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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

**CONCEPT**

**OF THE STATE ETHNIC AND NATIONAL POLICY  
OF UKRAINE**

## **CONCEPT of the State Ethnic and National Policy of Ukraine**

### **1. Essence, Priorities, and Purpose.**

The State Ethnic and National Policy of Ukraine shall be defined as the system of State measures aimed at satisfying the needs of the Ukrainian nationality, of members of other ethnic entities, which relate to the peculiarities of their respective ethnic and cultural development; regulating inter-ethnic relations; eliminating factors of inter-ethnic tension as well as inter-ethnic conflicts; providing the participation of various ethnic and national structural components of the Ukrainian society in Statehood development process. The essence, priorities, and purpose of the State Ethnic and National Policy of Ukraine shall be in conformity with the Constitution of Ukraine as well as with international treaties, ratified by the Verhovna Rada of Ukraine.

The necessity for establishment of the State Ethnic and National Policy of Ukraine derives from:

1. the multinational composition of the Ukraine's population, which ethnic and national structure comprises of the Ukrainian nationality, indigenous population, and national minorities - representatives of more than one hundred nationalities;
2. the process of the ethnic renaissance of both the Ukrainian nationality and indigenous population and national minorities. This process is characterised by maturing of the Ukrainian nationality, indigenous population and national minorities into the stable structural components of the Ukrainian society, on the one side, and their integrating into and forming the Ukrainian nation, on the other;
3. the intensification of relations of the Ukrainian Diaspora representatives with their historic motherland, their involvement into Statehood development process in Ukraine.

The principal purpose of the State Ethnic and National Policy of Ukraine shall be the provision of relations on equal footing and close interaction of representatives of different ethnic groups, residing in Ukraine, adherence to the principle of tolerance, trust and mutual respect in relations between these groups. The State Ethnic and National Policy of Ukraine envisages to take into account as optimally as possible interests of all the ethnic entities, to establish favourable conditions for the development of the Ukrainian nationality, indigenous population and

national minorities. The content of the Ethnic and National Policy of the democratic Ukrainian State shall be the inter-ethnic concord under conditions of ethnic variety.

## **2. Principal Directions and Mechanism**

The State Ethnic and National Policy of Ukraine envisages the establishment of equal opportunities for every Ukrainian citizen in economic, social, political and cultural spheres of the society without discrimination on grounds of race, colour, religion, political or other opinion, sex, ethnic or social origin, property, place of residence, language or other status as well as the resolution of issues of persons, displaced on grounds of their nationality.

The principal directions of the State Ethnic and National Policy of Ukraine shall be:

1. providing equal constitutional rights and freedoms and equality before the Law of everyone irrespectively of his or her ethnic origin;
2. guaranteeing the complete and equal participation of the citizens of Ukraine of various ethnic entities in all spheres of Ukrainian social life;
3. providing the development of the Ukrainian nationality's culture;
4. recognising the multiethnic character of the Ukrainian society and confirming the right of every its member to maintain and promote his or her cultural heritage;
5. assessing of the ethnic entities' contribution to the development of the Ukrainian society;
6. maintaining the spirit of mutual understanding and interaction between all the constituents of the ethnic and national structure of the Ukrainian society - the Ukrainian nationality, indigenous population and national minorities;
7. resolving ethnic and political controversies and conflicts by peaceful means;
8. fostering the recognition and respect of the whole Ukrainian society for cultures, religions, traditions and customs of all the ethnic entities residing in Ukraine;
9. providing the all-round development and functioning of the Ukrainian language as the State language in all spheres of social life in Ukraine;
10. guaranteeing of free development, use and protection of the Russian language, and other languages of the national minorities of Ukraine;
11. providing the Ukrainian Diaspora with the support in preserving and developing the national culture, language, traditions, and customs with due reference to the national legislation of States of its residence;

12. recognising the rights of persons, displaced from the territory of Ukraine on grounds of their nationality, to free return to Ukraine, fostering their integration into the Ukrainian society.

The principal constituents of the mechanism of execution of the State Ethnic and National Policy of Ukraine are:

1. the legislation including long-termed national programmes, aimed at forecasting and regulating ethnic and national processes in Ukraine and specialised programmes concerning definite directions of realisation of the State Ethnic and National Policy of Ukraine;
2. authorized Governmental body with special competence, other executive bodies of local governments;
3. associations of national minorities;
4. international co-operation with foreign States and with relevant international institutions with the purpose to attract their potential, including financial one, for achieving the purposes of the State Ethnic and National Policy of Ukraine.

Proceeding from the fact that legal procedures and political methods basing upon generally recognised rules and principles of international law are the most efficient mechanism of protection of rights and interests of all ethnic entities and of conflict prevention Ukraine shall consecutively adhere to the civilised methods of ethnic and national processes regulation in the life of the Ukrainian society, utilising to their full extent the relevant frameworks of the UN, the Council of Europe, the Organisation on Security and Co-operation in Europe, fostering the co-operation with the Bureau of Democratic Institutions on Human Rights in Warsaw and with other institutions of international co-operation.

### **3. The Provision of Conditions for Development of the Ukrainian Nationality.**

The State shall promote the consolidation and development of the Ukrainian nationality, its historic consciousness, traditions and culture - the demographic and ethnic foundation of the Ukrainian society.

The all-round development of the Ukrainian nationality is the main condition for providing integration of all structural ethnic and national components of the Ukrainian society into the Ukrainian nation.

The State language in Ukraine is Ukrainian. The State provides the all-round development and functioning of Ukrainian in all spheres of the social life in Ukraine with the purpose to promote the development of spiritual potential of the Ukrainian nation and to guarantee its sovereign national Statehood.

In the field of the ethnic lingual situation in Ukraine, the major efforts should be made to create favourable conditions for mastering the State language by the whole population, to increase the social prestige of

Ukrainian and to overcome negative social and psychological stereotypes and deformation of the lingual sphere in the past. The said refers to the learning of Ukrainian language and culture by indigenous peoples and national minorities while preserving their native languages and cultures.

While adhering to equality principle in ethnic and cultural development of nationalities in the regions, where ethnic Ukrainians form a group numerically smaller than the rest of the region's population or have suffered denationalisation, the State shall promote restoration of their ethnic and cultural identity, exercise of their rights to being educated and acquiring information in their native language, development and increase of prestige of the Ukrainian culture.

#### **4. Provision of Conditions Necessary for the Development of Indigenous Peoples and National Minorities**

The State displays constant concern about execution of political, economic, social, cultural and other rights and freedoms of its every citizen without discrimination on ground of his or her national origin, promotes the development of ethnic, cultural, lingual, and religious identity of indigenous peoples and national minorities of Ukraine as well as the activity of their associations.

The national minorities are defined as entities of the citizens of Ukraine who are not Ukrainians by their nationality, numerically smaller than Ukrainians, manifest the sense of national self-identification and of community between them and freely maintain and develop their ethnic and cultural identity.

The distinctive component of the ethnic and national structure of the Ukrainian State is indigenous population, i.e. the indigenous ethnic entities, having matured historically and residing on the present territory of Ukraine, which constitute the national minority within its population and does not possess their Statehood abroad.

Whereas the international legal instruments employ rather distinctive interpretation of the term "indigenous population", there exists an important problem to adopt co-ordinated approach to this ethnic category.

Proceeding from the priority of the free development of spiritual sphere as one of the main principles of the State Ethnic and National Policy of Ukraine, as well as from the fact that spiritual heritage of indigenous population and national minorities constitutes an integral component and important factor of enriching the culture of the whole Ukrainian society, the citizens belonging to national minorities shall be guaranteed the rights to national and cultural autonomy, and in particular:

- to use and education in native language or learn national language in national and local educational establishments or through national cultural associations;
- to development of national cultural traditions, to restoration of rites, to celebration of national holidays, to preservation and utilisation of objects of cultural heritage;
- to use of national symbols together with the State ones of Ukraine in a manner established by the law;
- to freedom of conscience and religion;
- to satisfaction of needs in literature, art, mass-media;
- to receive and dissemination information in native language;
- to establishment of cultural and education institutions of national minorities;
- to exercise other cultural and education rights.

Persons, belonging to indigenous population and to national minorities, their associations are guaranteed in accordance with the Constitution of Ukraine and international treaties, ratified by the Verhovna Rada of Ukraine, the right freely to establish and to maintain relations with their ethnic motherland, other persons of their respective nationality and their associations abroad, to receive aid from them to satisfy their humanitarian needs, to participate in international organisations.

Proceeding from the fact that indigenous peoples do not possess any other territory, wherein they could maintain and develop their own ethnicity, the State shall establish conditions necessary for provision of enduring and developing the ethnic entities in question, for preservation of their cultural and spiritual identity.

Legal aspects concerning provision of the ethnic and cultural development of indigenous population, shall be secured after the proper scientific examination of the whole complex of issues relating to them in accordance with the legislation of Ukraine and generally recognised rules and principles of international law.

## **5. Integration into the Ukrainian Society of Persons, Displaced on grounds of their Nationality**

In the process of formation of the democratic State on the basis of the rule of law principle it can be regarded as an act of humanity and of historic justice the restoration in rights of persons who have been displaced on grounds of their nationality from the territory of Ukraine under the USSR existence.

The State shall promote free and organised return to Ukraine of persons, who have suffered repression and have been displaced from the

territory of Ukraine, within the framework of national programmes of their return, settlement and accommodation. Persons from indigenous population and national minorities, who have suffered repression and have been displaced from the territory of Ukraine, as well as their descendants, who returns to their former places of residence, shall be guaranteed, in full equality with the Ukrainian citizens political, economic and social rights and conditions for ethnic and cultural development in accordance with the law in force. The State shall compensate damages caused by displacement of the persons in question gradually taking into account its economic resources.

Special attention is also paid to seeking financing from sources other than the State Budget of Ukraine for the process of return and accommodation of the repatriates, in particular among the Member States of the CIS, wherein the displaced persons reside, Donor States and relevant international organisations.

## **6. Co-operation with the Ukrainian Diaspora**

Adhering to its international obligations concerning minority rights, Ukraine shall make every effort to protect rights of foreign Ukrainians in States of their residence.

The State by its policy concerning Ukrainian Diaspora shall in every way foster the maintenance and development of their ethnic and cultural environment, promote relations with the Diaspora, take care of satisfaction of its ethnic and cultural, educational, informational and other needs.

The inter-state partnership and promotion of co-operation with the relevant international organisations constitute an important means of protection of rights of foreign Ukrainians.

The State shall take measures to return to Ukraine those foreign Ukrainians who express such intention. They shall be guaranteed the right to immigration.

The resolution of the issues concerning satisfaction of spiritual and cultural, educational, social and economic needs of Ukrainians who reside abroad, the elaboration of the appropriate treaty and legal basis shall be exercised proceeding from the State programmes of development of liaisons with the Ukrainian Diaspora.

## **7. The Legal Grounds of State Ethnic and National Policy of Ukraine**

The legal acts providing for realisation of the State Ethnic and National Policy of Ukraine comprise of the Constitution of Ukraine, laws of Ukraine such as "On National Minorities in Ukraine", "On Citizenship of Ukraine", "On Languages in the Ukrainian SSR", "On Elections of People's Deputies of Ukraine", "Foundations of Legislation of Ukraine on Culture", "On Education", "On Information", "On Published Mass Media (the Press) in Ukraine", "On Freedom of Conscience and Religious Organisations", "On Associations of Citizens", "On Refugees", "On Legal Status of Foreigners", other legal acts, as well as international treaties, ratified by the Verhovna Rada of Ukraine.

The priority tasks shall be bringing of laws of Ukraine concerning State Ethnic and National Policy in conformity with the Constitution of Ukraine, commonly recognised rules and principles of international law, as well as elaborating and adopting the new legislative acts, in particular, "On Rehabilitation and Provision of Rights of Persons of National Minorities, who have Suffered Repression and have been Displaced from the Territory of Ukraine", "On Foreign Ukrainian", "On Immigration", "On Ratification of the European Charter for Regional or Minority Languages", State Programme on adaptation and integration into Ukrainian society of the Crimean Tatars, as well as persons of other nationalities, restoration and development of their culture and education and other legal acts.