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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**

**ON THE CONCEPTION OF  
THE STATE ETHNIC POLICY  
OF UKRAINE**

**Draft Bill****LAW OF UKRAINE****“On conception of the State ethnic policy of Ukraine”.**

Conception of the State ethnic policy of Ukraine represents the system of contemporary views, principles and priorities in activity of public authorities and local government in the sphere of interethnic relations.

This conception takes into account the necessity to provide the unity and integrity of Ukraine under the new circumstances of development of Ukrainian state independence, coordinating and organic combination of national interests and interests of Ukrainian citizens—representatives of different nationalities who live on the territory of our country.

The State ethnic policy is based on principles of Ukrainian Constitution, Declaration of rights of nationalities of Ukraine, Ukrainian Laws: “On national minorities of Ukraine”, “On refugees”, “On legal status of foreigners and persons without citizenship”, “On associations of citizens” and universally recognized norms of international law that are embodied in the system of national legislation that regulates this sphere.

This conception ought to be the strategic direction for public authorities and local government in resolving the problems of national development and regulation of interethnic relations, consolidation and development of Ukrainian nation, its historical consciousness, traditions and culture, providing with constitutional rights of different nationalities; persons, who have been deported because of ethnic origin as well as Ukrainians, who live abroad.

The state ethnic policy should promote consolidation of Ukrainian society, providing with equality of relations and close cooperation of citizens of all nationalities in Ukraine, optimization of correlation in the process of ensuring the national and cultural needs of Ukrainian nation and representative of other nationalities.

The aim of this ethnic policy is to promote the achieving of stability in society, guaranteeing law supremacy, human and citizenship rights in the sphere of providing with ethnic needs taking into consideration Ukrainian legislation and principles of EU law on the way of Ukraine to Europe.

**1. The principles of the State ethnic policy**

The main principles of the State ethnic policy of Ukraine are:

- promoting the development of ethnic, cultural, linguistic and religion originality of Ukrainian nation, representatives of different nationalities;
- equality of human and citizen rights and freedoms irrespectively of race, color of skin, political, religion and other believes, ethnic and social origin, property status, place of location, linguistic and other signs, preservation the integrity of Ukrainian state that have been created historically.
- prohibition of any forms of restriction of citizens rights depending on race belongings, color of skin, political, religion and other believes, ethnic and social origin, property status, place of location, linguistic and other signs;
- providing with all possible development and functioning the Ukrainian language as a state language in the sphere of public life in the whole territory of Ukraine and guarantying free development, using and protect of different national languages;
- each citizen has the right to identify your ethnic origin free;

- prohibition of action, which direct to eliminate of the state independence of Ukraine, change of constitutional status by violent way, breach the state sovereignty and territorial integrity of our country, threaten to it's security, illegal capture of state power, propaganda of war, violation and rousing of interethnic, race and religion hostility, encroachment on the human rights and freedoms, health of population;
- protect of rights and interests of Ukrainian citizens abroad, support of Ukrainians, who live abroad, in the process of preserving and development of native language, culture and national traditions, strengthening it's ties with ethnic motherland according to the norms of international law;
- assistance in protecting of equality of persons deported on the basis of ethnic origin, who return to Ukraine voluntarily.

## **2. The main aims and subjects of the State ethnic policy**

The State ethnic policy of Ukraine provides equal opportunities for all its citizens in economical, social, political, educational and cultural sphere of public life regardless of ethnic and social origin, political, religion and other signs.

The main aims of the State ethnic policy in Ukraine are:

- development of Ukrainian nation, historical consciousness and national dignity of Ukrainians, ethnic, cultural and linguistic originality of representatives of different nationalities;
- creating conditions for consolidation of Ukrainian nation and representatives of different nationalities on the ground of realization it's civil rights, freedoms and obligations, full social, national and cultural development of Ukrainian nation and representatives of different nationalities, strengthening civil and moral-spiritual unity on the base of observing human, citizen rights and freedoms, recognition of citizen as a great value;
- creating civil society, increasing the effectiveness of public authorities and local government, development of democratic institutions with the aim to provide human rights and freedoms;
- using Ukrainian language as a state language, providing for optimal conditions for conservation and development of languages of different nations;
- achieving the national harmony, political and social stability, guaranteeing the rights of Ukrainian nation and representatives of different nationalities.
- augmenting the cultural wealth, created by Ukrainian artists as well as representatives of other nationalities, provide development and widening the sphere of use of national language, establishing the principles of cultural pluralism, multilingual together with integral role of Ukrainian language as a state language;

In turn, realization of the State ethnic policy of Ukraine and its society promotes to resolve the following subjects:

- forming the state that correspond to contemporary social and economic, political situation and historical experience, by the way of establishing the relations with countries, that have in Ukraine of ethnic related minorities, and increase the integration to EU;
- matching the Ukrainian legislation that regulates sphere of relations between nationalities, to the Constitution of Ukraine, universally recognized norms and principles of international law, as well as elaboration of new legislative acts which take into account objective needs of dynamic development of interethnic processes in the state;
- forming and spreading the ideas of spiritual unity, tolerance and consent in interethnic relations, promoting the education of culture of interethnic communication;
- integration of efforts of all components of state power bodies and civil society, political and public figures, representatives of different nationalities for the purpose of achieving the

interethnic consent, establishing the principle of equality of citizens of different nations and denominations, strengthening the mutual understanding among it;

- providing the law, institutional and financial conditions that facilitate to correspond and satisfy national and cultural interests of Ukrainian nation and representatives of different nationalities;

- elaborating the state measures concerning prevention of interethnic conflicts, providing the legal assistant of national dignity of citizens, strengthening the responsibility for rousing of interethnic hostility;

- spreading the knowledge about history and culture of Ukrainian nation and representatives of different nationalities;

development and improvement of the state system of communication with the aim to provide coverage of problems of interethnic relations full and satisfaction of needs of Ukrainian nation and representatives of national minorities;

- using the national and local mass media as an instrument of exchange of intellectual values of Ukrainian nation and representatives of national minorities;

- facilitating the free return in Ukraine, adaptation and integration into Ukrainian society of persons, who have been deported on the national ground, guaranteeing the equal rights with Ukrainian citizens for it;

- realization of provisions and protocols of intergovernmental agreements and intergovernmental mixed commissions regarding the rights of national minorities, ratified in accordance with established law procedure.

### **3. Providing the provisions for development of the State ethnic policy of Ukraine**

The State ethnic policy of Ukraine promotes to consolidation and development of Ukrainian nation, its historical consciousness, traditions and culture, providing its cultural and education, linguistic and informational rights.

Our state makes every effort to resolve problems concerning national revival.

All-round development of Ukrainian nation is the main condition of ensuring the integration of different nationalities into Ukrainian society.

The state language in Ukraine is Ukrainian. The state provides for all possible development to function the Ukrainian language in spheres of public life in Ukraine for the purpose of ensuring the development of spiritual opportunities of Ukrainian people, guaranteeing its sovereign statehood.

The State ethnic policy envisages of creating favorable conditions for mastering of state language by all people, increasing the public prestige of Ukrainian and eliminating the negative social and psychological stereotypes and deformations that took place with language in the past, provides to master Ukrainian language and culture by representatives of all nationalities preserving and develop its languages and cultures simultaneously.

The state guarantees equal political, social, economic and cultural rights and freedoms for representatives of different nationalities, support development of national self-consciousness and self-expression.

According to Ukrainian Constitution the State ethnic policy provides realization rights and freedoms of citizens concerned their ethnic origin, guarantees free development, use and protect of national minorities language, promote to development its language, cultural and historical originality.

With the aim to realization rights in the sphere of ensuring ethnic needs representatives create national and culture associations of citizens that according to current legislation of Ukraine may functionate in such shapes as congresses, associations, unities, communities,

national and cultural associations, centers, councils etc. of all Ukrainian, regional and local (district, city, village) status.

The national and cultural associations are important instrument of self-expression and satisfaction of ethnic and cultural demands and claims of citizens, achieving the interethnic stability and tolerance.

Advisory bodies' that could be created under the bodies of executive power for the purpose of participation in elaboration of propositions to law projects, conception of state programs and other normative documents concerning the rights of national minority in Ukraine, interethnic relations, promoting the development of ethnic originality of all nationalities of Ukraine, satisfaction of its ethnic and cultural needs, preventing the rouse of interethnic and racial hostility play an important role in the process of establishing and development of national and cultural associations.

Councils of representatives of public organizations under the President Administration and under other relevant executive bodies carry out such role.

According to existing legislation, national and cultural associations with the aim to develop and protect history and cultural heritage realize it's right on:

- to protect and development its rights and freedoms, ethnic cultures, customs and traditions, active participation of representatives of different nationalities in public and political life of country;
- to receive the scientific and methodical, practical and financial support from authority and local government;
- to apply to public authorities, local government for the purpose to provide its ethnic needs;
- to form in accordance with established procedure of national, regional and local media, obtain and disseminate information in native language;
- to organize news summary in minority language on radio and television as well as series of broadcasts devoted to the life of country regions, problems of cultural originality, its mutual influence and enrichment;
- to take part in creation and work of cultural and educational institutions and centers;
- to join to national and cultural values, promote to preserve and develop people trades and crafts, augmenting historical and cultural heritage of representatives of its nationality;
- to establish and support non-discrimination free and peaceful contacts with the citizens of other countries;
- to participate by way of its plenipotentiaries in activity of international non-governmental organizations.

Public authorities promote to create practicable conditions for resolving problems concerning representatives of different nationalities of Ukraine through giving the guaranties of national equality, satisfaction of informational, cultural and educational, linguistic needs and interests are connected with its national belonging.

The act of humanism and historical justice is a process of reestablishing of rights of persons which have been forcibly deported on the basis of ethnic origin from the territory of Ukraine.

The State ethnic policy of Ukraine promotes to ensuring the linguistic, cultural and educational, informational rights of deported people.

Our State promotes to return to Ukraine voluntarily as well as adaptation and integration of deported persons into Ukrainian society.

The State guarantees equal rights for deported people who return to its formerly permanent residence voluntarily with citizens of Ukraine according to the Ukrainian

Constitution as well as conditions for accomplishment, including the ensuring of dwelling, work and education, national and cultural development.

The State supports linguistic, cultural and educational, informational needs of ethnic Ukrainians, who live in other countries.

The aim of the State ethnic policy regarding Ukrainians, who live in other countries, is to provide cooperation with foreign Ukrainians legally and to create objective preconditions for joining up the world Ukrainians around of national idea and historical and cultural values, accumulated during long history by the way of concentration of efforts in this sphere by executive bodies of Ukraine and public organizations of Ukrainians that have been created in the country and abroad.

The State furthers to mutual enrichment with spiritual and material heritage, combining the interests of Ukrainians in own country and abroad, attracting the ethnic Ukrainians to the development and strengthening the ties with Ukraine, to create mechanisms of using the potential of foreign Ukrainians for the purpose of development of Ukrainian state.

The State ethnic policy should resolve question of enduring by Ukraine with the right of legal status for Ukrainians, who live abroad and aren't citizens of Ukraine according to norms and standards of international law.

The aims of Ukraine are to promote dissemination in Ukraine cultural achievements of Ukrainians, who live abroad as well as to return to historical homeland.

#### **4. Mechanism of realization of ethnic policy**

The ethnic policy conducts through providing the effective realization of constitutional and legal principles of regulation of interethnic relations, elaboration and implementation of state programs and support of public initiatives in the achieving the aims of national policy as well as establishment of fruitful dialog with public authorities and representatives of different nationalities.

It is necessary for Ukrainian Government, public authorities and local government to:

- ensure optimal correlation of satisfaction of ethno-cultural needs of development of Ukrainian nation, as well as representatives of different nationalities;
- provide permanent monitoring of status of interethnic relations in order to elaborate recommendations for corresponding state power bodies;
- develop relevant law basis that regulates relations in the sphere of interethnic communication taking into consideration that articles of CE law;
- elaborate and provide with finance (share and competitive holding) of the state and regional programs aimed to develop and spread interethnic cooperation between Ukrainian nation and representatives of different nationalities;
- carry out informational support for main directions of national policy, further the elucidating national problems in mass media and disseminate know ledges about history and culture of Ukrainians and representatives of different nationalities;
- take into account internal and foreign experience concerning prevention and resolving interethnic conflicts when organizes prepare and raising the level of civil servants skill who are specializing on ethnic policy.

The main constituents of mechanism of realization of Ukrainian State ethnic policy are:

- the corresponding public authorities on each levels and the State Committee of Ukraine for Nationalities and Migration as coordinating structure;
- network of public organizations of national minorities, Advisory Council under the President of Ukraine and Council of representatives of public organizations of national minorities under the State Committee of Ukraine for Nationalities and Migration;

- long-termed programs aimed to prognostication and regulation of ethnic process in Ukraine;
- special programs concerned concrete directions of realization of State ethnic policy of Ukraine;
- cooperation with corresponding international organizations for the purpose of using its potential, number including financial aimed to realization the State ethnic policy of Ukraine.