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(Final version)

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

Contents	Page
A. Draft Resolution	2

A. Draft Resolution

1. The Parliamentary Assembly is concerned about 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 right of national minorities and raises sensitive legal issues also under the Ukrainian legal order. In this respect, 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.

Amendment 1

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Valeriu GHILETCHI, Mr Corneliu-Mugurel COZMANCIUC

In the draft resolution, paragraph 2, in the first sentence, replace the words "right of" with the following words: "rights of persons belonging to"

Amendment 2

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Bernd FABRITIUS, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC

In the draft resolution, paragraph 2, after the first sentence, delete the following words: "In this respect" and insert the following sentence: "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."

Amendment 3

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Bernd FABRITIUS, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC

In the draft resolution, paragraph 2, replace the last sentence with the following sentence: "The Assembly has already, in its Resolution 2145 (2017) on the functioning of democratic institutions in Ukraine, voiced its concern regarding the diminution of the rights of persons belonging to national minorities, particularly the use of mother tongues in public places, and

3. Under these circumstances, The Assembly considers it premature to take a stand on any legal issue. However, the Assembly 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 minorities, as enshrined in the

considers that further measures restricting the learning of mother tongues will have a significant negative impact on the right to linguistic identity of persons belonging to national minorities in Ukraine."

Amendment 4

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Bernd FABRITIUS, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC, Mr Ion POPA

In the draft resolution, paragraph 3, replace the words "Under these circumstances, The Assembly considers it premature to take a stand on any legal issue. However, the Assembly" with the following words: "The Assembly takes note of serious concerns expressed on a number of legal issues. It"

Amendment 11

Tabled by Ms Elvira KOVÁCS, Mr Zsolt NÉMETH, Mr István HOLLIK, Mr Attila TILKI, Mr Gábor HARANGOZÓ, Ms Márta DEMETER, Mr Attila KORODI, Mr Cezar Florin PREDA, Mr Ionuț-Marian STROE, Mr Bernd FABRITIUS, Mr Tobias ZECH, Mr Aleksander POCIEJ, Mr Killion MUNYAMA, Ms Rózsa HOFFMANN, Ms Mónika BARTOS, Mr Mladen BOSIĆ, Ms Borjana KRIŠTO

In the draft resolution, replace paragraph 4 with the following paragraph:

"According to Article 8 of the European Charter for Regional or Minority languages, ratified by Ukraine, the right to learn in a relevant regional or minority language at different levels of the education system has to be assured "without prejudice to the teaching of the official language(s) of the state"."

Amendment 5

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr

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).

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”. However, the Assembly recognises that teaching solely in the minority language may disadvantage children of national minorities, who will not be able to acquire sufficient levels of the official language, which will consequently hamper their entering higher education and the labour market.
10. The Assembly therefore recommends that the Ukrainian authorities reconsider the issue of education in the language of minorities, having as a reference a flexible model of bilingual education for all persons belonging to “indigenous nations of Ukraine” and “national minorities”, with no discrimination. In concrete terms, a possible benchmark could be at least 60% of education curricula in the Ukrainian language and up to 40% in the language of the minority.

Cezar Florin PREDĂ, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Valeriu GHILETCHI, Mr Corneliu-Mugurel COZMANCIUC, Mr Ion POPA

In the draft resolution, paragraph 6, in the second sentence, replace the word “minorities” with the following words: “persons belonging to national minorities”

Amendment 12

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Gábor HARANGOZÓ, Ms Márta DEMETER, Mr Domagoj HAJDUKOVIĆ, Mr Attila KORODI, Mr Cezar Florin PREDĂ, Mr Ionuț-Marian STROE, Mr Bernd FABRITIUS, Mr Aleksander POCIEJ, Mr Killion MUNYAMA, Ms Rózsa HOFFMANN, Ms Mónika BARTOS, Ms Elvira KOVÁCS, Mr Zsolt NÉMETH, Mr Attila TILKI, Mr István HOLLIK

In the draft resolution, paragraph 9, delete the last sentence.

Amendment 13

(If adopted, amendments 6, 7 falls)

Tabled by Ms Rózsa HOFFMANN, Mr Attila KORODI, Mr Cezar Florin PREDĂ, Mr Ionuț-Marian STROE, Mr Bernd FABRITIUS, Mr Killion MUNYAMA, Ms Mónika BARTOS, Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Gábor HARANGOZÓ, Ms Márta DEMETER, Mr Domagoj HAJDUKOVIĆ, Ms Elvira KOVÁCS, Mr Zsolt NÉMETH, Mr Attila TILKI, Mr István HOLLIK

In the draft resolution, delete paragraph 10.

Amendment 6

(Falls if amendment 13 is adopted)

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDĂ, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Valeriu

**GHILETCHI, Mr Corneliu-Mugurel
COZMANCIUC, Mr Ion POPA**

In the draft resolution, paragraph 10, in the first sentence, replace the word "minorities" with the following words: "persons belonging to national minorities".

Amendment 7

(Falls if amendment 13 is adopted)

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC, Mr Ion POPA

In the draft resolution, paragraph 10, delete the last sentence.

11. 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.
12. 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.
13. 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.
14. The Assembly decides to follow the developments in Ukraine with regard to the protection and promotion of regional and minority languages.

Amendment 8

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Bernd FABRITIUS, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC, Mr Ion POPA

In the draft resolution, delete paragraph 13.

Amendment 9

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Valeriu GHILETCHI, Mr Corneliu-Mugurel COZMANCIUC

In the draft resolution at the end of paragraph 14, insert the following sentence: "It asks the

Monitoring Committee to closely follow developments on this topic as a specific item within the current monitoring procedure for Ukraine."

Amendment 10

Tabled by Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Cristian-Sorin DUMITRESCU, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Mr Viorel-Riceard BADEA, Ms Alina-Ștefania GORGHIU, Ms Oana-Mioara BÎZGAN-GAYRAL, Mr Bernd FABRITIUS, Mr Zsolt NÉMETH, Mr Valeriu GHILETCHI, Ms Elvira KOVÁCS, Mr István HOLLIK, Mr Corneliu-Mugurel COZMANCIUC, Mr Ion POPA

In the draft resolution, after paragraph 14, insert the following paragraph:

"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."

Amendment 14

Tabled by Mr Zsolt NÉMETH, Ms Elvira KOVÁCS, Mr Attila TILKI, Mr István HOLLIK, Mr Titus CORLĂȚEAN, Mr Corneliu ȘTEFAN, Mr Gábor HARANGOZÓ, Ms Márta DEMETER, Mr Domagoj HAJDUKOVIĆ, Mr Cezar Florin PREDA, Mr Attila KORODI, Mr Ionuț-Marian STROE, Ms Rózsa HOFFMANN, Ms Mónika BARTOS, Mr Mladen BOSIĆ, Ms Borjana KRIŠTO, Ms Milena DAMYANOVA

In the draft resolution, after paragraph 14, insert the following paragraph:

"The Assembly recommends that Ukraine examines best practice 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."