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MINISTRY OF EDUCATION & SCIENCE

**POSITION
ON ARTICLE 7
OF THE LAW ON EDUCATION**

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Ministry of Education & Science of Ukraine

Position on the Article 7 of the Law of Ukraine “On Education”

Prepared and submitted by:

Liliia Hrynevych, Minister

Volodymyr Kovtunets, First deputy Minister

Roman Greba, deputy Minister

Anna Novosad, head of department for international cooperation

Maksym Iarmystyi, head of legal department

Oleksandr Sych, deputy head of legal department

Petro Vasyunyk, chief specialist of legal department

Tetiana Movchan, counselor to the Minister

Serhii Shkabko, chief specialist, department for international cooperation

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I. Introduction and Background

1. According to the official statistics, around 400 000 children from the national minorities study in 735 schools in Ukraine. In most schools, where children of national minorities study, teaching is conducted exclusively in the language of the national minority, and the Ukrainian language is studied only as a separate educational subject.
2. In many cases, children of national minorities are in a linguistic environment, where the state language is not a mean of communication. Therefore, study of the Ukrainian language only as a subject does not ensure proficiency in the state language at a level sufficient for the realization of their constitutional rights and responsibilities throughout the whole territory of Ukraine.
3. Schools with Russian as a language of instruction constitute an absolute majority among the schools with teaching in the languages of national minorities. A significant number of ethnic Ukrainians also study in these schools, and the number of places in schools with Russian language of instruction does not correspond to the actual size of the Russian minority.
4. This practice has developed since the Soviet Union, when the authorities in every way possible have been limiting the study of languages other than Russian. For example, the authorities supported the practice of parents refusing to have their children study the Ukrainian language in ordinary schools. Learning of the Russian language was stimulated in schools for the national minorities. Learning of the Ukrainian language was practically abandoned. The current situation in communities where national minorities live bears witness to the statement above: representatives of the older generation speak Russian much better than Ukrainian.
5. On the other hand, the Russian language dominated in the eastern and southern regions of Ukraine, and the number of places in schools with the Russian language education substantially exceeded the percentage of Russians in the ethnic composition of the population. Thus, schools in the Russian language of instruction were not schools for the national minority, but remained an element of the continued russification of Ukraine.
6. The language policy the USSR time was also reflected in the Law of the USSR “On Languages in the Ukrainian SSR”, which was in force until 2012. According to Article 2 of this Law, “Ukrainian language is the state language of the Ukrainian SSR. The Ukrainian SSR ensures the comprehensive development and functioning of the Ukrainian language in all spheres of public life”. At the same time, according to Article 4, “languages of interethnic communication in the Ukrainian SSR are Ukrainian, Russian and other”. In practice, communication between the communities of national

minorities took place in Russian, which de facto served as the only mean of communication, replacing in such a way function of the state language.

7. The full implementation of the constitutional norms regarding the language of education was hampered by the political struggle, which was disguised as an attempt to preserve the national accord. This policy was used by the Russian Federation as a motive for aggression against Ukraine with the slogan of preserving the "Russian world" ("Russkii mir"), by which the Russian authorities understood all the territories, where the Russian language dominated. In these circumstances, the Ukrainian authorities realized that the continuation of such a language policy in education not only does not contribute to national accord, but it is also a threat to national security, state sovereignty and territorial integrity of Ukraine.
8. Therefore, the decision to ensure unconditional compliance with the norms of the Ukrainian Constitution shall be considered in the context of consolidation of the political nation and removal of the threats of state's split.
9. Today there is a steady trend towards decrease of the level and deterioration of the quality of general secondary education of children from national minorities, as evidenced in particular, by the results of the external independent evaluation. According to the official statistics of the Ukrainian Center for the Education Quality Assessment in 2016, 55% of schoolchildren from the schools in the Romanian dense communities and 62% of schoolchildren from the schools in the Hungarian dense communities failed the external independent testing. The school leavers from Berehiv district, where a dense Hungarian community lives, scored the lowest in the Ukrainian language - 75% of school leavers from this district failed the test.
10. The government is seriously disturbed by such a situation, since the mentioned tendency leads to violation of constitutional rights of children from the national minorities for access to higher education on competitive basis. By depriving these children of an opportunity to study in the Ukrainian higher educational institutions leads to the impossibility of their entry, for example, to state or military service or other important positions in local self-government bodies, state authorities, etc.
11. The Paragraph 159 of the Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities, fourth opinion of Ukraine - adopted on March 10, 2017, states that "for 11 years of study (from grades 1 to 11), that during the 11 years of education (from the 1st grade to the 11th), students attending schools with education in a minority language have a total of almost 500 hours less allocated to the Ukrainian language and literature lessons than those attending schools with education in Ukrainian. This fact, compounded by difficulties encountered in providing qualified Ukrainian-language teachers in minority-language schools, puts national minority children at a clear disadvantage not only in accessing tertiary education, but also, as the test is compulsory for all school graduates, in obtaining a high-school graduation diploma.

12. Such tendencies are extremely disturbing. The Ukrainian authorities cannot but react to them, because it is about the educational chances of children who are Ukrainian citizens, as well as about their constitutional right to work, enshrined in Article 43 of the Constitution of Ukraine.

II. National legislation on free development, use and protection of national minority languages in Ukraine

13. While adopting on 16 July 1990 the Declaration of State Sovereignty of Ukraine, the Verkhovna Rada of the Ukrainian SSR expressed the will of the people of Ukraine, in an effort to create a democratic society, based on the needs of universal protection of human rights and freedoms, respect to the national rights of all peoples, formulated, in particular, the following founding principles of the state:

1) The Ukrainian SSR ensures equality before the law of all citizens of the Republic irrespective of origin, social and property status, racial and ethnic origin, sex, education, language, political opinions, religious beliefs, kind and nature of occupations, place of residence and other circumstances;

2) The Ukrainian SSR is independent in dealing with matters of science, education, cultural and spiritual development of the Ukrainian nation, guarantees all nationalities living on the territory of the Republic the right to free national and cultural development;

3) The Ukrainian SSR ensures the national-cultural revival of the Ukrainian people, its historical consciousness and traditions, national and ethnographic features, the functioning of the Ukrainian language in all spheres of public life.

14. On November 1, 1991, the Verkhovna Rada of Ukraine, taking into account the fact that citizens of more than 100 nationalities live in its territory, who together with the Ukrainians constitute fifty two million people of Ukraine, live in Ukraine, adopted the Declaration of the Rights of Nationalities of Ukraine, which, in particular, defined such political and legal positions:

1) The Ukrainian State guarantees all political, economic, social and cultural rights to all peoples, national groups, and citizens residing in its territory (Article 1 (1));

2) Representatives of peoples and national groups are elected on equal terms to public authorities of all levels, occupy any positions in management bodies, enterprises, institutions and organizations (Article 1, (2));

3) The Ukrainian state guarantees the right of all nationalities to preserve their traditional settlement and ensures the existence of national administrative units, and

undertakes to create appropriate conditions for the development of all national languages and cultures (Article 2);

4) The Ukrainian state guarantees all peoples and national groups the right to freely use their native languages in all spheres of public life, including the education, production, reception and dissemination of information (Article 3, paragraph 1);

5) The Verkhovna Rada of Ukraine interprets Article 3 of the Law "On Languages in the Ukrainian SSR" in such a way that within the limits of the administrative-territorial units, where a certain nationality is compactly inhabited, its language may function on the same level as the state language (Article 2 (2));

6) The Ukrainian state guarantees the right of its citizens for a free use of the Russian language. In regions where several national groups densely live, the language, which is acceptable to the entire population of the area, may function alongside the national Ukrainian language.

15. On June 25, 1992, the Verkhovna Rada of Ukraine, based on the vital interests of the Ukrainian nation and all nationalities in the development of an independent democratic state adopted the Law of Ukraine "On National Minorities in Ukraine" according to which:

1) The citizens of Ukraine of all nationalities are obliged to 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 2);

2) The state guarantees all national minorities the right to national and cultural autonomy: the use and education in their native language or the study of their native language in public educational institutions or at national cultural societies, the development of national cultural traditions, the use of national symbols, the celebration of national holidays, the practice of their religion, meeting the needs of literature, the arts, the media, the creation of national cultural and educational institutions and any other activity that does not contradict current legislation (Article 6(1));

3) In public bodies, public associations, as well as enterprises, institutions and organizations located in places where the majority of population constitutes a certain national minority, its language can be used in addition to the state Ukrainian language (the wording of Article 8 before the adoption of the Law of Ukraine " On the Principles of State Language Policy ").

The law also contains many other important guarantees that Ukraine has undertaken to ensure "the right for free development of national minorities".

16. Ukraine also has the model (typical) regulation on the cultural and educational center of national minorities of Ukraine, approved by the joint order of the Ministry of

Education and Science of Ukraine and the State Committee of Ukraine for Nationalities and Migration on October 06, 2004 No. 778/49, registered with the Ministry of Justice of Ukraine on October 21, 2004. p.1352/9951.

17. In order to create appropriate conditions for the protection and integration into the Ukrainian society of the Roma national minority, ensure equal opportunities for its participation in the socio-economic and cultural life of the state, the Strategy for Protection and Integration of Roma national minority in the Ukrainian society was approved for the period up to 2020 by the Presidential decree No. 201 of April 8, 2013 approved.

18. In accordance with the Law of Ukraine "On Television and Radio Broadcasting" as of December 21, 1993 (amended):

1) the state does not impede the direct reception of television and radio programs and broadcasts from other countries broadcasting in the language of a national minority or similar regional language (Article 4 (4));

2) when conducting competitions for the issuance of a broadcasting license, the National Council shall be guided by the need, including the protection of the rights and interests of national minorities (Article 9 (7));

3) when considering applications, the National Council prefers the broadcasting organization, which in particular meets the information needs of national minorities and ensures freedom of speech (paragraph "b" of paragraph 14 of Article 25).

19. In accordance with the Law of Ukraine "On Local State Administrations":

1) Local state administrations within the relevant administrative-territorial unit ensure, in particular, the implementation of state and regional programs of socio-economic and cultural development, environmental protection programs, and in places of compact residence of indigenous and national minorities - also programs of their national-cultural development (Article 2 (1), paragraph 3);

2) The local state administration ensures, in particular, the implementation of legislation on national minorities and migration, freedom of thought and speech, freedom of opinion and religion (Article 25, paragraph 1, paragraph 8).

20. In accordance with the Law of Ukraine "On Civil Service":

- The civil service is carried out, in particular, with the adherence to the principle of professionalism, which means competent, objective and impartial performance of official duties, continuous increase of the civil servant's level of his professional competence, fluency in the official language and, if necessary, in the regional

language or language of national minorities, determined in accordance with the law (Article 4 (1), paragraph 3)

- the central executive body, which ensures making and implementation of state policy in the field of civil service, in particular, organizes with the involvement of educational institutions training for civil servants in order to improve the level of state language proficiency, regional language proficiency or proficiency of a language of national minority, as well as in a foreign language which is the official language of the Council of Europe, in cases where the possession of such a language is mandatory in accordance with this Law (Article 13 (3), paragraph 6);

21. In accordance with the Law of Ukraine "On Publishing":

- the publishing business shall cover publications in the languages of national minorities of Ukraine in order to meet their cultural and educational needs (Article 3);
- the state policy of supporting the cultures of national minorities in the publishing business is carried out through the relevant executive authorities with the involvement of national cultural societies, as well as the Ukrainian Book Institute within the powers specified by law and the statute (Article 5 paragraph 3);
- the state provides support to publishers, publishing organizations, printing companies and booksellers producing or distributing not less than 50 percent of the state language product and a small number of copies (up to 5,000 copies) in languages of a small national minorities (Article 6 paragraph 3);
- the state encourages the publishing, production and distribution of publishing products in the state language and languages of national minorities living in Ukraine (Article 8 (3)).

22. In accordance with the Law of Ukraine "On Public Television and Radio Broadcasting of Ukraine":

- One of the main activities of the National Public Broadcasting Company of Ukraine is, in particular, the activity "in the sphere of ensuring the rights of national minorities" (paragraph 2 of Article 8(1));

23. In accordance with Article 6 (5) of the Law of Ukraine "On Geographical Names", the Latin alphabetic equivalent or the name in the appropriate language may be placed on the indexes of the names of geographical objects intended for international use, as well as in places of compact residence of national minorities of Ukraine, along with the name of the state language. The name in another language is located under the name of the state language and in no larger font size.

24. **According to Article 6 (1) of the Law of Ukraine "On the Foundations of National Security of Ukraine"**, the priorities of Ukraine's national interests are, in particular, "guaranteeing the constitutional rights and freedoms of a person and citizen", "development of civil society, its democratic institutions", "protection of state sovereignty, territorial integrity and integrity of state borders, prevention of interference in the internal affairs of Ukraine", "strengthening of political and social stability in society", "ensuring the development and functioning of the Ukrainian language as a state language in all spheres of public life throughout Ukraine, guaranteeing the free development, use and protection of Russian, other languages of national minorities of Ukraine", etc.
25. On October 06, 2014, by the order No. 1134, registered with the Ministry of Justice of Ukraine on October 22, 2014 under No. 1309/26086, the Ministry of Education and Science of Ukraine approved the rules for organizing the All-Ukrainian Student Olympiads on Languages and Literatures of National Minorities of Ukraine.
26. This is just a small part of the large list of legal documents that certify the fulfillment of the international obligations assumed by Ukraine as well as the fulfillment of the constitutional requirements for ensuring the free development, use and protection of the languages of national minorities in Ukraine.

III. Constitutional basis and conditions of functioning of the state language in Ukraine

27. The Constitution of Ukraine was adopted in 1996. Article 10 of the Basic Law sets down that The State language of Ukraine shall be the Ukrainian language. The State shall ensure comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine. Free development, use, and protection of Russian and other languages of national minorities of Ukraine shall be guaranteed in Ukraine. The State shall promote the learning of languages of international communication. The use of languages in Ukraine shall be guaranteed by the Constitution of Ukraine and shall be determined by law.

“The State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine (Article 11);

“Citizens shall have equal constitutional rights and freedoms and shall be equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic or other characteristics” (Article 24 (1, 2));

“Citizens belonging to national minorities shall be guaranteed, in accordance with law, the right to education in their native language, or to study their native language at the state and communal educational establishments or through national cultural societies” (Article 53);

“It is under the authority of the Autonomous Republic of Crimea to ensure the functioning and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protect and use of historical monuments (Article 138(8));

“A citizen of Ukraine having attained at least twenty five years of age, having a higher legal education, three years of work experience in the legal profession, having resided in Ukraine for at least ten years, and having command of the state language may be recommended for the office of a judge by the Qualification Commission of Judges” (Article 127(3));

“A citizen of Ukraine having forty years of age on the day of appointment, having a higher legal education and professional experience of no less than ten years, having resided in Ukraine for the past twenty years, and having command of the state language may be a judge of the Constitutional Court of Ukraine” (Article 148 (3)).

28. According to the decision of the Constitutional Court of Ukraine of December 14, 1999 No. 10-rp / 99 "the provisions of the first part of Article 10 of the Constitution of Ukraine, according to which “the Ukrainian language is the state language in Ukraine”, should be understood as that the Ukrainian language is, as a state language, an obligatory mean of communication throughout the territory of Ukraine during the exercise of power by state authorities and local self-government bodies (language of acts, work, records, documentation, etc.), as well as in other public spheres of life, which are determined by law (Article 10 (5) of the Constitution of Ukraine).

Along with the state language, the local authorities and bodies of the Autonomous Republic of Crimea and local self-government bodies may use Russian and other languages of national minorities within the limits and in accordance with the procedure established by the laws of Ukraine.

Pursuant to the provisions of Article 10 of the Constitution of Ukraine and the laws of Ukraine on guaranteeing the use of languages in Ukraine, including in the educational process, the language of instruction in pre-school, general secondary, vocational and higher state and communal educational institutions of Ukraine is the Ukrainian language.

In state and communal educational institutions, in addition to the state language, in accordance with the provisions of the Constitution of Ukraine, in particular Article 53 (5), and the laws of Ukraine, the languages of national minorities can be used and studied in the educational process.

29. According to Article 151 (2) of the Constitution of Ukraine, decisions and conclusions adopted by the Constitutional Court of Ukraine are binding, final and can not be appealed.
30. According to Article 6 (1) of the Law of Ukraine "On the Principles of State Language Policy", the Ukrainian language is the state language of Ukraine. According to Article 20 (2) of this Law, citizens of Ukraine are guaranteed the right to receive education in the state language and in regional or minority languages. This right is ensured through a network of preschool institutions, general secondary, extra-curricular, vocational and higher state and communal educational institutions in Ukrainian or other languages of instruction, which is created in accordance with the needs of citizens in accordance with the legislation of Ukraine on education.
31. On March 12, 2003, Verkhovna Rada of Ukraine held a parliamentary hearing "On the functioning of the Ukrainian language in Ukraine". Participants in these hearings, discussed the language situation in the country, and noted in particular that:
"In the twelfth year of independence, Ukrainian as a state language in Ukraine has not been properly disseminated in all spheres of public life";
"Recently, despite the legislative status of Ukrainian as the state language, there is a process of narrowing the scope of its application that causes social tension in society, generates separatist sentiments, runs counter to the interests of Ukraine's national security and jeopardizes its sovereignty and state self-determination";
"Despite the absence of interethnic conflicts, the achieved stability and tolerance in interethnic relations, the legislative and real protection of the rights of all national minorities in Ukraine, the language issue often turns into a destabilizing factor of social life that impedes the process of creating a sovereign, democratic, rule of law state".
Also, the Cabinet of Ministers of Ukraine was instructed to develop and submit for consideration by the Verkhovna Rada of Ukraine draft laws of Ukraine on amendments to the relevant laws of Ukraine with an aim, in particular, to "foresee in the legislation on national minorities provisions on obligatory knowledge of the state language by citizens belonging to national minorities and permanently residing in Ukraine".
32. Taking into account the above-mentioned recommendations of the Verkhovna Rada of Ukraine and in order to preserve, develop and protect the state language, the Government Program for the Development and Functioning of the Ukrainian Language for 2004-2010 was developed and approved by the Resolution of the Cabinet of Ministers of Ukraine of October 2, 2003 No. 1546.

The General Part of this Program stated: "Language is the most important mean of human communication and intellectual development of an individual, a decisive feature of a state, an invaluable and inexhaustible treasure of the cultural heritage of the people. The Ukrainian language has a leading role in the state-building process. At the same time, in recent years, its proper development is not ensured. The situation with the observance of the norms of Ukrainian spelling is complicated. There is an urgent need to intensify the purposeful work on ensuring the use of the Ukrainian

language in mass media, in the sphere of culture, education and science, in information technologies, advertising, etc”.

One of the main tasks of the Program was ‘to create the appropriate conditions for the study of the Ukrainian language by the citizens of Ukraine from the national minorities”. In addition, section VI of this Program identified a large list of measures for the development and functioning of the Ukrainian language for 2004-2010.

33. There is an opinion that article 7 of the new Law of Ukraine "On Education" narrows the content and scope of the rights of national minorities to study in or study their mother tongue. Instead, the official position of Ukraine is as follows

Pursuant to Article 22 of the Constitution of Ukraine “human and citizen rights and freedoms affirmed shall not be exhaustive. The constitutional rights and freedoms shall be guaranteed and shall not be abolished. The content and scope of the existing rights and freedoms shall not be diminished by an adoption of new laws or by introducing amendments to the effective laws”.

According to Article 5 of the Constitution of Ukraine "citizens belonging to national minorities shall be guaranteed, in accordance with law, the right to education in their native language, or to study their native language at the state and municipal educational establishments or through national cultural societies”.

According to Article 92 (4) “a procedure for the use of languages shall be determined exclusively by laws of Ukraine”.

The Constitution of Ukraine gave the Verkhovna Rada of Ukraine (Parliament), as the only legislative body in Ukraine, the exclusive right to determine the specific forms, methods and procedures for providing guarantees regarding "teaching in the native language or studying in the native language in state and municipal educational institutions or through national cultural society”.

Thus, provided that “in accordance with the law” the guarantees for national minorities are preserved with regard the education in the native language at some levels of education and the study of the mother tongue at other levels of education in state and municipal educational institutions (and not only “through national cultural societies”), there is no narrowing of the content or scope of constitutional rights provided in Article 53 of the Constitution of Ukraine, including the right to free-of-charge pre-school, full secondary, vocational, higher education in state and municipal schools.

Moreover, strengthening measures aimed at raising the level of state language proficiency by the children from national minorities not only improves their ability to integrate into Ukrainian society, but also increases the scope of constitutional rights that they are fully capable of using in public life. In particular, this pertains to the right of “free choice of place of residence” (Article 33), “of freedom of association in

political parties and public organizations”, “of participation in trade unions” (Article 36), right “to take part in the management of public affairs, to freely elect and be elected to bodies of state power and local self-government” (Article 38)” and others like that. This is only a small amount of constitutional rights, the full implementation of which depends on the level of knowledge of the state language.

It should also be noted that, according to paragraph 1 of the decree of the President of Ukraine "On the Procedure for Official Publication of Regulatory Acts and Their Entry into Force" of June 10, 1997, No. 503/97 “Laws of Ukraine, Other Acts of the Verkhovna Rada of Ukraine, Acts of the President of Ukraine, Cabinet The Ministers of Ukraine, not later than within fifteen days after their adoption in accordance with the established procedure, shall be made public in the official language in official publications”. Thus, a citizen of Ukraine who does not have a proper command of the state language can not even realize his/her constitutional “right to know his rights and obligations” (Article 57), but may be brought to legal liability.

34. Summing up the above, it can be convincingly asserted that the Law of Ukraine “On Education”, including the Article 7, passed by the Ukrainian Parliament as the only legislative body in Ukraine, will finally allow the state to fulfill its main constitutional duty with regard to the citizens of Ukraine who belong to national minorities in Ukraine. Furthermore, the Ministry of Education and Science of Ukraine as the central executive body in the field of education and science will significantly equalize the educational chances of children to receive free education in higher education state and communal educational institutions on competitive basis (Article 53) and to widen the scope of constitutional rights and freedoms of minorities, which they will be actually able to take advantage of as the citizens of Ukraine.

IV. Article 7 of the Law of Ukraine “On Education”

35. After the adoption of the draft Law of Ukraine “On Education” in the first reading, on October 6, 2016, MPs submitted 76 amendments to its Article 7 “Language of Education”.
36. During the preparation of the draft law for the second reading, a number of consultations with the public, including representatives of national minorities and indigenous peoples of Ukraine (Crimean Tatar, Hungarian, Romanian, Russian communities) were specially organized and conducted, in order to take into account the comments and suggestions of all interested parties. The Committee of the Verkhovna Rada of Ukraine on Science and Education held three enlarged meetings of the working group devoted solely to the content of Article 7 of the draft Law.
37. The Ministry of Education and Science of Ukraine held five consultative meetings with the public with the participation of representatives of national minorities, during which the participants agreed with the following main positions:

- The study of the state language in schools of national minorities is unsatisfactory;
- Elementary school education should be carried out in the mother tongue with the simultaneous study of the Ukrainian language;
- In the II-III grades it is expedient to gradually increase some of the subjects taught in the Ukrainian language.

38. In the draft law submitted by the Committee on Education and Science for the second reading, Article 7 was formulated as follows:

Article 7:

1. The language of the educational process in educational institutions is the state language.

The state provides every citizen of Ukraine with the right to receive formal education at all levels (pre-school, general secondary, vocational (vocational), professional and advanced and higher), as well as extracurricular and postgraduate education in the state language in state and communal institutions.

Individuals belonging to indigenous peoples and national minorities of Ukraine are guaranteed the right to study in their native language along with the Ukrainian language in communal institutions of preschool and general secondary education with a gradual increase in the number of subjects taught in the Ukrainian language at each subsequent level of this education. This right is exercised through separate educational institutions, classes (groups) with instruction in the language of the respective national minority and indigenous people of Ukraine along with the Ukrainian language, which are created in accordance with the legislation, and does not apply to educational institutions, classes (groups) with instruction in Ukrainian. Individuals belonging to indigenous peoples and national minorities in Ukraine are also guaranteed the right to study their mother tongue in state and municipal educational institutions or through national cultural societies.

For persons with hearing impairment, the right to learn a sign language and to study the Ukrainian sign language is provided.

2. Educational institutions provide compulsory study of the state language, in particular, in vocational (vocational), vocational and higher education institutions to the extent that allows to carry out professional activities in the chosen field using the state language.

Persons belonging to national minorities, foreigners and stateless persons are provided with proper conditions for studying the state language.

3. The state contributes to the study of languages of international communication, primarily English, in state and municipal educational institutions.

4. In educational institutions in accordance with the educational program one or more disciplines can be taught in two or more languages - in the official language, in English, in other official languages of the European Union.

5. At the request of applicants for vocational and higher education, educational institutions provide opportunities for study of a national minority language as a discipline to the extent that enables them to carry out professional activities in the chosen field using this language.

6. The state shall facilitate the establishment and functioning of educational establishments abroad, in which Ukrainian is taught or the Ukrainian language is taught.

7. Peculiarities of usage of languages in certain types and at certain levels of education are determined by special laws.

39. While considering the draft law of Ukraine “On Education” in the second reading, taking into account all the historical preconditions and constitutional principles for the functioning and development of the state language in Ukraine, including the official interpretation of Article 10 of the Constitution of Ukraine by the Constitutional Court of Ukraine, Article 7 was given a special attention. In the course of the long discussion, including in the specially created working group for this purpose with the direct participation of representatives of national minorities (which are MPs of Ukraine), the Verkhovna Rada of Ukraine **has ultimately voted the following wording of Article 7 of the Law:**

1. The official language of the State is the official language of educational process in educational institutions of Ukraine.

The state guarantees to every citizen of Ukraine the right to obtain formal education at all levels (pre-school, general secondary, vocational (vocational-technical), vocational high and higher education as well as out-of-school and postgraduate education) in state and municipal educational institutions in the official language of the State.

Persons belonging to national minorities of Ukraine are guaranteed the right on education in municipal educational institutions of pre-school and primary education in the language of the national minority they belong to and in the official language of the State. This right is realized by creating (in accordance with the legislation of Ukraine) of separate classes (groups) with educational process in the language of the respective national minority group along with the official language of the State and is not applied to the classes (groups) with the Ukrainian language of educational process.

Hearing-impaired persons are given the right for education in a sign language as well as for studying of the Ukrainian sign language. Persons belonging to indigenous peoples of Ukraine are guaranteed the right to study in municipal educational institutions of pre-school and general secondary education in the language of the respective indigenous people along with the official language of the State. This right is realized by creation (in accordance with the law) of separate classes (groups) with education in the language of the respective indigenous people of Ukraine along with the official language of the State and is not applied to classes (groups) with the education in the Ukrainian language.

Persons belonging to indigenous peoples, national minorities of Ukraine are guaranteed the right to study the language of the respective indigenous people or national minority in municipal institutions of general secondary education or in national cultural associations.

2. Educational institutions (in particular institutions of vocational and technical training, vocational high and higher education), provide compulsory education in the official language of the State up to the level that allows to perform one's professional activities in the chosen area using the Ukrainian language. Persons belonging to indigenous peoples, national minorities of Ukraine as well as foreigners and stateless persons are provided with proper conditions for studying the official language of the State.

3. The State facilitates the studying of languages of international communication, first of all the English language, in state and municipal educational institutions.

4. One or more disciplines in two or more languages (namely, in the official language of the State, the English language, and other official languages of the European Union) can be taught in educational institutions in accordance with the educational program.

5. If a person obtaining vocational (vocational-technical) education, vocational advanced and higher education wishes so the educational institutions create possibilities for him or her to learn a language of indigenous people, Ukraine's national minority as a separate discipline.

6. The State promotes the establishing and functioning abroad of educational institutions, in which the education is given in the Ukrainian language or the Ukrainian language is studied.

7. Peculiarities of usage of languages in certain types and at certain levels of education are determined by special laws.

40. Thus, Article 7 stipulates that children who wish to study in minority languages can exercise their right in kindergartens and elementary schools (grades 1-4), studying all subjects in their own language. At the same time, they will study the Ukrainian language as a subject that will help them to learn the state language at the basic level, even in a completely different language environment, in which the Hungarian and Romanian communities, in particular, live in Ukraine. Children of minorities, whose languages belong to the European Union languages, will also be able to fully exercise their right to study in their mother tongue or to study their mother tongue in both the basic and senior school. In addition, bilingual dictionaries will be provided to allow children to study terms in both languages on certain subjects (natural sciences, geography and history).

41. Consequently, at all levels of school education, there will be a part of the subjects studied in the native language. International experience shows that teaching of children from the national minorities is implemented in a variety of ways, in particular through a model where subjects in the state language are introduced along with native language teaching. This contributes to the increase of the lexical volume of students in the state

language and the development of their terminology apparatus in various fields of knowledge. In particular, such a model has been introduced in Estonia and Latvia. Such a model already works today in many Ukrainian schools, in particular Polish and a part of Romanian schools, which show significantly better educational results.

42. It should be noted that the differences in this formulation and in the one adopted by the Verkhovna Rada of Ukraine regard the terms and procedures for implementation of a new approach to the training of representatives of national minorities (such specification should necessarily appear and appear in the special Law of Ukraine “On General Secondary Education”).
43. In addition, in the final and transitional provisions of this Law, the Verkhovna Rada of Ukraine specified the transitional period: “Persons belonging to indigenous peoples, national minorities of Ukraine who had begun obtaining general secondary education before 1 September 2018 continue (until 1 September 2020) to obtain such education according to the rules that had existed before this law entered into force, with gradual increase of the quantity of subjects taught in the Ukrainian language”.
44. The model of education for children from national minorities proposed in the Law of Ukraine “On Education” stipulates that representatives of national minorities, languages of whose are the languages of the European Union, in accordance with Article 7, paragraph 4 of the Law, will have an opportunity to study in their native language on all levels of general secondary education. For example (further to be specified in secondary legislation):
- in elementary school - training on all subjects will take place in the native language, and the state language will be studied as a subject;
 - in the gymnasium as a basic school (grades 5-9) - gradually, along with the level of the state language knowledge, bilingual education or instruction **in the state language** will be introduced in some subjects;
 - in the lyceum as a senior school (grades 10-11) - the proportion of bilingual subjects or subjects in state language will be increased.
45. This version of Article 7 of the Law of Ukraine "On Education" meets all the international obligations assumed by Ukraine - the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the UNESCO Convention on the Elimination of Discrimination in Education, the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, etc. The law also takes into account the Hague Recommendations on the Rights of National Minorities to Education, as well as the provisions of international bilateral instruments to ensure the acquisition of education in their native language.

V. Obligations of Ukraine undertaken by the international agreements

The Framework Convention on Protection of National Minorities

46. Ukraine signed the Framework Convention for the Protection of National Minorities on February 1, 1995 (date of entry into force - May 1, 1998), assuming, in particular, the following obligations related to educational matters (Article 12-14 of the Framework Convention). The Article 7 of the Law "On Education" is in full compliance with the following requirements of the Framework Convention:

"The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities" (Article 12(3)). By creating the preconditions for children from national minorities to acquire the state language at an adequate level, Ukraine equates the opportunities of Ukrainian citizens regardless of nationality in access to higher education on a competitive basis;

47. In accordance with the Article 13 of the Framework Convention "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. The exercise of this right shall not entail any financial obligation for the Parties".

The law "On Education" recognizes the right of all individuals and legal entities to establish private educational institutions (Article 1, paragraph 1(7)). The Law states that "institutions of education of all forms of ownership have equal rights and responsibilities in conducting educational activities in accordance with the law" (Article 22 (7)), and also requires from the Government and local self-government to provide "equal conditions for the development of educational institutions of all forms of property" (Articles 63, 66);

48. In accordance with the Article 14 (1) of the Framework Convention, "the Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language". Such a right is not only recognized by Ukraine but is also guaranteed by the state at educational institutions of all levels.

49. "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" (Article 14(2)). At present, the conditions for teaching minority languages in places of their compact residence were allowed in Ukraine, which led to the low level of state language proficiency of many children from national minorities i. Such unbalanced conditions of education in the native and state languages are not in accordance with Article 14 (3) of the Framework Convention, pursuant to which "paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language."

50. The Law of Ukraine “On Education” does not violate any of the aforementioned articles of the Framework Convention for the Protection of National Minorities. By improving the level of proficiency in the Ukrainian language, the law will allow full implementation of the Article 12(3) and the Article 14(3) of the Framework Convention, and to provide national minorities with equal access to education at all levels.
51. Moreover, in accordance with Article 15 of the Framework Convention, Ukraine committed itself to create the necessary conditions for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those relating to them. Knowledge of the state language of Ukraine, which is the Ukrainian language, is necessary in order to ensure such an effective participation in public affairs.
52. The Explanatory Report to the Framework Convention states that “the Parties’ obligations regarding the use of minority languages do not in any way affect the status of the official language or languages of the country concerned” (paragraph 66). “The opportunities for being taught the minority language or for receiving instruction in this language are without prejudice to the learning of the official language or the teaching in this language. Indeed, knowledge of the official language is a factor of social cohesion and integration” (paragraph 78).
53. The Advisory Committee on the Framework Convention for the Protection of National Minorities, in its thematic commentary adopted on May 24, 2012, No. 3 on the language rights of persons belonging to national minorities under the Framework Convention, emphasizes the need to take into account two equally important goals must be negotiated: guarantees and respect for the use of minority languages, on the one hand, and social cohesion, on the other. This latter concept often contains references to one main official language. The Advisory Committee has reiterated in a number of relevant country specific Opinions the legitimacy of the goal of promoting the official language, as it plays a very important role in achieving cohesive societies and encouraging the effective participation of persons belonging to national minorities in public life. Knowledge of the official language facilitates identification as resident and active citizen of a state and is therefore indispensable for persons belonging to national minorities to take part effectively in public life. On the other hand and as mentioned above, proficiency in the official language and enjoyment of the specific linguistic rights of persons belonging to national minorities are not mutually exclusive (ACFC / 44DOC (2012) 001, paragraph 85).
54. Paragraph 86 of the same commentary stresses that “persons belonging to national minorities frequently face more significant difficulties than others in accessing the labour market, education and training, housing, health care and other social services. These difficulties are, among others, often due also to language barriers, related to insufficient command of the official language.¹¹⁰ The situation can be even worse for persons belonging to national minorities who, due to low-quality minority language learning possibilities, graduate with only limited minority language skills and without

proficiency in the official language. In most cases, high quality teaching and proficiency in the official language is a precondition for effective participation in cultural, social and economic life (ACFC / 44DOC (2012) 001, paragraph 86).

55. Thus, Article 7 of the Law of Ukraine "On Education" not only fully complies with the Framework Convention, but also creates all prerequisites for the effective participation of national minorities in the cultural, social and economic life of Ukrainian society and its public affairs.

European Charter for Regional or Minority Languages

56. On May 15, 2003, the Verkhovna Rada of Ukraine ratified the European Charter for Regional or Minority Languages by adopting the Law of Ukraine No. 802-IV "On ratification of the European Charter for Regional or Minority Languages", assuming specific obligations regarding the application of the provisions of the Charter to specific languages of national minorities, as defined by Article 2 of this Law. Article 4 of this Law states that, in respect of each language to which the provisions of the Charter apply pursuant to Article 2 of this Law, the following shall apply: "a (iii)", "b (iv)", "c (iv)", "d (iv)", "e (iii)", "f (iii)", "g", "h", "i" of paragraph 1 and article 8, paragraph 2," Language of Education "of the Charter. This provision of the Charter gives the state the right to choose how to ensure the linguistic rights of national minorities.

57. In accordance with paragraph 1 of Article 8 of the Charter "with regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a
 - i to make available pre-school education in the relevant regional or minority languages; or
 - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;
- b
 - i to make available primary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

- iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
- c
 - i to make available secondary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- d
 - i to make available technical and vocational education in the relevant regional or minority languages; or
 - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- e
 - i to make available university and other higher education in regional or minority languages; or
 - ii to provide facilities for the study of these languages as university and higher education subjects; or
 - iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;
- f
 - i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
 - ii to offer such languages as subjects of adult and continuing education; or
 - iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;
- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.
58. Article 8 of the Charter provides a list of the responsibilities of each State that ratified the Charter in relation to the language of education. In accordance with Article 2, paragraph 2, of the Charter, with respect to each language of a national minority, each State undertakes to apply "at least three" items or sub-items from Article 8. Ukraine, in the Law of Ukraine on Ratification of the Charter, has undertaken to apply the nine subparagraphs of the first paragraph and paragraph 2 of Article 8.
59. In accordance with Article 8 (1) of the Charter, all commitments undertaken by each of the Parties in respect of the education of national minorities shall be carried out "within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State".
60. The Verkhovna Rada of Ukraine in Article 5 in the Law of Ukraine on Ratification of the Charter affirmed that "when applying the provisions of the Charter, measures that aim at adoption of the Ukrainian language as a state language, its development and functioning in all spheres of public life throughout the territory of Ukraine shall not be considered as preventing or threatening the preservation or development of the languages to which, pursuant to Article 2 of this Law, the provisions of the Charter apply."
61. The explanatory report to the European Charter for Regional or Minority Languages states:
- The affirmation of the principles of interculturalism and multi-lingualism serves to remove any misapprehension as to the aims of the charter, which by no means seeks to foster any kind of partitioning off of linguistic groups. On the contrary, it is recognised that in every State it is necessary to know the official language (or one of the official languages); consequently, none of the charter's provisions should be interpreted as intending to raising obstacles to the knowledge of official languages (paragraph 29);
- The phrase "and without prejudice to the teaching of the official language(s) of the State" is intended to avert any possibility of interpreting the provisions of Article 8, paragraph 1 – and in particular the first option in each of sub-paragraphs a to f – as excluding the teaching of the language(s) spoken by the majority. Such a tendency to form linguistic ghettos would be contrary to the principles of interculturalism and multilingualism underlined in the preamble and inimical to the interests of the population groups concerned (paragraph 80).
62. Hereby, Article 7 of the Law of Ukraine "On Education" not only fully complies with the provisions of the Charter, but also creates the preconditions for the full integration

of national minorities into Ukrainian society and the termination of their prolonged language self-isolation.

UNESCO Convention against Discrimination in Education

63. Pursuant to Article 5 (1a) of the Convention the States Parties to the Convention agree that “education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace”.

64. According to the Article 5 (1c) “It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

65. Therefore, Article 7 of the Law of Ukraine "On Education" fully complies with the UNESCO Convention, since ensures that the national minorities possess the national language at a level "to understand the culture and language of the whole community and to participate in its activities".

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSE

66. Article 34 of Section IV of the Document states that “the participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation. In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.”

67. Ukraine not only "guaranteed" the opportunity for national minorities to study their mother tongue or to study in their native language, but also ensures implementation of such a right in state and municipal educational institutions at the expense of public funds from the state and local budgets.

United Nations Declaration of the Rights of Indigenous Peoples

68. In line with the Article 14 of the Declaration “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
69. The Law of Ukraine "On Education" guarantees to persons belonging to indigenous peoples of Ukraine the right to acquire pre-school and general secondary education in communal educational institutions, along with the state language, in the language of the indigenous people concerned, as well as the right to study the mother tongue in educational institutions all levels. The law requires the establishment of professional (vocational), professional and higher education and higher education to create, at the request of such persons, an opportunity to study the language of indigenous people as a separate discipline.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

70. Article 4 of the Declaration stipulates:

- “1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole”.

UNESCO resolution “UNESCO Policy on Engaging with indigenous peoples” (202EX/9)

71. “UNESCO promotes quality teaching and learning that are sensitive to indigenous peoples’ cultures, languages, lifestyles, traditions, world views, aspirations and knowledge systems, as well as gender equality, in particular through the following:

(a) Supporting indigenous peoples’ mother tongue-based education in a multilingual education approach in formal, non-formal and informal settings.

(b) Encouraging education models and practices, including curricula, teaching and learning materials, pedagogies, teaching and learning environments, that are non-assimilatory, and are respectful and sensitive to indigenous peoples’ rights, identities, perspectives, cultures, traditional knowledge, experiences and aspirations, as well as their contexts and profiles, including gender, age and their geographical location.

(c) Encouraging education models and practices that are non-assimilatory, culturally sensitive and respect and support indigenous peoples’ identities, cultural integrity and rights”.

Charter of Paris for a new Europe

72. The Charter’s section on human dimension stipulates that Parties reaffirm the conviction “that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created.” It is moreover declared, “questions related to national minorities can only be satisfactorily resolved in a democratic political framework”.

73. These Charter’s provisions are fully respected in the Law of Ukraine “On Education”, in particular, in Articles 7, 4 and 5. Thus, one or more disciplines in two or more languages (namely, in the official language of the State, the English language, and other official languages of the European Union) can be taught in educational institutions in accordance with the educational program. In addition, if a person obtaining vocational (vocational-technical) education, vocational advanced and higher education wishes so the educational institutions create possibilities for him or her to learn a language of indigenous people, Ukraine’s national minority as a separate discipline.

The Hague Recommendations Regarding the Education Rights of National Minorities

74. Article 7 “The language of education” fulfills the basic assurances of The Hague Recommendations Regarding the Education Rights of National Minorities such as:

1) The right of persons belonging to national minorities to maintain their identity can only be fully realised if they **acquire a proper knowledge of their mother tongue during the educational process.** At the same time, persons belonging to national minorities **have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language** (paragraph 1);

- 2) persons belonging to national minorities have the right to **establish and manage their own private educational institutions** in conformity with domestic law. These institutions may include schools **teaching in the minority language** (paragraph 8);
- 3) **in primary school**, the curriculum should ideally be taught in the minority language. **The official State language should also be taught as a subject on a regular basis** (paragraph 12);
- 4) **In secondary school**, a substantial part of the curriculum should be taught through the medium of the minority language. **The State language should also be taught as a subject on a regular basis.** Throughout this period, the **number of subjects taught in the State language, should gradually be increased** (paragraph 13);
- 5) The curriculum of **vocational schools** providing training in the mother tongue should be devised in a way which ensures that, upon completion of these programmes, **students are able to practice their occupation both in the minority and the State language** (paragraph 16);
- 6) Persons belonging to national minorities should have access to tertiary education in their own language when they have demonstrated the need for it and when their numerical strength justifies it (paragraph 17).

75. Moreover, Explanatory Note to the Hague Recommendations gives such explanations:

- 1) **the right to maintain the collective identity** through the minority language **must be balanced by the responsibility to integrate** and participate in the wider national society. **Such integration requires the acquisition of a sound knowledge of both that society and the State language(s);**
- 2) **Submersion-type** approaches are not in line with international standards. Likewise, **this applies to segregated schools in which the entire curriculum is taught exclusively through the medium of the minority mother tongue**, throughout the entire educational process and where the **majority language is not taught at all or only to a minimal extent;**
- 3) “States should consider the possibility of making tertiary education in the minority language available where the need has been demonstrated and the numerical strength of the minority justifies it” but it has to be noticed that “the entrenchment of parallel educational institutions at university level could contribute to the isolation of the minority from the majority”.

Bilateral international agreements that contain references to national minorities

76. Ukraine has a broad legal base of bilateral cooperation with partner countries that provides for ensuring the rights of national minorities, in particular in the field of education.

77. Bilateral agreements with Hungary:

DECLARATION on the Principles of Cooperation between the Ukrainian SSR and the Hungarian Republic on the Protection of the Rights of National Minorities (signed on 31.05.1991);

AGREEMENT on the Foundations of Neighborhood and Cooperation between Ukraine and the Republic of Hungary (signed December 6, 1991, ratified by the Verkhovna Rada of Ukraine on July 1, 1992);

AGREEMENT between the Government of Ukraine and the Government of the Republic of Hungary on cooperation in the field of culture, education and science (made 04.04.1995);

PROTOCOL on cooperation in the field of education and science between the Ministry of Education and Science of Ukraine and the Ministry of Human Resources of Hungary for 2015-2017.

78. Bilateral agreements with the Republic of Belarus

Treaty on Friendship, Neighborhood and Cooperation between Ukraine and the Republic of Belarus (signed on July 17, 1995, ratified by the Verkhovna Rada of Ukraine on May 16, 1997);

AGREEMENT between Ukraine and the Republic of Belarus on cooperation in ensuring the rights of persons belonging to national minorities (made on July 23, 1999, ratified by the Verkhovna Rada of Ukraine on March 23, 2000).

79. Bilateral agreements with the Republic of Moldova

TREATY on Good Neighborhood, Friendship and Cooperation between Ukraine and the Republic of Moldova (signed on January 5, 1997);

AGREEMENT between Ukraine and the Republic of Moldova on cooperation in ensuring the rights of persons belonging to national minorities (made on December 17, 2009, ratified by the Verkhovna Rada of Ukraine on 05.10.2010).

80. Bilateral agreements with the Republic of Poland

AGREEMENT on the Principles of Cooperation between Ukraine and the Republic of Poland for the Protection of the Rights of National Minorities (signed on 1 February 1994);

AGREEMENT between the Government of Ukraine and the Government of the Republic of Poland on cooperation in the field of culture, science and education (signed on May 20, 1997);

AGREEMENT on cooperation between the Ministry of Education and Science of Ukraine and the Minister of National Education of the Republic of Poland (signed 02.07.2001);

AGREEMENT between the Ministry of Education and Science of Ukraine and the Minister of National Education of the Republic of Poland on cooperation in the field of education (signed on January 19, 2015).

81. Bilateral agreements with Romania

TREATY on good-neighborly relations and cooperation between Ukraine and Romania (signed on June 2, 1997, ratified by the Verkhovna Rada of Ukraine on July 17, 1997).

82. Bilateral agreements with the Republic of Bulgaria

AGREEMENT on friendly relations and cooperation between Ukraine and the Republic of Bulgaria (signed October 5, 1992, ratified by the Verkhovna Rada of Ukraine from 09.04.93 № 3094-XII).

VI. International Expert Opinions on Language Issues

A. Opinions of the Venice Commission

A1. Opinion on the draft law “On Principles of the State Language Policy of Ukraine” № 651/2011 (CDL-AD(2011)047)

83. Analyzing Article 7 of the draft law “On Principles of the State Language Policy of Ukraine” the Venice Commission stresses in paragraph 41 that “the question remains whether the role the Ukrainian language has to play in the Ukrainian multilinguistic society, as the sole State language, is not endangered and whether its integrative force is not diminished by the protection, on the same level, of the regional and minority languages, in the abovementioned spheres. The Commission recalls that, in the specific context of Ukraine, it is of key importance to opt for a balanced policy in this field, and considers that such an approach *inter alia* requires adequate guarantees for the preservation of the State language as a tool for integration within society”.

84. In paragraph 42 the Venice Commission recommends “the Ukrainian legislator to identify more adequate solutions to confirm the pre-eminence of the Ukrainian language as the only State language, and to take additional measures to consolidate its role within Ukrainian society.

In the conclusion the Venice Commission notes that it “can only reiterate its call, in its previous Opinion, for a fair balance between the protection of the rights of

minorities, on the one hand, and the preservation of the State language as a tool for integration within society, on the other hand. It ultimately is for the Ukrainian legislator to decide on this important matter”.

A2.Opinion the Act On The State Language of the Slovak Republic № 555/2009 (CDL-AD(2010)035)

85. In line with the paragraph 44 of the Opinion “The Preamble of the European Charter for Regional or Minority Languages stresses that “the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them” and should be done “within the framework of national sovereignty and territorial integrity”.
86. The paragraph 42 of the Opinion emphasizes that “the protection of the State language has a particular importance for a new State in which, as it is the case for the Slovak Republic, linguistic minorities represent a high percentage of the citizens of the population. The promotion of the State language guarantees the development of the identity of the State community, and further ensures mutual communication among and within the constituent parts of the populations. The possibility for citizens to use the official language throughout the country can be ensured also in order to avoid that they be discriminated against in the enjoyment of their fundamental rights, in areas where the persons belonging to national minorities have a majority position.”
87. In accordance with the paragraph 43 “knowledge of the official language is also important from the perspective of persons belonging to national minorities. As recognised in the Explanatory Report on the Provisions of the Framework Convention (commentary on article 14 § 3), “knowledge of the official language is a factor of social cohesion and integration”. The Advisory Committee has recognized that the protection of the state language is a legitimate aim”.
88. More to that, in the paragraph 40 and 41 of the given Opinion “the Venice Commission wishes to emphasise that state authorities are perfectly entitled to promote the knowledge and use of the official language and to ensure its protection, although it is more usual for states to regulate and protect the use of minority languages. In the first place, protecting and promoting the official language can respond to public order needs as the use of the State Language allows the State authorities to have access to official communications and documents which are essential to fulfill their public responsibilities.”

B. High Commissioner on National Minorities (HCNM) (2010) “Assessment and Recommendations of the OSCE HCNM on the Draft Law “On Languages in Ukraine””, 20 December 2010

89. Paragraph 10 of the document states that weakening of the state or official language (s) does not correspond to the spirit of the Charter. The protection and promotion of

regional and minority languages should not be carried out at the expense of the state or the official language (languages)".

90.Paragraph 13 notes that the state language can be an effective instrument for ensuring harmony. Accordingly, the incentive policy for the use of the state language is a legitimate interest of the state. In addition, knowledge of the state language is beneficial for persons belonging to national minorities. Proficiency in, the state language increases the opportunities for effective participation in society at all levels. Therefore, persons belonging to national minorities should be given the opportunity to learn the state language. It is expected that all members of society, including persons belonging to national minorities, will have to use the state language in certain situations of communication in the public sphere in accordance with the law. In other words, persons belonging to national minorities have no right to assume that they will never have to use the state language.

91.Paragraph 41 of the document says that the educational system for minorities should maintain a balance between the goal of preserving and developing the identity of minorities and their languages, on the one hand, and the goal of integrating minorities into the society in which they live, on the other hand. The realization of this goal must be achieved through carefully balanced measures that will help children to gain a better command of the state language, without restricting the possibility of learning in their minority language to which they belong. In addition, when assessing the bill, the OSCE High Commissioner for National Minorities noted that "it is likely to lead to a predominantly one-language system of education in schools where minority languages are taught, which is unlikely to provide adequate opportunities for minority children to develop their skills in the state language sphere. It is doubtful that lessons from the Ukrainian language and literature will only provide such opportunities, in particular in the region and environments in which the minority language is dominant and which have little incentive to study and use the official language in the field of employment or access to higher education. Finally, such an approach runs counter to the object and purpose of both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

92. Paragraph 47 stresses that the state language is an effective instrument to achieve social cohesion.

VII. Law enforcement practice

93.Paragraph 137 of the judgment of the European Court of Human Rights in Katan and Others v. Moldova and Russia states that "the right to education would be meaningless if it did not provide for the beneficiaries the right to receive education in the state language or one of the official languages , depending on the situation".

94. In the decision of the European Court of Human Rights on the admissibility of application No. 71074/01 filed by Utah Mensen, also known as MENKEN, against

Latvia, the following is stated: "Most of the High Contracting Parties have decided to provide one or more languages with an official or state status and have identified them such in their constitutions. In the light of this, the Court recognizes that for such States, the official language is one of the fundamental constitutional values along with such values as the territory of the state, the organizational structure of the state and the state flag. By providing the official language with the appropriate language, the state, in principle, undertakes to guarantee its citizens the right to freely use this language for the transmission and reception of information not only in their private life, but also in their communication with the authorities. From this point of view, the Court considers that the most important are, above all, measures to protect this language. In other words, in the notion of an official language, the existence of certain subjective rights belonging to the carriers of this language is laid down".

VIII. Conclusions

95. The Ukrainian state consistently and fully complies with and continues to fulfill both the Constitution of Ukraine and all the international obligations assumed, and guarantees to all national minorities living on the territory of Ukraine:
- the right to preserve traditional settlement;
 - the right for free national and cultural development, development of national cultural traditions;
 - the right to use national symbols, to celebrate national holidays, to practice their religion, to meet the needs of literature, the arts, the media;
 - the right to establish national cultural and educational institutions;
 - equal political, economic, social and cultural rights;
 - the right to study in the native language or to study the native language at state and municipal educational institutions or through national cultural societies;
 - the right to use native languages in all spheres of public life, including education, production, reception and distribution of information;
 - the right to engage in any other activity that does not contradict the current legislation of Ukraine.
96. The Ukrainian state not only guarantees the right of national minorities to study in their mother tongue or to study their mother tongue, but also during the whole period of its independence ensures the realization of such right through state and municipal institutions of preschool, primary and general secondary education at the expense of public funds (state and local budgets).
97. The educational model of teaching the children of national minorities in pre-school, primary and general secondary education institutions, which provided education to these children exclusively in their mother tongue, and study of the state language only as an object, resulted in the following consequences:
- an extremely low or absent level of knowledge of the state language;
 - impossibility of entering the higher education institutions of Ukraine on a competitive basis;

- formation of communities isolated from participation in the public life

98. Hence, such an educational model is not balanced, since it does not provide "a fair balance between the protection of the rights of national minorities on the one hand and the preservation of the state language as an instrument of unity of society on the other" (from the conclusions of the Venice Commission).

99. The Ukrainian state, which guarantees to all the national minorities that live in Ukraine, an opportunity to exercise all rights and freedoms, entrenched in the Constitution of Ukraine and in the international treaties of Ukraine, also strives to provide for a cohesion of the whole Ukrainian society, for engagement of all the national minorities into public affairs, and to ensure that they are able to fully exercise their constitutional rights as the citizens of Ukraine.

100. The Law of Ukraine "On Education" of September 5, 2017, including its Article 7, adopted by the Verkhovna Rada of Ukraine as the sole legislative authority in Ukraine, does not violate by any means either the Constitution of Ukraine or the international obligations assumed by Ukraine, but creates the preconditions for the obtainment by the children from national minorities the state language at an adequate level. Thus, Ukraine strives to equalize the opportunities of Ukrainian citizens regardless of nationality, in access to higher education on a competitive basis and in access to the labor market.

101. In accordance with Article 7 (7) of the Law, and in order to ensure a "fair balance between the protection of the rights of national minorities on the one hand and the preservation of the state language as an instrument of unity of society on the other hand," the specifics of the use of languages at each level of education will be detailed in the special Laws of Ukraine: "On Pre-School Education", "On General Secondary Education", "On Professional (Vocational) Education", "On Higher Education" and "On Education of Adults".

102. The development of a balanced model for education of children from the national minorities will be conducted with participation of authorized representatives of these minorities.