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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

LAW

**ON AMENDMENTS TO THE LAW “ON NATIONAL MINORITIES
(COMMUNITIES)” ON CERTAIN ISSUES OF THE REALIZATION OF
THE RIGHTS AND FREEDOMS OF PERSONS BELONGING TO
NATIONAL MINORITIES (COMMUNITIES)***

(*) adopted in 2nd reading by the Verkhovna Rada on 21 September 2023

Submitted by People's
Deputies of Ukraine

LAW OF UKRAINE

On Amendments to the Law of Ukraine “On National Minorities (communities) of Ukraine” on certain issues of the realization of the rights and freedoms of persons belonging to national minorities (communities) of Ukraine

The Verkhovna Rada of Ukraine hereby **decides:**

I. To introduce to the Law of Ukraine “On National Minorities (communities) of Ukraine” of 13 December 2022 № 2827-IX the following changes:

1. To exclude the word “traditional” from paragraph 1 of part 1 of Article.
2. To supplement Article 3 with a new part 4 of the following content:
“4. The state, taking into account the specific situation of persons belonging to national minorities (communities), shall take measures to achieve in the spheres of economic, social, political and cultural life full and true equality between persons belonging to national minorities (communities) and persons belonging to the majority of the population.”
3. To set forth paragraph 1 of part 6 of Article 5 in the following wording:
“6. The rights and freedoms of persons belonging to national minorities (communities) may be restricted in accordance with the law in the interests of national security, territorial integrity and public order to prevent civil disturbance or crimes, to protect public health, to protect the rights and freedoms of others, if such a restriction is necessary in a democratic society.”
4. To supplement Article 9 with part 2 to of the following content:
“2. The state creates the necessary conditions for the effective participation of persons belonging to national minorities (communities) in social and economic life and in the management of public affairs.”
5. In Article 10:
 - 1) To set forth part 2 in the following wording:
“2. Public events (meetings, conferences, rallies, exhibitions, training courses, seminars, trainings, discussions, forums, other public events) organized for persons belonging to national minorities (communities) may be held in the languages of the respective national minorities (communities)”;
 - 2) In Part 3:

To set forth paragraph 1 in the following wording:

“3. A cultural and artistic, entertainment or spectacular event organized and held by persons belonging to the national minority (community) may be held in the language of the respective national minority (community). Hosting (compèring) of such an event may be carried out in the language of the respective national minority (community). The organizer at the request of visitors (viewers) of such an event provides simultaneous or consecutive interpretation of the hosting (compèring) into the state language, if such a request was received no later than 72 hours before the start of the event”;

After paragraph 1, to add a new paragraph of the following content:

“For the purposes of this Law, hosting (compèring) is a speech related to the conduct of the program of cultural and artistic, entertainment and spectacular event, in particular, the announcement of and commenting on the components of such an event.”

In this regard, to consider paragraph 2 as paragraph 3;

3) To set forth part 4 in the following wording:

“4. Languages of national minorities (communities) can be used in the media in accordance with the law.

National minorities (communities) have the right to establish their own media in accordance with the law.

4) in part five:

In paragraph 1, to replace the words “part one” with the words “part four”;

In paragraph 2, to replace the words “part two” with the words “part five”;

To add a new paragraph 3 of the following content:

“A specialized bookstore, established for the realization of the rights of national minorities (communities), is a specialized store for trade in publishing products, printed media, created to meet the needs and interests of persons belonging to national minorities (communities) related to culture, language, history and other interests of the relevant national minority (community). The procedure for the formation and functioning of specialized bookstores, established for the realization of the rights of national minorities (communities), is determined by the central executive body responsible the formation of state policy in the information and publishing sphere”;

5) To set forth part 6 in the following wording:

“6. At the request of a person belonging to the national minority (community), the language of the relevant national minority (community) may be used, if it is understandable to the parties, for:

- 1) providing emergency medical care;
- 2) providing assistance and protection if such a person is a victim of domestic violence;
- 3) providing care in a residential care home for older persons”;

“10. Peculiarities of the use of languages of national minorities (communities), including, but not only, in the provision of any topographical information, communication with the authorities in settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, at the request of such persons and if such a request meets the real needs, shall be determined by the methodology approved by the Cabinet of Ministers of Ukraine.

The methodology shall provide an opportunity for:

1) the use by persons belonging to national minorities (communities), along with the state language, of the language of the respective national minority (community) in relations with the local executive bodies and local self-government bodies, their officials, who carry out their activities in settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population;

2) the use by the local executive bodies and local self-government bodies, their officials, who carry out their activities in settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, according to the decision of such body, along with the state language, of the language of the respective national minority (community) in relations with persons belonging to national minorities (communities).

3) taking other measures based solely on the basic provisions of the Council of Europe Framework Convention on the Protection of National Minorities and the European Charter for Regional or Minority Languages”;

6) after part 10, to add new parts 11 and 12 of the following content:

“11. In settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, it is allowed to spread indoor and outdoor advertising, as well as advertising in the respective audio and audiovisual media of the local category, made in the state language and duplicated in the languages of the respective national minorities (communities). At the same time, the text of the duplication in the language of the national minority (community) should not be larger in volume and font than the text in the state language. Requirements for font size are not mandatory when writing the names of goods protected by the trademark law (marks for goods and services) and commercial names. Objects of intellectual property rights are advertised taking into account the requirements stipulated by part 2 of Article 6 of the Law “On Advertising.”

12. The procedure for determining the list and the list of settlements traditionally inhabited by persons belonging to national minorities (communities) or in which such persons constitute a significant part of the population are determined by the Cabinet of Ministers of Ukraine.”

6. In Article 11, after part two, to add a new part 3 of the following content:

“3. The state guarantees free provision of textbooks (including electronic ones) and manuals to persons pursuing complete general secondary education and belonging to national minorities (communities) in the order established by the Cabinet of Ministers of Ukraine.”

In this regard, to consider part 3 as part 4.

7. To supplement part 1 of Article 13 with a new paragraph 5 of the following content:

“5) provision of state support to the endangered languages of national minorities (communities) (the list of such languages is approved by the Cabinet of Ministers of Ukraine on the basis of the international standards.”

8. In Article 19:

1) After part 1, to add a new part of the following content:

“2. The main tasks of the Center for National Minorities (communities) are:

1) to support and preserve the traditional culture and intangible cultural heritage of national minorities (communities), create conditions to fully unlock their identity, preserve their language, culture and folk traditions;

2) to provide information, advisory and organisational support to public associations of national minorities (communities);

3) to carry out activities aimed at strengthening the national unity and consolidation of Ukrainian society, deepening cultural ties between public associations of national minorities (communities) in the region;

4) to interact with the state authorities and local self-government bodies to address urgent issues related to the protection of the rights of national minorities (communities).”

In this regard, to consider parts 2 and 3 as parts 3 and 4, respectively;

2) To set forth paragraph 3 of part 3 of Article 19 in the following wording:

“In settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, on the initiative of public associations of national minorities (communities) rural, settlement and city councils can establish the Center of National Minorities (communities) of the relevant territorial community.”

9. To set forth paragraph 3 of Section V “Final and Transitional Provisions” in the following wording:

“3. To establish that, for the period of martial law on the territory of Ukraine, introduced by the Decree of the President of Ukraine “On the Imposition of Martial Law in Ukraine” dated February 24, 2022, adopted by the Law of Ukraine “On Approval of the Decree of the President of Ukraine “On the Introduction of Martial Law in Ukraine” dated February 24, 2022, and during:

1) six months after its cancellation or termination, the rights of national minorities (communities), defined by Article 7 (in the part on the right to peaceful assembly), Articles 14, 18, 19 and part 3 of Article 20 of this Law, which identify themselves as belonging by ethnic origin to the state recognized by Ukraine and / or

international organizations as a terrorist state (aggressor state) that commits acts of aggression against Ukraine, shall be subject to temporary restriction on their realization and protection;

2) five years from the day of its cancellation or termination, provisions of parts 2, 3 and 11 or Article 10 of this Law shall not apply to the state (official) language of the state recognized by the Verkhovna Rada of Ukraine as a terrorist state or an occupying state.”

II. Final and Transitional Provisions

1. This Law shall enter into force on the day following the day of its publication.

2. The Cabinet of Ministers of Ukraine is instructed, within six months from the date of the entry into force of this Law, to:

adopt the list of the endangered languages of national minorities (communities);

adopt, together with all-Ukrainian associations of local self-government bodies, a methodology for the use of languages of national minorities (communities) in settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, as well as the procedure for determining the list and the list of settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population;

prepare and submit to the Verkhovna Rada of Ukraine a draft Law of Ukraine aimed at taking into account the expert opinion of the Council of Europe and its bodies on ensuring the rights of national minorities (communities) in certain areas;

bring its normative legal acts into conformity with this Law;

ensure that the ministries and other central executive bodies bring their normative legal acts into conformity with this Law.

Chairman of the Verkhovna Rada of Ukraine
R. STEFANCHUK