



Strasbourg, 28 April 2023

CDL-REF(2023)019

Opinion No. 1123 / 2023

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

UKRAINE

THE LAW OF THE LAND

“ON NATIONAL MINORITIES (COMMUNITIES) OF UKRAINE”

Section I. GENERAL PART

Article 1: The concept of national minority (community)

1. A national minority (community) of Ukraine (hereinafter - national minority (community)) is a stable group of citizens of Ukraine who are not ethnic Ukrainians, traditionally residing on the territory of Ukraine within its internationally recognized borders, united by common ethnic, cultural, historical, linguistic and/or religious characteristics, who are aware of their belonging to it, and who express a desire to preserve and develop their linguistic, cultural, religious identity.

National minorities (communities) are integral, integrated and organic parts of Ukrainian society.

Article 2. Legislation on the Legal Status of Persons Belonging to National Minorities (Communities)

1. Legislation on the legal status of persons belonging to national minorities (communities) consists of the Constitution of Ukraine, this Law, other laws of Ukraine, as well as international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine.

2. If an international treaty of Ukraine, ratified by the Verkhovna Rada of Ukraine, establishes rules other than those provided for by this Law, the rules of the international treaty shall apply.

Article 3. State guarantees in the field of realization and/or protection of the rights of citizens of Ukraine belonging to national minorities (communities)

1. The state guarantees to the citizens of Ukraine belonging to national minorities (communities) (hereinafter referred to as persons belonging to national minorities (communities)) the rights provided for in Article 5 of this Law.

2. The state's policy of integration implies refraining from policies and practices of assimilation of persons belonging to national minorities (communities) against their will and protecting such persons from any actions aimed at such assimilation.

3. The state guarantees to persons belonging to national minorities (communities) the protection of their rights, freedoms and legally protected interests in accordance with the law.

Article 4. Prohibition of discrimination

1. Persons belonging to national minorities (communities) are equal before the law and have the right to equal legal protection.

2. Any direct or indirect discrimination against persons belonging to national minorities (communities) is prohibited.

Actions that have a legitimate, objectively justified purpose and are aimed at eliminating legal or actual inequality in the opportunities to exercise the rights and freedoms of persons belonging to national minorities (communities) are not considered discrimination.

Section II. RIGHTS, FREEDOMS AND OBLIGATIONS OF PERSONS BELONGING TO NATIONAL MINORITIES (COMMUNITIES)

Article 5. Rights, freedoms and obligations of persons belonging to national minorities (communities)

1. Citizens of Ukraine, regardless of ethnic origin, belonging to national minorities (communities), are guaranteed equal civil, political, social, economic, cultural and linguistic rights and freedoms as defined by the Constitution of Ukraine.

2. A person belonging to a national minority (community) also has the right to:

- 1) self-identification;
- 2) freedom of public associations and peaceful assembly;
- 3) freedom of expression, thought, speech, conscience and religion;
- 4) participation in political, economic and social life;
- 5) use of the language of a national minority (community);
- 6) education, in particular in the languages of national minorities (communities);
- 7) preservation of the cultural identity of a national minority (community).

3. The list of rights of persons belonging to national minorities (communities) defined in part two of this Article is not exhaustive. Other rights and freedoms may be granted to such persons in accordance with the law.

4. A person belonging to a national minority (community) may exercise the rights and freedoms guaranteed by this Law,

individually or jointly with other persons belonging to national minorities (communities) on the territory of Ukraine.

5. A person belonging to a national minority (community) is obliged to comply with the Constitution and laws of Ukraine, to defend the state sovereignty and territorial integrity of Ukraine, to respect the language, culture, traditions, customs, religious identity of the Ukrainian nation, all national minorities (communities) and indigenous peoples of Ukraine, and to promote the integration of a national minority (community) into Ukrainian society.

6. The rights and freedoms of persons belonging to national minorities (communities) may be restricted in accordance with the law if such restriction is necessary in a democratic society.

When exercising and/or protecting the rights and freedoms of persons belonging to national minorities (communities), it is prohibited to popularize or propagandize the terrorist state (aggressor state) and its bodies, the Russian Nazi totalitarian regime, symbols of the military invasion of Ukraine by the Russian Nazi totalitarian regime, representatives of the authorities of the terrorist state (aggressor state) and their actions that create a positive image of the terrorist state (aggressor state), justify or recognize the legitimacy of the armed aggression of the Russian Federation as a terrorist state against Ukraine, the occupation of the territory of Ukraine.

Article 6. The right to self-identification

1. Every citizen of Ukraine has the right to freely decide whether to be considered as belonging to a national minority (community) (several national minorities (communities)). Such a decision or the exercise of rights in this regard shall not cause harm to such a person. No one may be forced to declare their status as a person belonging to a national minority (community). If a person has a need to exercise the rights guaranteed to persons belonging to national minorities (communities), it is sufficient to express a desire to exercise such rights.

2. It is prohibited to force a citizen of Ukraine in any form to recognize his/her affiliation, refuse or change his/her affiliation to a national minority (community).

3. A citizen of Ukraine has the right to his or her own name, patronymic and surname, taking into account the customs of the national minority (community) to which he or she belongs.

If, according to the customs of the national minority (community) to which the person belongs, the surname or patronymic are not components of the name, the identity documents confirming the citizenship of Ukraine, special status

of a person, only the components of the name are indicated on the basis of a written application, and the names of the father and mother are indicated on the birth certificate.

Citizens of Ukraine have the right to restore their national surname, name and patronymic in accordance with the established procedure.

Article 7. Freedom of Public Associations and Peaceful Assemblies

1. A person belonging to a national minority (community) has the right, in accordance with the law, to participate in the establishment and activity of public associations of national minorities (communities), in peaceful assemblies for the exercise and protection of their rights and freedoms, satisfaction of public, in particular economic, social, cultural, linguistic, environmental and other interests, and their integration into Ukrainian society.

2. Participation or non-participation of a person belonging to a national minority (community) in a public association of a national minority (community) may not be a ground for restricting his or her rights and freedoms provided for by the Constitution and laws of Ukraine.

Article 8. Freedom of expression of views and beliefs, thought, speech, conscience and religion

1. A person belonging to a national minority (community) has the right to freedom of observance and expression of views and beliefs, opinion, speech, conscience and religion.

A person belonging to a national minority (community) has the right to freely collect, store, use and disseminate information in the language of his/her national minority (community) orally, in writing or in any other way.

2. A person belonging to a national minority (community) may profess any religion or not profess any religion, freely perform religious cults and rituals individually or collectively, conduct religious activities, and form religious organizations in accordance with the procedure established by law.

Article 9. Participation in political, economic and social life

1. Persons belonging to national minorities (communities) have the right to participate in elections and referendums, freely elect and be elected to state and local government bodies, and have equal access to civil service and service in local government bodies,

as well as the right to equal participation in the economic and social life of the country, including in matters related to the preservation and popularization of the culture, traditions and identity of the national minority (community) to which they belong.

Article 10. The right to use the language of a national minority (community)

1. A person belonging to a national minority (community) has the right to free and unimpeded use of the language of his/her national minority (community) privately and publicly, in oral and written forms within the limits not contrary to the law.

2. Public events organized and held by persons belonging to national minorities (communities) (meetings, conferences, rallies, exhibitions, training courses, seminars, workshops, discussions, forums, other public events) may be held in the languages of the respective national minorities (communities).

3. Cultural, artistic, entertaining and entertainment events organized by a public association of a national minority (community) may be held in the language of the respective national minority (community). The accompaniment (entertainer) for such events may be carried out in the language of the respective national minority (community). At the request of visitors (spectators) of such an event, the organizer shall provide simultaneous or consecutive translation of the accompaniment (entertainment) into the state language, if such a request is received no later than 48 hours before the start of the event.

Announcements, posters, and other information materials about cultural, artistic, and entertainment events may be duplicated in the language of the respective national minority (community) by decision of their organizers, taking into account the requirements stipulated in parts three and five of Article 23 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language".

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

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

5. Publishing products published in the languages of national minorities (communities) at the expense of the state and/or local budgets are not subject to the requirement of the first paragraph of part one of Article 26 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language".

The activities of specialized bookstores established for the realization of the rights of national minorities (communities) shall not be subject to the requirements of the first paragraph

part two of Article 26 of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language".

6. At the request of a person belonging to a national minority (community), the language of the respective national minority (community) may be used to provide emergency assistance, if it is acceptable (understandable) to the parties.

7. In settlements traditionally inhabited by persons belonging to national minorities (communities), or where such persons constitute a significant part of the population, the inscriptions of official names on the signs of local self-government bodies and municipal enterprises in the state language may be duplicated in the languages of national minorities (communities) by decision of the relevant village, town or city councils and shall be placed on the right side or at the bottom.

8. In settlements traditionally inhabited by persons belonging to national minorities (communities), or in which such persons constitute a significant part of the population, information for general information (announcements, including public offers to conclude a contract, signs, pointers, signboards, messages, inscriptions and other publicly posted text, visual and sound information that is used or may be used to inform an unlimited number of persons about goods, works, services, certain business entities, by

9. In the settlements traditionally inhabited by persons belonging to national minorities (communities) or where such persons constitute a significant part of the population, it is allowed to distribute election campaign materials in the state language and duplicated in the languages of the respective national minorities (communities).

10. The specifics of the use of languages of national minorities (communities), in particular, but not exclusively, when providing any topographic information, communication with the authorities, including when providing emergency assistance in areas traditionally inhabited by persons belonging to national minorities (communities) or where such persons constitute a significant part of the population, at the request of such persons and if such request meets real needs, are determined by a methodology approved by the Cabinet of Ministers of Ukraine, based on the main provisions of the Framework Convention on

Article 11. The right to education

1. The specifics of the use of languages of national minorities (communities) in the educational process are determined by the Law of Ukraine "On Education" and special laws in this area.

2. The state promotes the training and advanced training of pedagogical and scientific-pedagogical staff in the languages of national minorities (communities).

3. Private educational institutions that provide full general secondary education at the expense of individuals and/or legal entities, including those founded by national cultural societies and representatives of national minorities (communities), have the right to freely choose the language of the educational process (except for educational institutions that receive public funds) and are obliged to ensure that students master the state language in accordance with state standards.

Article 12. The right to preserve the cultural identity of a national minority (community)

1. Persons belonging to national minorities (communities) have the right to:

1) to preserve and develop their cultural, linguistic, religious identity, traditions and customs, to use the achievements of their culture, to preserve and enhance their cultural heritage;

2) to mark (celebrate) events related to their history and culture.

2. The state facilitates and supports:

1) identifies and organizes places of historical memory of national minorities (communities), ensures the protection of cultural heritage sites of national minorities (communities). Monuments of history, culture and religion of national minorities (communities) located on the territory of Ukraine are part of Ukrainian culture;

2) studying the history and culture of national minorities (communities);

3) holding cultural and artistic events of national minorities (communities).

3. The state shall ensure that persons belonging to national minorities (communities) study the history and culture of Ukraine.

Section III. STATE POLICY IN THE FIELD OF NATIONAL MINORITIES (COMMUNITIES)

Article 13. State Policy in the Field of National Minorities (Communities)

1. The state policy in the field of national minorities (communities) is aimed goal: at

1) promoting development of ethnic, cultural, linguistic and religious the identity of national minorities (communities);

2) Integration of national minorities (communities) into Ukrainian society on the basis of recognition of human and civil rights and freedoms;

3) establishing norms of interethnic tolerance and mutual respect in Ukrainian society;

4) strengthening national unity and ensuring multiculturalism in Ukrainian society.

2. State policy in the field of national minorities (communities) is based on principles:

1) protection of the rights and freedoms of persons belonging to national minorities (communities) as an integral part of the protection of human rights and fundamental freedoms;

2) preventing discrimination against persons belonging to national minorities (communities);

3) Recognition of the right of a person belonging to a national minority (community) to freely choose and freely restore his or her membership in a national minority (community), to express his or her identity and originality;

4) ensuring the free exercise by persons belonging to national minorities (communities) of their rights and interests to preserve and develop their ethnic, cultural, linguistic and religious identity;

5) inclusive involvement of persons belonging to national minorities (communities), including through their public associations, in the formation and implementation of state policy in the field of national minorities (communities) at all levels of government;

6) Integration of persons belonging to national minorities (communities) into Ukrainian society on the basis of recognition of human and civil rights and freedoms;

7) preventing forced assimilation of national minorities (communities);

8) counteracting manifestations of xenophobia, incitement to racial, ethnic, and religious hatred;

9) preventing inter-ethnic conflicts, the use of national minorities (communities) by other states for the autonomization of their regions of residence and the disintegration of Ukraine;

10) mutual respect, understanding and cooperation between all persons living on the territory of Ukraine, regardless of ethnic, cultural, linguistic or religious identity and origin.

3. The state guarantees the protection and ensures the realization of the rights and freedoms of persons belonging to national minorities (communities) by implementing measures in the field of state policy aimed at preserving, maintaining and developing their identity and identity, and integrating them into Ukrainian society.

Article 14. Financial support for measures on realization of rights and freedoms of persons belonging to national minorities (communities)

1. Expenditures necessary to ensure the implementation of measures to realize the rights and freedoms of national minorities (communities) are made at the expense of the State Budget of Ukraine under a separate budget program, local budgets, as well as other sources not prohibited by law.

2. Public associations of national minorities (communities) may be provided with financial support on a competitive basis for the implementation of programs (projects, activities) at the expense of the State Budget of Ukraine, local budgets in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

Article 15. Powers of the central executive body that ensures the formation and implementation of the state policy in the sphere of national minorities (communities)

1. The central executive body that ensures the formation and implementation of state policy in the field of national minorities (communities):

1) summarizes the practice of applying legislation on national minorities (communities), develops proposals for improving legislative and other regulatory acts;

2) provides regulatory and legal support in the field of national minorities (communities) within the powers defined by law;

3) supervises the observance of legislation in the field of national minorities (communities), including monitoring the fulfillment of Ukraine's international obligations in the field of national minorities (communities);

4) collects and analyzes statistical information on the number and types of public associations of national minorities (communities) operating in Ukraine;

5) take measures to preserve and develop the identity of national minorities (communities), meet their cultural, linguistic, informational and other needs;

6) interacts with central and local executive authorities, local self-government bodies in the field of national minorities (communities);

7) conducts consultations with representatives of public associations of national minorities (communities) on issues related to the rights and freedoms of persons belonging to national minorities (communities) as defined by law;

8) monitors the activities of public associations of national minorities (communities);

9) organizes scientific research in the field of national minorities (communities), as well as interacts with domestic and foreign research institutions and educational institutions to exchange experience in conducting such research;

10) Establishes and maintains contacts and coordination with the relevant authorities of foreign countries responsible for implementing policy in the field of national minorities (communities);

11) promotes the expansion of Ukraine's international cooperation with other states in the field of realization of the rights and freedoms of persons belonging to national minorities (communities);

12) exercises other powers provided for by law.

2. In accordance with the Law of Ukraine "On Central Executive Bodies", the central executive body that ensures the formation and implementation of state policy in the field of national minorities (communities) shall establish an advisory body, which includes representatives of public associations of national minorities (communities), as well as, if necessary, other permanent or temporary advisory and consultative bodies.

Article 16. Powers of the Council of Ministers of the Autonomous Republic of Crimea, local state administrations on the implementation of the state policy in the field of national minorities (communities)

1. The Council of Ministers of the Autonomous Republic of Crimea, local state administrations within their competence ensure the implementation of the legislation of Ukraine in the field of national minorities (communities), including state and regional programs of national and cultural development of national minorities (communities).

In order to fulfill the tasks specified in the first paragraph of this part, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations, if necessary, may establish structural subdivisions on national minorities (communities).

Article 17. Powers of Local Self-Government Bodies to Implement the State Policy in the Field of National Minorities (Communities)

1. In order to realize the rights and freedoms of persons belonging to national minorities (communities), local self-government bodies

1) promote the preservation and development of the cultural and ethnic identity of national minorities (communities) by supporting the activities of public associations of national minorities (communities) and national and cultural societies;

2) plan the socio-economic and cultural development of territorial communities, districts, regions, taking into account the ethnic, cultural and other needs of such persons and the need to preserve and develop their identity, protect and realize their rights and freedoms;

3) exercise other powers provided for by law.

Article 18. Advisory bodies on national minorities (communities)

1. In order to take into account the interests and exercise the rights and freedoms of persons belonging to national minorities (communities) provided for by this Law, when resolving issues within the competence of local state administrations, local self-government bodies, their officials, on the initiative of public associations of national minorities (communities), such bodies, their officials may establish advisory, consultative, other auxiliary bodies (hereinafter referred to as advisory bodies on national minorities (communities), which include representatives of public associations

2. Draft decisions of local state administrations, local self-government bodies, their officials on issues related to the realization of rights and freedoms of persons belonging to national minorities (communities) provided for by this Law shall be submitted for discussion to advisory bodies on national minorities (communities), if they are established.

Proposals and comments of advisory bodies on national minorities (communities) are advisory in nature and are mandatory for consideration by the relevant authorities and officials. Local state

administrations, local self-government bodies and their officials are obliged to inform the relevant advisory bodies on national minorities (communities) of the results of consideration of the submitted proposals within ten days from the date of their receipt.

3. The procedure for the formation, main directions and forms of activity of advisory bodies on national minorities (communities) are determined by the Regulation on advisory bodies on national minorities (communities), which is approved by the relevant local state administrations and local self-government bodies.

Article 19: Center of National Minorities (Communities)

1. For the purpose of balanced consideration of interests of persons belonging to national minorities (communities), promotion of activities of public associations of national minorities (communities), the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations on the initiative of such public associations shall establish the Center of national minorities (communities) of the respective administrative-territorial unit (hereinafter - the Center of national minorities (communities)). The procedure for the establishment and functioning of the Center for National Minorities (Communities) is determined by the central executive body that ensures the formation and implementation of state policy in the field of national minorities (communities).

2. The Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations shall allocate appropriate premises for the functioning of the Center for National Minorities (Communities).

Organizational support for the functioning of the Center for National Minorities (Communities) is provided by the structural unit of the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations on national minorities (communities). Meetings of advisory bodies on national minorities (communities) may also be held at the Center for National Minorities (Communities).

In the places of traditional residence of national minorities (communities), at the initiative of public associations of national minorities (communities), village, town and city councils may establish a Center of National Minorities (Communities) of the respective territorial community.

3. The premises of the Center for National Minorities (Communities) or its separate parts, as well as the land plot on which it is located, are prohibited from being used for commercial purposes.

Section IV. INTERNATIONAL COOPERATION AND FOREIGN
RELATIONS OF NATIONAL MINORITIES (COMMUNITIES)

Article 20. International Cooperation in the Field of Protection of Rights and
Freedoms of Persons Belonging to National Minorities
(Communities)

1. Ukraine promotes the development of international cooperation on ensuring and protecting the rights and interests of national minorities (communities), in particular by concluding and implementing multilateral and bilateral agreements in this area.

2. Within the limits of their powers, state authorities cooperate with the relevant authorities of other states and international organizations in the field of protection of rights and freedoms of persons belonging to national minorities (communities), and facilitate the resolution of issues related to national minorities (communities), including through interstate dialogue.

3. Persons belonging to national minorities (communities) may be members of intergovernmental bilateral commissions on ensuring the rights and freedoms of persons belonging to national minorities (communities).

Article 21. Foreign relations of national minorities (communities)

1. Persons belonging to national minorities (communities) and public associations of national minorities (communities) may maintain relations with representatives of countries of ethnic kinship, national public associations outside Ukraine, and participate in the activities of relevant international non-governmental organizations.

Such individuals and public associations may receive assistance from foreign states, individuals, public associations, foundations and other foreign institutions in accordance with the procedure established by law.

2. Persons belonging to national minorities (communities) and public associations of national minorities (communities) are prohibited from cooperating with and receiving assistance from foreign states and individuals, non-governmental organizations of other states, international non-governmental organizations, foundations and other foreign institutions whose activities are aimed at the elimination of Ukraine's independence, change of the constitutional order by force, violation of the sovereignty and territorial integrity of the state, undermining its security, illegal seizure of state power, propaganda

Section V. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall enter into force six months after its publication, except for clause 5 of this section, which shall enter into force on the day following the day of its publication.

2. Recognize as invalid:

The Law of Ukraine "On National Minorities in Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, 1992, No. 36, p. 529; 2013, No. 23, p. 218; 2014, No. 5, Art. 62);

Resolution of the Verkhovna Rada of Ukraine "On Enactment of the Law of Ukraine 'On National Minorities in Ukraine'" (Vidomosti Verkhovna Rada of Ukraine, 1992, No. 36, p. 530).

3. To establish that for the period of martial law in Ukraine and for six months after its termination (abolition), the rights of national minorities (communities) defined in Article 7 in terms of the right to peaceful assembly, Articles 14, 18, 19 and part three of Article 20 of this Law, who identify their affiliation by ethnic origin with a state recognized in Ukraine and/or by international organizations as a terrorist state (aggressor state) that commits acts of aggression against Ukraine.

4. Article 10 of the Law of Ukraine "On Local Self-Government in Ukraine" (The Vidomosti Verkhovna Rada of Ukraine, 1997, No. 24, p. 170; 2008, No. 5-8, p. 78) shall be supplemented with part six as follows:

"6. In order to exercise their powers, village, settlement, city, district, and regional councils may establish advisory bodies."

5. to the Cabinet of Ministers of Ukraine within six months from the date of entry into force of this clause:

1) to prepare and submit to the Verkhovna Rada of Ukraine proposals for bringing the laws of Ukraine in line with this Law;

2) take measures to adopt and/or update regulations of executive authorities arising from this Law, ensuring that they enter into force simultaneously with the entry into force of this Law;

3) to approve the State Target Program to ensure the development of unity in the diversity of national minorities (communities) for 5-10 years.

6. To the Cabinet of Ministers of Ukraine to inform the Verkhovna Rada of Ukraine in 2024 on the status of implementation of this Law.

Chairman of the Verkhovna Rada
UkraineR

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December 13, 2022
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