



Resolution 2189 (2017)¹
Provisional version

The new Ukrainian law on education: a major impediment to the teaching of national minorities' mother tongues

Parliamentary Assembly

1. The Parliamentary Assembly is concerned about the articles relating to education in minority languages of the new Education Act adopted on 5 September 2017 by the Ukrainian Verkhovna Rada (Ukrainian Parliament) and signed on 27 September 2017 by the Ukrainian President, Petro Poroshenko.
2. Various neighbouring countries claimed that this act infringes the rights of persons belonging to national minorities and raises sensitive legal issues also under the Ukrainian legal order. The Assembly deplores the fact that there was no real consultation with representatives of national minorities in Ukraine on the new version of Article 7 of the Act adopted by the Supreme Rada. The Assembly notes that the Ukrainian authorities have submitted the text of the Education Act to the European Commission for Democracy through Law (Venice Commission) for an opinion, which shall be delivered by the end of 2017; however, the Assembly expresses dissatisfaction that this step was not taken before the adoption of the Education Act. In addition, the Assembly is aware that in March 2017 the Advisory Committee on the Framework Convention for the Protection of National Minorities adopted its opinion on Ukraine (4th cycle) which should become public at the beginning of 2018 and that a report on Ukraine submitted by the Committee of Experts of the European Charter for Regional or Minority Languages (ETS No. 148) is being considered by the Committee of Ministers.
3. The Assembly takes note of serious concerns expressed on a number of legal issues. It believes that it is important to fulfil the commitments based on the European Convention on Human Rights (ETS No. 5), the Framework Convention for the Protection of National Minorities (ETS No. 157, "Framework Convention"), and the European Charter for Regional or Minority Languages, and to help re-establish a constructive dialogue between the different parties concerned. In this respect, for the Assembly, three interconnected principles must guide the stakeholders towards more consensual arrangements.
4. The first one is that knowledge of the official language of a State is a factor of social cohesion and integration and it is legitimate for States to promote the learning of the official language and to ask that the State language be a language of education for all.
5. The second one is that, as stated by the Advisory Committee on the Framework Convention: "Language is an essential component of individual and collective identity. For many persons belonging to national minorities, language is one of the main factors of their minority identity and identification." Thus, where States take measures to promote the official language, these must go hand in hand with measures to protect and promote the languages of national minorities. If this is not done, the result will be assimilation, not integration.
6. The third one is the principle of non-discrimination. This principle not only applies to the recognition and effective protection of the rights of persons belonging to national minorities, as enshrined in the Framework Convention, and of the specific rights enshrined in the European Charter for Regional or Minority Languages, but also to "the enjoyment of any right set forth by law" according to Article 1 of Protocol No. 12 to the European Convention on Human Rights (ETS No. 177).

1. *Assembly debate* on 12 October 2017 (34th Sitting) (see [Doc. 14415](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Andres Herkel). *Text adopted by the Assembly* on 12 October 2017 (34th Sitting).



7. For the Assembly, these three principles are essential elements of a wider concept of utmost importance, which in fact underpins the entire Framework Convention: the concept of “living together”.
8. Based on the above-mentioned principles and the encompassing concept of “living together”, the new legislation does not appear to strike an appropriate balance between the official language and the languages of national minorities.
9. In particular, the new law entails a heavy reduction in the rights previously recognised to “national minorities” concerning their own language of education. These national minorities, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, now find themselves in a situation where education in their own languages can be provided (along with education in Ukrainian) only until the end of primary education. For the Assembly, this is not conducive to “living together”.
10. In planning the implementation of the reform, flexibility should be ensured to avoid hasty changes prejudicing the quality of education provided to pupils and students belonging to national minorities.
11. In this respect, a three-year transitional period may prove to be too short. Therefore, the Assembly urges the Ukrainian authorities to also introduce flexibility regarding the length of the process and allow for arrangements tailored to the concrete circumstances of the communities concerned and the situation in different areas.
12. The Assembly is aware that Ukrainian-speaking minorities in neighbouring countries are not entitled to monolingual education in their own languages and do not benefit from arrangements which seek to promote bilingual education. Therefore, the Assembly recommends that the authorities of neighbouring countries, which legitimately call for the protection of their minorities, show readiness to offer to the Ukrainian communities resident in their respective countries similar arrangements to those that they claim for their own minorities.
13. The Assembly recommends that Ukraine examines best practices in Council of Europe member States in the field of teaching official languages, with special learning methods designed for schools using regional or minority languages as the language of education.
14. The Assembly decides to follow the developments in Ukraine with regard to the protection and promotion of regional and minority languages.
15. The Assembly asks the Ukrainian authorities to fully implement the forthcoming recommendations and conclusions of the Venice Commission and to modify the new Education Act accordingly.