establishments and authorities have not received any applications from parents. However, pre-schools in the cities of Kyiv, Vinnytsia, Lviv and Luhansk as well as in the region of Kherson promote learning Yiddish, songs, games and dances. However, it is not clear to the Committee of Experts whether these activities take place within the state education system or whether they are a private initiative.

1653. As far as the absence of applications is concerned, experience tells that this is often the result of a lack of information among parents and of awareness of the advantages of minority language education (see also under 3.2.0, a), above).

1654. The Committee of Experts asks the Ukrainian authorities to provide more information on the extent the pre-schools mentioned above provide pre-school education in Yiddish.

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;**

1655. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1656. According to the second periodical report, 497 primary school pupils in the regions of Odessa, Zaporizhya, Chernivtsi and in the city of Kyiv learn Yiddish as a subject. There have been no applications for teaching entirely or substantially in Yiddish.

1657. The Committee of Experts asks the Ukrainian authorities to provide more precise information on the offer of teaching Yiddish as a subject.

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;**

1658. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1659. According to the second periodical report, Yiddish is not used in secondary education. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should, in co-operation with the representatives of the Yiddish speakers, promote the possibility of Yiddish-language education in secondary schools among the Yiddish speakers.

1660. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Yiddish speakers, to provide at least for the teaching of Yiddish as a subject.

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;**

1661. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1662. According to the second periodical report, Yiddish is not used in technical and vocational education. In light of the observations made under Article 8.1.a.iii and bearing in mind that Ukraine has ratified this undertaking, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of Yiddish-language education in technical and vocational schools among the Yiddish speakers.

1663. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, in co-operation with representatives of the Yiddish speakers, to provide at least for the teaching of Yiddish as a subject in technical and vocational education.

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;**

1664. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled.

1665. According to the second periodical report, there are no facilities for studying Yiddish.

1666. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide facilities for the study of Yiddish as a university or higher education subject.

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;**

1667. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1668. According to the second periodical report, the Yiddish language, culture, history, traditions and customs are studied by 200 adults in 86 education centres and so-called Sunday schools in the regions of Vinnytsia, Zhytomyr, Zaporizhya, Kyiv, Lviv, Odessa, Kharkiv, Cherkasy, Chernivtsi, Chernihiv and in the city of Kyiv.

1669. The Committee of Experts considers this undertaking fulfilled.

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;*

1670. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It encouraged the Ukrainian 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."

1671. According to the second periodical report, elements of the history and culture of the national minorities are taught as part of the secondary school subjects "History of Ukraine", "World History", "Geography", "World Literature", "Music Art", "Visual Arts" and "Art Culture". The section "The population of Ukraine" of the subject "Geography" covers the topic "National and ethnic composition of the population" (9th grade). These subjects are obligatory for all pupils. The Committee of Experts, however, does not get a clear idea from all this information to what degree and in which form the history and culture of the Yiddish minority is taught in the areas in which Yiddish is used. Representatives of the minority language speakers have pointed out to the Committee of Experts that the history and culture which is reflected by the minority languages is not adequately taught.

1672. The Committee of Experts is again not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to provide more specific information in the next periodical report.

Basic and further training 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;*

1673. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It "encourage[d] the Ukrainian authorities to develop a coherent strategy in the field of teacher training" and 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."

1674. According to the second periodical report, in 2010, the Jewish Forum of Ukraine held the summer camp "Die Yiddish Woch" (The Jewish Week) in Kyiv during which 30 teachers of so-called Sunday schools studied Yiddish and Jewish literature. The Committee of Experts welcomes this initiative, but notes that the training provided by so-called Sunday schools does not correspond to the requirements of this undertaking which is concerned with the training of teachers for kindergarten, primary, secondary and technical and vocational levels within the state education system.

1675. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide the basic and further training of the teachers required to implement the relevant paragraphs a to g with regard to Yiddish.

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.*

1676. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1677. According to the second periodical report, the Ministry of Education and Science, Youth and Sport also functions as a supervisory body monitoring minority language education. Its conclusions are published annually, including on the ministry's website. However, representatives of the minority language speakers have informed the Committee of Experts that these reports do not deal specifically with the quality of minority language education.

1678. The Committee of Experts underlines³¹ that this undertaking requires an independent body dedicated to looking into minority language education. This body can be an existing body which monitors the measures taken and progress achieved in minority language education and produces and publishes periodical reports.

1679. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of Yiddish and for drawing up periodic reports of their findings, which will be made public.

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.

1680. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1681. According to the second periodical report, the Ukrainian authorities have not received any applications to provide for Yiddish-language education outside the traditional language areas. However, given that Ukraine has ratified this undertaking and in light of the observations under Article 8.1.a.iii, the Committee of Experts considers that the Ukrainian authorities should promote the possibility of teaching in or of Yiddish outside the areas where this language is traditionally used among the Yiddish speakers.

1682. The Committee of Experts considers this undertaking not fulfilled.

Article 9 - Judicial authorities

1683. As the Committee of Experts noted under 3.2.0 b (paragraph 120) above, the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of the undertakings under Article 9.1.a.iii, b.iii and c.iii, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Yiddish language.

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:

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

1684. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1685. In light of its observations and recommendations made under 3.2.0 and paragraph 1683 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to provide that

³¹ See e.g. 1st Report of the Committee of Experts in respect of the United Kingdom, ECRML (2004) 1, paragraph 131

requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Yiddish.

b in civil proceedings:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1686. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1687. In light of its observations and recommendations made under 3.2.0 and paragraph 1683 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in civil proceedings to be produced in Yiddish.

c in proceedings before courts concerning administrative matters:

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

1688. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1689. In light of its observations and recommendations made under 3.2.0 and paragraph 1683 above, the Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to allow documents and evidence in administrative proceedings to be produced in Yiddish.

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.

1690. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it lacked information about its application regarding private legal acts.

1691. The second periodical report does not contain specific information about this issue.

1692. The Committee of Experts asks the Ukrainian authorities to provide the relevant information in the next periodical 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.

1693. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in [...] Yiddish [...].”

1694. According to the second periodical report, this undertaking is only applied to Russian.

1695. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to take measures to ensure that the most important national statutory texts are made available in Yiddish.

Article 10 - Administrative authorities and public services

Threshold for official use of minority languages in local and regional administration

1696. As indicated under 3.2.0 above, Article 10 applies also to those local and regional authorities where the minority language speakers do not make up the majority of the population, but represent nevertheless a sufficient number for the purpose of the respective undertakings.

Application of the Law of Ukraine "On the Principles of State Language Policy"

1697. In light of its examination made under 1.4.1, the Committee of Experts notes that the new Law of Ukraine On the Principles of State Language Policy can constitute a basis for the at least formal fulfilment of Article 10.2.a, d and g and Article 10.4c, provided that its application with regard to the given minority language has been decided. However, the procedure needed to bring into application the protective mechanism of the law with regard to a specific language has not been complied with in the case of the Yiddish language.

Measures encouraging the use of Yiddish in dealings with the local authorities

1698. In the first evaluation report, the Committee of Experts "encourage[d] the Ukrainian authorities 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."

1699. The Committee of Experts refers in this context to its observations made above (see under 3.2.0, c.ii). In particular, it encourages the Ukrainian authorities to take pro-active measures to ensure that speakers of Yiddish can use their language at local level.

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;**

1700. The use of regional or minority languages within the framework of the regional or local authority covers the communication between the public service employees of a given authority as well as the external communication of that authority. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1701. The second periodical report does not contain specific information about this undertaking.

1702. The Committee of Experts considers this undertaking not fulfilled.

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

1703. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1704. The second periodical report does not contain specific information about this undertaking.

1705. The Committee of Experts considers this undertaking not fulfilled.

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

1706. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1707. The second periodical report does not contain specific information about this undertaking.

1708. The Committee of Experts considers this undertaking not fulfilled.

- 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;**

1709. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1710. The second periodical report does not contain specific information about this issue.

1711. The Committee of Experts considers this undertaking not fulfilled.

- 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;*

1712. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1713. The second periodical report does not contain specific information about this issue.

1714. The Committee of Experts considers this undertaking not fulfilled.

- 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.*

1715. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit specific information about the restoration of historical place-names in the minority languages.

1716. The second periodical report does not contain specific information about this issue. As regards the restoration of historical place-names of national minorities (i.e. adoption/reintroduction as the official, or co-official, name of a place), the Committee of Experts was informed that no such cases have occurred.

1717. The Committee of Experts considers this undertaking not fulfilled.

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.*

1718. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to submit information about its implementation in practice.

1719. The second periodical report does not contain specific information about this issue. According to representatives of the minority language speakers, there exists no policy to appoint public service employees having knowledge of a minority language in the respective language area.

1720. The Committee of Experts considers this undertaking not fulfilled.

Article 11 - Media

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:

- a. to the extent that radio and television carry out a public service mission:*
- iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;*

1721. In the first evaluation report, the Committee of Experts considered this undertaking not fulfilled. It asked the Ukrainian authorities to submit information about the use of Yiddish in the national media.

1722. The second periodical report does not contain specific information about this issue.

1723. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to make adequate provision so that public broadcasters offer programmes in Yiddish.

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

1724. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private radio programmes in the minority languages.

1725. The second periodical report does not contain specific information about this issue.

1726. The Committee of Experts considers this undertaking not fulfilled.

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

1727. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide precise information regarding the extent to which the language quotas are applied to private television programmes in the minority languages.

1728. The second periodical report does not contain specific information about this issue.

1729. The Committee of Experts considers this undertaking not fulfilled.

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

1730. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1731. The second periodical report does not contain specific information about this undertaking.

1732. The Committee of Experts considers this undertaking not fulfilled. It urges the Ukrainian authorities to encourage the production and distribution of audio and audiovisual works in Yiddish.

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

1733. In the first monitoring cycle, the Committee of Experts had received information about a Yiddish newspaper and asked the Ukrainian authorities to clarify to what extent they support this newspaper.

1734. The second periodical report does not contain specific information about this issue.

1735. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to clarify, in the next periodical report, the scope of their support for the publication of newspapers in Yiddish as well as how often the newspapers are published.

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

1736. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1737. The second periodical report does not contain specific information about this undertaking.

1738. The Committee of Experts considers this undertaking not fulfilled.

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.

1739. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to report on measures taken to remove obstacles to the retransmission of programmes such as the imposed dubbing or translation of programmes and to specify which radio and television broadcasts in minority languages can be directly received from neighbouring countries.

1740. The second periodical report does not contain specific information about this issue. There are no indications that this undertaking was implemented with regard to Yiddish in practice during the reporting period. The new Language Law, however, abolishes the obstacles to retransmission of programmes mentioned above. The Committee of Experts asks the Ukrainian authorities to provide concrete information regarding the free reception and retransmission of programmes in Yiddish in the next periodical report.

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.

1741. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1742. The second periodical report does not contain specific information about this issue.

1743. The Committee of Experts considers this undertaking not fulfilled.

Article 12 - Cultural activities and facilities

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;*

1744. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1745. The second periodical report refers to libraries in the Kherson region having books also in Yiddish. The Committee of Experts notes, however, that the present undertaking concerns various sectors of cultural life and that further activities are required in order to implement it.

1746. The Committee of Experts considers this undertaking partly fulfilled. It encourages the Ukrainian authorities to promote cultural activities to the benefit of the Yiddish language also in other fields.

- 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;*

1747. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking. It asked the Ukrainian authorities to provide concrete examples of the implementation of this undertaking and to specify the amount of money granted.

1748. The information contained in the second periodical report concerning this undertaking is not relevant.

1749. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster the different means of access in other languages to works produced in Yiddish by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1750. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1751. The second periodical report does not contain any information about the implementation of this undertaking for Yiddish.

1752. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to foster access in Yiddish to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities and to include examples of the measures taken in their next periodical report.

- 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;*

1753. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1754. According to the second periodical report, the local authorities of the City of Chernihiv hold an annual Festival of Jewish Culture. However, it is not clear how this is to the benefit of Yiddish.

1755. The Committee of Experts again is not in a position to conclude on the fulfilment of this undertaking. It asks the Ukrainian authorities to submit specific information in the next periodical report.

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

1756. In the first evaluation report, the Committee of Experts considered this undertaking fulfilled. The Committee of Ministers recommended Ukraine to “**strengthen efforts to support the establishment and/or continued existence of cultural centres for the speakers of regional or minority languages.**” In addition, the Committee of Experts encouraged the Ukrainian authorities “to provide long-term subsidies to regional or minority language speakers in setting up or running cultural centres” and to increase the financial support to cultural activities and facilities related to these languages.

1757. According to the second periodical report, the Jewish minority in Kirovograd, Sumy and Konotop has obtained premises free of charge from the authorities to host cultural centres.

1758. The Committee of Experts considers this undertaking fulfilled. It asks the Ukrainian authorities to specify their financial support to cultural activities related to Yiddish in the 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;*

1759. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1760. The second periodical report does not contain any information about this undertaking.

1761. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities 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 Yiddish.

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.

1762. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1763. The information contained in the second periodical report concerning this undertaking is not relevant.

1764. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to provide appropriate cultural activities and facilities to the benefit of Yiddish in territories other than those in which this language is traditionally used.

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.”

1765. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1766. The second periodical report does not contain specific information about the implementation of this undertaking for Yiddish. .

1767. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to make appropriate provision, in pursuing their cultural policy abroad, for the Yiddish language and the culture it reflects.

Article 13 - Economic and social life

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;***

1768. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1769. According to the new Law on the Principles of State Language Policy (Article 18.3), internal regulations of companies may not exclude or limit the use of minority languages between employees. In addition, individuals may freely use minority languages in their economic and social activities (Article 18.2). The Committee of Experts understands that this also covers the use of minority languages in private documents.

1770. The Committee of Experts considers this undertaking fulfilled.

- c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

1771. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking as it had not received any information regarding practical measures adopted to oppose practices designed to discourage the use of the minority languages.

1772. The second periodical report does not contain the requested information. However, the Committee of Experts was informed by representatives of the minority language speakers that the Ukrainian authorities generally have no policy regarding the use of minority languages in the private sector (e.g. advertisements, product inscriptions, patient information leaflets, banking sector) and do not oppose practices designed to discourage the use of such languages in connection with economic or social activities.

1773. The Committee of Experts is not in a position to conclude and asks the Ukrainian authorities to provide information on relevant measures under this undertaking.

Article 14 - Transfrontier exchanges

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;*

1774. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1775. The second periodical report does not contain specific information about this undertaking.

1776. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities to clarify whether existing agreements with, for example, Armenia, Finland, the Netherlands, Poland, Romania, Slovak Republic or Sweden could be applied in such a way as to foster contacts between the users of Yiddish in the fields of culture, education, information, vocational training and permanent education, or whether such agreements could be concluded.

- 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.*

1777. In the first evaluation report, the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking.

1778. The second periodical report does not contain specific information about this undertaking.

1779. The Committee of Experts considers this undertaking not fulfilled. It encourages the Ukrainian authorities, for the benefit of Yiddish, 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.

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

General situation

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

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

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

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

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

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

G. Except Russian and to a certain extent Hungarian and Romanian, minority languages are not used by local and regional authorities. Particular problems exist with regard to the official use of place-names in minority languages. The Committee of Experts notes that the adoption and use of additional place-names is a relatively simple promotional measure with a nevertheless considerable positive effect for the prestige and public awareness of a minority language.

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

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

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

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

Overview of the situation of the minority languages

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 1188th meeting on 15 January 2014, the Committee of Ministers adopted its Recommendation addressed to Ukraine, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



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

Ukraine's comments on the Expert Committee's second Report on implementation in Ukraine of the European Charter for Regional or Minority Languages

Ukraine's comments on the Expert Committee's second Report on implementation in Ukraine of the European Charter for Regional or Minority Languages were presented in accordance with Article 16 of the European Charter for Regional or Minority Languages (the Charter). Ukraine would like to thank the Expert Committee for noting high level of legal recognition in Ukraine of the protection of minority rights and for detailed, competent assessment of the degree of application of the Charter's provisions achieved in Ukraine. Ukraine emphasizes that the Expert Committee's conclusions are useful for the government authorities' continuing work on improving the use of regional or minority languages in Ukraine. At the same time, Ukraine deems it expedient to comment on the Expert Committee's certain conclusions stated in Chapter 4 of the Expert Committee's second Report on the Charter's implementation in Ukraine (hereinafter referred to as the Report).

To paragraph D

The Ministry of Culture of Ukraine would like to emphasize that beginning from 2005 the State Budget of Ukraine has special allocations to finance the Charter's implementation. During 2005-2010, these budget allocations were provided to the State Committee of Ukraine for Nationalities and Religions (liquidated as a result of administrative reform pursuant to Decree of the President of Ukraine No 1085/2010 of 09.12.2010). The total amount of funding provided to the above committee in 2008-2010 to finance the Charter's implementation was UAH 2,119,300. Beginning from 2011 the Ministry of Culture of Ukraine acts as the administrator of budget allocations provided to finance cultural measures aimed at preservation and development of 13 minority languages. In particular, in 2011 and 2012 the Ministry of Culture of Ukraine received the total of UAH 2,014,000 from the State Budget of Ukraine to finance the Charter's implementation, with further UAH 1,043,250 allocated for 2013.

Special allocations to finance the Charter's implementation are also provided to the Ministry of Education and Science of Ukraine: in 2013, the Ministry will receive UAH 13,100,000 for these purposes.

In addition, to finance the Charter's implementation within the Odesa Oblast, guarantee constitutional rights of ethnic minorities and meet their educational needs, UAH 268,900 was allocated from the regional budget during 2011-2012.

Thanks to the government financial support, civic organizations are able to organize native language days, contests and Olympiads on the better knowledge of native language, seminars and conferences on language matters, issue textbooks, dictionaries and vocabularies on native languages, etc.

To paragraph E

The Ministry of Education and Science of Ukraine (MES) cannot agree with the conclusion that 'legal and institutional mechanism leaves a high degree of freedom to local and regional authorities and does not always ensure provision of education in minority languages. In practice, some local authorities showed insufficient support of education in minority languages \ because this statement is not corroborated by facts which could be provided in the Report.

MES believes that Ukraine implements a comprehensive policy envisaging provision of education in minority languages and teaching of these languages as a school subject according to the state of each language and the needs of students and parents.

In particular, in Ukrainian general-education schools classes are taught in 8 minority languages; these languages plus another 7 are taught as a mandatory subject, and another 4 languages are studied as an optional subject or in hobby groups.

The information claiming existence of unsatisfied demand for education in minority languages or study of these languages and passive stance of education authorities is untrue. MES conducts annual monitoring of inquiries which parents and students place with education authorities regarding these matters. MES received no complaints about the actions of local bodies of public administration, bodies of local self-governance, or education authorities.

At the same time, we'd like to emphasize that the second Report on the Charter's implementation in Ukraine as regards every language provided detailed information about these inquiries and the actions taken upon them.

MES also disagrees with the conclusion about '*insufficiency of adequate educational materials and preparation of teachers in many languages*'. Methodological support and the staff for teaching of Bulgarian, Gagauz, New Greek, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak, Hungarian, and Hebrew languages are at the proper level. As far as Belarusian and Yiddish languages are concerned, general-education schools teach no classes in these languages and these languages are not studied as a school subject because no appropriate requests were received from students and parents.

The conclusion stating that '*there is virtually no preschool education in almost any of the languages mentioned in Part III*' is also untrue. Preschool education in Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, and Hungarian languages is provided to everybody who wishes it according to the parents' requests. At the same time, MES emphasizes that no parent requests were received for preschool education to be provided in Belarusian, Bulgarian, Gagauz, Slovak, Hebrew, Yiddish, or Greek minority languages.

The same situation is observed in the system of vocational education provided according to requests received.

To paragraph L

The Ministry of Education and Science of Ukraine emphasizes that in the course of consultations it held, representatives of Belarusian civic organizations said that due to a number of certain reasons (historical and other), Belarusians living in Ukraine do not express the desire to receive education in Belarusian language or study it as a subject in school. Despite the support from education authorities, attempts from these organizations to open Sunday schools to study Belarusian language were not very successful. Only in one Sunday school opened on the premise of Chornomorska secondary school in the Kominternivske Raion of the Odesa Oblast, Belarusian language is studied on the regular basis.

To paragraph M

According to information from the Ministry of Education and Science of Ukraine, there were no instances of decreased teaching of classes in Bulgarian language in Ukraine's general-education schools. In recent time, elementary grade classes taught in Bulgarian are offered in one general- education school in the Odesa Oblast where children study according to their parents' requests. Bulgarian language is studied as a subject on the same basis.

To paragraph N

The Ministry of Education and Science of Ukraine emphasizes that teachers for general- education schools teaching in Crimean Tatar language are prepared at Crimean University of Engineering and Pedagogy, V.I. Vernadskyi Tavrian National University, and Simferopol College of Pedagogy according to demand.

Skill improvement courses for teachers are offered by Crimean Republican Institute of Postgraduate Education and the Institute of Postgraduate Education at Sevastopol City University of Humanities. All requests for study in or of Crimean Tatar language were granted.

In turn, the Republican Committee of the Autonomous Republic of Crimea for Ethnic Relations and Deported Citizens (the Republican Committee) emphasizes that they provide annual financing to mass media published in minority languages. In particular, financing was provided to the newspapers *Yani Dunya*, *Qirim*, *Maarif İşleri*, *Hoffnung*, Crimean Tatar-language magazines *Yildiz*, *Qasevet*, *Arzi*, *Tasil*, *Armanchik* and Armenian-language magazine *Golub Masisa*.

3 textbooks and 7 fiction books in Crimean Tatar language were also published with the support from the Republican Committee. In addition, the following events were organized during 2012:

- an evening with the Meritorious Artiste of the Autonomous Republic of Crimea Rustem Memetov;
- Crimean Tatar ethnographic festival *Hidirellez*;

- an exhibition of works by artists - deported Crimean Tatars and of other nationalities;
- Crimean Tatar Flag Day;

- opening of a memorial plaque in honor of the Crimean Tatar writer, poet and public figure Shamil Alyadin;
- IX international festival of Crimean Tatar and Turkic cultures *Gezlev Qapusi*;
- an evening to the memory of Fevzi Belyalov in commemoration of his 80th birthday anniversary;

all-Crimean contest of Crimean Tatar song and artistic reading *Solhat 's Minarets'*, an evening dedicated to the memory of the Crimean Tatar artist Ablyamitov Umerov; events commemorating the 100th anniversary of Sabrie Eredzhepova's birthday.

The Republican Committee has also informed that they are currently working on development of the official website which will be available in Ukrainian, Russian, and Crimean Tatar languages.

To paragraph O

According to information from the Ministry of Education and Science of Ukraine (MES), all requests for study of Gagauz language at general-education schools were granted. No requests for education in this language were received.

At the same time, MES has approved appropriate academic programs and plans to publish relevant textbooks in Ukraine (presently, only adapted textbooks published in the Republic of Moldova are used).

To paragraph P

According to the Ministry of Education and Science of Ukraine (MES), due to historical and other reasons only an insignificant part of ethnic Germans consider German their native language (only 1850 persons in the Transcarpathian and 304 in the Odesa Oblasts). Education authorities believe that that is the reason why there are no requests for study of German as a native language at general- education schools. Representatives of civic organizations of Germans did not raise this issue during consultations with MES either.

As for the matter of meeting information needs of the German minority, in 2012 the Ministry of Culture of Ukraine provided financial support to publication of the German-language monthly newspaper *Deutsche Zentrale Zeitung* which has long been issued by the Association of Ukrainian Germans.

The Transcarpathian Oblast State TV and Radio Company (TOSTRC) has German service. According to TOSTRC thematic plan, the annual amount of broadcast of German-language TV and radio programs is 97.2 and 25.2 hours in 2012 and 68.7 and 25.1 hours in 2013, respectively. The TV and radio broadcasts in this language are financed from the State Budget of Ukraine.

In addition, according to information by the Book Chamber of Ukraine, in 2011 and the first half of 2012 there were 149 books in German language published in Ukraine with the aggregate circulation of 231.0 thousand copies.

To paragraph R

According to information by the Transcarpathian Oblast State Administration, in 2012 funds were allocated from the regional budget to provide financial support to organization of the 49th festival Friendship Without Boundaries BEREG FEST 2012 and the XXIII regional festival of Hungarian folk art. Financing for these events will be provided in 2013 as well.

Transcarpathian Oblast Hungarian Theater of Drama receives funding from the regional budget. Thus, UAH 250 thousand in financing was provided in 2009, UAH 634,800 in 2010, over UAH 480 thousand in 2011, and UAH 763 thousand in 2012, with further UAH 1,578,900 allocated for 2013.

For 38 years the regional budget has also been providing financing to the chamber and instrumental ensemble *Hungarian Melodies* of the Transcarpathian Oblast Philharmonic Hall.

The Transcarpathian Oblast State TV and Radio Company (TOSTRC) has Hungarian service. According to TOSTRC thematic plan, the annual amount of broadcast of Hungarian-language TV and radio programs is 130.2 and 137.6 hours in 2012 and 227.8 and 137.5 hours in 2013, respectively. The TV and radio broadcasts in this language are financed from the State Budget of Ukraine.

To paragraph S

According to information by the Odesa Oblast State Administration, to meet the language needs of Moldavian ethnic minority the regional state TV and radio company has a service which provides coverage of the topics of history, literature, customs and traditions of Moldavian ethnic minority.

Every year the Odesa Oblast State Administration provides financial support to events organized by the All-Ukrainian Moldavian National and Cultural Association, in particular, Struguşor, Mercişor, and Florile Dalbe

festivals and scientific-practical conferences and round tables discussing preservation of language and customs of Moldavian ethnic minority in Ukraine.

During 2010-2012, the total of UAH 171,437 was allocated from the Odesa Oblast budget to finance cultural, educational and language needs of Moldavian ethnic minority.

To paragraph U

On 8 April 2013 the President of Ukraine issued the Decree 201/2013 approving the Strategy of Protection and Integration in Ukrainian Society of Romani Ethnic Minority until 2020. As of today, the Ministry of Culture of Ukraine jointly with other government agencies concerned began working on development of an action plan for implementation of this Strategy, which must envisage concrete measures of improving situation of Romani ethnic minority in the following main spheres: education, employment, healthcare, housing, culture and information.

On their part, the Ministry of Education and Science of Ukraine, local education authorities, particularly in the Transcarpathian and Odesa Oblasts with significant Romani population, and academic staff of general-education schools take efforts to register Romani children, ensure their education and social adaptation, and improve material base of schools where these children study.

At the same time, this job is being complicated by the absence of permanent place of residence in certain Romani people. Also, to provide proper education to Romani population the Romani leaders need to devote greater attention to understanding by Romani parents of the importance of secondary, vocational and higher education for their children.

According to information by the Odesa Oblast State Administration, as of today there are almost 1200 Romani children of preschool and school age living in the region. All Romani children go to institutions of preschool education if their parents wish so. A substantial part of them (as well as children of other nationalities) go to these institutions free of charge or at reduced cost in accordance with Ukrainian law.

Thus, 900 Romani children study at the general-education schools of I-III levels in the Odesa Oblast together with children of other nationalities, which is almost 100% of the total number of Romani children of school age. Four children of school age do not go to school because of the unwillingness of their parents (in the Artsyz and Izmail Raions). Specialists from education departments of the Artsyz and Izmail Raion State Administrations conduct explanatory work with the parents of these children.

The Odesa Oblast also has 3 Romani Sunday schools teaching Ukrainian and English languages, law, Romani language and culture, and history of Romani people as part of the history of Ukraine.

In order to provide equal access to quality education at the general-education schools in the rural areas, children are provided free ride to school wherever necessary. All Romani students are provided free hot meals.

Romani students have the documents required to go to school: birth certificate, medical examination certificates, identification codes. If any document is unavailable, departments of education work on procuring the necessary document. Thus, during the 2011/2012 academic year 14 Romani students received birth certificates with the assistance from department of education of the Bilhorod-Dnistrovskiy Raion State Administration.

At the same time, it is worth noting that according to Article 44 of the Law of Ukraine *On Higher Education* the Romani are enrolled to institutions of higher education on the competitive basis according to their abilities, not on the basis of nationality. However, local authorities in the Odesa Oblast provided assistance in enrollment of Romani students to Odesa State College of Economics and Management and to Odesa Regional Institute of Public Administration of the Ukrainian Academy of Public Administration under the President of Ukraine.

At the same time, activity in various areas, tapping into financial, organizational, technical, consulting and methodological potential of public authorities and bodies of local self-governance in the Odesa Oblast helped make the work with Romani civic organizations systemic. During 2010-2012, UAH 43,770 was allocated from the regional budget according to proposals from Romani organizations.

According to information by department of education and science of the Transcarpathian Oblast State Administration, 312 Romani children go to preschool institutions in the region, of whom 82 children attend 8 institutions in Uzhhorod and 78 children go to 7 institutions in the Uzhhorod Raion.

To meet Romani's educational needs in Mukacheve, a city with noticeable Romani population, a group attended by 20 children was opened at the kindergarten No 9.

The staff of Mukacheve kindergarten No 9 works with parents to bring 5-year-old children to the preschool institution to prepare them for school. There is a preparatory school where 20 Romani children of preschool age are preparing for school.

During the 2012/2013 academic year, 8.3 thousand Romani students attended general-education schools of the Transcarpathian Oblast. Romani children receive education in places where Romani camps are densely located and go to schools and kindergartens with Hungarian or Ukrainian languages of education and upbringing at the choice of their parents.

It is worth noting that the fact that the first-grade Romani children receive no preschool preparation and their vocabulary is very low and sometimes even nonexistent altogether has negative impact on the academic process. In spring and fall, when their parents travel elsewhere with the entire family to work, substantial number of students skip the school; also, children often skip classes to go begging in the street because they don't have clothes or shoes. One of the most serious problems is that a substantial number of Romani students are pedagogically-neglected children whose own parents take almost no care of their upbringing. The majority of Romani people dwell in hard housing conditions, have no steady income, and children are often left to themselves without proper supervision.

54 Romani students are studying at the region's 8 vocational schools. Institutions of higher education in the Transcarpathian Oblast have 8 Romani students, of whom 4 persons attend Uzhhorod National University, 1 student studies at D. Zador Uzhhorod State Music College, and 3 students go to Uzhhorod College of Culture and Arts.

Romania Country, a textbook for Romani Sunday schools and off-class reading containing parallel texts in Romani and Ukrainian languages was written and published with the support from Transcarpathian Institute of Postgraduate Pedagogical Education.

Considering specifics of work with children of Romani nationality, the guideline academic curriculum for the 1st to 4th grade students of general-education schools attending the classes with predominantly Romani students was prepared and approved by the Academic and Methodological Council of the Institute of Postgraduate Pedagogical Education to help practicing teachers. This curriculum covers all subjects included to the national program for elementary grades approved by the Ministry of Education and Science of Ukraine.

The Institute's the Academic and Methodological Council has also reviewed and approved:

- the program of the integrated course *Romani Language and Romani Literature* for the 5th to 9th grades of general-education schools with teaching in Ukrainian language and educational institutions teaching minority languages;
- academic plan of the 34-hour optional course *History of the Romani*.

In 2012, the Transcarpathian Oblast Institute of Postgraduate Pedagogical Education launched a regular seminar for teachers working at general-education schools attended by Romani children on the history, folklore, and traditions of Romani people.

In 2004 the Ministry of Education and Science of Ukraine has for the first time approved a program on Romani language and literature for the 5th to 11th grades of general-education schools; a program for the 1st to 4th grades was approved in 2011 and a new program for the 5th to 9th grades in 2012.

To paragraph V

According to the Ministry of Education and Science of Ukraine, the number of students receiving education in Romanian language has indeed decreased comparing to the preceding academic year. However, it was caused exclusively by demographic reasons (with the proportional decrease of the number of students studying in Ukrainian, Bulgarian, Crimean Tatar, Moldavian, Russian, Hungarian languages). All requests for study in Romanian language were granted.

In turn, the Transcarpathian Oblast State Administration has informed that the matter of using Romanian language in the region's education sphere is being dealt with according to the needs of and requests from the public. As of today, 2899 students receive general secondary education in Romanian language. At the same time, during the 2012/2013 academic year the number of academic staff teaching school subjects in Romanian language has grown to 220 in 2013 vs 213 the year before.

The Transcarpathian Oblast State TV and Radio Company (TOSTRC) has Romanian service. According to TOSTRC thematic plan, the annual amount of broadcast of Romanian-language TV and radio programs is 97.6 and 107.2 hours in 2012 and 107.5 and 106.6 hours in 2013, respectively. The TV and radio broadcasts in this language are financed from the State Budget of Ukraine.

According to information by the Chernivtsi Oblast State Administration, all requests for classes/ schools teaching in Romanian language were granted.

At the same time, the Chernivtsi Oblast State Administration would like to refute assertions that the number of academic staff capable of teaching in Romanian language and opportunities to receive university education in Romanian language are limited. The region's educational institutions have sufficient number of academic staff.

The Chernivtsi Oblast has 2 institutions of higher education of I-II and I-IV accreditation levels that have departments where classes are taught in Romanian language.

In the College of Pedagogy of Y. Fedkovych Chernivtsi National University, 92 students attend the department of elementary grades for Romanian-language schools.

The faculty of philology of Y. Fedkovych Chernivtsi National University has the sub-faculty of Romanian and classical philology; 57 students are studying at the department of Romanian language and literature. It is worth noting that while prior to 2013 the number of students in groups at the department of Romanian language and literature was up to 10 (only 5 have enrolled in the last academic year), in the 2012/2013 academic year 17 places were allocated for students whose tuition is paid for by the state.

To meet information needs of ethnic minorities living in the Chernivtsi Oblast, the Chernivtsi Oblast State TV and Radio Company has a creative association preparing the programs covering the life and activities of ethnic communities of the Chernivtsi Oblast. Among its Romanian-language projects are: *News* (Noutati), *Evening Studio* (Studioul de seara), *Cultural Horizons* (Orizonturi culturale), *Here in Bukovina* (La noi, in Bucovina), *Women's Destinies* (Povestea mea), *The Light of Word* (Lumina cuvântului), *Eternal Values* (Comori ale credinței), *The Fountain of Songs* (La fantana dorului), *Between the Past and Future* (Zile de ieri, zile de maine), and others.

The Ministry of Culture of Ukraine as a co-founder of the Romanian-language newspaper *Concordia* provides annual financing to its publication. During 2011-2012 the newspaper received the total of UAH 427,400 in financing, with further UAH 388,100 in financing allocated for 2013.

To paragraph X

The Ministry of Education and Science of Ukraine (MES) disagrees with the conclusions regarding education in Slovak language.

MES and education authorities of the Transcarpathian Oblast supported the initiative of civic organizations of Slovaks to establish a general-education school with in-depth study of Slovak language. A building in the center of Uzhhorod was reconstructed to accommodate the school. This institution has classes where elementary education is provided in Slovak language. In addition, in a number of educational institutions in the Transcarpathian Oblast Slovak language is taught as a subject, and these schools have appropriate methodological support. All requests for study in or of Slovak language were granted.

The Transcarpathian Oblast State TV and Radio Company (TOSTRC) has Slovak service. According to TOSTRC thematic plan, the annual amount of broadcast of Slovak-language TV and radio programs is 98.2 and 46.8 hours in 2012 and 107.5 and 46.8 hours in 2013, respectively. The TV and radio broadcasts in this language are financed from the State Budget of Ukraine.

The Slovak-language newspaper *Podkarpatsky Slovak* is published in the Transcarpathian Oblast as a printed publication of the Transcarpathian Oblast cultural and educational organization *Matica slovenska*. The newspaper is a monthly publication and the only Slovak-language periodical in Ukraine.

To meet the cultural needs of Slovak ethnic minority, in 2012 funds were allocated from the regional budget to finance organization of the XIV regional contest of Slovak folk song *Golden Nightingale*, regional festival of Slovak folk art *Slovenska veselica*, and festival of Slovak culture *Slovenska ruza*.

In 2013, the XVI regional contest review of declamation of the Slovak fairy tales and poetry *Magic Tale* and the XV regional contest of Slovak folk song *Golden Nightingale* were held with organizational and financial support from the Transcarpathian Oblast State Administration.

To paragraph Y

According to information by the Ministry of Education and Science of Ukraine, Yiddish language is not taught in general-education secondary schools (only in off-school classes at the centers of culture and education).

Hebrew is taught in schools at the request from parents and children. In particular, 316 students are studying Hebrew in depth at the specialized secondary school No 41 in Chernivtsi offering Jewish ethnic and cultural studies. Students of the 5th to 11th grades study the history and traditions of Jewish people, while Jewish literature and the subject 'Catastrophe of European Jewry' are taught to students of the 10th and 11th grades.

N.V. Bakulina, PhD in Pedagogy, Research Fellow at the Laboratory for Teaching Russian and other Minority Languages of the Institute of Pedagogy of the National Academy of Pedagogical Sciences has presented a program on Hebrew language.

In view of the above, the Ministry of Education and Science of Ukraine cannot agree that the obligation to provide general secondary education in the languages of Jewish minority was not fulfilled, because the relevant Law of Ukraine *On Ratification of the European Charter for Regional or Minority Languages* mentions no particular languages.

No requests for the general secondary education in or study of Yiddish language were received.

To paragraph Z

According to information by the Ministry of Education and Science of Ukraine (MES), as of today, Karaim and Krymchak languages are taught at off-school institutions - centers of culture and education, Saturday and Sunday schools. In the 2012/2013 academic year, 25 persons studied Karaim and 24 persons Krymchak language.

In 2008, Simferopol's publishing house Dolia published the 2nd, revised edition of the Krymchak-Russian dictionary and the *Written Heritage of the Krymchaks* collection with circulation of 500 copies. Per directive of department of education of Yevpatoria City Council, a regular inter-school optional course of Karaim language was opened on 1 September 2011.

To help Karaim language teachers, in 2011 the republican institution of higher education Crimean University of Engineering and Pedagogy opened a position of the Senior Research Fellow at department of culture of the Research & Development Center for Crimean Tatar Language and Literature, History and Culture.

Crimean University of Engineering and Pedagogy conducts comparative studies of Crimean Tatar and Karaim languages, and these subjects are included to the list of priority subject areas of graduation theses. Bachelor's theses on comparative studies of morphology of Crimean Tatar and Karaim languages were written and defended in 2011-2012. In addition, a PhD thesis study of Karaim folklore was completed at the sub-faculty of Crimean Tatar literature.

Certain aspects of the Karaim culture, history and functioning of Karaim language are studied at the sub-faculty of Turkology of the Institute of Philology of Taras Shevchenko Kyiv National University.

According to Resolution of the Transcarpathian Oblast Council No 652 of 21.12.2012 *On Implementation of the Law of Ukraine 'On the Principles of the National Policy on Languages* it was taken into account that in the oblast's certain administrative units (villages and towns), Hungarian, Romanian and Ruthene (Rusyn) languages are used as regional languages along with Ukrainian as the official language.

At the same time, Ruthene language is not codified in Ukraine as of today. Dialects in the Transcarpathian region differ between each other in terms of vocabulary and phonetics, and therefore, various versions of Ruthene language also differ in terms of vocabulary and spelling.

At the same time, local authorities in the Transcarpathian Oblast work to help meet ethno- cultural needs of Ruthenes and develop their distinctiveness.

In particular, beginning from 2005 the Transcarpathian Oblast TV allocates time for programs covering life of Ruthenes in the region, and in February 2008 the Transcarpathian Oblast State TV and Radio Company has established a unified service broadcasting in Russian, Ruthene, and Romani languages.

Every year, the regional festival of Ruthene culture *Cervena ruza* is held with organizational and financial support from local public authorities of the Transcarpathian Oblast. The I International Festival of Ruthene Culture was held in 2012.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Ukraine

Recommendation CM/RecChL(2014)1 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 15 January 2014
at the 1188th 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 ratification submitted by Ukraine on 19 September 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 second 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 and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt, for each language, a structured approach for the implementation of the undertakings chosen under the Charter, in co-operation with the respective speakers;
2. develop and implement, for each Part III language, a comprehensive policy for teaching in/of these languages in education at all levels;
3. extend and strengthen the offer of radio and television broadcasts in the Part III languages;
4. ensure that the Part III languages can be used in the field of administration in practice;
5. promote the adoption and use of traditional and correct forms of place-names in the minority languages;
6. secure long-term financial support for cultural facilities in order to provide stability for cultural activities in minority languages;
7. take resolute action to promote the Karaim, Krimchak and Romani languages covered by Part II in order to safeguard them.