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**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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## **Fifth Report submitted by Ukraine**

**Pursuant to Article 25, paragraph 2 of the Framework  
Convention for the Protection of National Minorities –  
received on 10 January 2022**

**FIFTH PERIODIC REPORT OF UKRAINE ON IMPLEMENTATION OF  
FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

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## RECITALS

Ukraine signed the Framework Convention for the Protection of National Minorities (hereinafter — the Framework Convention) on 15 September 1995. The Framework Convention was ratified by the Verkhovna Rada of Ukraine with its Law of Ukraine No. 703/97-VR of 9 December 1997, which entered into force on 1 May 1998 and, in accordance with Article 9 of the Constitution of Ukraine, became part of the national legislation.

Pursuant to Article 25, Paragraph 2 of the Framework Convention, Ukraine is required to submit periodic state reports containing information on the current state policy regarding protection of the rights of national minorities.

Ukraine's fourth report on the implementation of the Framework Convention was submitted in May 2016.

A joint evaluation visit of the Monitoring Missions of the Council of Europe — the European Commission against Racism and Intolerance (ECRI), the Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM), and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) — took place in Ukraine from 21 to 29 November 2016. Its purpose was to study the situation in Ukraine and prepare practical proposals in the form of recommendations for consideration of ways to solve the identified problems.

During the visit, a number of meetings were held with the participation of representatives of central executive bodies, as well as Odesa, Kharkiv, and Zakarpattia regional state administrations.

The conclusion of the Advisory Committee was adopted on March 10, 2017 (published on 5 March 2018). Comments from the Government of Ukraine were provided on 5 March 2018.

The presented Fifth Report of Ukraine on the Implementation of the Framework Convention covers the period from 2016 to 2020 and contains information for the first half of 2021. The State Report takes into account the provisions of the Fourth Opinion on Ukraine and Resolution CM/ResCMN(2020)13 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine adopted by the Committee of Ministers of the Council of Europe on 8 December 2020 which led to the postponement of the Fifth State Report.

The Government of Ukraine appreciates the ongoing dialogue with the Advisory Committee and recognises the importance of further implementation of the Framework Convention principles regarding the protection of national minority rights, as well as building a democratic and tolerant society within the territory of Ukraine.

The Report was prepared by the State Service of Ukraine for Ethnic Policy and Freedom of Conscience in cooperation with central and local executive bodies, as well as in consultations with civil society, in particular with public associations representing the interests of national minorities.

## **PART 1. NATIONAL ACTIVITIES AIMED AT SUMMING UP THE FOURTH CYCLE OF MONITORING THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION**

Ukraine adheres to its international legal obligations and continues to implement international experience in protecting the rights of national minorities at the national level. Recognising the importance of further improving and developing new approaches to the formulation/implementation of state policy to protect national minorities, the Government of Ukraine appreciates participation of the Council of Europe in monitoring the implementation of the Framework Convention for the Protection of National Minorities.

Ukraine defines the value of cultural diversity as an integral part of the identity of the Ukrainian people, promotes its ethnocultural diversity and protection of the rights of persons belonging to national minorities, tolerant coexistence, mutual respect, and unity of all ethnic, religious, and linguistic identities, as well as creates appropriate conditions for the protection of their rights.

Ukraine consults and maintains a dialogue with public associations of national minorities in the process of formulation and implementation of the state policy on interethnic relations and protection of the rights of national minorities, promotes dissemination of information among stakeholders on rights and obligations under the Convention.

The Framework Convention for the Protection of National Minorities is available in Ukrainian on the website of the Verkhovna Rada of Ukraine (<https://zakon.rada.gov.ua>).

From 2016 to 2020, significant changes were made in the system of public administration in safeguarding national minority rights. According to Clause 1 of the Regulation on the Ministry of Culture and Information Policy of Ukraine, approved by Resolution of the Cabinet of Ministers of Ukraine No. 885 of 16 October 2019, the Ministry of Culture and Information Policy of Ukraine is the main body in the system of central executive bodies that *ensures the formulation and implementation* of state policy in interethnic relations and protects the national minority rights in Ukraine.

Also, Resolution of the Cabinet of Ministers of Ukraine No. 812 of 21 August 2019 established a new central executive body — the State Service of Ukraine for Ethnic Policy and Freedom of Conscience (hereinafter — the DESS).

The main tasks of the DESS, according to Clause 3 of Regulation on the State Service of Ukraine for Ethnic Policy and Freedom of Conscience No. 812 of 21 August 2019, approved by the Cabinet of Ministers of Ukraine, is *the implementation of state policy* in interethnic relations, religion, and safeguarding national minority rights in

Ukraine, submission to the Minister of Culture and Information Policy of Ukraine of proposals on the formulation of state policy in interethnic relations, religion, and safeguarding national minority rights in Ukraine.

Information on cooperation with the Advisory Committee of the CoE Framework Convention for the Protection of National Minorities is available on the website of the Ministry of Culture and Information Policy and the DESS. Fourth Opinion on Ukraine of the Committee of Experts of the Framework Convention for the Protection of National Minorities ACFC/OP/IV(2017)002, adopted on 10 March 2017 (published on 5 March 2018), and Resolution of the Committee of Ministers of the Council of Europe CM/ResCMN(2020)13 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, adopted on 8 December 2020, in the original language is posted on the official website of the DESS (<https://dessa.gov.ua/international-legal-standards>).

The draft of the Fifth Report is posted on the official website of the State Service for Ethnic Policy and Freedom of Conscience (<https://dessa.gov.ua>). Civil society institutions of national minorities were involved in the preparation of the Report as part of a public discussion of the Report.

Ensuring and safeguarding the rights of indigenous peoples and national minorities in Ukraine in accordance with international, including European, human rights standards is seen as a strategic goal within the National Strategy for Human Rights approved by Decree of the President of Ukraine No. 119 of 24 March 2021 (Strategic Direction No. 12).

Countering attempts to incite national, racial or religious hatred, humiliation of national honour and dignity, insulting the feelings of citizens because of their religious beliefs, as well as restricting rights or establishing privileges based on race, colour, political, religious, and other beliefs, gender, status health, ethnic and social origin, property status, place of residence, linguistic or other characteristics is one of the areas of domestic political activity of the Ukrainian state in accordance with the National Security Strategy of Ukraine approved by Decree of the President of Ukraine No. 392/2020 of 14 September 2020 (Clause 46).

Ensuring interethnic unity, guaranteeing and upholding the rights of national minorities and indigenous peoples, preserving ethnic and religious diversity in Ukraine, preserving and promoting the cultural heritage of national minorities and indigenous peoples are stated in the Government's Action Programme approved by Resolution of the Cabinet of Ministers of Ukraine No. 471 of 12 June 2020 (Priorities 3.3 and 15.1).

The implementation of the state ethnic policy is based on an extensive system of public administration bodies regulating interethnic relations and safeguarding national minority rights in Ukraine (State Service for Ethnic Policy and Freedom of Conscience

being the central executive body implementing state policy in interethnic relations, religion, and safeguarding national minority rights in Ukraine; relevant structural units of ministries, regional and city state administrations, executive bodies of village, settlement, city, district councils in cities, local governments; the Commissioner for Human Rights of the Verkhovna Rada, etc.) and on a system of advisory bodies at public authorities of various levels (Council of Representatives of Public Associations of National Minorities and Indigenous Peoples at the Ministry of Education and Science of Ukraine; 17 specialised advisory bodies at regional state administrations in Vinnytsia, Volyn, Donetsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Poltava, Ternopil, Kharkiv, Kherson, Cherkasy, Chernivtsi Regions; Coordinating Council of Representatives of National and Cultural Societies at the Executive Committee of the Melitopol City Council of Zaporizhzhia Oblast, Council under the Mayor of Berdyansk on Interethnic Relations and Development of National Minority Cultures, Public Council of the Roma National Minority at the Regional State Administration of Transcarpathia, Commission on European Integration of Civil Society Development, Nationalities and Spirituality within the Public Council at the Kirovohrad Regional State Administration, other advisory bodies, participation of representatives of national minorities whose activities are provided by the current legislation and regulations).

Decentralisation of power was a part of the reform of local self-government and territorial organisation of Ukraine, which significantly expanded the exercise of the rights of national minorities to participate effectively in the context of devolution of authority on addressing national minority issues (such as access to education, support of national culture, representation at the local level) to the local self-government.

The Government of Ukraine is taking all possible measures aimed at ensuring the rights of persons belonging to national minorities against the background of the military aggression of the Russian Federation against Ukraine and the temporary occupation of part of the territory of Ukraine.

The Government of Ukraine is concerned about the violation of the rights of its citizens enshrined in the CoE Framework Convention for the Protection of National Minorities, including persons belonging to national minorities in the temporarily occupied territories of Donetsk and Luhansk Regions, the Autonomous Republic of Crimea and the city Sevastopol. In the context of external aggression and the temporary occupation of part of Ukraine by the Russian Federation, the aggressor country uses protection issues, including the language rights of persons belonging to national minorities, to justify aggression. Based on the principles of international law, in particular the territorial integrity and political independence of states (regulated by Article 21 of the Framework Convention), Ukraine pays special attention to ensuring a balance between learning and using the state language and minority languages. The

purpose of the Ukrainian Government is to ensure the full participation of persons belonging to national minorities in the public life of Ukraine.

Ensuring the protection and full realisation of national, cultural, social, and political rights of citizens of Ukraine living in the temporarily occupied territories of Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol or forcibly relocated therefrom, including indigenous peoples and national minorities, is among the tasks of the State Regional Development Strategy for 2021–2027 approved by Resolution of the Cabinet of Ministers of Ukraine No. 695 of 5 August 2020.

In order to restore effective control and ensure the rights of citizens of Ukraine in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, national minorities, and indigenous peoples, the Strategy of deoccupation and reintegration of the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol (adopted by Decree of the President of Ukraine No. 117 of 24 March 2021), Law of Ukraine No. 2268-VIII of 18 January 2018 № “On the peculiarities of State policy on ensuring Ukraine’s State sovereignty over temporarily occupied territories in Donetsk and Luhansk regions”, and other regulations were adopted.

Ukraine is taking all possible measures to protect and respect the rights and freedom of internally displaced persons who have been forced to leave their places of residence due to the temporary occupation of the Autonomous Republic of Crimea, the city of Sevastopol, and certain districts in Donetsk and Luhansk Regions, including persons belonging to national minorities.

Ukraine is concerned about the socio-economic consequences of the spread of the global coronavirus pandemic (COVID-19), which has led to a global trend of increasing vulnerability of certain groups belonging to national minorities. On 20 December 2020, the Ukrainian Parliament Commissioner for Human Rights presented a special report “The Impact of the COVID-19 Pandemic on the Roma Community in Ukraine” (available at <https://rm.coe.int/special-report-11-01-2021-ukr/1680a13218>). Recommendations were made on affirmative action policies to address the adverse effects of the coronavirus pandemic (COVID-19), which will be taken into account during the development of the Action Plan for the implementation of a new government strategy/programme document aimed at promoting the inclusion of Roma minorities: “Strategy for Promoting the Realisation of the Rights and Opportunities of Persons belonging to the Roma National Minority” approved by Order of the Cabinet of Ministers of Ukraine No. 866-r of 28 July 2021.

Other important legislative and practical changes are presented in Part 2, which highlights the steps taken to address the recommendations of Resolution CM/ResCMN

(2020) and Part 3 of the Report, which focuses on specific articles of the Framework Convention.

## **PART 2. MEASURES TAKEN TO INCLUDE THE RECOMMENDATIONS PROVIDED IN THE RESOLUTION OF THE COMMITTEE OF MINISTERS**

### **Measures taken to address recommendations for immediate actions**

- *Ensure respect for and protection of the rights of persons belonging to national minorities, in particular the rights as enshrined in relevant, related international treaties to which Ukraine is party, and related documents.*

Legal relations in safeguarding national minority rights in Ukraine are regulated by the Constitution of Ukraine, international treaties approved by the Verkhovna Rada of Ukraine, the Law of Ukraine “On National Minorities in Ukraine”, and other laws of Ukraine and regulations establishing the rights of national minorities of Ukraine in certain spheres of public life.

Ukraine continues to implement international and European approaches to the protection of the rights of national minorities in Ukraine at the national level as part of the implementation of the European and Euro-Atlantic integration course of Ukraine.

The irreversibility of the European and Euro-Atlantic course of Ukraine is enshrined in the Constitution of Ukraine (Preamble, Articles 85 (Clause 5 of Part one), 102 (Part three), 116 (Clause 1)). This decision was adopted by Law of Ukraine No. 2680-VIII of 7 February 2019 “On Amendments to the Constitution of Ukraine (Regarding the Strategic Course of the State for Acquiring Full-Fledged Membership of Ukraine in the European Union and in the North Atlantic Treaty Organisation)”.

Due to the temporary occupation of part of the Ukrainian territories, Ukraine cannot fully guarantee compliance with the provisions of the Framework Convention for the Protection of National Minorities in the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city Sevastopol. Ukraine is currently looking for ways to ensure the rights of national minorities in these territories. In particular, Ukraine initiated the creation of the Crimea Platform — an international consultative and communication mechanism aimed at protecting human rights in Crimea and deoccupying the Crimean peninsula. The first summit of the Crimea Platform took place in Kyiv on 23 August 2021.

Detailed information is provided in Part 3 of the Report on the Implementation of Ukraine’s Obligations under the Framework Convention under Articles 1 and 2.

- *Adopt as a matter of priority and in close consultation with the groups concerned an adequate and comprehensive legal framework for the protection of national minorities with effective implementation mechanisms.*

The reforms carried out during the reporting period in the fields of education and language, administrative and territorial organisation and local self-government were carried out in cooperation with civil society institutions of national minorities through public discussions and consensus on national minorities.

Public associations of national minorities are also involved in the discussion of their ethnic and national development by including representatives of public associations of national minorities in advisory bodies of the executive or other state authorities. In particular, as of 1 January 2021, there are 17 specialised advisory bodies at regional state administrations, 1 council at the district state administration, and 4 other advisory bodies at public authorities in Ukraine.

Representatives of national minorities take part in consultations in the form of public discussions and/or electronic consultations on draft legal acts, in particular on issues of ethnic and national development.

Ukraine is making efforts to ensure the legislative regulation of the status and realisation of rights of indigenous peoples. For instance, on 1 July 2021, the Verkhovna Rada adopted Law of Ukraine No. 1616-IX “On Indigenous Peoples of Ukraine”. This document is a framework one, it aims to define the rights of indigenous peoples of Ukraine, the peculiarities of their realisation in order to promote the consolidation and development of the Ukrainian nation, as well as the ethnic, cultural, linguistic, and religious identity of such peoples. This law came into force on 23 July 2021. Central executive bodies have begun the work to enforce the law.

The Verkhovna Rada Committee on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Regions and Autonomous Republic of Crimea, National Minorities and Interethnic Relations (hereinafter — the Committee on Human Rights) has prepared a draft of a new version of the Law “On National minorities” (“On National Communities of Ukraine”); the latest version of the draft law was posted on the website of the Committee for public comment on 14 July 2021 (with the possibility of providing written comments by 30 July). The OSCE High Commissioner on National Minorities was involved in the preparation of the draft law, and at the request of the relevant Working Group, he prepared and sent his comments and practical proposals on improving certain provisions of the draft law. On 4 June 2021, a public discussion of the draft law was held following a series of monitoring visits to national minority compact settlement areas (Donetsk, Zaporizhzhia, Odesa, Chernivtsi, Zakarpattia Regions) conducted by the Committee on Human Rights.

Detailed information is provided in Part 3 of the Report on the Implementation of Ukraine's Obligations under the Framework Convention under Article 4.

- *Promote respect and intercultural understanding among different groups in society as a whole, in particular through comprehensive measures that target the majority population; combat stereotypes and prejudice in political discourse and promote tolerance and intercultural throughout in society as a whole.*

Measures to promote interethnic tolerance, respect for cultural differences and to achieve intercultural understanding between different groups of society were carried out in various spheres of life (cultural, educational, and informational) of the Ukrainian society at the national and regional levels in the reporting period.

Russian military aggression against Ukraine and the temporary occupation of part of Ukraine, the large number of victims and displaced persons are challenges that prompted the Government of Ukraine and civil society institutions to seek effective tools for adaptation and socialisation of people of different languages, religious, cultural, and other characteristics. Also, the development of civic education and systematic purposeful work aimed at the integration of society and the development of interregional ties are extremely important.

Since 2015, the Ministry of Information Policy (since 2 September 2019 — the Ministry of Culture, Youth and Sports, since 23 March 2020 — the Ministry of Culture and Information Policy) has been conducting the communication campaign “Crimea is Ukraine” (<https://crimea-is-ukraine.org>), which aims to focus public attention on the issue of Crimea's ties with the Ukrainian mainland and state, promote the protection and full realisation of national, cultural, social, and political rights of Ukrainian citizens, including national minorities living in the temporarily occupied territory of Ukraine, inform the citizens of Ukraine about the situation in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine's policy on the temporarily occupied territory of Ukraine, resistance of the citizens of Ukraine to the occupation of these territories by the Russian Federation.

The “Civil society” direction was created in 2020 within the state institution “Ukrainian Institute”, which is a specialised institution of cultural diplomacy and operates in coordination with the Ministry of Foreign Affairs, in order to raise awareness among the foreign audience of the situation regarding the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol. Within the new direction, a project was implemented in 2020 aimed at drawing the attention of foreign and Ukrainian audiences to returning and reintegrating Crimea. This is an

interactive project named “We are Crimea” created jointly with Ukrainer, which tells the stories of four famous people about the temporarily occupied territory of Crimea, to which they lost access, human rights violations, and the seizure of power by the Russian Federation. The storytellers tell what they remember about Crimea and how this loss affected them. VR videos create a sense of presence and shape the viewer’s attitude to stories about Ukraine and Crimea so as to promote intercultural understanding and tolerance.

Also, the Ukrainian Institute jointly with the “izhakultura” project (food&culture in Ukrainian), which specialises in books on the history of gastronomy in Ukraine, released a book on culinary diplomacy titled “Ukraine. Food and History” in 2020. The book presents national culinary traditions as part of the country’s intangible cultural heritage, geography, nature, habits, worldview, and traditions of Ukraine, migration and the history of coexistence in its territory of different peoples and cultures.

Resolution of the Verkhovna Rada of Ukraine No. 792-VIII of 12 November 2015 “On Acknowledgement of Genocide of Crimean Tatar People” is aimed at restoring rights and intensifying the public dialogue within the country on the status of indigenous peoples of Ukraine as an integral part of the historical past and cultural identity of the Ukrainian people.

In order to ensure more ethical coverage of national minorities in the media, the Ministry of Information Policy has developed a guide on “How to Bring Ukrainian Media Closer to European Standards”. The recommendations set out in it should promote the development of sensitive and tolerant journalism in Ukraine.

To ensure the preservation of information rights of national minorities of Ukraine, popularisation of content about their culture and life at the national level, the Coordination Centre for National Minorities of the National Public Broadcasting Company of Ukraine (hereinafter — the Public Broadcaster) was established in 2019 to coordinate comprehensive cooperation with the regional branches of the Public Broadcaster and national minorities of Ukraine. In 2020, a series of short films “Shades of Ukraine” was created and published with the assistance of the Coordination Centre. In these films, talented representatives of national minorities create exhibits for the first in Ukraine interactive museum of cultures of national minorities while talking about themselves (22 representatives of 16 national minorities who live in 6 regions of Ukraine). In April 2021, the documentary short film “Invisible Truth” was released. It tells about three Roma teenagers seeking full self-realisation in the Ukrainian society.

In addition, editors in regions that broadcast in national minority languages, namely UA: Zakarpattia, UA: Bukovyna, UA: Odessa, in cooperation with the

National Minority Broadcasting Coordination Centre carry out an ongoing work, plan topics and ways to present information in order to improve the content quality for national minorities.

The National Council of Ukraine on Television and Radio Broadcasting, based on the Laws of Ukraine “On Television and Radio Broadcasting”, “On Information”, and “On Advertising”, takes measures to prevent and stop broadcasting programmes containing propaganda and incitement of interethnic, racial, religious hatred and hate speech, dissemination of information containing sexism, information that violates ethical, humanistic, moral norms.

During the reporting period, the Ministry of Information Policy implemented a number of communication campaigns in support of the cultural diversity of the Ukrainian nation and its common history, which forms the cultural identity of the Ukrainian people. An example is the communication campaign “We are different, but we are one!” in 2019 supporting the promotion of the tolerance, which helps instil respect for national minorities in the population. The campaign included the production of thematic videos and outdoor advertising stories aimed at promoting interethnic tolerance in the Ukrainian society.

Also, a number of all-Ukrainian communication campaigns were implemented in Ukraine on the occasion of the International Day of the World’s Indigenous People: “Three Peoples, One Root” (2017); “Indigenous Peoples of Crimea Are the Wealth of Ukraine” (2018). Also, a communication campaign dedicated to the Remembrance Day for the Victims of the Crimean Tatar People Genocide was launched. In 2017, the “Crimea is Ukraine” communication campaign was conducted.

At the same time, educational measures to promote interethnic tolerance and intercultural dialogue and prevent discrimination are systematically implemented at both national and regional levels.

In 2017, anti-discrimination expertise was introduced for the first time in the competitive selection of coursebook layouts for printing at public expense. As of today, it is a mandatory component of the first stage of competitive selection of coursebooks in accordance with Order of the Ministry of Education and Science of Ukraine No. 1002 of 17 July 2019 “On Approval of the Procedure for Competitive Selection of Coursebooks (Except e-Coursebooks) for Applicants for Complete General Secondary Education and Pedagogical Staff”.

In addition, an integrated course “Culture of Good Neighbourliness” is being implemented for preschool, general secondary, and higher education institutions with a view to promote the development of intercultural education. The introduction of the

course is a tool for the development of civic, intercultural, and peace education in the country aimed at developing tolerance, successful intercultural communication, and meeting the educational needs of national minorities in Ukraine.

Educational institutions of Ukraine, in cooperation with human rights organisations, are implementing a system of understanding services for school mediation programmes, in particular in regions with the most polyethnic population and areas of compact settlement areas of the Roma national minority. School understanding services in polyethnic areas operate through the representation of different ethnic groups in order to create a tolerant environment in educational institutions and resolve conflicts peacefully.

Measures to overcome interethnic stereotypes were also implemented within the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 and national and regional action plans for its implementation, in particular in areas characterised by traditional compact settlement of the Roma national minority.

- *Respect the principle of non-interference of the State in the religious life of Ukrainians and avoid any actions which could threaten interconfessional peace in society.*

Separation of the church (religious organisations) from the state in Ukraine is determined by the law (Article 5 of the Law of Ukraine No. 987-XII of 1991 “On Freedom of Conscience and Religious Organisations” and Article 35 of the Constitution of Ukraine).

Significant changes in the religious field took place in Ukraine during the reporting period. In October 2018, the Synod of the Ecumenical Patriarchate began the procedure of granting autocephaly (self-government) to the Orthodox Church of Ukraine. The decision of the Synod abolished the obligation of the Synodal Letter of 1686, according to which the Kyiv metropolitanate was subordinated to the Moscow Patriarchate, the leaders of the UOC-KP Filaret and the UAOC Macarius were canonically renewed in their episcopal ordinations, and the Stauropegia (representation) of the Ecumenical Patriarchate in Kyiv was restored.

On 15 December 2018, the Unification Council took place, at which representatives of the three Orthodox Churches of Ukraine (UOC-KP, UAOC, and partly UOC) merged into a single church structure called the Orthodox Church of Ukraine (OCU), and Metropolitan Epiphanius of Kyiv and All Ukraine was elected its head. On 6 January 2019, the Orthodox Church of Ukraine received the status of autocephalous Church, which was granted to it along with the Patriarchal and Synodal

Tomos granting autocephalous church organisation to the Orthodox Church in Ukraine and inclusion of the OCU in the diptych of Orthodox Churches by Ecumenical Patriarch Bartholomew. “Kyiv Metropolitanate of the Ukrainian Orthodox Church (Orthodox Church of Ukraine)” was registered on 30 January 2019 as a religious administrative centre and representative body of the UOC (OCU). As of early 2021, this jurisdiction has been recognised by the Orthodox Churches of Constantinople, Alexandria, Greece, and Cyprus. As of 1 January 2021, the Orthodox Church of Ukraine has 7,188 religious organisations in Ukraine (1 centre, 52 administrations, 6,981 communities, 79 monasteries, 16 fraternities, 33 missions, 26 theological institutions, 71 periodicals), which are cared for by 4,572 priests.

The granting of autocephaly was preceded by the Address to Ecumenical Patriarch Bartholomew on granting autocephaly to the Orthodox Church of Ukraine (VRU Resolution No. 1422-VIII of 16 June 2016) and the Address of the President of Ukraine to Ecumenical Patriarch Bartholomew on granting the Tomos of autocephaly supported by VRU Resolution No. 2410-VIII of 19 April 2018. This Address was supplemented by the addresses of all hierarchs of the Ukrainian Orthodox Church of the Kyiv Patriarchate and the Ukrainian Autocephalous Orthodox Church, some of the hierarchs of the Ukrainian Orthodox Church also joined.

The procedure for addressing Ecumenical Patriarch Bartholomew is in line with the international practice and is not interference of state in religious life. An example would be the President of Macedonia asking Ecumenical Patriarch to grant the Tomos of autocephaly to the Macedonian Orthodox Church in September 2020. The Prime Minister of Macedonia, Zoran Zaev, later made a similar statement. After that, Ecumenical Patriarch Bartholomew I met with Goran Taskovski, Ambassador of Northern Macedonia to Ankara.

The Government of Ukraine is concerned about attempts made by some religious organisations outside Ukraine to deny and weaken interfaith peace in Ukraine, as well as about attempts to use religious organisations to disseminate anti-Ukrainian ideas.

Ukraine takes measures to preserve interfaith peace in society and remains a multi-religious state with a high level of religious freedom. As of 1 January 2021, the religious network of Ukraine is represented by 37,049 religious organisations representing Christianity, Islam, Judaism, Buddhism, ethnic religions, and new religious movements. It should be noted that the Ukrainian society is traditionally characterised by interreligious tolerance and positive interreligious relations, as historically Ukraine is home to numerous religious movements, including Protestant and Jewish, in addition, various Christian, Jewish, and Muslim communities existed in the territory of modern Ukraine before Kyivan Rus was established in the 10th century.

The actualisation of this tradition of religious tolerance in modern conditions is a part of Ukraine's religious policy.

Some religious organisations (including Reformers, Lutherans, Jewish, Muslims, etc.) have clear ethno-confessional features. Ethno-confessional religious organisations cover all regions of the state. In particular, Jewish communities operate in all regions, and the Armenian Apostolic Church operates in 19 regions. Certain religious organisations localised in the compact settlement areas of the respective national minority are the Reformed Church in Transcarpathia (Zakarpattia Oblast), the indigenous people of the Karaites (Dnipropetrovsk, Kharkiv Regions and Kyiv). There are also ethno-confessional communities of Koreans (the Korean Methodist Church — Poltava Oblast) and Chinese (the Brotherhood of Chinese Evangelical Christians in Ukraine).

Law of Ukraine No. 2673-VIII of 17 January 2019 № 2673-VIII “On Amending Certain Laws of Ukraine on Subordination of Religious Organisations and the Procedure for State Registration of Religious Organisations with Legal Status” entered into force on 31 January 2019. It enshrined the legal mechanisms for religious organisations to change their subordination to religious centres (administrations) operating in Ukraine and abroad, guaranteed the protection of property rights of religious communities, and simplified the procedure of state registration of religious organisations with legal status. Law No. 2673-VIII amended the Law of Ukraine “On Freedom of Conscience and Religious Organisations” and the Law of Ukraine “On State Registration of Legal Entities, Individual Entrepreneurs, and Public Organisations”, in particular with regard to simplifying the procedure of state registration of religious organisations with legal status.

Since the beginning of the military aggression of the Russian Federation against Ukraine in 2014, military chaplains have played a significant role in the Armed Forces of Ukraine. For legislative consolidation of the status of military chaplains as servicemen, determination of organisational and legal bases of interaction of military formations and religious organisations in the process of ensuring the functioning of the institute of military chaplaincy for servicemen of the Armed Forces of Ukraine, National Guard of Ukraine, the State Border Guard Service of Ukraine, other military formations formed in accordance with the laws of Ukraine, and members of their families to exercise their right to freedom of conscience, worldview, and religion, taking into account the multi-religious nature of our state, a draft law “On the Military Chaplaincy Service” was elaborated and adopted by the Verkhovna Rada of Ukraine in the first reading on 21 May 2021.

- *Continue efforts to develop, in consultation with all relevant groups, a clear and coherent legislative and policy framework regarding the use of languages in order to provide solid legal guarantees for the protection and use of all minority languages, including the numerically smaller ones.*

At the legislative level, there are legal guarantees for the preservation and development of all forms of linguistic diversity of the Ukrainian political nation, including smaller groups.

At the same time, Ukraine actively pursued affirmative action policies towards the Ukrainian language in the reporting period in order to ensure the proper social role of the state language. This was mainly possible due to the adoption by the Verkhovna Rada of Law of Ukraine No. 2704-VIII of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language”. These measures were aimed at overcoming the consequences of the ethnolinguistic processes that took place during Ukraine’s membership in the Soviet Union, including language discrimination against Ukrainians and Russification policies, the effects of which persisted in Ukraine's independence.

Despite the fact that Ukrainians made up the majority of the population of the Ukrainian SSR (72.73% of the total population according to the 1989 population census), they assimilated in terms of language as a result of the Russification policy, which provided a dominant status for Russian. This was manifested in the predominance of the Russian language among the inhabitants of cities, in public life, education, science, media of the then Ukrainian SSR. The inferior status of the Ukrainian language in education was enshrined in the Resolutions of the CPSU Central Committee “On Further Improvement and Study of the Russian Language in the Union Republics” of 31 June 1978 and “On Further Measures to Learn the Russian Language in Secondary Schools and Other Educational Institutions of the Union Republics” (according to which the salaries of teachers who taught in Russian were increased by 15%). Thus, the share of students studying in Ukrainian-language schools decreased from 72.8% to 40.6% in 1955–1987<sup>1</sup>. Similar trends took place in the field of book publishing and media: in 1969–1980, the share of Ukrainian-language magazines decreased from 46% to 19%, books from 60% (3,852 titles of books and brochures with a circulation of 80,000–500,000 copies) to 24% (1,893 titles of books and

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<sup>1</sup> Bazhan O.G. (2002). The state of education, science and culture in the Ukrainian SSR in the mid 1960s–1980s. *Pedagogics and country study*, (1). — P. 75.

brochures with a circulation of 77,846,000 copies) for the period from 1959 to the 1980s<sup>2</sup>.

After a purposeful assimilation through the Russification policy, with Ukraine's independence in 1991, the processes of revival of Ukrainian identity and language began, as well as its full presence in the educational, intellectual, artistic, political, and economic life of the country. These processes continue to this day.

As of 2015, according to the survey by the Razumkov Centre, 60% of citizens considered Ukrainian their mother tongue. 15% considered Russian to be their mother tongue, 22% considered both Ukrainian and Russian as such, and another 2% named other languages<sup>3</sup>. At the same time, 49% of people always or mostly spoke Ukrainian at home, 24% spoke Russian, 25% spoke Ukrainian and Russian at home, and another 1.4% spoke other languages. Outside the home — at work, school, etc. — 40% of people spoke Ukrainian, 6% mostly Ukrainian, 12% spoke Russian, 11% mostly Russian, another 29% responded that they use both Ukrainian and Russian<sup>4</sup>. Therefore, there is a disproportionate use of the Russian language by the share of the Russian national minority (the level of language use is much higher than the share of the population that identifies as the Russian national minority).

A similar trend is taking place in the public sphere, especially in the media and book publishing. In October 2016, only 30.6% of the TV content of the seven highest-rated TV channels was broadcast in Ukrainian<sup>5</sup>. Whereas the share of Russian-language content was 34.4%, bilingual — 35%<sup>6</sup>. The share of newspapers published in Ukrainian was only 34%, 61.5% in Russian, magazines — 24% in Ukrainian against 62% in Russian, books — 64%<sup>7</sup>. Russian also dominated the Ukrainian-language segment of the Internet. Thus, according to the rating of the 1,000 most popular websites among Ukrainian users made by Factum Group, Ukrainian-language sites make up 11% of them, bilingual — 22.2%, Russian-language — 66.8%<sup>8</sup>.

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<sup>2</sup> Novorodovska N. (2019). Press and magazine periodicals in the USSR in 1970 – early 1980s: socio-cultural analysis. *Scientific notes on Ukrainian history*, (45). — P. 69.

<sup>3</sup> Razumkov Centre (2016). *Identity Features of Different Language and National Groups*. URL: [https://razumkov.org.ua/uploads/article/NSD161\\_cat.pdf](https://razumkov.org.ua/uploads/article/NSD161_cat.pdf)

<sup>4</sup> Ibid.

<sup>5</sup> Texts (2016). *The state of the Ukrainian language. Annual monitoring: Russian dominates in the media and services, and Ukrainian — in education and film distribution*. URL: <https://cutt.ly/NQP7PSp>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Language Policy Portal (2016). The status of the Ukrainian language in the Ukrainian segment of the Internet. URL: <http://language-policy.info/2016/10/stanovyysche-ukrajinskoji-movy-v-ukrajinskomu-sehmenti-internetu/>

This means that as of 2016, there is a situation of functional inequality in the Ukrainian society between the state language and Russian, inconsistency of the status and spread of the Russian language with the Russian national minority, as well as limited opportunities for Ukrainian-speaking people to exercise their language rights regarding the use of the Ukrainian language in public. In this regard, Ukraine has initiated a number of affirmative actions aimed at overcoming the consequences of language assimilation of Ukrainians and the actual acquisition by Ukrainian language of the status of the state language, which is also intended to serve as an instrument of social integration of the Ukrainian society.

At the same time, the lack of legal regulation of the use of languages of national minorities of Ukraine in certain spheres of public life should be acknowledged. Despite the fact that certain features of such use of national minority languages are defined in Law of Ukraine No. 2704-VIII of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language”, the current regulation of this issue requires a separate law.

At the stage of adoption and implementation of legislative changes in the field of language use in Ukraine, representatives of relevant public authorities carried out all necessary advisory and information activities at the central and regional levels.

Ukraine is taking measures of affirmative action policies to preserve the Crimean Tatar language as the language of the indigenous people of Ukraine, which is currently in a vulnerable position. The Concept of Development of the Crimean Tatar Language was approved by Order of the Cabinet of Ministers of Ukraine No. 296-r of 7 April 2021. This document is designed to create conditions for the revitalisation of the Crimean Tatar language to a safe level through legislative, institutional, organisational, financial, informational, and other measures to support its functioning as a language of one of the indigenous peoples of Ukraine.

In order to consolidate international efforts to deoccupy and restore the territorial integrity of Ukraine, overcome the consequences of the temporary occupation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, and protect the rights and interests of Ukrainian citizens, Decree of the President of Ukraine No. 78/2021 of 26 February 2021 “On certain measures aimed at the de-occupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol city” instructed the Government to develop and approve the Crimean Tatar Language Development Strategy for 2022–2032.

This Strategy and action plan for its implementation will be based on the Concept of Crimean Tatar Language Development which defines the basic approaches and main directions of the Strategy development.

- *Introduce flexibility in the implementation of the administrative territorial reform and ensure that the availability and quality of education in minority language schools does not suffer as a result of the regionalisation of the access thereto or as a result of the establishment of large hub schools.*

Ensuring flexibility in the implementation of administrative and territorial reform, the appropriate level of accessibility and quality of education in minority language schools was taken into account during the approval of the methodology for forming capable territorial communities and reforms in the field of education.

The methodology for forming capable territorial communities, approved by CMU Resolution No. 214 of 8 April 2015 (as amended by Resolution of the Cabinet of Ministers of Ukraine No. 34 of 24 January 2020), is carried out taking into account the following:

- the ability of local governments to address public issues within their competence to meet the needs of the population of the relevant administrative and territorial units;
- historical, geographical, socio-economic, natural, ecological, ethnic, cultural features of the development of the respective administrative and territorial units;
- development of infrastructure of the relevant administrative and territorial units;
- financial support of the relevant administrative and territorial units;
- labour migration;
- the results of the preliminary assessment of the capacity level of capable territorial communities (hereinafter — Assessment of the capacity level);
- optimal networks of social infrastructure and accessibility of public services in the relevant areas.

Assessment of the capacity level of newly created territorial communities was carried out on the basis of criteria that characterise the main socio-economic indicators that affect the development of the relevant capable territorial community (hereinafter — Criteria for assessing the capacity level).

Indicators of the number of students studying in general secondary education institutions located in the territory of the capable territorial community are included in the Criteria for assessing the capacity level of capable territorial communities.

In the process of decentralisation reform, the Ministry of Education and Science of Ukraine constantly draws the attention of local governments and education management to the implementation of the Law of Ukraine “On Complete General Secondary Education” (Article 32) on consultations, public discussions on liquidation, reorganisation of educational institutions so that the accessibility and quality of education in classes taught in the national minority languages are not affected by the creation of new large support schools.

- *Design comprehensive and long-term measures to enhance the availability and quality of State language teaching and minority language teaching in the public education system through measures aimed at striking a proper balance between the promotion of the State language and the language-related rights of persons belonging to national minorities;*

The implementation of education reform in Ukraine during the reporting period was carried out taking into account public opinion and maintaining a constant dialogue with civil society institutions from national minorities of Ukraine during the elaboration of draft laws, in particular by posting them on the official website.

In 2017–2018, the Minister of Education and Science of Ukraine and the Deputy Minister conducted communication and consultative activities within the framework of working visits to Zakarpattia and Chernivtsi Regions with representatives of schools teaching in Hungarian and Romanian languages, public associations of national minorities, Uzhhorod National University, Ferenc Rákóczi II Transcarpathian Hungarian College of Higher Education, Regional Departments of Education and Science.

During the development of amendments to the educational legislation concerning the activities of general secondary education institutions, the Ministry of Education and Science of Ukraine appealed to public associations of national minorities to submit proposals for draft amendments to the legislation in the field of education in this part. Also, a wide range of consultative meetings were held in the reporting period with representatives of public associations of national minorities and all stakeholders, both in the development phase and in the consultation phase, on the implementation of legislative amendments on the language in education.

The implementation of reforms in the education system of Ukraine was carried out taking into account the necessary balance between ensuring fluency in the state language, which is important for integration in the society and equal opportunities for graduates of secondary and higher education institutions, and language rights of persons belonging to national minorities. During the reporting period, comprehensive

and long-term measures were developed and implemented to improve the accessibility and quality of teaching the state language.

The Ministry of Education and Science of Ukraine has developed a Roadmap for the implementation of Article 7 of the Law of Ukraine “On Education” in secondary education institutions for 2019–2023 (Order of the Ministry of Education and Science of Ukraine No. 399 of 27 March 2019) which outlines the main tasks for creating new and quality conditions in classes taught in the languages of national minorities. The document was developed taking into account the recommendations of the European Commission “For Democracy through Law” (Venice Commission).

In order to implement the Roadmap measures regarding the gradual increase in the number of lessons in Ukrainian language in secondary schools teaching in national minority languages, the equipment was purchased for 635 Ukrainian language classrooms (UAH 46,800,000) for secondary schools teaching in national minority languages (Order of the Cabinet of Ministers of Ukraine No. 929-r of 18 December 2017). Funds were also allocated from the state budget for the purchase of Ukrainian-language teaching materials for secondary schools teaching in national minority languages for UAH 50,000,000 (Resolution of the Cabinet of Ministers of Ukraine No. 1012 of 18 December 2018).

Law of Ukraine No. 2704-VIII of 25 April 2020 “On Ensuring the Functioning of the Ukrainian Language as the State Language” amended the Final and Transitional Provisions of the Law of Ukraine “On Education” (Clause 3), which established transition periods of varying duration for persons, who belong to indigenous peoples, national minorities of Ukraine and began general secondary education by 1 September 2018, to gradually increase the number of subjects taught in the state language — until 1 September 2020 and 1 September 2023 (for persons belonging to national minorities, whose languages are the official languages of the European Union).

The introduction of transition periods of different durations is related to the specifics of each national minority (language environment in which the minority lives, language group to which the language belongs, etc.), which determine the relevant educational opportunities of students, require different resources (textbooks, teacher training, etc.) and time to implement a new approach in the organisation of the educational process.

Article 5 of the Law of Ukraine “On Complete General Secondary Education” defines the model of teaching in the state language and native languages for general secondary education institutions with classes (groups) taught in languages belonging to the official languages of the European Union: “persons belonging to national

minorities of Ukraine whose languages are official languages of the European Union and exercise the right to training in the corresponding languages in the public, municipal, or corporate educational institutions, receive:

- basic secondary education in state language for at least 20 percent of annual number of academic hours in Grade 5 with annual increase in such amount (to at least 40 percent in Grade 9);
- specialised secondary education in state language for at least 60 percent of annual number of academic hours;
- persons who belong to other national minorities of Ukraine receive in the public, municipal, or corporate educational institutions basic and profile secondary education in state language of at least 80 percent of annual amount of school hours”.

The model proposed in Article 5 of the Law provides for adding more subjects in the state language as the child is ready, but at the same time, determines only the amount of time devoted to teaching in one language or another (so, teaching a subject in two or more languages is possible).

At the same time, the educational institution determines in its curriculum which subjects, for which class, and in which language (languages) to teach.

Thus, according to Article 11 of the Law, “an educational institution develops and uses in its educational activities one educational programme at each level (cycle) of complete general secondary education or a comprehensive educational programme developed for several levels of education. Educational programmes are developed on the basis of the relevant standard educational programme or educational programmes developed by institutions of education, research institutions, individuals, or legal entities and approved by the central executive body for quality assurance of education in accordance with this Law. The decision on the use of an educational programme by an educational institution developed on the basis of a standard educational programme or another educational programme is made by the pedagogical council of the educational institution”.

In order to increase language competences and overcome language barriers for teachers in the transition to teaching certain subjects (integrated courses) in the state language, the Ministry of Education and Science of Ukraine, in cooperation with NGO “Ukrainian World”, has prepared a free online course on language management in education and communication strategies (<https://emova.language-ua.online/courses/EMOVA101>). 1,707 students completed the course and received certificates.

In 2019, the “Learning Together” project was implemented with the financial support of the EU, there were school camps “BombeZNO” for students from schools teaching in Hungarian and Romanian languages in the Zakarpattia and Chernivtsi Regions. Also, a Summer Academy was provided for Ukrainian language teachers, who teach in classes that are taught in Romanian and Hungarian languages, within the framework of the “Finnish Support to the Ukrainian School Reform” project; in 2020, the Summer Academy was held online.

Resolution of the Cabinet of Ministers No. 688 of 24 July 2019 “On Amending the State Standard of Primary Education” supplemented the State Standard of Primary Education with a separate Annex, which sets out softer mandatory learning outcomes for Ukrainian language and literature for indigenous peoples and national minorities than those set out for students, for whom Ukrainian is their mother tongue, a variant of the basic curriculum of primary education for classes (groups) with Ukrainian as the language of instruction of indigenous peoples and national minorities is included.

Promoting the creation and operation of a network of public language courses, in particular in settlement areas of the national minorities, is identified among the tasks “On Approval of the State Strategy for Regional Development for 2021–2027” approved by Resolution of the Cabinet of Ministers of Ukraine No. 695 of 5 August 2020.

- *Take into account the cultural identity and heritage of persons belonging to national minorities during the reform process.*

The implementation of reforms in the Ukrainian educational sphere carried out in the reporting period took place in compliance with constitutional guarantees for the exercise of the right to obtain education in the mother tongue or to study the mother tongue in state and municipal educational institutions or through national cultural societies. Relevant guarantees are enshrined in adopted Law of Ukraine No. 2704-VIII of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language”.

Amendments were made to the Final and Transitional Provisions of the Law of Ukraine “On Education” which established transitional periods of varying duration for persons, who belong to indigenous peoples and national minorities of Ukraine and began general secondary education before 1 September 2018, to gradually increase the number of subjects studied in the state language.

The introduction of transition periods of different durations is related to the specifics of each national minority (language environment in which the minority lives,

language group to which the language belongs, etc.), which determine the relevant educational opportunities of students, require different resources (textbooks, teacher training, etc.) and time to implement a new approach in the organisation of the educational process.

More information is provided in the provisions of the Report to Article 14 of the Framework Convention.

- *Implement the recommendations contained in the Venice Commission Opinion on the Provisions of the Law on Education of 5 September 2017.*

Ukraine makes every effort to create conditions for free, comprehensive development and self-realisation of Ukrainian citizens, regardless of their ethnic origin. The Law of Ukraine “On Education” will be implemented in accordance with the recommendations of the European Commission “For Democracy through Law” (Venice Commission) contained in its Opinion of 11 December 2017 No. 902/2017, ensuring a fair balance between improving the quality of teaching the state language and maintaining linguistic identity of national minorities of Ukraine.

In order to properly implement the Law of Ukraine “On Education” and taking into account the recommendations of the European Commission “For Democracy through Law” (Venice Commission), the Ministry of Education and Science of Ukraine has developed a Roadmap for implementing Article 7 of the Law of Ukraine “On Education” for secondary education institutions in 2019–2023 (Order of the Ministry of Education and Science of Ukraine No. 399 of 27 March 2019) which outlines the main tasks for creating new and quality conditions in classes taught in the languages of national minorities. In the reporting period, the Ministry of Education and Science of Ukraine systematically implemented the relevant measures of the Roadmap.

In accordance with the recommendations of the Venice Commission and Article 13 of the Framework Convention, in Clause 10, Article 5 of the Law of Ukraine “On Complete General Secondary Education” of 16 January 2020, private schools were exempted from the new language requirements. According to this norm, private general secondary education institutions have the right to freely choose the language of instruction, as well as the obligation to ensure that students master the state language in accordance with state standards.

Also, taking into account the recommendations of the Venice Commission, the flexibility of implementing legislation to ensure a significant level of teaching in the official languages of the EU for the relevant minorities has been strengthened. Therefore, the transition period of implementation of new educational models has been extended. Persons studying in minority languages, which are the official languages of

the EU, will continue such education until 1 September 2023 (initial version — until 1 September 2020). It should be noted that the model of gradual increase of subjects taught in the state language determines only the amount of time spent on teaching in a particular language. The matters of which subjects to study, which classes will study them, and in which language (languages) to teach them are determined by the educational institution in its educational programme.

Information on comprehensive and long-term measures to improve the accessibility and quality of state and minority language teaching in the public education system is detailed in the provisions of Part 2 of this Report, as well as in the provisions of Articles 12 through 14 of the Framework Convention.

- *Take all necessary measures to end, without further delay, practices that lead to the continued serious violation of rights of Roma children in schools and to redouble efforts to remedy other shortcomings faced by Roma children.*

For the period up to the year 2020, public authorities have taken systematic steps as part of the implementation of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society to overcome practices that lead to violations of the rights of Roma children.

In the reporting period, public authorities and local self-government bodies, as well as heads of educational institutions, continued to conduct informational and educational work aimed at combating prejudice against persons belonging to the Roma national minority.

In 2020, measures to encourage and ensure the registration of children belonging to the Roma national minority provided for in the annual action plans for the implementation of the Strategy for Protection and Integration of the Roma National Minority into Ukrainian society until 2020 continued in all regions of Ukraine. In 2020, 2,667 birth certificates were drawn up, of which only 152 were registered more than one month after their birth; in 2019, they were 2,459.

At the same time, the Ukrainian authorities are initiating attempts to improve and facilitate the registration of children, including members of national minorities. A pilot project of the Ministry of Justice of Ukraine named “Birth certificate in the maternity wards” is currently being implemented, which provides for the establishment of front offices at health care facilities that will provide reception and issuance of documents required for state registration of child birth. At this stage, the project is limited to the Odesa Region: as of 2020, there were 34 such front offices.

In order to create favourable conditions aimed at facilitating access of citizens to administrative services for state registration of child birth (Order of the Ministry of

Justice of Ukraine No. 1593/5 of 26 August 2015 “Some issues of the organisation of work of departments of the state registration of acts of civil status related to state registration of child birth”), all departments of state registration of civil status of Ukraine had the opportunity to provide services for the acceptance of documents necessary for state registration of child birth, including members of national minorities, and issuance of birth certificates in the healthcare institutions as of 1 January 2021. In 2020, 60,487 citizens used this service.

In compact settlement areas of the Roma national minority, practices of explanatory work among Roma parents on the importance of education for the realisation of the rights of Roma children, their social integration and personal self-realisation are being introduced. According to the Procedure for keeping records of pre-schoolers and students approved by Resolution of the Cabinet of Ministers of Ukraine No. 684 of 13 September 2017, local governments continued their work on increasing the number of Roma children aged three to six years in preschools and secondary schools in 2020. To this end, a survey of designated service areas was conducted, and parents were provided with complete information on various forms of preschool education.

Ukraine does not take measures of segregation in the process of teaching Roma students in educational institutions. In compact settlement areas of Roma national minority members in Zakarpattia Region, the organisation of the educational process is conditioned by compliance with the requirements of Article 13 of the Law of Ukraine “On Education”, according to which each person has the right to obtain primary and basic secondary education in the educational institution (its branch) that is most accessible and close to the place of residence of that person. Most Roma children study together with members of other national minorities with whom they live together in a certain area.

In order to prevent the manifestations of radicalism, racism, xenophobia, and other forms of extremism among children, to prevent discrimination against members of national minorities (including Roma) in the educational system of Ukraine, the following measures were taken:

- legal information classes: “Protection of the rights of Roma children”, “Know your rights, fulfil your responsibilities”, “Respect others, respect yourselves”;
- practicals devoted to the study of xenophobia, anti-Semitism, discrimination, and racism in the modern world;
- educational and artistic actions “Children against violence” jointly with youth prevention workers;

- multimedia presentations about the life of Roma in Ukraine on the following topics: “Roma of Ukraine”, “Roma nationality: history, culture, and traditions”;
- drawing and poster competitions: “We are different but equal in rights”, “Tolerance is the way to agreement”, “Alphabets of the world”, “Children against racial discrimination”;
- educational classes: “Customs and traditions of different peoples”, “Spread of xenophobic and racist manifestations among children. Causes, consequences”, “Tolerance in human relations”, “Manifestations of racial discrimination and combating them”;
- thematic exhibitions of fiction and non-fiction “In a united Ukrainian family”, “Ukraine in the European family”;
- psychological trainings: “Xenophobic thinking: logic, threats, and laws of fear”, “Learning to communicate and respect others”, “How to communicate productively”;
- thematic lessons and round tables: “Ukraine as a multinational state. Opportunities for the development of nations and nationalities”, “Countering xenophobia and racism among young people”, “Say no to racism”;
- meetings of the club of high school students “Help your neighbour”, “People and I”, “Our strength is in friendship”;
- comprehensive study for parents “Youth subcultures”;
- questionnaires for students in grades 8–11 “Are you tolerant?”, “What do I know about tolerance?”;
- International Festival “College Gathers Friends”, training seminar “Stop Violence”.

According to Article 66 of the Law of Ukraine “On Education”, the powers of district, city councils, and councils of united territorial communities include, in particular, ensuring access to preschool and secondary education for all citizens living in the territory and taking measures to meet the need for preschool and out-of-school education, as well as providing and financing the transportation of students, including the Roma national minority, and teachers to primary and basic secondary education institutions and back home.

In the reporting period, the responsible authorities took measures to provide social protection to children deprived of family upbringing who found themselves in difficult living conditions, left educational institutions, and were in need of social and psychological rehabilitation, in particular through a network of social protection institutions. In 2020, 160 children were contained in the orphanage (Batiovo village) (2 of them after being abused); in the Transcarpathian Centre for Social and Psychological

Rehabilitation of Children (Svaliava), 39 children received social, psychological, medical, and other types of assistance.

In particular, there was a decrease in the number of registered children living in dysfunctional families in the Zakarpattia Region in 2020: out of 818 children living in 299 families, where parents or persons replacing them evaded their parental responsibility regarding 733 children in 277 families as of 1 January 2021. In 2020, 161 children from 67 families were registered, 246 children from 89 families were withdrawn, respectively.

In the manner prescribed by law, social support was provided to families with children and low-income families in the reporting period by allocating appropriate types of state aid in 2020. Ukraine provides a guaranteed level of financial support for families with children, including Roma families, and provides the opportunity to provide such families with state financial assistance in accordance with the current legislation. According to the Ministry of Social Policy of Ukraine, 2,039 Roma families living in difficult circumstances, raising 6,392 children, were identified, assessed for the need of social services, and received the necessary social services in accordance with their needs in 2020.

The implementation of the Action Plan for the Implementation of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 encountered significant challenges in 2020 due to the spread of the acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus. During the quarantine, measures were taken to create appropriate conditions for access of children — members of national minorities — to quality educational services, namely: methodological support for distance learning, providing primary school teachers of secondary education institutions teaching in national minority languages in NUSs with educational materials “Study together remotely”; consultations and methodological assistance were provided to teachers and heads of general secondary education institutions with instruction in national minority languages on working with Roma children.

Given the challenges of the pandemic, heads of education authorities are tasked with conducting an audit of the availability of gadgets, personal computers, other technical means of learning and access to the Internet for students, including children from families living in difficult circumstances, to conduct quality distance learning using modern information and communication technologies and solving the issue of distance learning for students who do not have access (or have limited access) to the Internet.

According to the results of the audit, the issue of providing these categories of children, including students belonging to the Roma minority, with means of

communication (gadgets, personal computers, Internet access, etc.) was resolved by concluding agreements, acts for temporary use, procurement at the expense of various sources of financing, not prohibited by law, thus ensuring their participation in the distance learning.

- *When redrawing administrative boundaries, ensure that the rights and freedoms which flow from the Framework Convention are not restricted through the alteration of the proportions of the population in a given area, and that effective participation of persons belonging to national minorities in discussions at local level is guaranteed.*

Although the reform of administrative and territorial organisation and local self-government has led to some changes in the ethnicity of the local population, in particular, in districts and united territorial communities, these changes have not had a negative effect on the ability of national minorities to be represented in local self-government bodies and to receive public services. The implementation of these reforms provides communities, including in the polyethnic regions of Ukraine, with more opportunities for their development and expands opportunities for effective participation, in particular of national minorities, in addressing issues affecting them. As most of the power and financial resources are transferred to the level of capable local communities, this creates the necessary conditions for active participation of national minorities in the cultural and social life of local communities and expands their opportunities to improve the quality of public services provided locally.

Order of the Cabinet of Ministers of Ukraine No. 214 of 8 April 2015 approved the Methodology for the formation of capable territorial communities, according to which the formation of capable territorial communities is carried out taking into account, in particular, historical, geographical, socio-economic, natural, ecological, ethnic, cultural features of the development of the respective administrative and territorial units.

According to the current legislation, all citizens, including representatives of national minorities, in particular, persons belonging to the Roma community, have the right to be elected to the positions of deputies of village, settlement, city councils, the Verkhovna Rada of the Autonomous Republic of Crimea, heads of village, settlement, mayors and be a member of the executive bodies of local self-government of territorial communities.

Detailed information is provided in Part 3, according to Article 16 of the Framework Convention.

**PART 3. FURTHER MEASURES FOR IMPROVED  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION.  
ARTICLE-BY-ARTICLE COMMENTARY ON THE IMPLEMENTATION  
OF THE CONVENTION**

**Article 1**

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

**Article 2**

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance, and in conformity with the principles of good neighbourliness, friendly relations, and co-operation between States.

Ukraine continues to cooperate with the following international organisations and their working bodies on ensuring the rights of national minorities:

1) The United Nations (the United Nations Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organisation (UNESCO));

2) The Council of Europe (the Advisory Committee of the Framework Convention for the Protection of National Minorities, the Council of Europe's European Commission against Racism and Intolerance, the Committee of Experts of the European Charter for Regional or Minority Languages, the Council of Europe's Steering Committee on Anti-Discrimination, Diversity and Inclusion, and the Council of Europe's Committee of Experts on Roma and Traveler Issues (ADI-ROM));

3) the Organisation for Security and Co-operation in Europe (the Office of the OSCE High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights, the ODIHR's Contact Point for Roma and Sinti Issues);

4) the International Organisation for Migration.

Protection and exercise of the rights of national minorities were included in the action plans of the Annual National Programmes under the auspices of the NATO–Ukraine Commission during the reporting period. Creating conditions for building a harmonious society while taking into account the ethnocultural needs of indigenous peoples and national minorities in accordance with the European Union standards is also enshrined in the Annual National Programme for 2020 approved by Decree of President of Ukraine No. 203 of 26 May 2020, and the Annual National Programme for 2021 approved by Decree of President of Ukraine No. 189 of 11 May 2021.

The Protection of National Minorities, Including Roma and Minority Languages in Ukraine project, which was launched in September 2018, is being implemented within the framework of the Council of Europe Action Plan for Ukraine for 2018–2022.

On 26–28 April 2017, Ukraine hosted its first ever International Thematic Visit of the Ad-Hoc Committee of Experts on Roma and Traveler Issues (CAHROM), which was held to share experiences of implementing national Strategies for the Roma national minority. The second visit, dealing with self-realisation and social responsibility of Roma in various spheres of public life (education, labour market, sports, etc.) as full-fledged citizens of Ukraine, took place on 25–27 June 2019 in Kharkiv.

Within the framework of concluded international treaties, Ukraine co-operates on the exercise of the rights of national minorities with their kindred states. Such co-operation takes the form of intergovernmental bilateral commissions. It includes the following active bodies as of today:

- the bilateral Ukrainian-Slovak Commission on National Minorities, Education and Culture;
- the Mixed Intergovernmental Ukrainian-Romanian Commission for the guarantee of the rights of persons belonging to national minorities;
- the Joint Ukrainian-Hungarian Commission on Ensuring the Rights of National Minorities;
- the Intergovernmental Ukrainian-German Commission on cooperation in affairs of persons of German origin, who reside in Ukraine.

During the reporting period, bilateral commissions on ensuring the rights of persons belonging to national minorities held their meetings.

### **Article 3.**

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms set forth in the principles enshrined in the present Framework Convention individually as well as in community with others.

#### *Recommendation of the Committee of Ministers for Ukraine:*

- *make all efforts to ensure that a comprehensive population census is conducted as soon as possible; review, in close consultation with minority representatives, the methodology of the census, the wording of questions asked and safeguards for voluntary and informed answers.*

## **Paragraph 1**

Article 11 of the Law of Ukraine “On National Minorities in Ukraine” remains in force and unchanged in the national legislation of Ukraine: “Citizens of Ukraine have the right to freely choose and recover nationality. No citizen may be forced in any form to renounce their ethnicity”.

In accordance with the provisions of Article 11 of the Constitution of Ukraine, the state promotes the development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine. In addition, Clause 3 of Article 92 of the Fundamental Law of Ukraine establishes that the rights of national minorities and indigenous peoples of Ukraine are determined exclusively by the laws of Ukraine.

## **Paragraph 2**

Ukraine recognises all national minorities and has ratified the Framework Convention without reservations. The national legislation of Ukraine does not provide for any derogations and restrictions concerning the obligations provided for in this international act. The provisions of the Framework Convention apply throughout Ukraine, but due to the temporary occupation of some parts of Ukraine, Ukraine cannot fully guarantee compliance with the provisions of the Framework Convention for the Protection of National Minorities in the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea and the city of Sevastopol.

The legislative guarantees for the exercise of the rights and freedoms of national minorities, both at the individual level and within the framework of the activities of public associations of national minorities, are enshrined at the national level. The provisions of Article 13 of the Law of Ukraine “On National Minorities in Ukraine” remain unchanged: “Citizens belonging to national minorities are free to choose the scope and forms of exercising the rights provided by applicable legislation and exercise them personally, as well as through the appropriate government bodies and public associations to be created by such citizens. Participation or non-participation of a citizen of Ukraine who belongs to a national minority in a public association of a national minority may not serve as a basis for restricting their rights”.

Ukraine is making efforts to ensure the legislative regulation of the status and activities of indigenous peoples. For instance, on 1 July 2021, the Verkhovna Rada adopted Law of Ukraine No. 1616-IX “On Indigenous Peoples of Ukraine”. This document is a framework one, it aims to define the rights of indigenous peoples of Ukraine, the peculiarities of their realisation in order to promote the consolidation and development of the Ukrainian nation, as well as the ethnic, cultural, linguistic, and religious identity of such peoples.

Members of the Verkhovna Rada Committee on Human Rights, National Minorities and Interethnic Relations are also preparing a new version of the Law “On National Minorities in Ukraine” (renamed to the Law “On National Communities of Ukraine”) due to the fact that the provisions of the 1992 Law currently in force have become obsolete. The OSCE High Commissioner on National Minorities was involved in the preparation of the draft law, and at the request of the relevant Working Group, he prepared and sent his comments and practical proposals on improving certain provisions of the draft law. On 4 June 2021, a public discussion of the draft law was organised following a series of monitoring visits to national minority compact settlement areas (Donetsk, Zaporizhzhia, Odesa, Chernivtsi, Zakarpattia Regions) conducted by the Committee on Human Rights.

*Recommendation of the Committee of Ministers for Ukraine:*

Ukraine is aware of the importance of the national population census for the development of an effective policy on ensuring the rights and freedoms of national minorities. In preparation for the All-Ukrainian Population Census of 2020, Resolution of the Cabinet of Ministers of Ukraine No. 424 of 18 April 2018 established the Interdepartmental Commission to assist the conduct of the All-Ukrainian Population Census. The State Statistics Service also conducted a pilot population census in December 2019.

At the same time, it should be noted that it is impossible to conduct a full-fledged nationwide survey due to the temporary occupation by the Russian Federation of integral parts of Ukraine, namely the Autonomous Republic of Crimea and the city of Sevastopol as well as certain areas in Donetsk and Luhansk Regions (according to the All-Ukrainian Population Census of 2001, a total of 9.8 million people lived there, which, as of 5 December 2001, constituted 20.23% of the total population of Ukraine). The results of such a survey will be biased under the prevailing conditions. A great portion of the population including members of national minorities, are currently internally displaced persons (most IDPs from the Crimean Peninsula are members of national minorities). This is one of the reasons making the conduct of a full-fledged survey impossible.

Given the spread of the global coronavirus (COVID-19) pandemic, as well as the lack of provision for budget expenditures required for the All-Ukrainian Population Census in 2020 in the draft state budget, the Government of Ukraine decided to postpone the All-Ukrainian Population Census to 2023 (Order of the Cabinet of Ministers of Ukraine No. 1542 of 9 December 2020). Resolution of the Cabinet of Ministers of Ukraine No. 252 of 24 March 2021 provided for the inclusion of the Head of the State Service of Ukraine for Ethnic Policy and Freedom of Conscience in the Interdepartmental Commission to assist the conduct of the All-Ukrainian Population Census.

Pursuant to Article 9 of the Law of Ukraine “On the All-Ukrainian Population Census”, temporary census employees, namely citizens of Ukraine who have reached 18 years of age and belong to working and non-working population alike, will be involved in the preparation and conduct of the census. Measures for hiring temporary census employees will be carried out at the regional level.

There is experience of involving Roma mediators in the census. For instance, during the pilot census of December 2019 in the Obolon district of the city of Kyiv and Pisky Consolidated Territorial Community (CTC) of Borodianka raion of Kyiv Region, which took place in pursuance of Order of the Cabinet of Ministers of Ukraine No. 504-r of 18 July 2018 “On the Conduct of a Pilot Population Census”, a mediator from the International Charity “Roma Women’s Fund ‘Chirikli’” was involved.

#### **Article 4.**

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political, and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

#### *Recommendation of the Committee of Ministers for Ukraine:*

- *adopt as a matter of priority in close consultation with the groups concerned an adequate and comprehensive legal framework for the protection of national minorities with effective implementation mechanisms.*

#### **Paragraph 1**

The legislative guarantees for the exercise of the rights and freedoms of national minorities, both at the individual level and within the framework of the activities of public associations of national minorities, are enshrined at the national level. The provisions of Article 13 of the Law of Ukraine “On National Minorities in Ukraine” remain unchanged: “Citizens belonging to national minorities are free to choose the scope and forms of exercising the rights provided by applicable legislation and exercise them personally as well through the appropriate government bodies and public associations to be created by such citizens. Participation or non-participation of a

citizen of Ukraine who belongs to a national minority in a public association of a national minority may not serve as a basis for restricting their rights”.

In March 2021, the National Human Rights Strategy was adopted. This document identifies the main objectives of ensuring the protection of human rights in Ukraine. It identifies as an objective of this Strategy ensuring conditions for the development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities. The Strategy will also be supported by the Action Plan for 2021–2023, which will include specific actions and tasks for all executive bodies involved in the implementation of the Strategy.

Until December 2020, Ukraine implemented the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020, the National Human Rights Strategy 2020 and relevant Action Plans for their implementation until 2020. Both documents contain dedicated substantive sections dealing with issues of preventing and combating discrimination.

Although guarantees of non-discrimination in one form or another are contained in almost every sectoral law, Ukraine continues to take steps to improve its national anti-discrimination legislation. In 2016–2020, the legislation of Ukraine was supplemented by legislative acts and amendments concerning preventing and combating violations of equality of citizens due to their race, nationality, religion, disability, and other grounds.

In particular, Resolution of the Cabinet of Ministers of Ukraine No. 359 of 1 June 2016 “On Amendments to Section II of the Classifier of Citizens’ Appeals” has supplemented Item 120 in the column “Contents of the Issue” with the words “Prevention of discrimination”.

Also, Law of Ukraine No. 2617-VIII of 20 December 2019 “On Amendments to Certain Legislative Acts of Ukraine Regarding a Simplified Pre-Trial Investigation of Certain Categories of Criminal Offences” has strengthened the responsibility for intentional actions aimed at inciting national, racial, or religious hostility and hatred, disparaging national honour and dignity, or insulting the feelings of citizens in connection with their religious beliefs, direct or indirect restriction of rights or the establishment of direct or indirect privileges of citizens on the grounds of their race, colour, political, religious, and other beliefs, sex, disability status, ethnic and social origin, property status, place of residence, linguistic, or other grounds (criminal offence under Part one, Article 161 of the Criminal Code of Ukraine).

The document has also strengthened the responsibility for importation into Ukraine for sale or distribution of works that promote the cult of violence and cruelty, racial, national, or religious intolerance and discrimination, or their production, storage, transportation, or other movement for the same purpose, or their sale or

distribution, coercion to participate in their creation, as well as for the same actions concerning film and video products that promote the cult of violence and cruelty, racial, national, or religious intolerance and discrimination, as well as the sale or dissemination to minors of works promoting the cult of violence and cruelty, racial, national, or religious intolerance and discrimination (criminal offences under Parts one and two, Article 300 of the Criminal Code of Ukraine).

In addition, Part two of Article 110 “Encroachment on the Territorial Integrity and Inviolability of Ukraine”, Article 115 “Intentional Homicide”, Article 121 “Intentionally Causing Grievous Bodily Harm”, Article 126 “Battery and Torment”, Article 127 “Torture”, and Article 129 “Threat of Murder” of the Criminal Code of Ukraine have been supplemented with additional qualifiers such as committing a criminal offence on the grounds of racial, national, or religious intolerance.

The Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine” is in effect in Ukraine. This Law defines terms such as “anti-discrimination expertise”, “discrimination”, “indirect discrimination”, “incitement to discrimination”, “affirmative action”, “aiding and abetting discrimination”, “direct discrimination”, and “harassment”. This Law proclaims the principles of non-discrimination on which the legislation of Ukraine is based. These principles are:

- 1) ensuring equality of rights and freedoms of persons and/or groups of persons;
- 2) ensuring equality before the law of persons and/or groups of persons;
- 3) respect for the dignity of each person;
- 4) ensuring equal opportunities for persons and/or groups of persons.

This Law also specifies the forms of discrimination, the main directions of state policy to prevent and combat discrimination, mechanisms to ensure the prevention and combating of discrimination, as well as introduces anti-discrimination examination and public anti-discrimination examination of draft laws and regulations.

The draft Law of Ukraine (reg. No. 5488 of 13 May 2021) “On Amendments to the Code on Administrative Offences of Ukraine and the Criminal Code of Ukraine to Combat Discrimination” has been registered by the Verkhovna Rada of Ukraine upon its submission by the Cabinet of Ministers of Ukraine. This draft law was prepared by the National Police of Ukraine in pursuance of Subclause 3, Clause 105 of the Action Plan for the Implementation of the National Strategy for Human Rights until 2020, approved by Order of the Cabinet of Ministers of Ukraine No. 1393 of 23 November 2015, Clauses 26, 52, 53 of the Action Plan for the Implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community, and their Member States, on the other hand, approved by Resolution of the Cabinet of Ministers of Ukraine No. 1106 of 25 October 2017. The draft law provides for supplementing the Code of Administrative Offences of Ukraine with Article 188<sup>-56</sup> (Violation of Legislation in the Field of Preventing and Combating

Discrimination), empowering authorised persons of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights and representatives of the Ukrainian Parliament Commissioner for Human Rights to draw up reports, and empowering regional, urban district, city or city and regional courts to consider cases of administrative offences under Article 188<sup>56</sup> of the Code of Administrative Offences of Ukraine (as amended), as well as supplementing Article 35 of this Code with the aggravating administrative offence circumstance of committing an offence on the grounds of intolerance.

Also, the Verkhovna Rada adopted Law of Ukraine No. 1616-IX “On Indigenous Peoples of Ukraine” on 1 July 2021. This document is a framework one, it aims to define the rights of indigenous peoples of Ukraine, the peculiarities of their realisation in order to promote the consolidation and development of the Ukrainian nation, as well as the ethnic, cultural, linguistic, and religious identity of such peoples.

Besides, members of the Verkhovna Rada Committee on Human Rights, National Minorities and Interethnic Relations are also preparing a new version of the Law “On National Minorities in Ukraine” (renamed to the Law “On National Communities of Ukraine”) due to the fact that the provisions of the 1992 Law currently in force have become obsolete. The OSCE High Commissioner on National Minorities was involved in the preparation of the draft law, and at the request of the relevant Working Group, he prepared and sent his comments and practical proposals on improving certain provisions of the draft law. On 4 June 2021, a public discussion of the draft law was organised following a series of monitoring visits to national minority compact settlement areas (Donetsk, Zaporizhzhia, Odesa, Chernivtsi, Zakarpattia Regions) conducted by the Committee on Human Rights.

The Constitution of Ukraine guarantees free primary legal aid for everyone, as well as free secondary legal aid for a certain category of persons in cases provided by law. The content of the right to free legal aid and the procedure for its exercise are defined by the Law of Ukraine “On Free Legal Aid”.

Article 4 of this Law stipulates that in exercising the right to free legal aid, privileges or restrictions may not be applied to persons on the grounds of their race, colour, political, religious or other beliefs, sex, ethnic and social origin, place of residence, language, or other grounds.

In particular, if persons entitled to free secondary legal aid do not speak the state language, Resolution of the Cabinet of Ministers of Ukraine No. 1048 of 20 December 2017 provides for hiring interpreters to ensure the provision of free secondary legal aid to such persons.

To inform members of national minorities about the right to free legal aid and the procedure for its exercise, information booklets have been prepared and translated

into 15 languages of national minorities. In addition, such booklets are freely available on the website of the free legal aid system (<https://www.legalaid.gov.ua/publikatsiyi/buklety-pro-bezoplatnu-pravovu-dopomogu-15-movamy/>).

Specialists of free secondary legal aid centres carry out ongoing outreach activities on the rights of citizens and the procedure for their protection, including the protection of the rights of national minorities, prevention and combating discrimination on ethnicity, language, or other grounds.

## **Paragraph 2**

In order to achieve true equality, the Government of Ukraine implements the affirmative action policies concerning vulnerable national minority groups.

During the reporting period, the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 was being implemented through annual implementation activities. Some positive results of the implementation of the Strategy until 2020 are noted in the Fourth Opinion on Ukraine of the Advisory Committee of 10 March 2017. The implementation of the 2020 Strategy contributed, among other things, to the establishment of a dialogue between public authorities and non-governmental organisations promoting Roma rights in Ukraine.

The implementation of the Action Plan for the Implementation of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 encountered significant challenges in 2020 due to the spread of the acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus. Pandemics and quarantine measures have hampered implementation of certain measures and according to studies, mostly negatively affected those public institutions that are traditional “points of contact” between the Roma and non-Roma populations of Ukraine: education, labour market/employment, culture, and health care facilities (see the Special Report of the Ukrainian Parliament Commissioner for Human Rights “The Impact of the COVID-19 Pandemic on the Roma Community in Ukraine” and the Information Report of the UN Human Rights Monitoring Mission “The Impact of the COVID-19 Pandemic on Roma Rights in Ukraine”). Nevertheless, even under such conditions, the state managed to continue to properly provide administrative services to members of the Roma national minority. Therefore, the State Migration Service of Ukraine (hereinafter — the SMS) continued to assist persons belonging to the Roma national minority and legally staying in Ukraine in obtaining identity cards and citizenship documents. In 2020, the SMS issued 3,446 Ukrainian citizen passports to members of the Roma national minority (mostly in Zakarpattia (1,979), Odesa (397), Dnipropetrovsk and Donetsk (182 each), and Kharkiv (157) Regions), as compared to 4,233 in 2019, 3,976 in 2018, 3,222 in 2017, and 1,607 in 2016.

As a result, the situation of Roma in Ukraine is consistently and intentionally improving, although it has not yet reached the parameters of other national minorities. These challenges will be taken into account in the implementation of affirmative action policies.

In the reporting period, Ukraine also implemented measures of affirmative action policies concerning persons deported from their places of residence on national grounds by decisions of public authorities of the former USSR or union republics.

Implementation of state policy in the field of providing the necessary conditions for the return, accommodation, social adaptation, and integration of persons deported on national grounds is carried out in accordance with Law of Ukraine No. 1223-VII of 17 April 2014 “On Restoration of the Rights of Persons Deported on Ethnic Grounds” (hereinafter — the Law), which provides for the state to guarantee to deportees the right to be resettled within the administrative divisions where they or their parents or grandparents lived at the time of deportation.

Funding for such measures is provided in the State Budget of Ukraine under budget programme 2501120 “Resettlement and Settling-in of Deported Crimean Tatars and Members of Other National Communities Who Were Deported from the Territory of Ukraine”. During the reporting period, state funding was provided under the respective budget programme.

For 2016–2019, expenditures under this programme amounted to a total of UAH 149,604.80 thousand (UAH 49,542 thousand in 2016, UAH 35,340.0 thousand in 2017, UAH 64,740.0 thousand in 2018, and UAH 49,982.80 thousand in 2019). These funds were used for:

- holding national cultural artistic events (the Day of Remembrance for the Victims of the Crimean Tatar Genocide);
- improving facilities and equipment of cultural, health care and educational institutions in deportees’ compact settlement areas (Henichesk raion of Kherson Region);
- providing financial support to Atlant-SV Television Company LLC for a TV channel with the ATR T logo (a channel that informs its audience, including in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, on domestic and world events).

In order to strengthen the social protection of deported Crimean Tatars and members of other national minorities deported from Ukraine, the Cabinet of Ministers of Ukraine adopted Resolution No. 488 of 17 June 2020 “On Amendments to the Procedure for Using State Budget Funds Earmarked for Resettlement and Settling-in of Deported Crimean Tatars and Members of Other National Minorities Deported from Ukraine”.

In 2020, the funds allocated under the budget programme in the amount of UAH 20,000 thousand were redistributed in accordance with the amendments to the Law of Ukraine “On the State Budget of Ukraine for 2020”.

In particular, in connection with the transfer in 2020 to the Ministry of Culture and Information Policy of expenditures earmarked for the Ministry of Social Policy under the budget programme 2501120 (in the amount of UAH 340 thousand) and increase in consumption expenditures by the Ministry of Culture and Information Policy from the general budget (in the amount of UAH 50,000 thousand) under the budget programme KPKVK 3801020 “Resettlement and Settling-in of Deported Crimean Tatars and Members of Other National Minorities Deported from Ukraine” and for financial support to Atlant-SV Television Company LLC for a TV channel with the ATR T logo, a need arose to regulate the distribution of budget funds between ministries in the relevant areas.

Pursuant to Instruction of the Prime Minister of Ukraine No. 39113/0/1-19 of 1 November 2019, the Ministry of Culture, Youth and Sports received part of the expenditures earmarked for the Ministry of Social Policy under the budget programme in the amount of UAH 340 thousand (national cultural artistic events aimed at meeting the social and cultural needs of deportees) and was allocated UAH 50,000 thousand for financial support of ATR.

Also, Resolution of the Cabinet of Ministers of Ukraine No. 357 of 24 April 2019 “On Approval of the Procedure for Return of Property or Reimbursement of Its Value to Deported Persons or, in the event of their death, to the Heirs of Such Persons” has determined the procedure for returning buildings and other property seized as a result of deportation to the deportee or their heirs (if the building is unoccupied, and the property is preserved), and where it is impossible, for reimbursement of their value. It also determined the procedure for transferring or reimbursing the value of property to a deported person if the property seized as a result of deportation is located in the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol.

*Recommendation of the Committee of Ministers for Ukraine:*

Starting in August 2020, the State Service of Ukraine for Ethnic Policy and Freedom of Conscience (DESS) has been developing, as the central executive body acting within its powers, in connection with the expiry in December 2020 of the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 and to implement Step 537 of the Government’s Priority Action Plan for 2020, a new strategic document aimed at promoting the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society until 2030.

The DESS has prepared a preliminary draft of the Strategy, taking into account the proposals of public associations championing the rights of the Roma national minority and public authorities. The draft document was approved in a series of interdepartmental consultations, public consultations (including a public discussion), and a number of international consultations. The DESS also participated in the work of the Council of Europe Committee of Experts on Roma and Traveler Issues (ADI-ROM) to incorporate relevant international experience. The draft Strategy was published on the DESS official website (<https://dessa.gov.ua/roma-strategy>). It was also announced on the same website that proposals for changes to the draft Strategy should be sent to the e-mail [consultations@dessa.gov.ua](mailto:consultations@dessa.gov.ua).

The public discussion of the draft Strategy also took place on 23 October 2020 in the format of an online meeting attended by the representatives of 21 Roma associations and 12 representatives of international organisations. In total, representatives of 27 civil society institutions and 6 international organisations joined the public discussion (in the format of both online meetings and electronic consultations). The DESS has received written recommendations for improving the draft Strategy prepared by representatives of the International Charity “Roma Women’s Fund ‘Chirikli’”, the Roma Programme of the International Renaissance Foundation, the Transcarpathian Regional Charitable Foundation “Blago”, human rights community and public associations Association of Roma Women “Romni Voice”, Roma Association “ZOR”, Law Centre, ROMEN Donetsk National-Cultural Association of Roma, Roma Rights Centre, Zaporizhzhia Roma centre “Lacho Drom”, and NGO Roma of Ukraine “Ternipe”. In addition, the DESS received proposals to the draft Strategy from UN Women Ukraine. The submitted proposals and comments, as well as the results of their consideration, are offered in the Report on the Results of Public Discussion of the Draft Strategy, which is available for download from the DESS official webpage (<https://dessa.gov.ua/wp-content/uploads/2021/01/Report-with-Annex-7.01.2021.pdf>).

Based on public discussions, activities of the working group, and expert consultations, the draft Strategy was significantly refined and improved. By Order No. 866 of 28 July 2021, the Cabinet of Ministers of Ukraine approved the Strategy for Promoting the Empowerment of Persons Belonging to the Roma National Minority in Ukrainian Society until 2030.

## **Article 5**

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

*Recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine:*

- *The Advisory Committee renews its call on the authorities to establish clear criteria and procedures for the allocation of financial support for minority cultural activities (...);*
- *The Advisory Committee urges the authorities to take into consideration, when amalgamating municipalities into larger hromadas, their capacity to maintain the libraries and cultural institutions of national minorities.*

## **Paragraph 1**

According to Article 3 of the Law of Ukraine “On Culture”, a fundamental principle of state policy in the field of culture is the recognition of culture as one of the main factors determining identity of the Ukrainian people which is made up of citizens of Ukraine of every ethnicity. Part two of Article 4 stipulates that the state shall, as a matter of priority, create conditions, inter alia, for the development of the culture of the Ukrainian nation, indigenous peoples, and national minorities.

According to Part two, Article 5 of this Law, Ukraine shall ensure the comprehensive development and functioning of the state language in the field of culture and guarantee the free use of languages of all national minorities of Ukraine.

Article 5 of the Law contains a provision according to which the state shall guarantee the free use of the languages of all national minorities of Ukraine in the field of culture.

This Law grants Ukrainian citizens the right to unite in creative unions, national cultural societies, centres, foundations, associations, other public associations in the field of culture, as well as to preserve, develop, and promote cultural and linguistic identity, traditions, customs and rites, to have access to cultural values, cultural heritage, and cultural goods.

In order to promote the development of national culture, the Ukrainian Cultural Foundation (hereinafter — the UCF) was established in 2017. The Foundation supports projects on a competitive basis. Article 2 of the Law of Ukraine “On the Ukrainian Cultural Foundation” states that the activities of the UCF shall be based, inter alia, on ensuring cultural diversity, which is a tool to combat racial discrimination. Therefore,

the Foundation's employees and experts include members of national minorities; and the promotion of intercultural dialogue and supporting cultural diversity are identified as a priority of the institution, which is cross-cutting for all competitive programmes. Traditionally, the largest number of projects for which this priority is decisive are submitted to the UCF by members of the cultural heritage sector.

Also, organisations and associations that do not directly represent any national minority submit their projects aimed at promoting and recognising the cultural diversity of Ukraine, and receive funds for their implementation.

It is important to note among the results of projects related to the cultures of individual national minorities the creation of the web portal "Greeks of the Azov Coast: Urum and Rumeika Speakers", a cultural and tourist centre celebrating the Polish traveling poet Tymko Padura and two performances of the Zakarpattia Puppet Theatre based on Slovak folklore.

The UCF also supported 5 projects related to Jewish culture and history. It funded the development of training modules for advanced training in the theory and methods of teaching Judaic disciplines; holding the national cultural festival "Kyiv Klezmer Fest"; establishment of the School of Translation of Scientific and Literary Texts from Yiddish and Hebrew into Ukrainian; holding the 21st Monastyrsky International Theatre Festival "Traveling Stars"; pre-production of Sergei Loznitsa's feature film *Babi Yar*.

In addition to mono-national projects, the UCF also supported a number of initiatives dedicated to Ukraine's cultural diversity in general during the reporting period. Within the framework of these projects, their participants developed the script and pre-produced eight animated videos "Ethnic Mosaic of Ukraine", six videos of the TV project "Our Home", held the 11th Living Fire Festival of Traditional Culture, created the inclusive educational and artistic camp "Art without Restrictions", published a collection of fairy tales, parables, jokes, legends, and stories "We Have Just One Ukraine", series of intercultural guides "Ukrainian Bouquet of Peoples", and collection of literary reports "Our Others. Ukrainian Diversity Stories" by Olesia Yaremchuk.

Support for initiatives on various forms of cultural self-expression of Crimean Tatars resulted in Audioencyclopedia of the Crimean Tatar Culture, promotional campaign of the Crimean Tatar Ornek ornament as a new element of the intangible cultural heritage of Ukraine, holding a residence for craftspeople from Crimea and mainland Ukraine who practice this ornament, publication of "Shamil Alyadin's Works" in the series of books "Crimean Tatar Prose in Ukrainian"; documentary theatre performance "Crimean Tatars: When We Return...", promotional campaign "Crimea and the South of Ukraine as a Space of Cultures", short feature film

“Kegelbahn” directed by Ernes Sarykhalilov and telling the story of the Crimean Tatar activist Reshat Ametov who was killed in Crimea in 2014.

Also, with the support of the UCF, the Mystetskyi Arsenal National Cultural and Art Complex hosted the fifth Outlook World Culture Festival 2018, which presented the culture of more than 30 countries with the participation of foreign embassies and diasporas.

The All-Ukrainian Festival of National Cultures was the largest cultural and artistic project (aimed at preserving, developing, and promoting the culture of national minorities and cultural diversity in general) to be conducted by the Ministry of Culture in 2017–2019 at the expense of the state budget. As usual, amateur art groups and individual performers belonging to national minorities from different regions of Ukraine were involved in it.

As of 1 January 2021, there were 107 cultural centres of national minorities in Ukraine, whose activities were aimed at preserving and developing the cultural identity of national minorities, the most numerous of them being the centres of Jewish (17), Polish (16), German (23) minorities and 13 multinational centres (serving several national minorities). For example, the activities of the Zakarpattia Centre for Cultures of National Minorities are aimed, in particular, at creating conditions for sustainable development of national minorities at the regional level, ensuring interethnic consolidation and providing informational and practical assistance to national cultural societies as they strive to conduct cultural outreach work, revive, preserve, and develop languages, cultures, traditions, and customs of national minorities. Thus, as of 2020, 28 regional national cultural societies that do not have their own premises carry out their statutory activities at the Centre. The Centre provides organisational and methodological assistance to public associations of national minorities in preparing and conducting scientific and practical conferences, forums, round tables, seminars, discourses, trainings, meetings, ceremonial gatherings on the occasion of anniversaries, culture days, etc. Also, the conference hall of the Centre hosts meetings of representatives of the Consulates General of Poland in Lviv, Slovakia and Hungary in Uzhhorod with representatives of the Polish, Slovak, and Hungarian national minorities of Zakarpattia Region. Another example is the Vinnytsia Region Centre of National Cultures, hosting statutory activities of 53 city and regional national cultural societies. The Centre provides training for children, youth and adults in the languages of the historical homelands of national minorities, hosts meetings with members of the diplomatic corps and the Ukrainian diaspora, and rehearsals of national minority creative groups. During the reporting period, the Centre’s activities were funded under the Regional Programme of Support for National Cultural Societies of the Region and Ensuring Interfaith Harmony and Spiritual and Moral Development of Vinnytsia Oblast for 2016–2020.

State library institutions of Ukraine have significant holdings of literature in the languages of national minorities. Today the libraries of Ukraine hold 74,749,485 items in the languages of national minorities, the best represented of which are Russian (73,121,264 items), Moldovan (318,906 items), Hungarian (296,232 items), Polish (109,253 items), German (72,652 items), Romanian (71,320 items), and Bulgarian (40,582 items).

Numerous festivals are held at the central, regional, and local levels in support of the cultural identity of national minorities in Ukraine and strengthening their transcultural ties with their countries of origin. As of January 2021, there were 1,295 amateur national minority art groups active in Ukraine, including 229 of the Hungarian minority, 218 of the Romanian minority, 171 of the Polish minority, 157 of the Polish minority, 79 of the German minority, 72 of the Bulgarian minority, 70 of the Jewish minority, 60 of the Roma minority, 35 of the Russian minority, 29 of the Crimean Tatar minority, etc.

## **Paragraph 2**

Ukrainian legislation guarantees national minorities their rights and freedoms and does not contain any provisions that could be grounds for policies or actions aimed at the assimilation of persons belonging to national minorities.

Government and local self-government bodies as well as their officials shall act only on the basis, within the powers, and in the manner prescribed by the Constitution and laws of Ukraine (Part two, Article 19 of the Fundamental Law of Ukraine). Therefore, the state, as represented by government bodies, may not take such measures, including those aimed at assimilation of persons belonging to national minorities.

### *Recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine (1):*

In 2018, in connection with the adoption of the Law of Ukraine “On the Ukrainian Cultural Fund” there were changes in the mechanism of providing financial support for the implementation of cultural and artistic projects developed by civil society institutions. The UCF, among other things, has the authority to provide financial support for the implementation of cultural and artistic projects aimed at preserving, developing, and promoting the culture of national minorities and cultural diversity in general.

The mechanism of providing financial support for the implementation of projects developed by civil society institutions by the UCF provides for a competitive procedure.

In 2018, the Ukrainian Cultural Foundation provided support to 8 projects totalling UAH 1,580,573 for the implementation of projects aimed at meeting the cultural, linguistic, educational, and information needs of national minorities, while in 2019, it supported 6 projects totalling UAH 5,406,150, in 2020 — 4 projects totalling UAH 2,347,112, and in 2021 — 6 projects totalling UAH 14,850,260.

Changes in the criteria and procedure for the distribution of financial support for the cultural activities of minorities are also carried out in the framework of the reform of local self-government and territorial organisation of government and the introduction of a new system of inter-budgetary relations. The implementation of the reform expands the opportunities of national minorities in polyethnic regions, in particular, concerning the distribution of financial support for cultural activities of minorities at the basic and subregional levels.

On 18 November 2020, the DESS held jointly with the Ukrainian Cultural Foundation the outreach event “Grants from UCF to Support the Identity of National Minorities and Indigenous Peoples of Ukraine”, during which representatives of national minority and indigenous people associations received information about UCF grant support for their projects aimed at meeting the cultural needs of national minorities and indigenous peoples of Ukraine, promoting intercultural dialogue and supporting cultural diversity.

*Recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine (12):*

The implementation of the reform of administrative-territorial organisation and local self-government was based on the awareness of ethnic diversity of territories as a socio-economic advantage and the implementation of European experience in diversity management. As part of the decentralisation of government, the initiative “Diversity Management for Sustainable Economic Development” was implemented in 2019 by the European Centre for Minorities with the support of the U-LEAD with Europe Programme in Zakarpattia, Odesa, and Chernivtsi Regions. A number of consultations were held in order to disseminate international experience in the use of multi-ethnic composition of the population as additional opportunities for the development of territorial communities and territories of Ukraine in the context of decentralisation of government.

When consolidating local territorial units into larger territorial communities, taking into account their ability to maintain libraries and cultural institutions of national minorities was, among other things, included in the Methodology for Forming Capable Territorial Communities, approved by Resolution of the Cabinet of Ministers of Ukraine No. 214 of 8 April 2015 (as amended by Resolution of the Cabinet of Ministers of Ukraine No. 34 of 24 January 2020), through, inter alia, financial support of relevant administrative divisions, the results of preliminary assessment of the capacity of

capable territorial communities and the availability of optimal social infrastructure networks and public services in relevant fields.

### **Article 6**

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic, or religious identity, in particular, in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

### *Recommendation of the Committee of Ministers for Ukraine:*

- *promote respect and intercultural understanding among different groups in society as a whole, including through comprehensive measures that target the majority population; combat stereotypes and prejudice in political discourse and promote tolerance and intercultural dialogue throughout society as a whole.*

### **Paragraph 1**

During the reporting period, measures to deepen mutual respect, understanding and cooperation between all citizens of Ukraine, regardless of their ethnic, cultural, linguistic, or religious identity, were carried out as part of the activities of relevant government bodies.

In the information sphere, in particular, such measures were carried out by the Public Broadcaster (JSC NSTU) in the framework of the Concept of National Minority-Themed Broadcasting to fulfil the set tasks: to strengthen and promote intercultural dialogue; to maintain linguistic and cultural diversity; to protect the identity and freedom of expression of views that do not violate the rights of others; to ensure impartial and equal treatment of various national minorities with regard to ensuring their information and cultural rights.

Measures are being taken to organise and conduct consultative trainings aimed at implementing international standards for the protection of national minority rights and overcoming interethnic stereotypes (training National Minorities and Refugees in the Ukrainian Media — Overcoming Stereotypes and Increasing Tolerance (19 October 2019, the city of Zaporizhzhia); training “Youth of Luhansk Region against Discrimination and Racism” (21 March 2018, the city of Rubizhne)).

Activities held with the support of the European Centre for Minority Issues (ECMI) and the U-LEAD with Europe Programme under the Diversity Management

for Sustainable Economic Development Initiative in Zakarpattia, Odesa, and Chernivtsi Regions promoted deeper mutual understanding between different ethnic groups in the context of the reform of local self-government and administrative-territorial organisation in Ukraine.

The education system is also implementing the integrated Culture of Good Neighbourliness course mentioned in Part 2. The course is being implemented in 21 regions. The programmes take into account the ethnic, religious, linguistic, cultural, and historical-geographical diversity of the country at the regional and national levels. The programmes envisage study of the following topics: “The Child in the Diversity of Cultures”, “History of People and Monuments of the Region”, “Fiction”, “Learning to Communicate” etc. The objectives of the course are to develop children’s interest in communicating with members of different national minorities living in the region; to foster ability to participate in various formats of communication organised by adults (in person, remotely by mail, skype, chat, postcards, etc.); to cultivate respect for the Ukrainian language as the state language and for the different languages of the people living in the region as part of their culture. Programmes, textbooks, and methodological documents for the course “Culture of Good Neighbourliness” can be accessed here: <http://idcir.com.ua/kultura-dobrosusidstva/metodichna-pidtrimka/>.

Institutions of postgraduate pedagogical education provide “Culture of Good Neighbourliness” modules in the framework of in-service training for trainers (recruited from the institutions’ employees) and educators. In-service training programmes have been developed for the “Culture of Good Neighbourliness” course. In order to allow people to complete the course remotely, the online course “Online Tools for Teaching the ‘Culture of Good Neighbourliness’ Course” has been developed, and it has been successfully completed by more than 170 educators. In total, during the period of active implementation of the course on the mainland Ukraine in 2014–2019, more than 1,200 educators were trained for primary schools and more than 400 teachers for preschool institutions. The course is implemented on the basis of systematic interregional cooperation with public associations in the field of civic education.

The Ministry of Youth and Sports, together with the Department of Youth and Sports of the Zakarpattia Region State Administration, held from 12 to 15 September 2019 in the city of Uzhhorod the International Festival “Beauty around Me”, involving about 300 people in total. The purpose of the festival was to promote young people’s sense of personal and national dignity, to foster a respectful attitude to the contribution of national minorities to the state-building processes of Ukraine, to ensure cooperation between young people from different regions of Ukraine and other countries.

In 2019, representatives of the Odesa Mayor Youth Council, with the support of the Department of Internal Policy of the Odesa City Council, prepared a calendar

entitled “Odesa as the Intercultural Harbour of Ukraine” presented in the National Competition Youth Capital 2020 and presenting young Odesa residents from 12 ethnic groups (currently more than 130 nationalities live in Odesa). In addition to Ukrainians, the calendar shows Georgians, Germans, Greeks, Chinese, Poles, Moldovans, Armenians, Bulgarians, Afghans, Crimean Tatars, and Jews. According to the Youth Council, such a calendar is planned to be published annually.

In order to foster good citizenship by affirming a sense of personal dignity, respect for the preservation, and development of spiritual values, establishing the principles of cultural pluralism, preserving the cultural heritage of national minorities among young people, in September 2019, the Social Vector All-Ukrainian Youth NGO held, jointly with the Ministry of Youth and Sports, within the framework of a competition to identify projects developed by youth and children’s public associations the implementation of which deserves financial support, the All-Ukrainian Youth Festival of National Cultures “Faith. Hope. Love” in the city of Melitopol. The event’s audience totalled 5,000.

## **Paragraph 2**

According to the Law of Ukraine “On Principles of Preventing and Combating Discrimination in Ukraine”, the entities empowered to prevent and combat discrimination are as follows: the Verkhovna Rada of Ukraine; the Ukrainian Parliament Commissioner for Human Rights; the Cabinet of Ministers of Ukraine; other government bodies, bodies of the Autonomous Republic of Crimea, local self-government bodies, public associations, natural persons, and legal entities.

The Ukrainian Parliament Commissioner for Human Rights in the framework of parliamentary control over the observance of constitutional rights and freedoms of human and citizen and protection of the rights of everyone staying in Ukraine and within its jurisdiction prevents all forms of discrimination and takes measures to combat discrimination, namely:

- monitors compliance with the principle of non-discrimination in various spheres of social relations, in particular in the private sphere;
- files with the court allegations of discrimination in order to protect the public interest and personally or through their representative participates in the proceedings in cases and in the manner prescribed by law;
- monitors and summarises the results of non-discrimination monitoring in various fields;
- considers appeals of persons and/or groups of persons on discrimination issues;
- provides opinions in cases of discrimination at the request of the respective court.

Measures to combat discrimination and overcome negative stereotypes and hostility towards Roma during the reporting period were implemented in Ukraine as part of the action plan for implementation of the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society until 2020 (CMU Order No. 701-r of 11 September 2013), as well as relevant regional action plans for the implementation of the Strategy.

An important place is occupied by measures aimed at in-service training of public officials in policy in the field of interethnic relations, protection of the rights of national minorities. Thus, the NAPS, together with the Ukrainian School of Government, introduced in 2018–2021 a certified training programme for in-service training of civil servants in “Diversity Management”. The initiative was implemented in cooperation with the Ukrainian Independent Centre for Political Studies with the support of the OSCE HCNM. As a result of the programme implementation, more than 100 civil servants from different regions of Ukraine improved their level in the field of knowledge about the rights of national minorities, mechanisms and tools of cooperation of government agencies with public associations of national minorities, and anti-discrimination policy.

Measures are also being implemented to improve the activities of law enforcement agencies to combat discrimination in Ukraine. Curriculum plans for police in-service training include studying the topic “Tolerance and Non-Discrimination in Police Work” (4 hours), which envisaged consideration of issues related to:

- 1) the nature of xenophobia, stereotypes, and prejudices;
- 2) manifestations of xenophobia: racism, anti-Semitism, Islamophobia, and homophobia;
- 3) prevention of prejudices and stereotypes influencing the work of the police officer;
- 4) diversity of Ukrainian society, gender, age, ethnicity, religion, and language composition of the population;
- 5) inclusive society;
- 6) the principle of non-discrimination in the work of a police officer;
- 7) tolerance, respect for diversity and equality of people as key values of the police officer in working with citizens;
- 8) hate crimes;
- 9) ethnic profiling;
- 10) gender-sensitive approach in the work of the police.

Particular attention is paid to the peculiarities of documenting and qualifying criminal offences committed on the basis of intolerance.

During the reporting period, 77,886 police officers were trained in higher education institutions with specific training conditions of the Ministry of Internal

Affairs in the postgraduate education system (72,055 received in-service training, while 5,831 received specialisations):

- in 2016, 16,619 police officers (in-service training 15,015, specialisation 1,604);
- in 2017, 14,928 police officers (in-service training 14,751, specialisation 177);
- in 2018, 18,303 police officers (in-service training 17,441, specialisation 862);
- in 2019, 16,200 police officers (in-service training 15,145, specialisation 1,055);
- in 2020, 11,836 police officers (in-service training 9,703, specialisation 2,133).

The dynamics of quantitative changes indicates a gradual improvement in the response and accounting by law enforcement of cases of criminal offences committed on the grounds of racial, national, or religious intolerance.

During the reporting period in Ukraine, according to the Office of the Prosecutor General, 592 criminal offences committed on the grounds of racial, national or religious intolerance were registered (and 423 were recorded), including;

- 183 offences (of which 102 recorded) in 2020;
- 183 offences (of which 100 recorded) in 2019;
- 149 offences (of which 103 recorded) in 2018;
- 85 offences (of which 60 recorded) in 2017;
- 77 offences (of which 58 recorded) in 2016.

Of these, 650 offences were registered in 2016–2020 (of which 387 recorded and 18 sent to court) concerning violation of equality of citizens depending on their race, ethnicity, religious beliefs, disability, and other grounds (Article 161 of the Criminal Code), in particular:

- 178 offences in 2020 (97 registered, 6 sent to court);
- 182 offences in 2019 (98 registered, 2 sent to court);
- 145 offences in 2018 (99 registered, 4 sent to court);
- 76 offences in 2017 (52 registered, 2 sent to court);
- 69 offences in 2016 (41 registered, 4 sent to court).

According to the State Judicial Administration of Ukraine, in 2016–2020, 13 criminal proceedings ended in the verdict of a court of first instance for crimes committed on the grounds of racial, national or religious intolerance, in particular 2 in 2016, 1 in 2017, 2 in 2018, 3 in 2019, and 5 in 2020.

A total of 14 persons were convicted of crimes committed on the grounds of racial, national, or religious intolerance during the reporting period (1 in 2016, 1 in 2017, 3 in 2018, 4 in 2019, and 5 in 2020).

Thus, the number of detected offences in this category tends to increase due to the growing professional competence of law enforcement agencies to identify hate crimes. At the same time, pre-trial investigation and procedural oversight need to be improved, as the share of criminal offences sent to court is insignificant.

During the reporting period, the Security Service of Ukraine carried out activities to combat incitement to ethnic and religious hatred in the Ukrainian society, to localise attempts to destabilise the domestic political situation in Ukraine in the field of interethnic and religious relations, as well as bilateral relations of Ukraine, the said attempts being launched by the Russian Federation as part of its subversion campaign against Ukraine.

The vast majority of detected offences with signs of interfaith and interethnic conflicts occur mainly at the household level or in order to destabilise the socio-political situation in Ukraine.

At the same time, the Security Service of Ukraine is constantly taking measures to prevent destructive activities by radical representatives of public and political associations, including foreign ones, as well as to prevent racism and xenophobia.

The prosecutor's office takes measures to ensure the registration and effective investigation of all allegations and reports of hate crimes, including those under Article 161 of the Criminal Code of Ukraine.

Ukrainian law enforcement officials engage in communication with their foreign counterparts, developing new models for preventing and combating crimes against members of national minorities based on racial, national, or religious intolerance. For example, officers of the National Police of Ukraine in Donetsk, Zakarpattia, Luhansk, Lviv, Odesa, Kharkiv, Cherkasy, Chernihiv Regions, and the city of Kyiv participated in the International Regional Conference of Law Enforcement Representatives of the Republic of Moldova, Slovakia, and Ukraine on Combating Hate Crimes (held on 24–25 June 2019 in the city of Odesa), which was organised by the Office of the Council of Europe in Ukraine.

The National Police monitors the media and social groups on the Internet on a daily basis, and verifies information about illegal acts committed on the grounds of racial, ethnic, religious hatred or on the grounds of sex.

In 2020, bodies of the Ministry of Internal Affairs of Ukraine conducted educational activities, in particular through departmental websites and social networks,

in order to explain to the public the nature and dangers of discrimination and hate speech.

Also, in 2020, government and local self-government bodies, including local education authorities in regions and the city of Kyiv, as well as heads of educational institutions continued to conduct informational and outreach work aimed at combating prejudice against persons belonging to the Roma national minority.

In 2020, the Ministry of Justice of Ukraine conducted 62 outreach and informational activities aimed at combating prejudice against persons belonging to the Roma national minority. Also, the territorial offices of the Coordination Centre for Legal Aid held within this year 55 information events and 60 legal outreach events for members of the Roma national minority, which reached an audience of 687 people.

Police officers, together with non-governmental organisations that protect the interests of the Roma national minority, conducted trainings and meetings to build trust and understanding between police officers and Roma. However, such trainings and meetings were temporarily suspended in 2020 due to the introduction of quarantine measures in the country. In 2021, five trainings were held on the topic “Building Dialogue and Understanding Between Roma Communities and the Police” in 15 regions and the city of Kyiv.

*Recommendation of the Committee of Ministers for Ukraine:*

Information is provided in Part 2 of the Report.

**Article 7**

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience, and religion.

Ukrainian law guarantees all citizens the freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience, and religion.

According to Part one, Article 36 of the Constitution of Ukraine, citizens of Ukraine have the freedom of association in political parties and non-governmental organisations to exercise and protect their rights and freedoms and satisfy political, economic, social, cultural, and other interests, except for restrictions established by law in the interests of national security and public order, public health, or the protection of the rights and freedoms of others.

To further develop the just mentioned constitutional provision, the Law of Ukraine “On Public Associations” is in effect, which determines the legal and

organisational principles of exercising the freedom of association, the procedure for the formation, registration, operation, and termination of public associations.

As of 11 May 2021, 1,373 national minority public associations were registered in Ukraine. Such public associations were registered in largest numbers in Odesa (177), Zaporizhzhia (107), Dnipropetrovsk (91), Donetsk (79, taking into account the temporarily occupied territories), Zakarpattia (70), Cherkasy (59), and Kherson (58) Regions, as well as in the city of Kyiv (65).

Ukraine facilitates work of national minority public associations whose activities comply with the current Ukrainian legislation.

In 2020, restrictive measures implemented by the Government of Ukraine (Resolution of the Cabinet of Ministers No. 211 of 11 March 2020 “On Prevention of the Spread of Coronavirus COVID-19 in Ukraine”, Resolution of the Cabinet of Ministers No. 641 of 22 July 2020 “On Establishing Quarantine and Implementation of Enhanced Anti-Epidemic Measures in the Territory with Significant Spread of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV-2”, Resolution of the Cabinet of Ministers No. 1236 of 9 December 2020 “On Establishing Quarantine and Implementation of Enhanced Anti-Epidemic Measures in the Territory with Significant Spread of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV-2”) concerning mass gatherings were caused by the introduction of anti-epidemic measures to counteract the spread of the global coronavirus (COVID-19) pandemic. The implemented measures were not aimed at discrimination against persons belonging to national minorities or religious communities, as they applied to all citizens of Ukraine, regardless of their ethnic origin.

Ukraine condemns the Russian Federation’s April 2016 ban of the Mejlis and the beginning of a policy of systematic persecution of Crimean Tatar structures, religious and cultural organisations, and the media. Such a policy of the Russian Federation is aimed at destroying the system of representative institutions of the Crimean Tatars and outlaws their national leaders, including 2,500 members of national and local mejlises. Since the occupation began, hundreds of people were persecuted for participating in the celebration of the Crimean Tatar Flag Day and commemoration of the anniversary of the deportation of the Crimean Tatar people on May 18. Cases of violation of the rights of members of the Mejlis to freedom of speech and assembly are widespread. Manifestations of Ukrainian identity in the temporarily occupied territories of the Autonomous Republic of Crimea are also subject to political persecution.

Article 20.2 of the Criminal Code of the Russian Federation (Violation of the established procedure for organising or holding meetings, rallies, demonstrations, marches or pickets) is commonly used for restricting the activities of non-traditional religious organisations.

In 2016, the Law “On Amendments to the Law on Countering Terrorism No. 374-FZ and Certain Legislative Acts to Establish Additional Measures to Combat Terrorism and Ensure Public Safety” came into force in the Russian Federation, which strengthened the sanctions for “extremist” and “terrorist” activity. The anti-terrorist legislation of the Russian Federation is used to illegally convict citizens of Ukraine of different ethnic identities. According to available data, 229 people have become political prisoners since the beginning of the occupation and are being persecuted for political reasons, 158 of them are members of the Crimean Tatar people (including those already released).

### **Article 8**

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations, and associations.

#### *Recommendation of the Committee of Ministers for Ukraine:*

- *respect the principle of non-interference of the State in the religious life of Ukrainians and avoid any actions which could threaten interconfessional peace in society.*

Ukraine remains a multi-religious state, whose treatment of religion is based on generally accepted norms of international law, recognising the equality of all religions and denominations, and maximally promoting the activities of religious organisations that represent them.

According to Article 35 of the Constitution of Ukraine, everyone is entitled to freedom of thought and religion. It includes the freedom to profess any religion or not to profess any, to perform religious worship and ritual ceremonies individually or collectively, and to conduct religious activities.

The exercise of this right may be restricted by law only in the interests of the protection of public order, the health and morals of the population or the protection of the rights and freedoms of others.

The state shall not interfere in the activities of religious organisations carried out within the law or finance the activities of any organisations established on the basis of religion. All religions, denominations, and religious organisations shall be equal before the law. No religion, denomination, or religious organisation may be preferred over others or discriminated against.

The activities of religious organisations in Ukraine are regulated by the Law “On Freedom of Conscience and Religious Organisations”. According to the law, no coercion shall be allowed in determining citizen’s religious status, their profession of or refusal to profess a religion, to participate or not to participate in worship, religious rites and ceremonies, and teaching religion.

Religious organisations shall not be required to register, but they shall have the right to register their statutes in order to become legal entities. A religious community may be created by any 10 adult citizens. The registration procedure, as well as its terms and lists of required documents shall be determined by law.

State control over the compliance with the legislation on freedom of conscience and religious organisations shall be exercised within their competence by central executive bodies that ensure the formation and implementation of state policy in the field of religion (the DESS), other government bodies, local executive bodies, and local self-government bodies.

In March 2021, the National Human Rights Strategy was adopted. This document identifies the main objectives of ensuring the protection of human rights in Ukraine. It identifies as an objective of this Strategy ensuring conditions for the development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities. The Strategy contains a separate strategic direction “12. Ensuring the rights of indigenous peoples and national minorities” with the strategic goal “the rights of indigenous peoples and national minorities in Ukraine are ensured and protected in accordance with international (including European) human rights standards”.

At the same time, the Cabinet of Ministers of Ukraine approved by its Order No. 756-r of 23 June 2021 an action plan for the implementation of the National Strategy in the Field of Human Rights for 2021–2023. The action plan contains a number of measures related to amendments to the legislation in this area, namely: “28. Development and submission to the Cabinet of Ministers of Ukraine of a draft law on amendments to the Criminal Code of Ukraine on: unification of the use of the term ‘intolerance’ and mandatory consideration of intolerance on grounds such as race, skin colour, nationality or ethnicity, religion, ideological beliefs, sexual orientation, gender identity, disability, language, place of residence, or other characteristics as a crime motivation when sentencing; detailing the provisions of Article 161 of the Criminal Code of Ukraine to clearly define discrimination as a criminal offence which requires criminal sanctions against the person committing it, together with appropriate amendments to the Code of Administrative Offences and the Civil Code of Ukraine to provide for fines and damages for acts of lesser gravity;...”; “29. Training the investigative bodies of the National Police on the peculiarities of the pre-trial investigation of criminal offences motivated by intolerance”; “30. Training prosecutors on the peculiarities of the pre-trial investigation of criminal offences motivated by

intolerance incorporating international standards”; “30. Development and submission to the Cabinet of Ministers of Ukraine of a draft law imposing on the employer the duty to prove in court in cases concerning employment discrimination the legality of their decision, action, or omission”; “47. Improving the legal regulation of the national communities’ exercise of their rights”, etc.

As of 1 January 2021, the religious network of Ukraine is represented by 37,049 religious organisations representing Christianity, Islam, Judaism, Buddhism, ethnic religions, and new religious movements.

Some religious organisations (including Reformers, Lutherans, Jewish, Muslims, etc.) have clear ethno-confessional features. Ethno-confessional religious organisations cover all regions of the state. In particular, Jewish communities operate in all regions, and the Armenian Apostolic Church operates in 19 regions. Certain religious organisations are localised in the compact settlement areas of the respective national minority, namely the Reformed Church in Transcarpathia (Zakarpattia Region), the Karaite communities (Dnipropetrovsk and Kharkiv Regions and the city of Kyiv). There are also ethno-confessional communities of Koreans (the Korean Methodist Church — Poltava Oblast) and Chinese (the Brotherhood of Chinese Evangelical Christians in Ukraine).

Inter-faith advisory bodies play a special role in ensuring the positive dynamics of the development of inter-confessional relations in Ukraine.

The activity of the Ukrainian Council of Churches and Religious Organisations (UCCRO), which includes representatives of the most respected religious organisations representing more than 90% of the religious network of Ukraine, has a significant impact on the state of interfaith relations. The UCCRO reconciles confessional initiatives, assists religious organisations in fulfilling their statutory tasks, establishing understanding and tolerance in relations between different denominations, improving the legal regulation of state-church relations.

Another important representative interfaith advisory body is the All-Ukrainian Council of Religious Associations (hereinafter — the UCRA), which was established to unite the efforts of religious organisations in the process of national and spiritual revival of Ukraine, conducting and coordinating the interfaith dialogue, participating in development of draft laws and regulations on the issues of state-church relations and increase of tolerance in interfaith life, implementation of collective charitable measures, etc. The founders of the Council were: the Apostolic Orthodox Church in Ukraine, the Religious Administration of Muslims of Ukraine “UMMAH”, Spiritual Assembly of the Baha’is, the Union for Progressive Judaism of Ukraine, the Association of Sons and Daughters of the Native National Ukrainian Faith (OSIDU

RUNVira), the International Society for Krishna Consciousness in Ukraine, and the Ukrainian Association of Researchers of Religion.

Representatives of government bodies hold regular meetings both with the above-mentioned structures and with representatives of other religious associations and organisations in order to identify their problems and resolve possible conflict issues.

By the decision of the Cabinet of Ministers of Ukraine, a separate executive body was established in 2019 which implements state policy in the field of interethnic relations, religion, and ensuring the rights of national minorities and religious organisations in Ukraine. The State Service of Ukraine for Ethnic Policy and Freedom of Conscience was registered as a legal entity on 18 March 2020 in accordance with Resolution of the Cabinet of Ministers of Ukraine No. 503 of 12 June 2019.

The State Service performs monitoring, analytical, mediation, and educational functions in the field of ethnic policy and freedom of conscience. The service is also responsible for performing administrative functions concerning the activities of religious organisations (for example, registration of the statutes of religious organisations and approval of the canonical activities of foreign preachers and clergy in Ukraine).

The service consults with representatives of various religious communities and national minorities of Ukraine in order to identify their needs and problems. The service promotes religious tolerance, peace, and respect in the Ukrainian society by supporting interfaith dialogue and initiatives involving religious and civic leaders and experts.

In particular, a series of meetings took place in 2020 between the Minister of Culture and Information Policy of Ukraine, the Head of the DESS and representatives of various religious organisations, which provided information on the challenges and problems of religious communities in Ukraine. The DESS also regularly organises unity-themed online events such as discussions, webinars, and conferences to promote peaceful communication and cooperation between different religious traditions. The online platform project “New Sophia Wisdom Library”, launched in 2020 as an intercultural and interfaith initiative, aims to promote mutual recognition and respect for the dignity of each person, regardless of cultural or religious background. The idea was positively received by members of the Ukrainian Council of Churches and Religious Organisations and has already united the efforts of various religious traditions in Ukraine.

In 2020, restrictive measures implemented by the Government of Ukraine (Resolution of the Cabinet of Ministers No. 211 of 11 March 2020 “On Prevention of the Spread of Coronavirus COVID-19 in Ukraine”, Resolution of the Cabinet of Ministers No. 641 of 22 July 2020 “On Establishing Quarantine and Implementation

of Enhanced Anti-Epidemic Measures in the Territory with Significant Spread of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV-2”, Resolution of the Cabinet of Ministers No. 1236 of 9 December 2020 “On Establishing Quarantine and Implementation of Enhanced Anti-Epidemic Measures in the Territory with Significant Spread of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV-2”) concerning mass gatherings were caused by the introduction of anti-epidemic measures to counteract the spread of the global coronavirus (COVID-19) pandemic. The implemented measures were not aimed at discrimination against persons belonging to national minorities or religious communities, as they applied to all citizens of Ukraine, regardless of their ethnic origin.

At the same time, in response to the quarantine restrictions imposed due to the coronavirus disease (COVID-19), additional measures were taken to ensure the religious rights and serve the religious needs of the population. For instance, JSC NSTU initiated broadcasting religious services and other ritual events held in the main churches of the country’s religious organisations. Since the quarantine restrictions were first introduced in Ukraine, the following measures have been implemented:

- more than 400 hours of live broadcasts of services from the cathedrals of the Orthodox Church of Ukraine, the Roman Catholic Church, and the Ukrainian Greek Catholic Church on the UA: FIRST TV channel;
- about 130 hours of broadcasts of services of the Seventh-Day Adventist Church, the Ukrainian Evangelical Church, the Ukrainian Church of Christians of the Evangelical Faith, the Church of Evangelical Christians - Baptists on the UA: CULTURE channel; broadcasts of Friday Islamic sermons and prayers in the Main Mosque of Kyiv on the UA: CRIMEA channel.

Ukraine is deeply concerned about violations of the religious rights of persons of different ethnic backgrounds in the temporarily occupied territories of Ukraine. For most religious denominations, it became impossible to hold services in their places of worship due to their seizure in the temporarily occupied territories of Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol and the real danger of identification of parishioners and their subsequent persecution. For example, before the beginning of the temporary occupation, 49 Ukrainian Orthodox religious organisations operated in the Autonomous Republic of Crimea and the city of Sevastopol. Due to the Russian Federation’s failure to ensure religious freedom, only 6 of them are left in the temporarily occupied territories of the Autonomous Republic of Crimea. Also, in August 2020, the Supreme Court of the Russian Federation refused to review the lower court decisions on the eviction of the Ukrainian Orthodox Church from the Cathedral of Equal-to-the-Apostles Saints Volodymyr and Olga in the city of Simferopol, arguing that the lease agreement with the diocese of the Ukrainian Orthodox Church of the Kyiv Patriarchate which became part of the newly-

created Ukrainian Orthodox Church (Orthodox Church of Ukraine (OCU)) had already expired. In addition, representatives of the occupation administration in Crimea served on the Metropolitan of Simferopol and Crimea Clement the so-called court decision demanding the dismantling of the OCU church of the Burning Bush in the city of Yevpatoria.

Activities of the Jehovah's Witnesses religious organisation in the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol are banned under Russian law and recognised as extremist (Part 1, Article 282.2 of the Criminal Code of the Russian Federation). With the entry into force of the Russian Federation Law No. 374-FZ, the sanctions for "extremist" and "terrorist" activities were strengthened, and the term "missionary activity" was introduced. Accusations of illegal "missionary activity" have led to administrative persecution of active members of religious organisations. In 2016–2017, at least 23 court rulings were issued in occupied Crimea concerning administrative prosecution of Jehovah's Witnesses and other non-traditional religious organisations for "missionary activity". Seven citizens of Ukraine are imprisoned for "Organisation of the activities of an extremist organisation" (Part, of Article 282.2 of the Criminal Code of the Russian Federation).

In the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol, the Russian Federation implements a policy of persecution of Crimean Tatar Muslim communities by conducting searches in mosques, madrassas, libraries, private homes, making administrative arrests and imposing fines.

Members of the Crimean Tatar people, which is an indigenous people of Ukraine, are also persecuted for participation in the activities of the organisations Hizb ut-Tahrir and Tablighi Jamaat. Another common practice is the persecution of members of the Crimean Tatar people under the pretext of searching for literature included in the "list of extremist materials".

*Recommendation of the Committee of Ministers for Ukraine:*

Information is provided in Part 2 of the Report.

**Article 9**

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

*Recommendation of the Committee of Ministers for Ukraine:*

- *take appropriate measures to ensure that all persons, including persons belonging to national minorities, have wider access to media available in their own languages.*

In order to meet the information needs of society, involve citizens in the discussion and resolution of major socio-political issues, and promote the formation of civil society in Ukraine, the Law of Ukraine “On Public Broadcasting in Ukraine” (2014) established the Public Broadcasting Company of Ukraine in the form of the joint-stock company National Public Broadcasting Company of Ukraine (hereinafter — the NSTU, or Public Broadcaster).

To meet the information needs of national minorities in the framework of the NSTU work, it worked in 2018 on developing the Concept of broadcasting for national minorities at Public Broadcaster (hereinafter — the Concept). The concept was developed in close interaction and cooperation with public activists, including national minorities and employees of regional branches that broadcast in the languages of national minorities of Ukraine. On 13 February 2018, a public discussion of the draft Concept of broadcasting for national minorities developed by members of the Board of the National Public Broadcasting Company of Ukraine (NSTU) took place in Kyiv. The document was developed in accordance with the European Charter for Regional or Minority Languages, the Constitution of Ukraine, laws of Ukraine “On Ratification of the European Charter for Regional or Minority Languages”, “On Public Broadcasting in Ukraine”, “On Broadcasting”, “On National Minorities in Ukraine”, as well as other laws and regulations governing relations in this sphere.

The concept of broadcasting for national minorities was approved on 18 September 2018 by the NSTU Supervisory Board and is available in Ukrainian at:

[https://www.nrada.gov.ua/wp-content/uploads/2019/02/Koncepcija-movl\\_natsmenshyn.pdf](https://www.nrada.gov.ua/wp-content/uploads/2019/02/Koncepcija-movl_natsmenshyn.pdf).

The document defines the main directions and principles of the NSTU's work to fully meet the informational, cultural, and educational needs of national minorities living in compact and dispersed areas in Ukraine and aims to ensure the rights of national minorities to use minority languages on all platforms of the Public Broadcaster; to promote the development of cultural and linguistic diversity and preserve the identity of national minorities; to disseminate information that contributes to the deepening of intercultural dialogue and harmony in Ukrainian society; to inform on all platforms of the Public Broadcaster about the multi-ethnic composition of the population of Ukraine, life and culture of national minorities, their contribution to the development of Ukrainian society; to disseminate information that helps to prevent discrimination on ethnic grounds; to debunk negative stereotypes associated with certain national minorities.

According to the document, the mission of the NSTU is: "To protect freedoms in Ukraine. To provide society with reliable and balanced information about Ukraine and the world, to establish public dialogue in order to strengthen public trust, develop civic responsibility, Ukrainian language and culture, personality and the Ukrainian people".

Considering national minorities as an integral part of the Ukrainian people, the Public Broadcaster identifies programmes on national minorities and in the languages of national minorities as important components of broadcasting for all NSTU platforms. The Ukrainian Public Broadcaster is the largest independent tool for ensuring the presence of minority languages in the media. The NSTU integrates in its activities all communities, social strata, and generations, including representatives of different national minorities, while ensuring respect for different identities and needs.

According to the Concept, the Coordination Centre of broadcasting for national minorities was established in 2019 to coordinate comprehensive cooperation with regional branches of the Public Broadcaster and all national minorities living in Ukraine to comprehensively represent Ukraine's ethnic diversity at the national level. In addition, editors in regions that broadcast in national minority languages, namely UA: Zakarpattia, UA: Bukovyna, UA: Odesa, in cooperation with the National Minority Broadcasting Coordination Centre, carry out an ongoing work, plan topics and ways to present information in order to improve the content quality for national minorities.

In 2020, the total duration of in-house programmes in the languages of national minorities and for national minorities on national TV channels of JSC NSTU was 5 hours 45 minutes on UA: CULTURE, and 3 hours 25 minutes on UA: FIRST (information as of November 2020). The total duration of in-house programmes in the

languages of national minorities and for national minorities on regional TV channels of NSTU in 2019–2020 was more than 800 hours.

In addition, the total duration of programmes in the languages of national minorities and for national minorities during 2018–2020 on the radio broadcasters of JSC NSTU was 9,632 hours 55 minutes (information as of November 2020).

An important component in the work of JSC NSTU is the support of the Crimean Tatar people and its culture, which is implemented through the development of a new concept of Suspilne | Crimea (Public | Crimea) and the launch of the Suspilne | Crimea website ([crimea.suspilne.media](http://crimea.suspilne.media)) in four languages, including Crimean Tatar, providing daily newscasts in Crimean Tatar, creation of specialised content and projects on UA: CRIMEA channel and national TV and radio channels which are part of JSC NSTU.

In 2020, this work included:

- producing a number of special projects, including the documentary series “History of the Crimean Tatars”, the online concert “Svoi. Korinni” held to celebrate the Indigenous Peoples’ Day, special projects dedicated to the Day of Crimean Resistance to the Russian occupation of Crimea, the 76th anniversary of the deportation of the Crimean Tatar people, etc.;
- ensured the presence of the Ukrainian Radio mobile studio at the forum “Time of Crimea”, which took place on 26 February 2020.

Promotion of Ukrainian culture and assisting the development of national minority languages and cultures is one of the main tasks of state foreign broadcasting of Ukraine (Law of Ukraine No. 856-VIII of 8 December 2015 “On the Foreign Broadcasting System of Ukraine”, Clause 5 of Article 6).

Another aspect of the exercise of the rights of national minorities in Ukraine is the possibility of publishing print media in national minority languages. In 2020, the total circulation of print media in national minority languages amounted to 205,100 copies (information as of November 2020).

The number of periodicals in national minority languages in 2020, according to the State Register of Printed Media and News Agencies as Information Actors data on registered print media in national minority languages, was as follows: Russian 15,757, Belarusian 9, Armenian 3, Gagauz 4, Yiddish 3, Crimean Tatar 34, Moldovan 1, German 113, Polish 78, Romanian 35, Slovak 10, and Hungarian 46.

Legislation on publishing plays an important role in the exercise of the rights of national minorities in Ukraine. For instance, Article 3 of the Law of Ukraine “On Publishing” stipulates that publishing shall be aimed, inter alia, at publishing items in national minority languages of Ukraine to meet their cultural and educational needs.

This provision is implemented through state support to publishing houses, publishing organisations, printing and book trade enterprises that produce or distribute small-circulation (up to 5,000 copies) publications in the languages of small national minorities, which is granted by providing tax and duty exemptions. Such support is provided also for exporting publishing products produced in Ukraine and for importing publishing products of domestic publishers published in the languages of small national minorities living in Ukraine.

Books in national minority languages were published in Ukraine during the reporting period.

**Table 3.1. Publication of books and booklets in 2020 by language, including national minority languages of Ukraine**

| <b>Language of publication</b> | <b>Number of publications in print units</b> | <b>Print run, thousand</b> |
|--------------------------------|--|----------------------------|
| <b>Total</b>                   | <b>18,967</b>                                | <b>41,946.7</b>            |
| English                        | 527  | 1,136.2                    |
| Belarusian                     | 1  | 0.3                        |
| Bulgarian                      | 1  | 1.1                        |
| Gagauz                         | 2  | 0.3                        |
| Greek                          | 2  | 0.4                        |
| Spanish                        | 8  | 3.5                        |
| Italian                        | 1  | 0.1                        |
| Chinese                        | 1  | 2.0                        |
| Crimean Tatar                  | 3  | 1.1                        |
| Latin                          | 2  | 0.2                        |
| Moldovan                       | 9  | 3.1                        |
| German                         | 33   | 142.8                      |
| Polish                         | 17   | 7.0                        |
| Roma                           | 2  | 0.2                        |
| Russian                        | 2,201  | 2,703.8                    |
| Romanian                       | 37   | 57.5                       |
| Old Church Slavonic            | 3  | 0.9                        |
| Hungarian                      | 18   | 10.0                       |
| Uzbek                          | 1  | 12.0                       |
| Ukrainian                      | 14,798                                       | 36,503.2                   |
| French                         | 13   | 22.4                       |
| Japanese                       | 1  | 0.5                        |
| In several languages           | 1,285  | 1,338.0                    |

Recommendation of the Committee of Ministers for Ukraine:

As a result of the military aggression of the Russian Federation, a significant part of Ukrainian citizens belonging to national minorities and ethnic Ukrainians, who found themselves in the status of “a minority within a minority” in the temporarily occupied territory of Ukraine, has been deprived of access to reliable information, including in their mother tongue.

Since the start of the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol, the Russian Federation has been conducting a policy of information isolation of the local population from the Ukrainian information space. According to the National Council on Television and Radio Broadcasting of Ukraine, after the annexation of Crimea, 31 Ukrainian broadcasters lost the right to analogue television broadcasting on the peninsula, and another 28 lost the right to digital broadcasting. In addition, Russia illegally stopped free-to-air broadcasting of 39 broadcasters on the peninsula. Access to Ukrainian periodicals on the peninsula is limited. Some websites of Ukrainian information resources are blocked on the territory of occupied Crimea.

The occupation authorities’ policy in the field of freedom of speech, information, informatisation, and communications in the temporarily occupied territory of Ukraine in Crimea is implemented by the so-called “Ministry of Internal Policy, Information and Communications of the Republic of Crimea” which has full control over media in the temporarily occupied territories of the Autonomous Republic of Crimea. Pro-government Crimean Tatar media have been established as well: the Public Crimean Tatar Broadcaster, the Millet TV channel, and the Vetan radio channel.

Most media outlets operating in the temporarily occupied territories of Luhansk and Donetsk Regions are also controlled by the Russian Federation. On 30 December 2020, in order to strengthen information control and deepen the information isolation of Ukrainian citizens living in these territories, the occupation administration announced the creation of an information media holding by merging regional newspapers, radio stations and TV channels and online publications.

There is no broadcasting in the state language of Ukraine in the temporarily occupied territories. Discriminatory restrictions on access to the Ukrainian information space and media complicate subsequent integration and self-realisation in Ukrainian society of Ukrainian citizens of different ethnic identities from the temporarily occupied territories and increase their informational, cultural, and social segregation.

The Ukrainian government is making efforts to overcome information isolation and misinformation within the framework of the Information Reintegration Strategy of the Autonomous Republic of Crimea and the city of Sevastopol (approved by Order of

the Cabinet of Ministers of Ukraine No. 1100-r of 27 December 2018) and the Information Reintegration Strategy of Donetsk and Luhansk Regions (approved by Order of the Cabinet of Ministers of Ukraine No. 539-r of 26 July 2018). Also, on 11 June 2021, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine launched the Crimean Tatar version of its website in a test mode.

### **Article 10**

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary, with the free assistance of an interpreter.

#### *Recommendation of the Committee of Ministers for Ukraine:*

- *continue efforts to develop, in consultation with all relevant groups, a clear and coherent legislative and policy framework regarding the use of languages in order to provide solid legal guarantees for the protection and use of all minority languages, including the numerically smaller ones.*

### **Paragraph 1**

Constitutional and other legislative guarantees of the free development, use and protection of national minority languages in Ukraine remain in force in the national legal system.

The state policy on ensuring the functioning of the Ukrainian language as the state language is in line with the Opinion of the European Commission for Democracy through Law, according to which, given the special conditions prevailing in Ukraine, balanced language policy requires appropriate guarantees for the preservation of the state language as a tool of social consolidation, and the Recommendation of the European Commission for Democracy through Law, which advised the Ukrainian legislature to find significantly more acceptable ways to confirm the supremacy of the Ukrainian language as the only state language and take additional measures to strengthen its role in Ukrainian society.

The state policy on ensuring the functioning of the Ukrainian language as the state language is implemented in the areas of public life defined by the document. The Ukrainian language as the state language is a mandatory medium of communication throughout Ukraine in the exercise of powers by government and local self-government bodies (language of acts, operations, records, documents, etc.), as well as in other public spheres as provided by law.

This Law does not apply to the sphere of private communication and performance of religious rites in accordance with part two of Article 2 of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”.

In accordance with the provisions of Part three, Article 2 of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”, the procedure for using the languages of indigenous peoples and national minorities of Ukraine in relevant spheres of public life is determined by law subject to provisions of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”. Currently, there is no substantive regulation of this issue, which requires the adoption of a separate law.

There is also provision for establishing by a separate law the special procedures for the use of the languages of indigenous peoples and national minorities of Ukraine during the accompaniment (compering) of cultural events organised by the respective community.

Also, in accordance with Part two, Article 16 of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”, law enforcement personnel, intelligence agencies, and state special purpose bodies with law enforcement functions may communicate with persons who do not understand the state language in a language acceptable for both parties or through an interpreter.

The use of national minority languages of Ukraine in the sphere of social relations which arise in the process of the exercise of the constitutional human right to education is regulated by the Laws of Ukraine “On Education”, “On Preschool Education”, and “On Complete General Secondary Education “. Given the provisions of these legislative acts, Ukraine ensures the exercise of the right of persons belonging to national minorities and indigenous peoples to obtain preschool education in municipal educational institutions and general secondary education in state, municipal and corporate general secondary educational institutions in the languages of national minorities and indigenous peoples (along with the state language).

The issue is discussed in more detail in subsequent sections of the Report (Articles 12 through 14).

## **Paragraph 2**

To ensure the rights of national minorities and indigenous peoples of Ukraine, the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language” (2019) provides for the possibility of additional promulgation of individual acts of government bodies of the Autonomous Republic of Crimea and local self-government bodies in translation into Crimean Tatar language as the language of an indigenous people of Ukraine. For now, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine has launched the Crimean Tatar version of its website in a test mode.

In the manner and under the conditions specified by the law on the procedure for exercising the rights of indigenous peoples and national minorities of Ukraine, the distribution of election campaign materials in the state language and duplicated in the languages of relevant indigenous peoples and national minorities of Ukraine may be permitted in certain settlements.

## **Paragraph 3**

In accordance with the provisions of the Criminal Procedure Code of Ukraine (Article 29), criminal proceedings are conducted in the state language. The prosecution, the investigating judge, and the court draw up procedural documents in the state language. At the same time, the suspect, accused and witness shall be entitled, *inter alia*, use his/her mother tongue, obtain copies of procedural documents in same language or any other language of which he/she has command and, where need be, benefit from translation/interpretation services at the State expense. For instance, a person is informed of suspicion of committing a criminal offence in the state language or in any other language that he/she has sufficient knowledge of to understand the nature of the suspicion of committing a criminal offence. The investigating judge, court, prosecutor, investigator shall provide participants in criminal proceedings who do not speak or poorly speak the state language with the right to testify, petition, and file complaints, to speak in court in their mother tongue or another language they speak, using, if needed, the services of an interpreter in the manner prescribed by this Code.

In accordance with Part four, Article 376 of the Criminal Procedure Code of Ukraine, court decisions, by which the court completes the trial on the merits, shall be delivered given to the parties to the criminal proceedings or to the person in respect of whom coercive measures of educational or medical nature are imposed, as well as to a representative of the legal entity in respect of which proceedings are being conducted, translated into their mother tongue or other language they speak. The translation of other procedural documents of criminal proceedings, the provision of copies of which is envisaged in this Code, shall be carried out only at the request of above-mentioned persons.

In accordance with Article 15 of the Code of Administrative Procedure of Ukraine, Article 9 of the Civil Procedure Code of Ukraine, and Article 10 of the Commercial Procedure Code of Ukraine, courts shall use the state language in court proceedings and guarantee the right of litigants to use their mother tongue or language they speak well in court. Litigants, who do not speak the state language or speak it insufficiently well, shall have the right to make statements, provide explanations, appear in court, and make motions in their mother tongue or in the language they speak while using the services of an interpreter.

*Recommendation of the Committee of Ministers for Ukraine:*

Ukraine is still working on the development of national legislation on the exercise of the rights of national minorities, including language rights, as well as mechanisms for their implementation in close consultation with public associations concerned with the protection of the rights of national minorities. In particular, pressing issues of further legislative improvement of state ethno-national policy in Ukraine were discussed during the committee hearings Problematic Issues of Legislative Regulation and Implementation of State Policy to Ensure the Rights of Indigenous Peoples and National Minorities (8 July 2020) held by the Committee of the Verkhovna Rada of Ukraine on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk and Luhansk Regions, Crimea and the city of Sevastopol, National Minorities and Interethnic Relations (hereinafter — the Human Rights Committee).

On 4 June 2021, after a series of monitoring visits to compact settlement areas of national minorities (Donetsk, Zaporizhzhia, Odesa, Chernivtsi, Zakarpattia Regions) conducted by the Human Rights Committee, it was decided to hold a public discussion of the draft Law of Ukraine “On National Communities of Ukraine”.

On 1 July 2021, the Verkhovna Rada adopted the Law of Ukraine No. 1616-IX “On Indigenous Peoples of Ukraine”. This document is a framework one, it aims to define the rights of indigenous peoples of Ukraine, the peculiarities of their realisation in order to promote the consolidation and development of the Ukrainian nation, as well as the ethnic, cultural, linguistic, and religious identity of such peoples. The law provides for consultations with representative bodies of indigenous peoples if the executive branch adopts acts and decisions on the development of languages and culture, ensuring the rights of indigenous peoples of Ukraine to education in indigenous languages, media activities in indigenous languages of Ukraine, integration of indigenous peoples of Ukraine etc.

To consolidate international efforts to deoccupy the occupied territories and restore the territorial integrity of Ukraine, overcome the consequences of the temporary occupation by the Russian Federation of the Autonomous Republic of Crimea and the city of Sevastopol, and protect the rights and interests of Ukrainian citizens, Decree of

the President of Ukraine No. 78/2021 of 26 February 2021 “On Certain Measures Aimed at the De-Occupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol” instructed the Government to develop and approve the Crimean Tatar Language Development Strategy for 2022–2032.

Such Strategy and action plan for its implementation will be based on the Concept of Crimean Tatar Language Development, approved by Order of the Cabinet of Ministers of Ukraine No. 296-r of 7 April 2021, which sets out the basic approaches and main directions of strategy development.

### **Article 11**

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

#### *Recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine:*

- *The Advisory Committee also calls on the authorities to take a flexible approach over the financing of the cost of introducing signs displaying street names in languages of national minorities in the municipalities where persons belonging to national minorities reside in substantial numbers.*

### **Paragraph 1**

The norms of national legislation which guarantee the exercise of the right to use the national surname, first name and patronymic remain in force in Ukraine. According to the provisions of Article 12 of the Law of Ukraine “On National Minorities in Ukraine”, every citizen of Ukraine has the right to a national surname, first name, and

patronymic. Citizens have the right to restore their national surname, first name, and patronymic in the prescribed manner. Citizens, whose national tradition has no custom of recording patronymics, have the right to enter in the passport only their first name and surname, and in the birth certificate, the names of the father and mother.

Article 40 of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language” stipulates that surnames, first names, and patronymics of Ukrainian citizens shall be entered in the state language in accordance with Ukrainian spelling rules, transliterated by letters of the appropriate alphabet in accordance with their sound in the state language, and shall not be translated into other languages. At the same time, individual shall be entitled to transcribe his/her surname, first name and patronymic in accordance with his/her national tradition.

According to Article 295 of the Civil Code of Ukraine, individual who has reached the age of sixteen shall be entitled to change his/her surname and/or first name and/or patronymic at his/her own discretion.

## **Paragraph 2**

National legislation ensures the free use of minority languages in private life. The legislation on the functioning of the Ukrainian language as the state language does not extend to the sphere of private communication. Also, in accordance with Part two, Article 28 of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”, public announcements, along with the state language, may be duplicated in other languages in accordance with the law.

## **Paragraph 3**

Ukraine promotes the return of historical names to settlements, including in compact settlement areas of national minorities. Processes of renaming urban districts, streets, avenues, squares, and other objects of settlement toponymy, as well as other geographical objects were carried out within the framework of Law of Ukraine No. 317-VIII of 9 April 2015 “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbols”, taking into account the results of public discussions, including in compact settlement areas of national minorities.

According to Article 7 of the Law, local self-government bodies had six months from the date of entry into force of the act to hold public hearings and submit to the Verkhovna Rada proposals to rename the relevant administrative divisions. After that, the legislature had to decide on the renaming, taking into account the proposals and recommendations of the Ukrainian Institute of National Memory (hereinafter — the UINM). In the absence of proposals from local self-government bodies, the Verkhovna Rada of Ukraine adopted renaming decisions on the basis of UINM recommendations.

To exercise the powers assigned to the UINM in accordance with the Law, it created on 8 December 2015 an expert commission consisting of UINM staff and invited experts in history, cartography, linguistics, etc. In its work, the expert commission was guided by the recommendations of local historians, regional educational organisations and initiative groups of citizens. Geographical, economic, and ethnic characteristics of settlements were taken into account, among other things, when preparing the commission's proposals for renaming settlements (and other administrative divisions).

The respective Verkhovna Rada Committee considered both the recommendations of the UINM expert commission and proposals from local self-government bodies, which continued to arrive even after the deadline of 21 November 2015 provided in the Law. In January–July 2016, the UINM Department of Analysis of Regional Peculiarities and National Minority Policies processed more than one and a half thousand written appeals and requests regarding the renaming of administrative divisions. In most cases, when the UINM proposals differed from those of local self-government bodies, the Committee preferred the proposals of local self-government bodies as expressions of the will of territorial communities.

Overall, the decommunisation reform involved 1,012 renamings of settlements and administrative divisions, including the restoration of more than 300 historical names, of which about 70, or 25% belong to the cultural heritage of national minorities of Ukraine: Crimean Tatars, Bulgarians, Greeks, Jews, etc.

The renaming of settlements during the reporting period was also carried out in the framework of reforms of administrative-territorial organisation and local self-government in Ukraine, taking into account the historical, cultural, and ethnic identity of localities traditionally inhabited by persons belonging to national minorities, or in which such persons make up a significant part of the population. The inclusion of the names of settlements in the newly formed districts was carried out by Resolution of the Verkhovna Rada of Ukraine No. 807-IX of 17 July 2020 “On the Formation and Liquidation of Districts”.

By amending the national legislation on local self-government in Ukraine in accordance with Law of Ukraine No. 199-IX of 17 October 2019 (Article 37), the self-government powers of the executive bodies of village, town, and city councils were supplemented to include the preparation and submission to the respective council motions on naming (renaming) streets, alleys, avenues, squares, parks, city gardens, bridges, and other structures located on the territory of the respective settlement, notifying the administrator of the information system of the Ministry of Justice of Ukraine of decisions on such issues and notifying the national postal operator and the body maintaining the State Register of Voters of naming (renaming) streets, alleys, avenues, squares, etc.

Proposals for the renaming of settlements and districts located in the temporarily occupied territories were prepared without involvement of local self-government bodies due to their absence. Occupation authorities in the temporarily occupied territories of Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol remained out of the renaming process and do not recognise the validity of new names.

To reach a consensus on renaming in the Autonomous Republic of Crimea and the city of Sevastopol, the UINM expert commission held a joint meeting with representatives of the Crimean Tatar People's Majlis, who have their own legislative initiatives to revive the historical toponymy of Crimea which was drastically changed by decisions of Soviet authorities after the 1944 deportation of the Crimean Tatars.

Resolution of the Verkhovna Rada of Ukraine No. 1352-VIII of 12 May 2016 renamed 75 administrative divisions of the Autonomous Republic of Crimea and the city of Sevastopol the names of which referenced the symbols of the communist totalitarian regime. The vast majority of renamed settlements have had their historical Crimean Tatar names restored, which became a case of practical implementation of Article 3 of the Law of Ukraine "On Restoration of the Rights of Persons Deported on Ethnic Grounds", which requires the state to ensure that the deported persons can restore historic names of settlements that were renamed in the Soviet period in connection with the deportation.

The Resolution shall enter into force simultaneously with the entry into force of the Verkhovna Rada of Ukraine Resolution "On the Formation and Liquidation of Regions" and shall take effect upon return of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol under general Ukrainian jurisdiction.

*Recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine:*

Flexibility of the approach to financing the signs with street names, including in the languages of national minorities in territorial divisions where a significant number of persons belonging to national minorities live, was implemented in the framework of financial decentralisation which unfolded in Ukraine during the reporting period.

Funds for the production of new signs and road signs with indicators came from the local budget, including in national minority compact settlement areas, and they do not require additional costs from natural persons and legal entities.

## **Article 12**

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language, and religion of their national minorities and of the majority.
2. In this context, the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

### **Paragraph 1**

As part of the promotion of intercultural education, the integrated Culture of Good Neighbourliness course is being introduced to preschool, general secondary and higher education institutions (More information on the implementation of the Culture of Good Neighbourliness integrated course is provided in Part 2 of this Report).

Since 2015, the Ministry of Education and Science of Ukraine has been holding the All-Ukrainian Student Olympiads in Languages and Literatures of National Minorities. Competitions are held among students of Grades 9–11 of secondary schools in the following languages and literatures of national minorities: Bulgarian, Moldavian, Modern Greek, Polish, Russian, Romanian, Hungarian, Hebrew (Order of the Ministry of Education and Science of Ukraine No. 1134 of 6 October 2014 “On Approval of the Rules for Holding the All-Ukrainian Student Olympiads in Languages and Literatures of National Minorities of Ukraine”). The main objectives of the annual Olympiads:

- making the study of languages and literatures of national minorities in educational institutions more relevant;
- identification, dissemination, and implementation in the educational process of modern techniques, methods, innovations, technologies for teaching languages and literatures of national minorities;
- supporting and increasing the efficiency of teachers working in educational institutions where languages and literatures of national minorities are studied.
- involving teaching staff, graduate students, undergraduate students of philology departments of higher education institutions in providing active assistance to educational institutions in improving the state of teaching languages and literatures of national minorities.

A booklet on the history and culture of national minorities in Ukraine was prepared within the framework of the Council of Europe’s project “Protection of National Minorities, including Roma, and Minority Languages” jointly with the Institute of Linguistics of the National Academy of Sciences of Ukraine.

Culture, history, language, and religion of national minorities is carried out within the educational programmes of educational institutions of Ukraine at all levels.

For instance, when studying the topic “Ethnic Composition of the Population” (Geography, Grade 8), the issue of the national composition of the population of Ukraine is considered. Educational programmes on the history of Ukraine envisage studying certain themes in the history of the Crimean Tatar people. In 2019/2020 academic year, the relevant government bodies and civil society institutions jointly held the All-Ukrainian Competition of Scenarios for Lessons and Educational Activities “Crimea: 5 Years of Occupation. The Right to Resist”. The methodological basis for studying contemporary history in general secondary education institutions was created on the basis of these materials. A special video lesson “The Day of Remembrance of the Victims of the Crimean Tatar Genocide” was created within the framework of the All-Ukrainian Online School.

Educational programmes on the history of Ukraine provide for the study of certain themes in the history of the Crimean Tatar people, including the Crimean Khanate, the National Revival of the Crimean Tatar People, the Crimean Tatar National Movement, the Events of 1917 in Crimea, Formation of the Crimean Autonomous Soviet Republic, Deportation of the Crimean Tatars and Other Peoples of Crimea, the Crimean Tatar Movement, Creation of the Autonomous Republic of Crimea, Mejlis of the Crimean Tatar People (June 1991), Return of Crimean Tatars to Their Homeland, Status of Crimea and Russia’s annexation of Crimea.

The Ministry of Education and Science of Ukraine recommends that teachers use for teaching history in Grades 7 and 8 the textbook “Essays on the History of Crimea. Supplementary Materials for History Teachers (Grades 7 and 8)” (authors: Stanislav Tsalyk, Oleksandr Mokrohuz, Oksana Volosheniuk). The publication is available at: <https://www.aup.com.ua/dodatkov-materiali-do-urokiv-istori/>.

The educational programmes in Ukrainian literature and foreign literature for Grades 10–11 include works by Crimean Tatar writers (Tair Khalilov).

To celebrate the day of resistance to the occupation of the Autonomous Republic of Crimea and the city of Sevastopol, which is celebrated annually on February 26, the Ministry of Education and Science of Ukraine also recommends that educational institutions hold appropriate events using the recommendations posted on the Ministry’s website.

The state also promotes the study of the culture and history of national minorities of Ukraine in the field of research and promotion of this knowledge. In this aspect, we should note the activities of the Ukrainian Institute of National Memory (UINM), which implements state policy in the field of restoration and preservation of national memory of the Ukrainian people, and one of its statutory tasks is organising national minority historical legacy research and promoting integration of national minorities and indigenous peoples into Ukrainian society. During the reporting period, the UINM participated in the organisation of national and international research conferences on

the history of national minorities and indigenous peoples, such as “Genocide of Roma in Ukraine during World War II: Study, Teaching, Commemoration” (4 October 2016) and “National Minorities of Soviet Ukraine in the Holodomor Era: Losses, Trauma, Memory” (6 March 2020). In 2017, the UINM took part in the preparation of celebrations and a solemn meeting of the Verkhovna Rada of Ukraine on the occasion of the 100th anniversary of the first Kurultay of the Crimean Tatar people (6 December).

The UINM Action Plan for 2021 envisages the organisation of thematic events, which will focus, *inter alia*, on national minorities and indigenous peoples of Ukraine:

- creating a series of popularisation videos about Ukrainian dissidents and activists of the Crimean Tatar national movement;
- ensuring the continuation of the research project Victims of the Polish-Ukrainian Conflict of 1939–1947;
- implementation of a set of measures to ensure the collection of materials on the history of the Ukrainian-Polish confrontation during the Second World War;
- preparation for publication of a book on the Hungarian Revolution of 1956 based on the materials of the KGB archives;
- a popularisation publishing project on the history of Crimea;
- conducting a series of events to promote the history of Crimea and the Crimean Tatar people;
- preparation, production, and distribution of promotional videos “Ukrainian South”.

## **Paragraph 2**

The Ukrainian authorities provide national minorities with textbooks of language and literature of the respective national minorities, as well as translated textbooks. They are printed annually at the expense of the State Budget based on the results of a competitive selection conducted in accordance with the Procedure for Competitive Selection of Coursebooks (Except e-Coursebooks) for Applicants for Complete General Secondary Education and Pedagogical Staff, approved by Order of the Ministry of Education and Science of Ukraine No. 1002 of 17 July 2019.

Pedagogical staff for general secondary education institutions teaching in Moldovan and Romanian is trained at the Izmil State University for the Humanities, Uzhhorod and Chernivtsi National Universities, while those for institutions teaching in Crimean Tatar language are trained at the Shevchenko National University of Kyiv, the Tavriia Vernadsky National University, in Hungarian — on the basis of the Ukrainian-Hungarian Educational and Scientific Institute of the State Higher Education Institution Uzhhorod National University and the Zakarpattia Ferenc

Rakoczi II Hungarian Institute; in Polish in Volyn, Drohobych Pedagogical, Kyiv, Lviv, Prykarpattia, and Khmelnytsky National Universities; in Slovak — at Lviv and Uzhhorod National Universities, and in Bulgarian — at Izmail State University for the Humanities.

Also, in 2016, the Information Centre of Romania was opened at the Izmail State University for the Humanities, which is used for conferences, trainings, in-service training courses for Romanian language teachers and other cultural and educational events for ethnic Romanians in Bessarabia. The information centre has a library of Romanian literature.

The Ukrainian education system is also implementing the integrated Culture of Good Neighbourliness course mentioned in Part 2. The course is being implemented in 21 regions. The programmes take into account the ethnic, religious, linguistic, cultural, and historical-geographical diversity of the country at the regional and national levels. The programmes envisage study of the following topics: “The Child in the Diversity of Cultures”, “History of People and Monuments of the Region”, “Fiction”, “Learning to Communicate” etc. The objectives of the course are to develop children’s interest in communicating with members of different national minorities living in the region; to foster ability to participate in various formats of communication organised by adults (in person, remotely by mail, skype, chat, postcards, etc.); to cultivate respect for the Ukrainian language as the state language and for the different languages of the people living in the region as part of their culture. Programmes, textbooks, and methodological documents for the course “Culture of Good Neighbourliness” can be accessed here: <http://idcir.com.ua/kultura-dobrosusidstva/metodichna-pidtrimka/>.

Institutions of postgraduate pedagogical education provide “Culture of Good Neighbourliness” modules in the framework of in-service training for trainers (recruited from the institutions’ employees) and educators. In-service training programmes have been developed for the “Culture of Good Neighbourliness” course. In order to allow people to complete the course remotely, the online course “Online Tools for Teaching the ‘Culture of Good Neighbourliness’ Course” has been developed, and it has been successfully completed by more than 170 educators. In total, during the period of active implementation of the course on the mainland Ukraine in 2014–2019, more than 1,200 educators were trained for primary schools and more than 400 teachers for preschool institutions. The course is implemented on the basis of systematic interregional cooperation with public associations in the field of civic education.

In addition, a number of seminars were held as part of joint activities with the Council of Europe for education management professionals and in-service pedagogical education institutions dealing with national minority education concerning European best practices in minority language education. Training materials published by the

Council of Europe and the European Charter for Regional or Minority Languages were also presented to them.

The project activities carried out in cooperation with the OSCE High Commissioner on National Minorities (HCNM) deserve a special mention. As of now, the most important event in this area of cooperation is the joint pilot project of the HCNM and the Ministry of Education and Science of Ukraine entitled “Formation of Multilingualism in Children and School Students: Progressive European Ideas in the Ukrainian Context”, which resulted in the preparation of the manual “Successful Practices of Multilingual Education in Ukraine”. The manual presents the results of a pilot project on the formation of multilingualism in preschool and general secondary education students. It is expected that the pilot project on multilingual education in Ukraine will be presented within the OSCE as a model of best practice for subsequent application by other OSCE members. The support of the Office of the OSCE High Commissioner on National Minorities for the implementation of the All-Ukrainian Experiment “Formation of Multilingualism in Children and School Students: Progressive European Ideas in the Ukrainian Context” is tangible for the Ministry of Education and Science of Ukraine.

Over more than two years of cooperation, more than 20 expert discussions, trainings, round tables, conferences, and meetings for teachers from educational institutions participating in the experiment on planning programmes of educational institutions in multilingual education and evaluating models of these programmes.

More than 300 educators participated in the last four roundtables “Achievements and Challenges of the Experiment”, which took place via video conference in October. The experience of the participants of the All-Ukrainian Experiment “Formation of Multilingualism in Children and Students: Progressive European Ideas in the Ukrainian Context” is described in the manual for educators which is currently being prepared for publication.

### **Paragraph 3**

According to current legislation (including the Law “On Education”), every resident of Ukraine has the right to high-quality and affordable/accessible education. The right to education includes the right to lifelong learning, the right to affordable/accessible education, the right to free education in cases and in the manner prescribed by the Constitution and laws of Ukraine.

Adoption and implementation of Law of Ukraine No. 2704 of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language” in the field of education aims to ensure equal access to all levels of education for persons belonging to national minorities by increasing their state language proficiency and

overcoming the linguistic segregation of certain national minority groups in Ukrainian society.

The Law “On Complete General Secondary Education” also pays special attention to the availability/affordability of complete general secondary education, including the availability of a sufficient number of educational institutions that provide free complete general secondary education, providing support to students in the educational process through state and local budgets in the educational institution which is most accessible and closest to their place of residence.

The right of persons belonging to indigenous peoples and national minorities of Ukraine to study the language of the respective indigenous people or national minority of Ukraine in state, corporate or municipal institutions of preschool, primary and general secondary education or through national cultural societies is enshrined in legislation (the Law of Ukraine “On Education”, the Law of Ukraine “On Complete General Secondary Education”, the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”). This right is exercised at the expense of the state budget and local budgets of territorial communities.

Part eleven, Article 45 of the Law of Ukraine “On Higher Education” provides that the assignments of certification work of external independent evaluation are compiled in the state language, except for external independent evaluation in foreign languages.

At the request of the person, the assignments are provided in translation into the language of a national minority or the indigenous people of Ukraine, if that language is taught in the educational institution (except for the assignments in Ukrainian language and literature and foreign languages). Table 2 shows the data of the Ukrainian Centre for Educational Quality Assessment on the language chosen by participants of the external independent evaluation for the assignments of certification work in 2020.

**Table 3.2. Information on the external independent evaluation taken in the languages of national minorities in 2020**

| <b>Subject of the external independent evaluation</b> | <b>Language of the external independent evaluation</b> |                                  |                             |                            |                                  |
|---|--|----------------------------------|-----------------------------|----------------------------|----------------------------------|
|   | <i>Russian</i>   | <i>Hungarian</i>                 | <i>Moldovan</i>             | <i>Polish</i>              | <i>Romanian</i>                  |
| <i>History of Ukraine</i>                             | 6,863 persons (2.59% participants)                     | 567 persons (0.21% participants) | 7 persons (0% participants) | 1 person (0% participants) | 127 persons (0.05% participants) |

|                    |  |                                     |                                     |                                   |                                     |
|--------------------|--|-------------------------------------|-------------------------------------|-----------------------------------|-------------------------------------|
| <i>Mathematics</i> | 12,712 persons<br>(6.78% participants) | 357 persons<br>(0.19% participants) | 56 persons<br>(0.03 % participants) | 9 persons<br>(0% participants)    | 41 persons<br>(0.02% participants)  |
| <i>Geography</i>   | 5,307 persons<br>(4.04 % participants) | 193 persons<br>(0.15% participants) | 16 persons<br>(0.01% participants)  | 0 persons<br>(0 % participants)   | 106 persons<br>(0.08% participants) |
| <i>Biology</i>     | 4,737 persons<br>(4.13 % participants) | 353 persons<br>(0.31% participants) | 36 persons<br>(0.03% participants)  | 6 persons<br>(0,01% participants) | 89 persons<br>(0.08% participants)  |
| <i>Physics</i>     | 2,248 persons<br>(7.93% participants)  | 29 persons<br>(0.1% participants)   | 12 persons<br>(0.04% participants)  | 3 persons<br>(0.01% participants) | 12 persons<br>(0.04% participants)  |
| <i>Chemistry</i>   | 914 persons<br>(6.4% participants)     | 19 persons<br>(0.13% participants)  | 10 persons<br>(0.07% participants)  | 4 persons<br>(0.03% participants) | 2 persons<br>(0.01% participants)   |

National minority languages were chosen for external independent evaluation throughout the reporting period, and this practice is typical primarily for Zakarpattia, Odesa, and Chernivtsi Regions due to the pronounced polyethnic population composition of these regions.

There are 83 Sunday schools serving members of national minorities living in Ukraine. Education authorities, national cultural societies, and educational organisations facilitate their work. National culture centres work to meet the ethnocultural needs of national minorities (according to local executive bodies, 107 such centres were active at the end of 2020).

A major challenge facing Ukraine as a result of the Russian Federation's temporary occupation of part of the country's territory is the educational segregation of local children. The Ukrainian education system has been completely destroyed in the temporarily occupied territories of Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol, including state-language education, which limits opportunities of children from such territories for full integration and self-realisation in Ukrainian society.

For instance, in 2020/2021 academic year in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol in 547 secondary schools of all forms of ownership, 96.9% of all students were being instructed in Russian, 6700 (3%) in Crimean Tatar, and only 214 (0.1%) in Ukrainian (162 students

in the school No. 20 of the city of Feodosia, and 52 more in three Ukrainian-language forms of Simferopol Academic Gymnasium. As of 2021, there is officially only one school with Ukrainian language of instruction left in Crimea (School No. 20 of the city of Feodosia), which provides education up to Grade 9.

We would like to note the fact that in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, students in Grades 10–11 do not have the right to study in Ukrainian, although it is notionally declared a state language in the so-called “Republic of Crimea”. Instruction in higher education institutions of Crimea is offered exclusively in Russian. Access to education in the mother tongue and state language in the system of preschool education has been eliminated.

In March 2020 on the temporarily occupied territories in the Donetsk and Luhansk regions territories, the Russian occupation authorities in occupied areas of Donbas “deprived” the Ukrainian language of state status, thus approving the status of Russian as the only “state” language in the temporarily occupied territories of Donetsk and Luhansk Regions, including in education.

The Ukrainian state is deeply concerned about the processes of segregation, Russification, clericalisation, and militarisation of the education system in the temporarily occupied territories of Ukraine in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol, which adversely affect children of all local national minorities.

In order to overcome the educational, informational, and cultural segregation of children in the temporarily occupied territories in Donetsk and Luhansk Region, the Autonomous Republic of Crimea, and the city of Sevastopol, the Government of Ukraine takes measures to ensure the right to education and access to domestic educational institutions of all levels for children who lived or are living on these territories.

The government creates conditions for preschoolers and schoolchildren who have left the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea, and the city of Sevastopol to continue education at their new residence or stay location. The procedure for their enrolment in educational institutions has been simplified, and they have been provided with additional opportunities for individual education, including external and distance learning. In accordance with Subclause 7, Clause 10 of the Regulation on the Preschool Education Institution approved by Resolution of the Cabinet of Ministers of Ukraine No. 305 of 12 March 2003 (as amended by Resolution of the Cabinet of Ministers of Ukraine No. 86 of 27 January 2021) and Order of the Ministry of Education and Science of Ukraine No. 367 of 16 April 2018, children from the temporarily occupied territories have the priority right to enrol in an educational institution.

In addition, the I–III stage general educational institution International Ukrainian School provides educational services (according to the individual curriculum) to citizens living in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol (according to Order of the Cabinet of Ministers of Ukraine No. 1144-r of 28 October 2015). According to the International Ukrainian School, 716 students from the ARC were educated at the school during 2015–2019. As of 22 March 2021, the institution was evaluating 100 external students living in the Autonomous Republic of Crimea and the city of Sevastopol.

Since 2016, special conditions for admission to higher, professional pre-higher, and vocational education institutions through educational centres Donbas-Ukraine and Crimea-Ukraine have been created for persons whose place of residence is located in the temporarily occupied territory of certain areas of Donetsk and Luhansk Regions, the territory of settlements located on the line of contact, the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol.

Appropriate changes have been made to the legislative and regulatory framework of Ukraine (the Regulation on the Preschool Education Institution as amended by Resolution of the Cabinet of Ministers of Ukraine No. 86 of 27 January 2021); the Regulation on the Institutional Form of General Secondary Education (Order of the Ministry of Education and Science of Ukraine No. 536 of 23 April 2019), a new version of the Regulation on the Individual Form of General Secondary Education (Order of the Ministry of Education and Science of Ukraine No. 955 of 10 July 2019); the Procedure for Ordering, Registration and Issuance of State-Standardised Duplicates and Corrected Documents on General Secondary Education to Persons who Received General Secondary Education in Educational Institutions in the Temporarily Occupied Territory of Ukraine and in Educational Institutions of Certain Settlements of Donetsk and Luhansk Regions (Order of the Ministry of Education and Science of Ukraine No. 917 of 8 August 2014).

Also, the legislature passed Law of Ukraine No. 744-IX of 3 July 2020 “On Amendments to the Law of Ukraine ‘On Higher Education’ Concerning the Special Procedure for Admission to Higher Education Institutions of Persons from the Temporarily Occupied Territories of the Autonomous Republic of Crimea and the City of Sevastopol, Donetsk and Luhansk Regions”, enabling not only persons from temporarily occupied Crimea, but also persons living in the temporarily occupied territories of Donetsk and Luhansk Regions and settlements on the line of contact to enter higher education institutions on preferential terms. Children from the temporarily occupied territories have been granted the right to enter any higher education institution without taking an external independent evaluation.

These laws and regulations provide, among other things, mechanisms for the unimpeded exercise of the right to education by citizens living in the temporarily occupied territory of Ukraine. Namely:

- a simplified procedure for their enrolment in educational institutions;
- additional opportunities for distance learning, individual form of education, as well as external education;
- an opportunity for school leavers from the temporarily occupied territories to complete their studies in the territory controlled by the government of Ukraine and obtain a state-standardised education document;
- conditions for completing the academic year externally, passing the state final attestation, obtaining documents on basic and complete general secondary education, registration for and taking external independent evaluation and admission to institutions of higher and vocational education;
- an opportunity to pass certification for basic and specialised secondary education courses in one year;
- conditions for independent learning (in accordance with the State Standard) with the help of the All-Ukrainian Online School platform for distance and mixed forms of education for students in Grades 5–11.
- an exemption from taking the state final certification for students of general secondary education institutions in Grades 4 and 9 in the 2020/2021 academic year. Relevant Order of the Ministry of Education and Science of Ukraine No. 273 of 3 March 2021 was registered by the Ministry of Justice of Ukraine on 16 March 2021 under No. 338/35960.

Since the Crimea-Ukraine and Donbas-Ukraine educational centres became operational, the number of entrants from the temporarily occupied territories of Crimea and the Donbas to Ukrainian higher education institutions has doubled. 2,026 students were enrolled in 2020, as opposed to just 1,008 in 2016. The Centres' branch network has expanded. By 2020, such Centres were established on the basis of 195 institutions of higher and professional pre-higher education of various departments, namely: 166 institutions of the Ministry of Education and Science of Ukraine, 12 of the Ministry of Health of Ukraine, 14 of the Ministry of Culture and Information Policy of Ukraine, and 3 of the Ministry of Internal Affairs of Ukraine.

Also, on 11 June 2021, the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine launched the Crimean Tatar version of its website in a test mode.

### **Article 13**

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
2. The exercise of this right shall not entail any financial obligation for the Parties.

According to the provisions of Article 22 of the Law of Ukraine “On Education”, educational institutions of all forms of ownership have equal rights and responsibilities in conducting educational activities in accordance with the law. Similar provisions are contained in special legislative acts that govern certain types of social relations in the field of education.

Thus, the Law of Ukraine “On Higher Education” is in force in Ukraine, which defines the basic legal, organisational, and financial principles of the higher education system, creates conditions for strengthening cooperation between government bodies and businesses and higher education institutions on the principles of autonomy of higher education institutions, linking education to science and production in order to build up competitive human capital for high-tech and innovative development of the country, self-realisation of the individual, meeting the needs of society, labour market, and the state for qualified specialists.

In accordance with the provisions of Article 27 of that Law, higher education institutions of state, municipal, and private ownership have equal rights to conduct educational, research, and other activities. In addition, in a private higher education institution, its structure, composition, procedure, and powers of governing bodies, working and advisory bodies, public, and student self-government bodies, research societies, procedures for electing or appointing leadership of the institution and its subdivisions may be determined by the institution’s statute without regard to requirements of this Law.

The decision to establish, reorganise (merge, join, divide, transform) or liquidate a privately-owned higher education institution is made by natural persons and/or legal entities in accordance with the law, including by religious organisations, whose statutes (regulations) are registered in the manner prescribed by law (Article 31 of the Law).

According to Law of Ukraine No. 463-IX of 16 January 2020 “On Complete General Secondary Education” (Clause 10 of Article 5), private educational institutions that provide complete general secondary education at the expense of individuals and/or legal entities shall have the right to freely choose the medium of instruction (except for educational institutions that receive public funds) and shall be obliged to ensure that students master the state language in accordance with state standards.

At the beginning of 2020/2021 academic year, the number of day private general secondary education institutions (excluding special schools (boarding schools)) where instruction was conducted in one language which was a national minority language was:

- in Russian — 35 (compared to 43 in 2018/2019 and 2019/2020 academic years);
- in Hungarian — 6 (compared to 5 in 2018/2019 and 2019/2020 academic years).

Among private schools with two languages of instruction at the beginning of 2020/2021 academic year, 22 schools offered instruction in the state and Russian languages (in the 2019/2020 academic year, there were 19 such educational institutions, and 16 in 2018/2019 academic year).

#### **Article 14**

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

#### **Paragraph 1**

The implementation of reforms in the Ukrainian educational sphere carried out in the reporting period took place in compliance with constitutional guarantees for the exercise of the right to obtain education in the mother tongue or to study the mother tongue in state and municipal educational institutions or through national cultural societies. Relevant guarantees are enshrined in adopted Law of Ukraine No. 2704-VIII of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language”.

The document envisages affirmative action policies regarding the languages of the indigenous peoples of Ukraine. This stance of the Ukrainian state is grounded in the awareness of the vulnerable position of the languages of the indigenous peoples of Ukraine who do not have their own state entity outside the country of residence. For this reason, the languages of Ukraine’s indigenous peoples need “enhanced support measures”. At the same time, such measures do not discriminate against the languages of national minorities on the grounds of language.

According to Article 7 of the Law of Ukraine “On Education”, persons belonging to national minorities of Ukraine are guaranteed the right to obtain instruction in public educational institutions of preschool and primary education in the language of the respective national minority along with the state language. This right is exercised by creating in accordance with law separate forms (groups) with instruction in the language of the respective national minority along with the state language and does not apply to forms (groups) with instruction in the Ukrainian language.

Persons belonging to the indigenous peoples of Ukraine are guaranteed the right to obtain instruction in municipal educational institutions of preschool and general secondary education in the language of the respective indigenous people along with the state language. This right is exercised, just like in the previous case, by creating in accordance with law separate forms (groups) with instruction in the language of the respective indigenous people of Ukraine along with the state language and does not apply to forms (groups) with instruction in the Ukrainian language.

Persons belonging to indigenous peoples and national minorities of Ukraine are guaranteed the right to study the language of the respective indigenous people or national minority in municipal secondary schools or through national cultural societies.

At the request of students attending institutions of vocational, professional pre-higher, and higher education, educational institutions enable them to study the language of an indigenous people or national minority of Ukraine as a separate discipline.

The document also introduces legislative provisions aimed at the integration and comprehensive self-realisation of Ukrainian citizens of different ethnic backgrounds in Ukrainian society.

Educational institutions provide compulsory instruction in the state language to the extent that allows the student to conduct professional activities in the chosen field using the state language. Persons belonging to indigenous peoples and national minorities of Ukraine, foreigners and stateless persons are provided with appropriate conditions for learning the state language.

Also, for the purpose of comprehensive development and self-realisation of the citizens of Ukraine, the document provides for assistance in the study of languages of international communication, primarily English, in state and municipal educational institutions. According to their curricula, educational institutions may teach one or more disciplines in two or more languages including the state language, English, and other official languages of the European Union.

## **Paragraph 2**

Ukraine ensures the exercise of the right of persons belonging to national minorities and indigenous peoples to obtain preschool education in municipal educational institutions and general secondary education in state, municipal, and corporate general secondary educational institutions in the languages of such national minorities and indigenous peoples (along with the state language).

Thus, according to Article 7 of the Law of Ukraine “On Education”, persons belonging to national minorities and indigenous peoples of Ukraine have the right to obtain preschool education in municipal educational institutions and general secondary education in state, municipal and corporate general secondary educational institutions

in the languages of such national minorities and indigenous peoples (along with the state language), and to study the languages of such national minorities and indigenous peoples. A similar provision is contained in Article 5 of the Law of Ukraine “On Complete General Secondary Education”. This right is exercised at the expense of the state budget and local budgets of territorial communities.

The Law of Ukraine “On Education” has been amended to allow persons belonging to national minorities of Ukraine whose languages are official languages of the EU and who started general secondary education by 1 September 2018 in the language of the respective national minority to continue to obtain such education with a gradual increase in the number of subjects taught in Ukrainian. For members of national minorities whose languages are official languages of the EU, the transition period will last until 1 September 2023, while for children belonging to other national minorities of Ukraine, it ended on 1 September 2020 (Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”).

Article 5 of the Law of Ukraine “On Complete General Secondary Education” sets up the model of instruction in the state language and mother tongue for secondary schools with forms (groups) with instruction in languages which are official languages of the European Union, which incorporates the recommendations of the Venice Commission Opinion of 11 December 2017 on the provisions of the Law of Ukraine “On Education”. According to this Law, persons belonging to national minorities of Ukraine whose languages are official languages of the European Union and exercising the right to study in the respective languages in state, municipal or corporate educational institutions, obtain:

- basic secondary education in state language for at least 20 percent of annual number of academic hours in Grade 5 with annual increase in such amount (to at least 40 percent in Grade 9);
- specialised secondary education in state language for at least 60 percent of annual number of academic hours;

Persons belonging to other national minorities of Ukraine obtain basic and specialised secondary education in state, municipal, or corporate educational institutions in state language for at least 80 percent of annual number of academic hours.

The model proposed in Article 5 of the Law envisages adding other subjects for learning the Ukrainian language as the child is ready, so that the child masters the terminology much better. However, this model determines only the amount of time spent on instruction in this or that language. It takes into account the specific features of each national minority, in particular the language environment in which the minority lives, the language group to which the respective language belongs, and so on. Studying

the state language will promote the integration of representatives of national minorities into the general society, will allow them to better exercise their own educational, labour and social rights.

According to Subclause 18, Clause 3 of section XII “Final and Transitional Provisions” of the Law of Ukraine “On Education”, persons belonging to indigenous peoples and national minorities of Ukraine (except for persons specified in Subclause 19 of this Clause), who started general secondary education by 1 September 2018 in the language of the respective indigenous people or national minority of Ukraine continued to obtain such education up to 1 September 2020 in accordance with the rules that existed before the entry into force of this Law, with a gradual increase in the number of subjects taught in Ukrainian (as amended by the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”).

Subclause 19, Clause 3 of section XII “Final and Transitional Provisions of the Law of Ukraine “On Education” provides that persons belonging to national minorities of Ukraine whose languages are official languages of the European Union and who started general secondary education by 1 September 2018 in the language of the respective national minority will continue to obtain such education up to 1 September 2023 in accordance with the rules that existed before the entry into force of this Law, with a gradual increase in the number of subjects taught in Ukrainian (Clause 3 of Section XII supplemented with Subclause 19 under the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”).

***Table 3.3. Information on the number of preschool educational institutions and the distribution of their pupils by language of education as of 1 January 2021 (municipal ownership)***

| <b>Languages of education</b> | <b>Number of institutions</b> | <b>Number of children being educated in the language</b> |
|-------------------------------|-------------------------------|--|
| Ukrainian                     | 14,725                        | 1,126,592  |
| Russian                       | 110                           | 14,300   |
| Hungarian                     | 80                            | 4,611  |
| Romanian                      | 60                            | 3,282  |
| Moldovan                      | 12                            | 938  |
| Crimean Tatar <sup>1</sup>    |                               | 57   |
| polish                        | 1                             | 126  |
| Slovak*                       |                               | 82   |

|  |     |  |
|--|-----|--|
| <i>institutions with several<br/>education languages</i> | 344 |  |
|--|-----|--|

*\* Individual groups in preschool educational institutions*

**Table 3.4. Information on languages of instruction and studying a language as a subject in general secondary educational institutions in 2020/2021 academic year (institutions of state, municipal, and private ownership without taking into account evening and special schools and boarding schools)**

| <b>Languages of instruction or study</b> | <b>Number of institutions with instruction in the language</b> | <b>Number of forms with instruction in the language</b> | <b>Number of students being instructed in the language along with the state language</b> | <b>Number of students studying the language as a subject</b> | <b>Number of students studying the language as an elective or in a language club</b> |
|--|--|---|--|--|--|
| Ukrainian                                | 13,611   | 200,937   | 3,980,305  | 168,728  | 25,695   |
| Russian                                  | 55   | 5,421   | 130,778  | 588,380  | 65,083   |
| Romanian                                 | 69   | 1,034   | 16,302   | 2,427  | 274  |
| Hungarian                                | 73   | 1,044   | 17,601   | 2,353  | 1,091  |
| Crimean Tatar                            |  | 5   | 64   | 347  | 125  |
| Moldovan                                 | 1  | 158   | 2,388  | 2,803  | 73   |
| Polish                                   | 4  | 57  | 1,086  | 77,281   | 14,866   |
| English                                  |  | 14  | 165  | 4,042,915  | 48,100   |
| Slovak                                   |  | 4   | 138  | 339  | 997  |
| Bulgarian                                |  | 2   | 46   | 8,313  | 1,075  |
| Gagauz                                   |  |   |  | 902  | 13   |
| German                                   | 1  | 13  | 160  | 624,947  | 20,582   |
| Modern Greek                             |  |   |  | 2,527  | 589  |
| Hebrew                                   |  |   |  | 4,745  | 154  |

|   |               |        |  |                  |                |
|---|---------------|--------|--|------------------|----------------|
| Spanish   |               |        |  | 16,409           | 1,003          |
| Latin   |               |        |  | 1,008            | 242            |
| French  |               |        |  | 131,584          | 6,135          |
| Japanese  |               |        |  | 876              |                |
| other languages   |               |        |  | 6,820            | 2,260          |
| institutions with several languages of instruction used along with the state language | 672           | 15,105 | number of students in these institutions | 373,114          | 0              |
| <b>Total</b>  | <b>14,486</b> |        | <b>4,149,233</b>                         | <b>5,683,365</b> | <b>187,360</b> |

**Table 3.5. Publication of textbooks in national minority languages at the expense of the State Budget of Ukraine in 2020**

| Seq. No. | Language          | Number of titles | Number of copies |
|----------|-------------------|------------------|------------------|
| 1        | Bulgarian         | 2                | 1,777            |
| 2        | Gagauz            | 2                | 320              |
| 3        | Hebrew            | 1                | 237              |
| 4        | Crimean Tatar     | 1                | 600              |
| 5        | Moldovan          | 7                | 4,009            |
| 6        | Moldovan/Romanian | 5                | 7,430            |
| 7        | Modern Greek      | 2                | 465              |

|       |           |    |         |
|-------|-----------|----|---------|
| 8     | Polish    | 10 | 12,507  |
| 9     | Russian   | 9  | 207,245 |
| 10    | Romanian  | 7  | 28,759  |
| 11    | Hungarian | 11 | 31,165  |
| TOTAL |           | 57 | 294,514 |

### Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

#### Recommendations of the Committee of Ministers for Ukraine:

- *ensure that the legislative framework contains effective means for persons belonging to national minorities to be adequately represented in elected bodies at all levels so that they may participate fully in public affairs, in line with Article 15 of the Framework Convention; ensure that the interests of members of territorial communities, including persons belonging to national minorities, are respected when redrawing boundaries of electoral districts, in line with existing legislative provisions;*
- *promote effectively the participation of Roma\* in socio-economic life; increase efforts to ensure adequate access to housing, health services and employment, including through targeted vocational education and training.*

Ukraine takes measures to improve the conditions for comprehensive self-realisation of its citizens, including members of national minorities, in Ukrainian society. For instance, adoption and implementation of the Law of Ukraine No. 2704 of 25 April 2019 “On Ensuring the Functioning of the Ukrainian Language as the State Language” aims to ensure the necessary conditions for the effective participation of persons belonging to national minorities in cultural, social, economic and public affairs, in particular those relating to their activities and the protection of their rights, by increasing their state language proficiency.

The reform of local self-government and territorial organisation of government is underway in Ukraine, which is based on the principle of subsidiarity and reflects the provisions of the European Charter of Local Self-Government. Although the formation of a new administrative and territorial organisation on the basic and subregional levels

has led to some changes in the ethnic composition of the local population, in particular, in regions and newly created territorial communities, these changes have not had a negative impact on the ability of national minorities to be represented in local self-government bodies and to receive public services. The implementation of these reforms provides national minorities, including in the polyethnic regions of Ukraine, with more opportunities for their development and expands opportunities for effective participation, including that of members of national minorities, in addressing issues affecting them. As most powers and financial resources are transferred to the level of territorial communities, this creates the necessary conditions for active participation of national minorities in the cultural and social affairs of territorial communities and expands their opportunities to influence improvements in the quality of public services provided locally.

According to the current legislation of Ukraine, public councils operate at the central and local executive bodies as temporary auxiliary advisory bodies, while other advisory and auxiliary bodies may be established as well. Persons belonging to national minorities of Ukraine may sit on such bodies.

The Ministry of Education and Science of Ukraine implemented measures to ensure the effective functioning of its advisory body – the Council of Representatives of Public Associations of Indigenous Peoples and National Minorities of Ukraine at the Ministry of Education and Science of Ukraine (<https://mon.gov.ua/ua/tag/gromadska-rada>). The body performs a representative and communicative function in cooperation between the Ministry of Education and Science of Ukraine and public associations of national minorities and indigenous peoples aimed at developing state policy in the field of education. The Council develops proposals for draft state educational policies on ensuring the rights of national minorities and indigenous peoples in the field of education, as well as examines respective decisions and monitors their implementation. At the time of its establishment, the Council consisted of 30 representatives of public associations of indigenous peoples and national minorities of Ukraine. In 2020, public associations (the Democratic Union of Hungarians of Ukraine, Pro Cultura Subcarpathica, and the International Charity “Chirikli Roma Women’s Foundation”) initiated changes in their representation on the Council. The Council also admitted new members from public associations previously not represented on the Council, including the Association of Ethnic Romanian Teachers of Ukraine and the Alliance of Romanian National Cultural Associations in Ukraine.

As of now, 32 representatives of public associations sit on the Council. These are representatives of: the Crimean Tatar people (2), Hungarian (6) Polish (4), Romanian (3), Jewish (2), Armenian (2), Moldavian (1), Slovak (1), Bulgarian (1), Russian (1), German (1), Gagauz (1), Greek (1), and Roma (1) minorities, as well as one representative each from the Union of Uralic Peoples of Ukraine, the Association

of Ethnic Artists, the Congress of National Communities of Ukraine, the All-Ukrainian Assembly of Tatars and the Tugan-Tel All-Ukrainian Tatar Cultural Centre.

During the reporting period, the Council held three meetings devoted to addressing pressing issues of ensuring the language rights of national minorities and indigenous peoples in the implementation of the education reform.

Also, as of 1 January 2021, 17 specialised advisory bodies at oblast state administrations, 1 council at a regional state administration, and 4 other advisory bodies at government bodies were active in Ukraine, all these bodies ensuring representation of various national minorities of Ukraine.

With regard to other forms of involving persons belonging to national minorities in decision-making processes, it should be noted that, in accordance with Clause 1 of §42 of the Rules of Procedure of the Cabinet of Ministers of Ukraine approved by Resolution of the Cabinet of Ministers of Ukraine No. 950 of 18 July 2007, the developer of a draft law or draft regulation of the Cabinet of Ministers of Ukraine must organise a public discussion of a draft if it is socially important and deals with the rights and responsibilities of citizens.

Thus, the implementation of reforms in Ukraine during the reporting period took place on the basis of consultations with public associations of national minorities of Ukraine, held both at the central and local levels.

Representatives of national minority public associations were involved in the work on the draft Strategy for Promoting the Empowerment of Persons Belonging to the Roma National Minority in Ukrainian Society through 2030, approved by the Cabinet of Ministers of Ukraine Order No. 866-r of 28 July 2021. The public discussion of the draft took place on 23 October 2020, and a report on its conduct is posted on the website of the State Service for Ethnic Policy and Freedom of Conscience ([https://dessa.gov.ua/wp-content/uploads/2021/01/Report-with-Annex\\_7.01.2021.pdf](https://dessa.gov.ua/wp-content/uploads/2021/01/Report-with-Annex_7.01.2021.pdf)).

At the same time, Ukraine is implementing new mechanisms for the interaction of national minority representatives with government bodies at the regional level. For example, the Multi-ethnic Odesa Oblast Communication Platform was developed and implemented at the initiative of the Odesa Regional State Administration during 2019-2020 as part of the pilot initiative Assistance of the Council of Europe in Developing and Implementing a Communication Strategy for Better Communication on the Protection of National Minorities and Minority Languages in Ukraine to Improve Consulting Services for National Minorities.

Also, on 19 September 2020, the Multi-ethnic Family of Zaporizhzhia Region Communication Platform of National Communities of Zaporizhzhia Oblast was

introduced to the public, having been created with the assistance of the Zaporizhzhia Oblast State Administration, Department of Culture, Tourism, Nationalities and Religions, and the Council of Europe project Protecting National Minorities, Including Roma, and Minority Languages in Ukraine.

The implementation of these pilot projects aims to further improve communication mechanisms and involve national minorities in Ukraine in decision-making processes at the regional level.

*Recommendation of the Committee of Ministers for Ukraine (1):*

National election legislation does not contain provisions which are discriminatory on ethnic/racial grounds. Citizens of Ukraine from among persons belonging to national minorities are elected on an equal basis to the elected government bodies at all levels.

In compact settlement areas persons belonging to national minorities or speaking their languages are represented at the levels of oblast and regional state administrations and councils and at the level of CTC leadership.

For example, the Hungarian national minority which is the largest national minority of Zakarpattia Oblast is represented in the local oblast council by eight members (all belonging to the KMKSZ Zakarpattia Oblast Organisation of the Hungarian Party of Ukraine), who make up 12.5% of the total membership of that body. The Hungarian national minority is also represented at the level of local councils, in particular in compact settlement areas, at the level of heads of regional (Berehove raion) and city councils (Berehove city council).

Therefore, the Ukrainian side makes efforts and provides all the necessary legal framework to enable the proper representation of national minorities of Ukraine in elected bodies at all levels and their full participation in public affairs in accordance with Article 15 of the Framework Convention.

*Recommendation of the Committee of Ministers for Ukraine (2):*

State policy measures to promote effective participation of Roma in socio-economic affairs (including ensuring adequate access to housing, health services and employment, including through vocational education) were implemented by the Government of Ukraine within the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society through 2020, approved by the Decree of the President of Ukraine No. 201/2013 of 8 April 2013, as well as the action plan for implementation of the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society through 2020, approved by the Cabinet of Ministers Order No. 701-r of 11 September 2013.

The report on the implementation of the Action Plan in 2020 is available in Ukrainian on the SSEFC (DESS) official website: <https://dess.gov.ua/roma-action-plan-2020-report/>.

By the Order No. 866-r of 28 July 2021, the Cabinet of Ministers of Ukraine approved the Strategy for Promoting the Empowerment of Persons Belonging to the Roma National Minority in Ukrainian Society through 2030.

### **Article 16**

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

#### Recommendation of the Committee of Ministers for Ukraine:

- *when redrawing administrative boundaries, ensure that the rights and freedoms which flow from the Framework Convention are not restricted through the alteration of the proportions of the population in a given area, and that effective participation of persons belonging to national minorities in discussions at local level is guaranteed.*

Ukraine takes no measures aimed at restricting the rights and freedoms of national minorities. According to Article 22 of the Constitution of Ukraine, the content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.

Although the reform of local self-government and territorial organisation of government has led to some changes in the ethnic composition of the local population, in particular, in regions and territorial communities, these changes have not had a negative impact on the ability of national minorities to be represented in local self-government bodies and to receive public services. The implementation of these reforms provides national minorities, including in the polyethnic regions of Ukraine, with more opportunities for their development and expands opportunities for effective participation in addressing issues affecting them. As most powers and financial resources are transferred to the level of capable territorial communities, this creates the necessary conditions for active participation of national minorities in the cultural and social affairs of territorial communities and expands their opportunities to influence improvements in the quality of public services provided locally.

Article 10 of the Law of Ukraine “On National Minorities in Ukraine” declares that the state guarantees national minorities the right to preserve the living environment in areas of their historical and contemporary settlement.

The issue of members of the peoples deported during the Soviet era returning to the territory of Ukraine is addressed by the respective legislative acts and treaties of Ukraine with other states. Thus, the Law of Ukraine “On Restoration of the Rights of Persons Deported on National Grounds” builds on this provision by determining the status of persons deported on national grounds, establishing state guarantees for the restoration of their rights, and powers of government and local self-government bodies to restore the rights of these persons.

The reform of local self-government and territorial organisation of government in Ukraine is based on the European Charter of Local Self-Government, which Ukraine ratified in 1997. By the Law No. 1664-VII of 2 September 2014, Ukraine ratified the Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority, which came into effect on 24 September of the same year. The entire legislative basis of this reform was sent for examination to the Council of Europe while still in the drafting stage.

The new territorial basis of local self-government was approved on 12 June 2020 by the Cabinet of Ministers of Ukraine Order “On Designating Administrative Centres and Approving Territories of Territorial Communities” developed in accordance with the Law of Ukraine “On Local Self-Government in Ukraine”. Also, in accordance with Resolution of the Verkhovna Rada of Ukraine No. 807-IX of 19 July 2020 “On the Formation and Liquidation of Regions”, 136 new regions were formed in the Autonomous Republic of Crimea and regions.

The existing processes of consolidation of regions are not aimed at and cannot hinder the preservation of the identities of national minorities or hamper the development of their culture and traditions.

At the same time, we note that the provisions of Article 16 are grossly violated by the Russian Federation in Crimea which is temporarily occupied by it. In violation of the Additional Protocol (II) to the Geneva Conventions for the Protection of War Victims, Russia forcibly and markedly changed the composition of the population of Crimea in 2014-2020. This is noted, in particular, in the Preliminary Judgment of the International Court of Justice in the case of Ukraine v. Russia of November 8, 2019. It violates the rights of the indigenous peoples and national minorities of Crimea especially egregiously.

*Recommendation of the Committee of Ministers for Ukraine:*

In implementing reforms to streamline the administrative and territorial organisation of Ukraine and individual territorial communities, the state takes proportionate measures to preserve the integrity of the national minority settlement areas that have historically developed in a given area.

Historical, natural, ethnic, cultural and other factors influencing the socio-economic development of a consolidated territorial community were taken into account when making decisions on voluntary consolidation of territorial communities in accordance with Clause 4, Part one, Article 4 of the Law of Ukraine No. 157- VIII of 5 February 2015 “On Voluntary Consolidation of Territorial Communities”. According to the Law, the state provided informational, educational, organisational, methodological and financial support to the voluntary consolidation of territorial communities and joining consolidated territorial communities.

The Ministry for Communities and Territories Development of Ukraine also held a series of round tables with representatives of concerned public associations, local self-government bodies, oblast state administrations, national minorities, and MPs, during which it delivered information on the progress of development of Long-Term Plans for the Formation of Community Territories, provided answers and accepted proposals from stakeholders. When developing the final decision on Long-Term Plans for the Formation of Community Territories, the Ministry detected no critical issues and contradictions. The implementation of the reform of local self-government and territorial organisation of government took into account the results of studies commissioned by the Ministry for Communities and Territories Development of Ukraine – Consolidation of Communities in Ethnic Contact Regions (created by the analytical centre of the All-Ukrainian Public Association for the Promotion of Population Self-Organisation with the assistance of the Embassy of Sweden in Ukraine and the International Renaissance Foundation) and Management of Ethno-National Diversity for Sustainable Socio-Economic Development of Local Self-Government in the Context of Decentralisation in Ukraine, based on the experience of Odesa, Zakarpattia, and Chernivtsi Regions (prepared by the ECMI Ukraine Programme of the European Centre for Minority Issues (ECMI) with support of the U-LEAD with Europe Programme) and recommendations of UN Women Ukraine.

The website [decentralisation.gov.ua](http://decentralisation.gov.ua) systematically covers the process of government decentralisation in Ukraine, in particular the formation and development of territorial communities with polyethnic populations, such as Novoselytsia, Mamalyha, Storozhynets, Hlybochytsia, Nedoboivtsi, etc., which offer examples of best practices of success and where polyethnicity has become an advantage on the path to development and higher living standards.

Thus, the processes of formation of capable territorial communities and the new subregional level of administrative-territorial organisation in Ukraine which unfolded

during the reporting period were based on thorough discussions and obtaining all necessary approvals from all stakeholders. The success of the reforms has been recognised by Ukraine's European partners, including at the level of the Council of Europe and the European Parliament.

### **Article 17**

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

### **Paragraph 1**

Ukrainian law guarantees the right of national minorities to freely engage in transfrontier contacts with persons with whom they share common ethnic, cultural, linguistic or religious characteristics or cultural heritage. According to Article 15 of the Law of Ukraine "On National Minorities in Ukraine" (1992), citizens belonging to national minorities and national community public associations have the right to freely establish and maintain relations with persons of their national community and their public associations outside Ukraine, to receive assistance from them to meet their linguistic, cultural, spiritual needs, to participate in the activities of international non-governmental organisations.

Ukraine borders on seven states, while 19 of 27 first-level administrative divisions are adjacent to the border. Eight Euroregions (Bug, Upper Prut, Dniester, Dnieper, Carpathian, Lower Danube, and Yaroslavna) have been created on the territory of border regions including Vinnytsia, Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Luhansk, Odesa, Sumy, Kharkiv, Chernivtsi, and Chernihiv, and five Euroregions have been created with EU member states (the Republic of Poland, the Slovak Republic, Romania, Hungary). Transfrontier cooperation has been carried out within Euroregions since 1993.

Transfrontier cooperation in Ukraine is carried-out on the basis of international law and domestic legislation, including the European Framework Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Ukraine acceded to the Convention on 14 July 1993) and its additional protocols, the Laws of Ukraine "On Transfrontier Cooperation", "On the Principles of State Regional Policy", "On Stimulating the Development of Regions", "On Local Self-Government in Ukraine", the State Strategy

for Regional Development for 2021-2027, the State Programme for the Development of Transfrontier Cooperation for 2021-2027.

Transfrontier cooperation is one of the tools used to achieve the Sustainable Development Goals set out in the Decree of the President of Ukraine No. 722 of 30 September 2019, in particular in the context of solving environmental problems related to the deteriorating environmental situation in Ukraine.

The basic principles of Ukraine's transfrontier cooperation with the member states of the European Union are set out in Articles 446-449 of Chapter 27 of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States on the other part, ratified by the Law of Ukraine No. 1678-VII of 16 September 2014

Transfrontier cooperation is carried out both at the international level and at the level of territorial communities, their representative bodies and local executive bodies. Such cooperation contributes to the social and economic convergence of border regions and the creation of new opportunities for their development, including the development of economic, social, research and technical, environmental, cultural and other relations and exchange of experiences.

A positive consequence of the reforms implemented during the reporting period in Ukraine is the growth of opportunities for transfrontier cooperation of newly formed territorial communities at the regional level in border regions with polyethnic population.

It should be noted that the potential of transfrontier cooperation for polyethnic territorial communities includes not only greater opportunities to maintain transfrontier intercultural relations with the countries of origin of national minorities, but also the opportunity of effective participation through transfrontier cooperation to address important economic, social and environmental issues concerning them.

During the reporting period, transfrontier cooperation opportunities were discussed at a number of communication and consultative events, of which we would like to note the Congress of Project Initiatives on Transfrontier Cooperation Opportunities under the Operational Programmes Romania-Ukraine 2014-2020 and Black Sea Basin (16 March 2018, the city of Odesa). During the event, its participants discussed the issues of effective interaction for the implementation of joint projects between local self-government bodies, local executive bodies and public associations of Odesa Oblast and Romania, strengthening the institutional and technical capacity of local self-government and executive bodies to coordinate and jointly implement sustainable development programmes in border regions of Romania and Ukraine.

Transfrontier cooperation at the regional/oblast level in border areas of Ukraine with polyethnic population (Zakarpattia, Odesa, Chernivtsi Regions) is carried out in the framework of the following transfrontier cooperation programmes: Hungary-Slovakia-Romania-Ukraine, Poland-Belarus-Ukraine, Romania-Ukraine, the Eastern Partnership Territorial Cooperation Programme (EaPTC), as well as the EU Strategy for the Danube Region, the Danube Transnational Programme, the European Territorial Cooperation Border Cooperation Programmes for 2021-2027, and the Neighbourhood, Development and International Cooperation Instrument (NDICI).

Zakarpattia Oblast has officially established partnerships with 15 regions of EU countries, including Szabolcs-Szatmár-Bereg, Borsod-Abaúj-Zemplén and Heves Counties (Hungary), Košice and Prešov Self-Governing Regions (Slovakia), Podkarpackie Voivodeship (Poland), Vysočina, Pardubice and Ústí nad Labem Regions (Czech Republic), Maramures and Satu Mare Counties (Romania), Vukovar-Srijem County (Croatia), Autonomous Province of Vojvodina (Serbia), Oberfranken Region of Germany and Kaunas District Municipality (the Republic of Lithuania). Besides, an agreement on cooperation was signed at the oblast level between 10 regional self-government bodies in the Tisza River basin. Cooperation programmes have been approved with most of them, within the framework of which specific joint projects in various spheres of life of self-governing territories are being implemented.

Transfrontier cooperation of Chernivtsi Oblast is carried out within the framework of transfrontier cooperation programmes of the European Neighbourhood Instrument for 2014-2020: Romania-Ukraine, Hungary-Slovakia-Romania-Ukraine, and Ukraine-Moldova territorial cooperation programme of the Eastern Partnership. Chernivtsi Oblast also participates in the implementation of the EU Strategy for the Danube Region to implement the State Programme for Transfrontier Cooperation for 2021-2027 and makes efforts to expand economic and humanitarian cooperation within the Euroregion Upper Prut.

The Chernivtsi Oblast Council is restoring cooperation with the Suceava County Council. A memorandum on the launch of the Bukovynian Malanka International Festival of Traditional Culture was signed during a joint meeting of the Chernivtsi Oblast and Suceava County Councils (26 October 2016) dealing with transfrontier cooperation and projects under the Romania-Ukraine Operational Programme for 2014-2020. According to the signed agreements, the festival will be attended by bands from Vyzhnytsia District of Ukraine and Suceava County of Romania.

Within the framework of cooperation between Zakarpattia Oblast and Košice and Prešov self-governing regions of the Slovak Republic and Maramures and Satu Mare counties of Romania on the basis of relevant framework agreements, projects are being implemented, inter alia, to introduce European education principles in schools and create conditions for the development of national minorities.

Intergovernmental agreements on local border traffic rules also facilitate transfrontier contacts between persons belonging to national minorities and those with whom they share common ethnic, cultural, linguistic or religious characteristics or cultural heritage. Such agreements are currently in place with Hungary, the Republic of Poland, the Slovak Republic and Romania.

Regional government bodies also provide active support to transfrontier cooperation of national minorities. For instance, the Bilateral Ukrainian-Slovak Commission on National Minorities, Education and Culture is a permanent body which was established and operates to promote the development of humanitarian cooperation. At the regional level, the administration approved the Order No. 678 of 14 December 2017 of the head of the Zakarpattia Regional State Administration “On the Action Plan to Implement the Provisions of Protocol XIV of the Bilateral Ukrainian-Slovak Commission on National Minorities, Education and Culture”. The work of the Commission has become an important factor in cooperation between Ukraine and the Slovak Republic in ensuring the rights of national minorities. The next meeting of the Commission is scheduled for 2021.

During the reporting period (excluding the period of anti-epidemiological measures), the annual Neighbour’s Days (as part of Europe Day) were held in the regions bordering with EU countries (including Poland and Slovakia). As part of these activities, additional temporary checkpoints were set, arts and culture festivals were held, etc.

## **Paragraph 2**

Ukraine does not interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Thus, Article 36 of the Constitution of Ukraine provides that citizens of Ukraine have the freedom of association in political parties and public associations to exercise and protect their rights and freedoms and satisfy political, economic, social, cultural and other interests, except for restrictions established by law in the interests of national security and public order, public health or the protection of the rights and freedoms of others. This article provides also that citizens have the right to take part in trade unions with the purpose of protecting their labour and socio-economic rights and interests. According to the above-mentioned article, no one may be forced to join any association of citizens or be restricted in his or her rights for belonging or not belonging to political parties or public organisations.

Part four of Article 2 of the Law of Ukraine “On Public Associations” allows non-governmental organisations of other states, as well as international non-governmental organisations to operate in Ukraine. Members of national minorities, like

any other citizen of Ukraine, have the right to participate in the activities of non-governmental organisations both nationally and internationally, in accordance with the principle of voluntariness provided for in parts one and two of the same article of the Law of Ukraine “On Public Associations”. Also, Article 6 of the same Law provides that public associations registered in Ukraine may cooperate with foreign non-governmental organisations and international governmental organisations in compliance with the laws of Ukraine and international treaties of Ukraine.

Therefore, as the above norms show, at the legislative level there are no obstacles to the exercise of the right of persons belonging to national minorities to participate in the activities of non-governmental organisations both at the national and international levels.

Thus, as of 11 May 2021, 1,373 national minority public associations were registered in Ukraine. Such public associations were registered in largest numbers in Odesa (177), Zaporizhzhia (107), Dnipropetrovsk (91), Donetsk (79, excluding the temporarily occupied territories), Zakarpattia (70), Cherkasy (59), and Kherson (58) Regions, as well as in the city of Kyiv (65).

Public associations of national minorities are involved in the discussion of their ethnic and national development by including representatives of the respective national minority public association in advisory bodies of the executive bodies or other government bodies. In particular, as of 1 January 2021, there were 17 specialised advisory bodies at oblast state administrations and 4 other advisory bodies at other government bodies active in Ukraine.

### **Article 18**

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

### **Recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine:**

- *The Advisory Committee encourages the authorities to implement existing bilateral agreements in the spirit of good neighbourliness, friendly relations and co-operation between states, whilst respecting the role of multilateral standards and procedures.*

### **Paragraph 1**

According to Article 17 of the Law of Ukraine “On National Minorities in Ukraine”, the State shall promote international co-operation in ensuring and protecting the rights and interests of national minorities by concluding and implementing multilateral and bilateral agreements.

The protection of the rights of national minorities is guaranteed by a number of inter-State agreements of Ukraine: the Treaty on Good-Neighbourly Relations and Co-operation between Ukraine and Romania (Article 13), the Treaty on Good Neighbourhood, Friendly Relations and Cooperation between Ukraine and the Slovak Republic (Article 18), the Treaty on the Principles of Good Neighbourliness between Ukraine and the Republic of Hungary, the Agreement between Ukraine and Germany on Co-operation in Respect of People of German Origin Residing in Ukraine, etc.

Also, the Treaty of Friendship, Co-operation and Partnership between Ukraine and the Russian Federation was in force until 31 March 2019 and was terminated on 1 April 2019 due to the military aggression of the Russian Federation against Ukraine, which constituted a substantial violation by the Russian Federation of the Treaty of Friendship, Co-operation and Partnership between Ukraine and the Russian Federation.

During the reporting period, international legal instruments were supplemented by special agreements, memoranda and co-operation programmes that include, inter alia, obligations to protect the rights of national minorities. These include:

- Programme of co-operation in the field of culture between the Ministry of Culture of Ukraine and the Ministry of Culture of the Republic of Estonia for 2017–2021 (3 May 2017).
- Programme of co-operation in the field of culture and arts between the Ministry of Culture of Ukraine and the Ministry of Culture and Tourism of the Republic of Azerbaijan for 2016–2020 (14 July 2016).
- Programme of co-operation in the field of culture between the Ministry of Culture of Ukraine and the Ministry of Culture of the Republic of Belarus for 2017–2021 (21 July 2017).
- Agreement between the Ministry of Culture of Ukraine and the Commissioner for Religious and Ethnic Affairs of the Republic of Belarus on co-operation in the field of inter-ethnic relations (21 July 2017).
- Programme of co-operation between the Ministry of Culture of Ukraine and the Ministry of Culture and Sport of Georgia for 2019–2023 (31 May 2018).
- Plan of joint activities of the Ministry of Culture and Monument Protection of Georgia and the Ministry of Culture of Ukraine for 2015–2018 (8 June 2015).
- Programme of co-operation in the field of culture between the Ministry of Culture of Ukraine and the Ministry of Culture of the Republic of Estonia for 2017–2021 (3 May 2017).

- Programme on co-operation between the Ministry of Culture of Ukraine and the Ministry of Culture of the Republic of Lithuania for 2016–2020 (2 December 2015).
- Programme of co-operation in the field of culture between the Ministry of Culture of Ukraine and the Ministry of Education, Culture and Research of the Republic of Moldova for 2017–2021 (19 October 2017).
- Agreement between the Ministry of Culture of Ukraine and the Ministry of Culture of the Czech Republic on co-operation in the field of culture (15 December 2016).
- Agreement on the financing of the event “Programme for Enhancing People-to-People Contacts: The House of Europe” containing the Programme of Culture and Dialogue aimed at achieving mutual understanding and cultural diversity within Ukraine and between Ukraine and other European countries through mobility and project initiatives (17 December 2018).
- Programme of co-operation between the Ministry of Culture of Ukraine and the Ministry of Culture and Sport of Georgia for 2019–2023 (31 May 2018), under which the parties shall co-operate in preserving the culture of national minorities by encouraging initiatives of the Ukrainian minority in Georgia and the Georgian minority in Ukraine to preserve their national identity (in the text — Article 14).

Within the framework of concluded international treaties, Ukraine co-operates on the exercise of the rights of national minorities with their kindred states. Such co-operation takes the form of intergovernmental bilateral commissions. It includes the following active bodies as of today:

- the bilateral Ukrainian-Slovak Commission on National Minorities, Education and Culture;
- the Mixed Intergovernmental Ukrainian-Romanian Commission for the guarantee of the rights of persons belonging to national minorities;
- the Joint Ukrainian-Hungarian Commission on Ensuring the Rights of National Minorities;
- the intergovernmental Ukrainian-German Commission for Co-operation in Respect of Persons of German Origin Residing in Ukraine.

During the reporting period, bilateral commissions on ensuring the rights of persons belonging to national minorities held their meetings.

The XIV meeting of the Ukrainian-Slovak Bilateral Commission on National Minorities, Education and Culture was held on 23–24 March 2017 in Bratislava. As a result of the meeting, the parties noted a multi-level and constructive Ukrainian-Slovak political dialogue regarding the educational, cultural and informational needs of national minorities. The event also resulted in the signing of the Protocol on Further

Development of Co-operation in the Field of Education, Science and Culture for the benefit of both parties.

The VII meeting of the Joint Ukrainian-Romanian Intergovernmental Commission on Ensuring the Rights of Persons Belonging to National Minorities was held on 10–11 December 2018 in Bucharest. The meeting included constructive and systematic talks, discussions and debates on approaches to addressing the issues of ensuring the rights of national minorities that concern both sides. On 10 July 2020, the co-chairpersons of the Joint Ukrainian-Romanian Intergovernmental Commission on Ensuring the Rights of Persons Belonging to National Minorities met via videoconference. The parties also agreed to initiate bilateral negotiations on the expert level via videoconference in order to agree on the draft Protocol of the VII meeting of the Commission.

The IX meeting of the Intergovernmental Ukrainian-German Commission for Co-operation in Respect of Persons of German Origin Residing in Ukraine was held on 11 July 2018 in Kyiv. The Commission assessed the positive results of the work of both sides and noted the need for further implementation of joint projects at local, regional and national levels.

The X meeting of the Intergovernmental Ukrainian-German Commission for Co-operation in Respect of Persons of German Origin Residing in Ukraine was held on 20–21 June 2019 in Berlin. During the meeting, the parties stated that bilateral co-operation in the cultural and humanitarian field has sustainable dynamics of development and is an essential part of strengthening friendly relations between the countries.

During the reporting period, the Ukrainian side carried out activities aimed at restoring the work of the Joint Ukrainian-Hungarian Commission on Ensuring the Rights of National Minorities. During the meetings of the co-chairpersons of the Joint Ukrainian-Hungarian Commission on Ensuring the Rights of National Minorities (13 April 2017 in Kyiv and 14 July 2020 in Budapest), the parties expressed their interest in restoring the work of the Commission, discussed areas for future co-operation and further concrete steps to organise the meeting. The parties underlined the common commitment to work together to promote the rights of the Hungarian minority in Ukraine and the Ukrainian minority in Hungary, emphasising the crucial bridging role that minorities have to play in strengthening and developing Ukrainian-Hungarian relations.

The constituent meeting of the Ukrainian-Hungarian Inter-agency Working Group on Education was held on 24 February 2021. Following meetings in Kyiv (24 February 2021) and Budapest (12 May 2021), the parties have reached a mutual understanding on the common intentions to ensure quality conditions for Ukrainian citizens of Hungarian origin receiving secondary education and agreed to continue

discussions in the Inter-agency Working Group. They discussed a draft Agreement between the Cabinet of Ministers of Ukraine and the Government of Hungary on the mutual recognition of certificates, diplomas and documents on academic degrees issued in Ukraine and Hungary and recognised by the State.

At the end of 2020, the State Service of Ukraine for Ethnopolitics and Freedom of Conscience initiated the process of amending certain legal acts regulating the Ukrainian parts of inter-governmental bilateral commissions on ensuring the rights of national minorities in Ukraine in order to update and align the composition of these commissions with the current legislation. Such amendments will facilitate the restoration of the functioning and creation of appropriate conditions for the activities of the inter-governmental bilateral commissions on ensuring the rights of national minorities in Ukraine.

## **Paragraph 2**

In 2018, Ukraine ratified the Financing Agreement for the Danube Transnational Programme and approved an action plan to implement the Financing Agreement for the Danube Transnational Programme (Interreg V-B Danube – CCI 2014TC16M6TN001) (CMU Order No 337-r of 15 May 2019). The implementation of projects aims to strengthen inter-regional and cross-border co-operation and partnerships, including in the fields of cultural and educational development.

In 2019, the Ministry of Culture conducted a competitive selection of projects for funding under the Danube Transnational Programme for local self-government bodies, local executive authorities, international organisations and public associations in Odesa, Chernivtsi, Ivano-Frankivsk and Zakarpattia Regions. The priority of the competition is the following strategic objective: “Promotion of sustainable use of natural and cultural heritage and resources”.

Also, during the reporting period (excluding the period of implemented anti-epidemiological activities), the annual Neighbour’s Days (as part of Europe Day) were held in the regions bordering with EU countries (including Poland and Slovakia). As part of these activities, additional temporary checkpoints, arts and culture festivals, etc., were organised.

### *Recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities for Ukraine:*

Ukraine adheres to its international commitments, including under bilateral agreements, in the implementation of reforms during the reporting period and continues to implement them in a spirit of good neighbourliness and friendly relations between States. The Government of Ukraine promoted the resolution of topical issues related to

the exercise of the rights of national minorities both at the level of internal consultations with public institutions of national minorities and at the level of bilateral meetings. Information on bilateral meetings held is provided hereinbefore.

### **Article 19**

The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Ukraine has ratified the Framework Convention without reservations. The national legislation of Ukraine, therefore, does not provide for any derogations and restrictions concerning the obligations provided for in this international act.

At the same time, due to the temporary occupation of part of the Ukrainian territories, Ukraine cannot fully guarantee compliance with the provisions of the Framework Convention for the Protection of National Minorities in the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea and the city of Sevastopol. In this light, Ukraine is concerned about compliance with international standards in the field of protection of human rights and national minorities in these territories.

The only assessments of observance of the rights of ethnic and religious communities in these territories that should be taken into account by the international community are those of the specially authorised monitoring missions — the UN and the OSCE — that have access to the entire territory of Ukraine.

The most recent monitoring by an international organisation in the temporarily occupied Crimea was carried out in 2015 by OSCE institutions: the OSCE Office for Democratic Institutions and Human Rights (ODIHR) together with the OSCE High Commissioner on National Minorities (HCNM)<sup>9</sup>.

A summary of the results of this monitoring report is as follows:

- *“292. Crimean Tatars and Ukrainians who openly support the territorial integrity of Ukraine and do not support the de facto authorities continue to be in a particularly vulnerable position. The Mejlis – a self-governing body of Crimean Tatars – became the main target of administrative and criminal reprisals by the de facto authorities. Intimidation, expulsion, or incarceration of prominent leaders of the Mejlis of the Crimean Tatar People has a detrimental effect on the exercise of the political and civil rights of persons belonging to the Crimean Tatar community. The de facto authorities*

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<sup>9</sup> ODIHR and HCNM report identifies widespread human rights violations, discrimination and legal irregularities in Crimea // Official Website of OSCE. URL: <https://www.osce.org/odihr/182526>

*have recently imposed severe limits to the right to freedom of assembly of persons belonging to the Crimean Tatar and Ukrainian communities who openly express their identity and opposition to the illegal annexation of Crimea by the Russian Federation. Cultural, religious and symbolic elements of Ukrainian identity have been restricted and/or suppressed through various administrative or law-enforcement measures<sup>10</sup>.*

- *293. Education in and of the Ukrainian language is disappearing in Crimea through pressure on school administrations, teachers, parents and children to discontinue teaching in and of the Ukrainian language. This may further limit the presence of the Ukrainian language and culture on the peninsula. Education both in and of the Crimean Tatar language continues to face obstacles and new challenges brought by the annexation and remains in need of support and revitalization”<sup>11</sup>.*

The Russian Federation continues hindering access to the temporarily occupied territories for UN and OSCE monitoring missions. In particular, the Russian Federation is hindering access to the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol for the UN monitoring missions pursuant to UN General Assembly Resolutions 71/205, 72/190, 73/263, and 74/168, despite the demands set out in the Joint statement on human rights situation in temporarily occupied Crimea and unrestricted access for human rights monitoring mechanisms therein at the 45th session of the UN Human Rights Council on 15 September 2020<sup>12</sup>.

The European Court of Human Rights found in its decision of 14 January No. ECHR 010 (2021) that the Russian Federation was responsible for the observance of human rights in Crimea<sup>13</sup>. The Court also declared admissible the complaints of Ukraine regarding systemic discrimination against the Crimean Tatar population of Crimea, which violates Articles 8, 9, 10, 11, 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>14</sup>.

The Mejlis of the Crimean Tatar people currently has the status of an extremist organisation in the temporarily occupied Crimean Peninsula and has been banned since 2016<sup>15</sup>.

On 1 June 2021, the ‘Supreme Court of Crimea’ controlled by the Russian occupying power sentenced Chairman of the Mejlis of the Crimean Tatar People Refat Chubarov for alleged ‘plotting of mass riots’ (Part one, Article 212 of the Criminal

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<sup>10</sup> Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015) // Office for Democratic Institutions and Human Rights & High Commissioner on National Minorities. – P. 100.

<sup>11</sup> Ibid.

<sup>12</sup> Joint statement on human rights situation in temporarily occupied Crimea and unrestricted access for human rights monitoring mechanisms therein (45th session of the UN Human Rights Council) // Official Website of Permanent Mission of Ukraine to the UN Office and other International Organization in Geneva. URL: <https://geneva.mfa.gov.ua/en/news/joint-statement-human-rights-situation-temporarily-occupied-crimea-and-unrestricted-access-human-rights-monitoring-mechanisms-therein>

<sup>13</sup> Grand Chamber decision Ukraine v. Russia (re Crimea) - complaints concerning pattern of human-rights violations partly admissible // Official website of European Court of Human Rights. URL: <https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:%5B%22003-6904972-9271650%22%5D%7D>

<sup>14</sup> Ibid.

<sup>15</sup> Kyiv Protests Russian Ruling That Bans Crimean Tatars’ Mejlis // Radio Free Europe / Radio Liberty. URL: <https://www.rferl.org/a/russia-court-upholds-ban-crimean-tatar-mejlis/28022600.html>

Code of the Russian Federation) near the Crimean Parliament building during the pro-Ukrainian rally on 26 February 2014<sup>16</sup>.

The ATR TV channel broadcasting in the Crimean Tatar language is banned in the temporarily occupied Crimea. The channel's Deputy Director-General, Aider Muzhdabaev, was arrested in absentia by the decision of the Moscow City Basmany Court on charges of alleged "terrorist activities and public justification of terrorism carried out through the Internet."<sup>17</sup> Lenur Islyamov, the owner of the TV channel, was sentenced in absentia by the so-called "Supreme Court of Crimea" to 19 years in a maximum-security penal colony for alleged "organisation of an energy blockade of the Crimean Peninsula."<sup>18</sup>

The Office of the UN High Commissioner for Human Rights has documented a number of arbitrary searches and arrests in the temporarily occupied Crimean Peninsula by local police and the Federal Security Service, most of which involved Crimean Tatars or members of local religious communities. Thus, between 1 January 2017 and 31 December 2019, 194 searches were carried out, 150 of which concerned Crimean Tatar homes, private businesses or places of assembly; between July 2020 and June 2021, 61 searches were carried out, mostly in premises belonging to Crimean Tatars and Jehovah's Witnesses<sup>19 20 21 22</sup>.

In order to prosecute Crimean Tatars in the temporarily occupied territory of Ukraine, the Russian occupation administration applies anti-extremist and anti-terrorist legislation that is contrary to international humanitarian law and has repeatedly been criticised by the international community as unbalanced.

The main formal justification for the persecution of Crimean Tatars is their alleged affiliation with Hizb ut-Tahrir. According to the Crimean Human Rights Group, as of the end of September 2021, 79 Crimean Tatars have been imprisoned under Article 205.5 of the Criminal Code of the Russian Federation ("Organisation of terrorist activities and participation in the activities of such organisation") since 2014<sup>23</sup>. The highest penalty under this Article is up to 20 years of imprisonment. Another five

<sup>16</sup> Occupiers sentence Mejlis chairman Chubarov to six years in prison // Ukrinform. URL: <https://www.ukrinform.net/rubric-polytics/3256712-occupiers-sentence-mejlis-chairman-chubarov-to-six-years-in-prison.html>

<sup>17</sup> Journalist Muzhdabaev arrested in absentia on charges of calling for terrorism (rus.) // DW Russia. URL: <https://cutt.ly/TTfqY8p>

<sup>18</sup> The Supreme Court of the Republic of Crimea announced the verdict against L.E. Islyamov // Official website of the so-called "Supreme Court of the Republic of Crimea". URL: [http://vs.krm.sudrf.ru/modules.php?name=press\\_dep&op=1&did=356](http://vs.krm.sudrf.ru/modules.php?name=press_dep&op=1&did=356)

<sup>19</sup> First report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. URL: <https://undocs.org/en/A/74/276>

<sup>20</sup> Second report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. URL: <https://undocs.org/en/A/HRC/44/21>

<sup>21</sup> Fourth report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. URL: <https://undocs.org/A/HRC/47/58>

<sup>22</sup> Fifth report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. URL: <https://undocs.org/A/76/260>

<sup>23</sup> Review on the human rights situation in Crimea in September 2021 // The Crimean Human Rights Group. P. 7. URL: <https://crimeahrg.org/en/review-on-the-human-rights-situation-in-crimea-in-september-2021/>

people are restricted in movement<sup>24</sup>. Hizb ut-Tahrir is banned in the Russian Federation as a terrorist organisation but can legally operate in Ukraine and a number of other states.

The matter of concern is not the criminalisation of Hizb ut-Tahrir (although by doing so, the Russian Federation has once again violated international law), but the inappropriate mass detentions of Ukrainian citizens of Crimean Tatar ethnicity on the basis of the mere discussion and reading of religious books and other manifestations of religious affiliation, which cannot be considered evidence of terrorist or extremist activity.

In the report “Situation of Human Rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” presented at the 76th session of the UN GA, the Secretary-General noted that a number of allegations against Crimean Tatars lack adequate evidence, there are reasonable grounds to doubt the exercise of the right to a fair trial, and individuals are prosecuted solely on the basis of their religious beliefs<sup>25</sup>.

In addition to the persecution of Crimean Tatars, there is also harassment of representatives of religious communities, including Muslim Crimean Tatars, Greek Catholics, believers of the Orthodox Church of Ukraine, Jehovah’s Witnesses and certain evangelical churches, in the territory of the temporarily occupied Crimea.

The process of restricting the free operation of the Orthodox Church of Ukraine (OCU) in Crimea has been ongoing since 2014. There are obstacles to the activities of the clergy and the seizure of property of religious communities. The European Court of Human Rights is considering several cases of violations of the OCU rights in the cities of Simferopol, Yevpatoria, Perevalne and Sevastopol. As of late 2020, only 8 active churches of the OCU Crimean Diocese remained in the temporarily occupied Crimean Peninsula. In the summer of 2019, Russian courts ordered the eviction of the OCU community from the Cathedral of Saints Equal-to-the-Apostles Vladimir and Olga in Simferopol. The Supreme Court of the Russian Federation refused to review this decision. This cathedral was the last spiritual and administrative centre of the OCU, which means that such a decision deprives Ukrainian believers of this cathedral, marginalises OCU believers and excludes this church from publicly visible religious life in temporarily occupied Crimea.

There are mass disconnections of Muslim mosques in Crimea from water supply and electricity<sup>26</sup>. In 2020–2021, an increasing number of imams was held administratively liable for traditional religious practices, including Friday prayer

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<sup>24</sup> Ibid, p. 7.

<sup>25</sup> Fifth report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. URL: <https://undocs.org/A/76/260>

<sup>26</sup> Crimean mosques continue to be disconnected from electricity and water supply // Official website of the Spiritual Direction of the Muslims of Crimea. URL: <https://cutt.ly/qTfw8Vs>

sermons, qualified as illegal missionary activity (Article 5.26 of the Code of Administrative Offences of the Russian Federation)<sup>27 28 29</sup>.

Since 2017, all 22 congregations of Jehovah's Witnesses registered in Crimea have lost their right to operate following the decision of the Supreme Court of the Russian Federation that the group breached the country's law on combating extremist activity<sup>30</sup>. Members of this community are subject to systematic harassment by the Russian occupation administration. Thus, between July 2020 and June 2021, there were 10 detentions and arrests of members of this religious organisation<sup>31</sup>. According to the Crimean Human Rights Group, as of the end of September 2021, 4 persons were deprived of liberty as part of the persecution of Jehovah's Witnesses in Crimea<sup>32</sup>.

According to the Crimean Human Rights Group, 132 administrative cases were opened against religious organisations and believers in Crimea in 2014–2021<sup>33</sup>. The total amount of fines under these cases is RUR 1,803,500<sup>34</sup>.

## Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

## Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

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<sup>27</sup> Imam was fined for “namaz without documents” in Crimea // Religious Information Service of Ukraine.

URL:[https://risu.ua/u-krimu-oshtrafuvali-imama-za-namaz-bez-dokumentiv\\_n116408](https://risu.ua/u-krimu-oshtrafuvali-imama-za-namaz-bez-dokumentiv_n116408)

<sup>28</sup> “Court” in Crimea rejected a complaint against the sentence of imam Khalilov // Ukrinform.

URL:<https://www.ukrinform.ua/rubric-crimea/3058093-sud-u-krimu-vidhiliv-skargu-na-virok-ima-mu-halilovu.html>

<sup>29</sup> Imam in the Sovietskiy district of Crimea accused of illegal missionary activity // Facebook page of Crimean Solidarity NGO. URL:<https://www.facebook.com/crimeansolidarity/posts/1107132299654225>

<sup>30</sup> Second report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. P. 9. URL: <https://undocs.org/en/A/HRC/44/21>

<sup>31</sup> Fifth report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine // Official Website of United Nations. P. 5. URL: <https://undocs.org/A/76/260>

<sup>32</sup> Review on the human rights situation in Crimea in September 2021 // The Crimean Human Rights Group. P. 8. URL: <https://crimeahrg.org/en/review-on-the-human-rights-situation-in-crimea-in-september-2021/>.

<sup>33</sup> Ibid, p. 9.

<sup>34</sup> Ibid.

Article 2 of the Law “On National Minorities in Ukraine” declares: “Citizens of Ukraine of all nationalities must observe the Constitution and laws of Ukraine, protect its state sovereignty and territorial integrity, respect the languages, cultures, traditions, customs, religious identity of the Ukrainian people and all national minorities”.

### **Article 30**

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

The provisions of the Framework Convention apply throughout Ukraine, but due to the above facts, including the temporary occupation of part of the Ukrainian territories, Ukraine cannot fully guarantee compliance with the provisions of the Framework Convention for the Protection of National Minorities in the temporarily occupied territories in Donetsk and Luhansk Regions, the Autonomous Republic of Crimea and the city of Sevastopol.

#### **PART 4. SPECIAL ISSUES (GENDER EQUALITY)**

Ukraine is actively implementing measures to achieve gender equality for all citizens of Ukraine, regardless of their ethnic origin. Measures are also being implemented to introduce affirmative action policies for vulnerable groups from national minorities.

Relevant public policy measures are included in the National Action Plan to implement the recommendations set out in the concluding observations of the UN Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women for the period until 2021 (CMU Order No. 634-d of 5 September 2018).

Thus, the National Action Plan includes measures to combat ethnic discrimination against girls and women, including those belonging to Roma national minorities, overcome negative stereotypes and improve access to educational services for women from vulnerable groups (women who are members of Roma national minorities), analyse and address the needs of displaced women and girls, including from the Roma national minority, taking into account the needs of groups subject to multiple discrimination.

Mini-information, human rights campaigns targeting rural women and women and girls from ethnic groups will be developed in order to eliminate discriminatory stereotypes and patriarchal attitudes regarding the roles and responsibilities of women and men in the family and in society. There are also plans to develop mechanisms to inform rural women, women and girls from ethnic groups about their rights, including through existing social services: health facilities, transport networks, postal services, etc.

On 10 October 2018, the Verkhovna Rada of Ukraine held the following parliamentary hearings: “Preventing and combating discrimination against women from vulnerable social groups”, which addressed, inter alia, topical issues of overcoming multiple discrimination against Roma women.

CMU Order No. 273 of 11 April 2018 approved the State Social Programme for Ensuring Equal Rights and Opportunities for Women and Men until 2021, which includes measures to “assess the level of education of Roma girls and boys and encourage them to study at all levels of education” (Clause 8 “Improving the situation of groups suffering from various forms of discrimination, including gender-based discrimination”).

Pursuant to Ukraine’s international commitments in the field of gender equality, including under the Biarritz Partnership for Gender Equality — a global initiative of

the G7 countries with the participation of UN Women — and other international commitments of Ukraine with regard to combating all forms of discrimination, the following measures were implemented.

On 24 February 2021, CMU Resolution No. 145 approved the State Social Programme to Prevent and Combat Domestic Violence and Gender-Based Violence until 2025 that provides for the establishment in 2021–2025 of specialised support services for victims, including at the expense of the State budget of Ukraine, which will require a total of UAH 685 million, 40% of which (or UAH 274.2 million) is envisaged in the State budget for 2021 as a subvention from the State budget to local budgets (235,860 thousand in 2022 and 175,440 thousand in 2023).

According to Order of the Cabinet of Ministers of Ukraine No. 696-r of 30 June 2021 “On approval of the distribution of subventions from the State budget to local budgets for a network of specialised support services for victims of domestic violence and/or gender-based violence in 2021”, 124 territorial communities receive funds to establish and improve the activities of specialised support services for victims of domestic violence and/or gender-based violence, including shelters, daycare centres, counselling services, the purchase of vehicles for mobile teams at shelters.

In total, 30 new shelters, 38 new daycare centres, 58 new counselling services will be created, 41 vehicles will be purchased for mobile teams at shelters, and the provision of social services in 16 existing shelters will be improved through the subvention.

In order to ensure implementation of the subvention by territorial communities, the Ministry of Social Policy, in co-operation with the UN Population Fund, held a week of online webinars in October 2021 for persons responsible for the implementation of the subvention to expand the network of specialised support services for victims of domestic violence and/or gender-based violence, for persons responsible for the creation and operation (directors and administrative employees of specialised support services), and for co-ordinators of administrative and territorial units responsible for the overall implementation of state policies in the field of combating domestic violence.

The second stage of the training is devoted to the legislative framework and practical issues of establishment and operation of shelters, daycare centres, counselling services and mobile teams for psychosocial counselling of victims of domestic violence and/or gender-based violence that are created with the use of a subvention according to Order of the Cabinet of Ministers of Ukraine “On approval of the distribution of subventions from the State budget to local budgets for a network of specialised support services for victims of domestic violence and/or gender-based violence in 2021” No. 696-r of 30 June 2021.

Nonetheless, one of the main tasks in the implementation of state policy for the further development of the network of specialised support services for victims of domestic violence and/or gender-based violence is to consolidate the efforts of state authorities, local self-government bodies, international and public organisations towards the development of practical steps for effective activities of special services and quality provision of social services to victims. The organisation of training courses and the development of professional competence of all actors involved in preventing and combating domestic and gender-based violence aim to address this problem and are one of the main tasks set out in the Programme for 2021–2025 at the state and regional level.

Also, Order of the Cabinet of Ministers of Ukraine No. 366-r of 14 April 2021 approved the National Strategy for Barrier-Free Space in Ukraine. Activities to implement the Strategy are based on the principles of gender equality and inclusive approach.

The document aims to increase the level of inclusion and cohesion of Ukrainian society, ensure equal opportunities for all citizens to participate in civic, economic, educational, cultural and other areas of life at both local and national levels, and fulfil themselves in each of these areas. The document also envisages support for the diversity of all citizens, respect for each other, as well as recognition of and respect for differences among members of society.

During the reporting period, UN Women initiated a number of studies on the situation of women in Ukraine (“The Rights of Roma Women in Ukraine”, rapid gender assessment of the situation and needs of women in the context of coronavirus disease (COVID-19) in Ukraine, “Analysis of the impact of decentralisation reform in Ukraine from a human rights and gender equality perspective”), which highlight the vulnerable situation of women belonging to the Roma national minority. At the same time, Roma minority NGOs have been involved in a gender-responsive assessment of the implementation of the Strategy for the Protection and Integration of Roma National Minorities in Ukrainian Society until 2020, carried out in 2019 by UN Women and the Council of Europe Office in Ukraine at the request of the Sub-Committee on Gender Equality and Non-Discrimination of the Parliamentary Committee on Human Rights, Minorities and Inter-ethnic Relations.

The recommendations contained in the document were taken into account in 2020 by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience in the development of a draft Strategy for the Promotion of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society until 2030, approved by Order of the Cabinet of Ministers of Ukraine No. 866-r of 28 July 2021.

In 2021, the Women’s Initiative for Diversity in Ukraine, with the support of Sweden and the National Democratic Institute (NDI), organised and implemented a

large-scale social campaign “Svoia” aimed at strengthening the positive presentation of multiculturalism and tolerance in society that is forming its new political identity. On 2 March 2021, the First Lady of Ukraine met with participants of the Svoia project to discuss the importance of cultural diversity and tolerance in society, combating stereotypes and discrimination. The meeting was also aimed at drawing attention to the multiculturalism of Ukrainian society.