

**Information and analytical review**

# **National minorities' rights violation in Ukraine**

**April 2020**

## Content

<b>Introduction</b>	<b>3</b>
<b>I. Changes in national legislation affecting the interests of Russian and other national communities in Ukraine</b>	<b>5</b>
1. Law of Ukraine "On ensuring the functioning of the Ukrainian as the state language"	<b>5</b>
2. Law of Ukraine "On complete general secondary education"	<b>12</b>
<b>II. National minorities' rights violation by government officials</b>	<b>16</b>
1. The elimination of schools with the Russian language of instruction	<b>16</b>
2. Establishment of the authorized representative's institution for the protection of the state language	<b>18</b>
3. Problems of the Hungarian community in Ukraine	<b>19</b>
4. The problem of recognition of Transcarpathian Rusyns as a national minority	<b>22</b>
<b>III. Cases of discrimination of Ukrainian citizens by language in various spheres of public and everyday life</b>	<b>24</b>
1. Violations of the right to use freely the native language in the socio-political sphere	<b>24</b>
2. Discrimination of the Russian language in education	<b>24</b>
3. Discrimination of the Russian language in healthcare	<b>25</b>
4. Violation of the cultural identity rights. Imposition of fines for non-compliance with "language quotas"	<b>26</b>
<b>IV. Illegal actions of radical nationalist groups. The incitement of ethnic hatred, the use of hate speech. Acts of vandalism</b>	<b>27</b>
1. Acts of violence, attacks and other illegal actions of radical nationalist groups	<b>27</b>
2. The incitement of ethnic hatred, the use of hate language	<b>29</b>
3. Acts of anti-Semitic vandalism	<b>32</b>
4. Administrative dereliction of enforcement agencies and the judicial system of Ukraine to persecute incite of national, racial or religious hatred	<b>32</b>
<b>The V. Crackdown on free speech, political censorship</b>	<b>35</b>
<b>VI. International human rights organizations and institutions on the situation the national minorities' rights observance in Ukraine</b>	<b>37</b>
<b>VII. Conclusions and Recommendations</b>	<b>39</b>

## Introduction

In 2019 took place complete rebooting the government in Ukraine, a new president and parliament were elected, the government changed twice - in August 2019 and March 2020. However, the new Ukrainian authorities, in spite of campaign promises, are in no hurry to change the humanitarian policy that emerged under President Petro Poroshenko.

The country continues the policy of ousting the Russian language and languages of national minorities (Hungarian, Romanian, etc.) from all spheres of life.

In 2019 the law "On ensuring the functioning of the Ukrainian language as the state language" was adopted and entered into force, by which the Ukrainian language was approved as the only state language. Experts call this law the law on total Ukrainization, the action of which is to squeeze out national minorities' languages from all spheres of public life - the media, education, medicine, services, etc.

Despite criticisms of this language law, neither President Vladimir Zelensky himself, nor the Verkhovna Rada of Ukraine of the 9th convocation, in which his supporters have an absolute majority, took no steps to introduce any changes to its provisions.

Even under Petro Poroshenko, the head of the Hungarian Ministry of Foreign Affairs, Peter Siyyarto, called this legislative act "unacceptable" and expressed hope that the situation would change for the better with the entry of V. Zelensky into the post of the President of Ukraine. Six months later, Peter Siyyarto stated: Ukraine did not take any real steps to resolve the language issue.

On January 16, 2020, the norms of Article 32 of the law on the state language entered into force, according to which all advertising on television, radio, and also in print media, starting from this date, should be only in Ukrainian.

Earlier, the Law "On Education" was adopted, according to which from September 1, 2020 all Russian-language schools will have to switch to the Ukrainian language of instruction. And, despite all the protests about discrimination against the Russian-speaking population, no amendments to this law have been made. Moreover, on January 16, 2020, the Verkhovna Rada adopted in second reading and in general the law "On Complete General Secondary Education", - which confirms the decision on the final liquidation of Russian schools as early as 2020, and schools of other national communities - since 2023.

The purpose of this review is to analyze the situation in the field of observance of the rights and legitimate interests of the national communities of Ukraine. In particular, the following topics will be reflected in the review:

- changes in national legislation affecting the interests of Russian and other national communities of Ukraine;
- Violations of the rights of national minorities by of government representatives and officials, problems of individual ethnic communities;

- cases of discrimination of citizens of Ukraine on the basis of language in various spheres of public life and in private life, violation of rights and cultural identity;

- acts of violence, attacks and other illegal actions of radical nationalist groups, inciting ethnic hatred, the use of hate speech, acts of vandalism;

- the lack of legal response from law enforcement agencies and the judicial system of Ukraine to incite national, racial or religious hatred;

- restriction of free speech, political censorship;

- assessment of the situation with the observance of the rights of national minorities in Ukraine by international human rights organizations and institutions.

The review will also give recommendations on ensuring the rights of national minorities living in Ukraine. For clarity, some sections are provided with comments.

## **I. Changes in national legislation affecting the interests of Russian and other national communities in Ukraine**

### **1. Law of Ukraine "On ensuring the functioning of the Ukrainian as the state language"**

April 25, 2019 the Verkhovna Rada of the 8th convocation voted for the Law of Ukraine "On ensuring functioning of Ukrainian as the state language". This law was signed by President Petro Poroshenko and entered into force on July 16, 2019.

It should be noted that the adoption of a new " language law ", - which a number of Ukrainian media called the law on total Ukrainization , took place a few days after the victory in the presidential election, Vladimir Zelensky and was actively lobbied by P. Poroshenko and the former ruling coalition in the Verkhovna Rada. V. Zelensky himself, who at that time had not yet officially took over the post of state's head, spoke of the new law in restrained critical expressions. According to Zelensky, this law " was adopted without preliminary wide enough discussion with the public. " Zelensky also promised that upon his inauguration, "a strong analysis of this law will be made to ensure that it respects all constitutional rights and interests of all citizens of Ukraine. " ( <https://tsn.ua/ru/ukrayina/zelenskiy-poobeschal-peresmotret-prinyatyy-zakon-ob-ukrainskom-yazyke-na-soblyudenie-konstitucii-1335864.html> )

However, after the law came into force on the language adviser to the president of Ukraine V. Zelensky and the newly elected deputy of the Verkhovna Rada of the 9th convocation Nikita Poturaev said that the fundamental provisions of this law do not need to be adjusted. "We see no reason to revise quotas for national, entertainment channels, we see no reason to revise the quota on radio I do not see any reason to revise the fundamental provisions of the law on functioning of the state language", - - said Poturaev. ( <https://strana.ua/news/216664-nikita-poturaev-sovetnik-prezidenta-ukrainy-zajavil-chto-jazykovo-zakon-ne-nuzhdaetsja-v-kardinalnykh-izmenenijakh.html> )

The Minister of Culture, Youth and Sports of Ukraine Volodymyr Borodyansky also said that he sees no reason to amend the law on the state language: "I believe that there is a law on the language that must be implemented. And I do not see any reason to announce any changes into this law". ( <https://strana.ua/news/223687-ministr-kultury-zajavil-chto-zakon-o-jazyke-nuzhno-ispolnjat-khotja-sam-po-ukrainski-hovorit-vseho-mesjats.html> )

As reported on September 17, 2019 by information agency " Ukrainian News ", - after 100 days of his presidency, Vladimir Zelensky still haven't carried out an analysis of the law on the functioning of the Ukrainian language on the subject of respect for the constitutional rights of citizens of Ukraine , as he promised immediately after the presidential election . No working or expert groups have been created to analyze this law in the Office of the President of Ukraine

(OPU). Moreover, in response to the income statement on a request for information, "Ukrainian News " to conduct the analysis of the provisions of the Act has been said that this issue does not apply to the President jurisdiction. ( <https://ukranews.com/news/654062-u-zelenskogo-otkrestilis-ot-obeshhaniya-peresmotret-yazykovoj-zakon> )

It is worth noting that, according to Article 102 of the Constitution of Ukraine , the President of Ukraine is the head of state and acts on his behalf, is the guarantor of state sovereignty, territorial integrity of Ukraine, compliance with the Constitution of Ukraine, human and civil rights and freedoms. However, in the situation with the law on the state language, Zelensky obviously preferred to withdraw from the carrying out of his constitutional duties and the fulfillment of his own promises.

**Meanwhile , an analysis of this law indicates that the vast majority of its provisions are aimed at ensuring the total dominance of the Ukrainian language in all spheres of public life while completely ignoring the language rights and needs of various national minorities of Ukraine.**

In particular, Ukrainian language is becoming mandatory in educational sphere, from kindergartens to universities. At the same time, parallel education in the languages of national minorities is allowed in elementary schools and kindergartens if separate classes or groups are created. In universities, this option is not provided, "in one of the official languages of the EU," could be read individual disciplines. Thus, the opportunity to study in universities in Russian is completely excluded, since it does not belong to the "official languages of the EU."

The law also states that persons belonging to indigenous groups who started their studies before September 1, 2018 are guaranteed to study in their native language until September 1, 2020 with a gradual increase in subjects in Ukrainian. The list of indigenous groups is not specified in the law, only Crimean Tatars are mentioned there. Russians do not belong to them.

Until 2023, representatives of national minorities whose languages are the official languages of the EU are allowed to study in their native language. This applies to Hungarians and Romanians in Ukraine. It means, the law does not at all take into account the interests of ethnic Russian and Russian-speaking citizens of Ukraine.

During elections, not only the ballots, but also the election campaign must be in the state language.

Healthcare service should also be conducted in Ukrainian by default. Medical staff can only switch to another language at the request of the person seeking help. At the same time, diagnoses, prescriptions, certificates, appointments, medical records of patients should be only in Ukrainian.

The same requirements come into force during the operation of the transport. Announcements and messages should be carried out in Ukrainian, and, if

necessary, in English. In other languages, information may be provided on international flights.

In accordance with the law, advertising should be fully Ukrainized. An exception is allowed if the advertising platform is the media, which is published in one of the EU languages.

From May 16, 2020, the science should fully switch to the Ukrainian language. Articles in scientific publications are allowed only in Ukrainian, English and the official languages of the European Union. The defense of dissertations is allowed only in Ukrainian and English. Dissertations, monographs, abstracts should also be written in Ukrainian or English.

From November 16, 2020, the entire service industry should switch to the Ukrainian language. Appeals to shops, supermarkets, catering, beauty salons, gyms, etc. Ukrainian language becomes obligatory for theaters and cinemas. All cultural events should be held exclusively in the state language. Theater performances in other languages should be accompanied by subtitles in Ukrainian. Also, the language of public events (symposia, round tables, etc.) can only be Ukrainian or English.

The circulation of books in other languages will not be able to exceed the circulation in Ukrainian. Public officials will be required to take an exam in knowledge of the Ukrainian language.

From May 16, 2021, those wishing to obtain Ukrainian citizenship will have to pass an exam on knowledge of the Ukrainian language. In particular, by this moment, a new body - the National Commission for Ukrainian Language Standards - should formulate requirements and create an examination mechanism to determine the level of Ukrainian language proficiency required to obtain Ukrainian citizenship.

From November 16, 2021, printed newspapers and magazines should go into Ukrainian. This does not apply to publications in the Crimean Tatar language, English-language publications and publications in other EU languages.

Starting May 16, 2022, Internet media registered in Ukraine will be fully Ukrainized. The page with the Ukrainian version of the text should be loaded automatically, if desired, there may be an option to read materials in another language, for example, Russian.

From the same day, for violation of the language law people and organizations will begin to be fined. Officials face a fine of 200 to 400 tax-free minimums (3400-6800 UAH). In sphere of education, science, culture, sports - a violation of language policy will followed by a fine of 200 to 300 tax-free minimums (3400-5100 UAH). For the circulation of the newspaper not in the state language - a fine of 6800-8500 UAH.

In the service industry, a warning will be announced first, if the violation is not eliminated or is repeated, a fine of 5100-6800 UAH would be applied. Repeated administrative violation during the year will cost 8500-11 900 UAH.

From May 16, 2024 all media, except the Crimean Tatar and English speakers, will have to switch to the Ukrainian language. Tighten language quotas on television. The law on the state language provides for an increase in language quotas - from 75% to 90% for national television channels and from 60% to 80% for local ones.

Since July 2024, broadcasts or films in Ukrainian on national channels should account for 90% of the total broadcasting duration.

From January 1, 2030 external independent evaluation will be fully translated into the state language.

### ***A comment***

*The adoption of the law "On ensuring the functioning of the Ukrainian language as the state language" has caused serious criticism both in Ukraine and abroad.*

*On May 17, 2019 the Opposition Platform - For Life party stated that it had prepared an appeal to the Constitutional Court of Ukraine regarding this law. The appeal states that a number of articles of the law, namely No. 1, 2, 3, 7, 10, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 35, 37, 39 do not comply with the Constitution of Ukraine. The statement "The opposition platform - For Life " says , that the law limits the rights of Russian-speaking Ukrainian citizens, representatives of ethnic communities and non-Ukrainian language citizens of Ukraine on the creation, distribution, receipt and popularization of information products in their native language, as the law makes it impossible to watch movies listening to music and reading books in the desired language. The law restricts the right of citizens to receive education in Russian and foreign languages. ( <https://interfax.com.ua/news/political/587878.html> )*

*On June 22, 2019, parliamentarians of the Verkhovna Rada of Ukraine from the Opposition Block and Opposition Platforms - For Life appealed to the Constitutional Court regarding the compliance with the Constitution of Ukraine of the law “ On ensuring the functioning of the Ukrainian language as the state language ” . The authors of the submission note that under this law, "the Russian language at the legislative level is completely excluded from labor relations, from education, science, culture, television and radio broadcasting, print media, publishing and book distribution, the sphere of user interfaces for computer programs and websites, public events, consumer services, sports, telecommunications and postal services, paperwork, document management, etc. correspondence and other spheres of life of citizens. " In this case, in the submission stated that "the biggest ethnic minority in Ukraine - Russian, they account for is 8 million 334 thousand people that is 17,3 % of the population of Ukraine." In addition, according to the applicants, the Verkhovna Rada had violated the procedure for enacting the law, in particular, cases of non-personal voting of parliamentarians. Ukrainian parliamentarians claim Constitutional*

Court immediately unearth the proceedings on the case and to consider it in time. ( <https://www.rbc.ua/rus/news/ksu-postupilo-predstavlenie-otmene-zakona-1561128039.html> )

However, despite the fact that since the parliamentarians 'appeal has passed 10 months , any response from the Constitutional Court wasn't received.

The Law of Ukraine "On ensuring the functioning of the Ukrainian as the state language" also drew criticism from the European Commission for Democracy through Law ( Venice Commission ). The report of the Venice Commission dated December 6-7, 2019 contains a detailed analysis of this legislative act with a view to its compliance with Ukraine's international obligations in the field of respect for human rights, including the observance of the rights of national minorities. ( [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)032-e) )

In its report, the Venice Commission noted that granting minority language rights is Ukraine's international obligations to which it has signed.

"Ukraine has ratified several international human rights convention that prohibit discrimination on the basis of language and protect minority rights - in particular, article 27 of the International Covenant on Civil and Political Rights, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. In its instrument of ratification, Ukraine indicated that it would apply the language charter to the following languages: Belarusian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatars, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian, "the report of the Venice Commission notes.

Moreover, the Venice Commission clarified that international conventions on legal force go immediately after the Constitution and have an advantage over ordinary national laws. This means that the Law on State language and other laws on minority rights must conform to these conventions:

The Russian language is subject to protection in Ukraine as one of the regional or minority languages. Consequently, the protection measures of the Russian and other regional and minority languages provided for by the European Charter have an advantage over Ukrainian laws, including the Law on State Language. Therefore, if controversial issues arise, the provisions of the Charter should apply, not the law.

The Venice Commission recalled that that Ukraine - multinational state, with reference to population census data of Ukraine in 2001. According to it, ethnic Ukrainians made up 77,8% of the population, and the second largest ethnic group was Russians (17,3%). In addition, a significant number of ethnic Ukrainians and persons belonging to non-Russian minorities speak Russian and even consider it their native language . According to the same census of 2001, 67,5% of the population of Ukraine declared Ukrainian their native language, and 29,6% declared their native Russian.

*"Ukraine is the multinational country. According to the latest Ukrainian population census in 2001, ethnic Ukrainians accounted for 77,8%. Others major ethnic groups is Russian (17,3%), Belarussians (0.6%), Moldovans (0, 5%), Crimean Tatars (0.5%), Bulgarians (0,4%), Hungarians (0,3%), Romanians (0,3%), Poles (0,3%), Jews (0, 2%), Armenians (0.2%), and Greeks (0,2%) .Ukraine also has small populations of Karaites (> 0,1%), Krymchaks (> 0,1%) and Gagauz (0, 1%).*

*Although the Ukrainian language is the only official language of Ukraine, a significant number of ethnic Ukrainians and persons belonging to non-Russian minorities speak Russian and even consider it their "native language". According to the 2001 census, 67,5% of Ukrainian population declared Ukrainian its "mother tongue", - 29,6% said that Russian first is their "mother tongue", - - stated in the report of the Venice Commission .*

*The Venice Commission drew attention to the fact that the status of the Russian language is protected in the Ukrainian Constitution , but the new law does not reflect this in any way: "The Constitution of Ukraine also imposes an obligation to guarantee the" free development, use and protection of Russian and other languages of national minorities of Ukraine "(article 10.3), which requires a balanced approach to the use of languages. However, the law in question is almost exclusively focused on enhancing the use of the Ukrainian language and not providing the possibility of parallel use of minority languages. "*

*The Venice Commission point out that the discriminatory provisions contained in Article 7 of Law of Ukraine " About Education " by 2017, which destroys education in Russian, migrated to the new language law.*

*"The Venice Commission point out that it recommended that the authorities replace Article 7 with a more balanced and more clearly defined provision. The Commission concluded that the less favorable treatment of Russian and other non-EU languages was difficult to justify and raised issues of discrimination. However, The Constitutional court of Ukraine in its decision number 10-p / 2019 announced July 16, 2019 decided that The Law, including it's article 7, is non-discriminatory and, therefore, the constitutional ", - - stated in the report .*

*The Venetian Commission notes that no distinction should be made between minorities with roots in the EU , others "indigenous peoples, and Russians.*

*"The Venice Commission considers it very difficult to see a reason justifying such a differentiated approach. The Venice Commission concluded that it is very likely that a less favorable attitude towards the Russian language (and other languages that are not the official languages of the EU) is not justified in the light of the principle of non-discrimination, if not given more convincing justification ", - - noted in the document.*

*Experts of Venetian Commission went back to school issues and said that the Ukrainian authorities to create a situation where in some nations are more favorable than others.*

*“Representatives of the Bulgarian, Greek, German, Polish, Romanian and Hungarian minorities, in addition to being able to study their language as a subject, can also study one or more other subjects in their own language at the second level of education. However, representatives of national minorities who do not speak official EU language - Belarusians, Gagauzians, Jews and, importantly, Russians - can learn their language as a subject only at the secondary school level.*

*Thus, a hierarchy is being created at the secondary school level in which indigenous peoples are potentially more favorably treated than national minorities who speak the official languages of the EU, and national minorities who speak official EU languages are more favorable than other minorities, " the commission said in a report.*

***In general, the Venice Commission identified 9 main claims to the law on the state language.***

*1. For The Commission highlighted the "special place of the Russian language in Ukraine."*

*2. The Commission called the current state language law unbalanced without a law approving the language rights of national minorities. The experts of the Venice Commission noted that the new law should be developed in partner with minorities' representatives.*

*3. The Commission appealed for not to make a difference between the language rights of minorities, who have roots in the European Union and others, that is, first of all Russian, and extend for them a period of adaptation in the transition to the Ukrainian-language training. Now "EU minorities" to be taught in their mother language until 2023, and Russian - to 2020.*

*“The Commission recommends extending this period for all national minorities and indigenous peoples”, - the document says.*

*4. The Venice Commission advises that language sanctions, that is, fines imposed by the Authorized Representative for the Protection of the State Language , be reduced or minimized . Or , in extreme cases, do not apply this rule until the law on the protection of minority rights is enforced.*

*5. The quotes on the radio and TV should be proportional.*

*6. It is proposed to allow private owners to communicate in the service sector in the language in which they are comfortable. That is, to abolish the rules on mandatory Ukrainian in stores, restaurants, sports clubs, etc. , as well as in private document administration.*

*7. Venice Commission observes , that law does not make exceptions for language extreme cases - when referring to the police, a doctor, and so on.*

*8. The Commission also criticizes the provisions of the law relating to printed matter. It is proposed to remove the norm on the reprinting of the Ukrainian language circulation of newspapers and magazines, which could negate their profitability , and also allow printing campaign materials in any language, not just Ukrainian. Now other languages can be used only in places of compact*

*residence of national minorities. The Venice Commission proposes to remove this restriction.*

*9. The Commission recommended the abolition of the rule for translating toponyms into Ukrainian.*

## **2. Law of Ukraine "On complete general secondary education"**

January 16, 2020 the year the Verkhovna Rada adopted the Law " On the complete general secondary education " . It was adopted after the law on the state language, which had previously been criticized by the Venice Commission.

The document states that the study in Russian will be available only in children kindergartens and primary school. Further, while receiving secondary education, national minorities have the right to study their languages only as a subject, that is, by this norm they took away the right to secondary education in their native language. Only private schools were allowed to choose their own language of instruction.

The new law provides for three models of learning the Ukrainian language in schools.

The first is provided for "indigenous peoples of Ukraine" who do not have a state and are deprived of the opportunity to live in their own language environment. It's about the Crimean Tatars. They will be able to study in their native language from grades 1 to 11 (12) along with the study of the Ukrainian language.

The second model is for schools with instruction in the language of national minorities that belong to the languages of the European Union.

There are 23 official languages in the EU, among which are Bulgarian, Greek, Polish, Hungarian, Romanian, Slovak, etc. (there is no Russian among them).

The main language principles in this learning model are:

- in mother language, along with the study of the state language, it will be possible to study in elementary school;
- from the 5th grade, at least 20% of the annual volume of study time should be taught in Ukrainian with a gradual increase so that in the 9th grade at least 40% of subjects are taught in the state language;
- in high school, at least 60% of the annual learning time should be read in Ukrainian.

The third and most stringent model is provided for the remaining national minorities, including for Russians (and Russian speakers). It will be possible to teach in Russian in elementary school, along with the study of Ukrainian, and from grade 5 at least 80% of the study time (that is, almost all subjects ) will be read in the state language.

In the case of pre-school and primary education, national minorities and representatives of indigenous peoples will be able to study their native language in separate classes, which they should form in schools.

It should be noted that in reports of Ministry of Education and Science about the language of instruction, which was released just before the adoption of the bill, said that more than 3,7 out of 4 million of schoolchildren were trained in Ukrainian in 2019/20 years (which is 92,16%). And this number is growing every year. A year ago, almost 40 thousand less students studied in Ukrainian.

In Russian in the current academic year, 281 thousand children are studying in Ukraine (almost 7%). Hungarian - 17,000, Romanian - more than 16 thousand, Moldova – 2,5 thousand, Poland - 1700 children, English - 243 child Slovak - 147 Bulgarian - 5 to 8 people, and Crimean Tatar - 53 children countrywide.

However, with such statistics, the current government provides preferences exclusively for national minorities associated with countries and the European Union, allowing students to study in languages considered the official languages of the EU, 60-80% of the total number of lessons. While 281 thousand children receiving education in Russian will be limited to a quota of only 20% of teaching disciplines.

As noted by some Ukrainian media, besides private schools, this is the only relief that was made for Russian-language education in the new law (it was previously assumed that teaching in Russian in schools will disappear altogether from September 1<sup>st</sup>). But this is frankly discriminatory "relief." So, with a five-day school week with 6 lessons per day, 20% of teaching in Russian will mean only 6 lessons per week. In fact, we are talking only about teaching the Russian language and literature (and even in abbreviated form), and not about teaching in Russian in other subjects.

If we recall the above recommendations of the Venice Commission regarding the law on the state language, it is easy to notice that of these recommendations, the law on secondary education took into account only the right to freely choose the language of instruction in private schools.

The Ukrainian parliamentarians ignored the recommendation of the Venice Commission not to distinguish between the language rights of minorities with roots in the European Union and the rights of other ethnic communities (European experts considered this approach to the rights of various national communities to be discrimination). The parliamentarians also decided not to extend the period of the adaptation period when switching to Ukrainian-language teaching.

#### ***A comment***

*In connection with the adoption on January 16 by the parliament of the law on secondary education, the party "Opposition platform - For life" issued a statement in which they called the law unconstitutional and turn Russian-speaking to the second-rate citizens of Ukraine.*

*In a statement published on the Party's website, noted that "by adopting unconstitutional Law "On Secondary Education", - " government officials" officially divided Ukrainian citizens to sorts, fastened language and cultural discrimination of Russian and Russian-speaking".*

*The "Opposition Platform" believes that if this law enters into force in Ukraine, xenophobia will establish itself as a state ideology and our country will be deleted from the number of civilized countries. The party reminded that the Constitution (Articles 10, 24, 53) declares the inadmissibility of language discrimination, guarantees millions of Russian-speaking citizens of Ukraine the right to free use, development of the Russian language in Ukraine, and to receive education in their native language. Contrary to the direct norms of the Constitution, the law adopted by the parliament deprives this right of children of Russian-speaking Ukrainian citizens.*

*Article 5 of this law introduces language discrimination standards for Russian-speaking children. For example, children of national minorities whose languages are the official languages of the European Union in the 5th grade can be taught in the state language in the amount of 20%. And for Russian-speaking children, this indicator in the same 5th grade is set at 80%. Thus, the authorities determined that a Russian-speaking fifth-grader has four times less constitutional rights than his peer who speaks one of the EU languages.*

*"327 votes for the law "On complete general secondary education" speak of the rare unanimity of the authorities and the so-called opposition. The Russophobic position has become a unifying factor for the parliamentarians from the " Sluga narodu ", - " ES "and" Batkivschina ", - " the statement said .*

*In addition, the adopted law is contrary to the position of the Venice Commission, which in December 2019 criticized the Poroshenko-Parubiy language law and made clear recommendations: to revise the provisions of the law providing for "differentiated treatment of indigenous languages, languages of national minorities, which are official EU languages , and languages of national minorities that are not official languages of the EU". However, despite the assurances of the language ombudsman that they follow the recommendations of the VK, Kiev adopted another nationalist law that legitimized the division of Ukrainian children into sorts.*

*"Oppositionalplatform – for life" approached V. Zelenskiy with demand to veto the law on secondary education , and called for international human rights organization to assess this law.*

*([http://zagittya.com.ua/news/zajavlenija/zakon\\_o\\_srednem\\_obrazovanii\\_del\\_aet\\_russkojazychnyh\\_detej\\_ljudmi\\_hudshego\\_sorta.html](http://zagittya.com.ua/news/zajavlenija/zakon_o_srednem_obrazovanii_del_aet_russkojazychnyh_detej_ljudmi_hudshego_sorta.html) )*

*Adoption of the law on secondary education also led to a critical reaction from a number of neighboring with Ukraine countries whose ethnic communities live in Ukraine. In particular, the Ministry of Foreign Affairs of Romania expressed concern about the possible violation of the rights of the Romanian*

*national minority in Ukraine in connection with the adoption by the Verkhovna Rada of the law on secondary education.*

*January 23, 2020 during the meeting of the Secretary of State Dan Nekuleeska with the Ambassador of Ukraine in Romania Alexander Bankova Ministry of Foreign Affairs of Romania has expressed a concern about the impact that the adoption of the law on secondary education can have on the right to education in the mother tongue of the Romanian minority. The representative of the Ministry of Foreign Affairs emphasized the particular importance that Romania attaches to ensuring the rights of persons belonging to the Romanian minority in Ukraine, in accordance with international standards, including taking fully into account all the recommendations of the Venice Commission. ( <https://Ukranews.Com/news/679497-zakon-o-srednem-obrazovanii-ushhemlyayet-prava-menshinstv-rumynii> )*

On March 13, 2020, President V. Zelensky signed the law "On Complete General Secondary Education". Commenting on this decision of Zelensky , Ukrainian expert Alexander Skubchenko on his Facebook page noted that this law "divides our children into sorts according to the language of education", - and also predicted the negative consequences of signing the law - " automatic closure of schools with instruction in Russian already this year. Although the Constitution of Ukraine and European charters guarantee all education and training in their native language. " <https://www.facebook.com/skubchenco/posts/2582595558506552>

## II. Violations of the rights of national minorities by government officials

### 1. Liquidation of schools with Russian language instruction

In accordance with the data of the All-Ukrainian Population Census of 2001, in Ukraine lived 8,334 thousand Russians or 17,2% of the total. According to the same census, the Russian language called as native by more than 14,273 thousand people, or 29.6 % of the total population, i.e. almost every third resident of Ukraine. Despite this, the Ukrainian government has been pursuing a systematic policy for many years to squeeze out the Russian language from the field of education, thus flagrantly violating the right of millions of Ukrainian citizens to receive education in their native language. According to official data, in the period from 2014 to 2019 the number of schools with the Russian language of instruction in Ukraine decreased from 621 to 194. If in 2014 it was almost 1.1 million ukrainian schoolchildren studied the Russian language, now there are 680 thousand of them left.

After the election of Vladimir Zelensky to the post of President of Ukraine, the course towards the total Ukrainization of the education system was already confirmed by representatives of the new ruling team.

On October 3, 2019 the Minister of Education and Science of Ukraine Anna Novosad announced that since September 2020 all Russian-language schools will switch to the state language of instruction.

"There are still Russian-language schools in Ukraine, however, from September 2020, such schools have switched to the Ukrainian language of instruction. Schools of minority languages belonging to the languages of the European Union have been starting from September 2023. Actually, we must prepare both for those transitions"- said Novosad.

( <https://Ukranews.com/news/657799-yazyk-obucheniya-v-shkolah-budet-tolko-ukrainskim-Novosad> )

In his turn, the president of Ukraine Volodymyr Zelensky during a press-marathon in Kiev equivocate from a direct answer to the question about mandatory transfer of all Russian-language schools in the Ukrainian language from September 1, 2020.

"I do not know what the minister meant. She haven't consulted with me on this question. Language and education have always rocked society, I'm curious to find out this question.", - said Vladimir Zelensky. ( <https://strana.ua/news/227064-zelenskij-ne-ponjal-ministra-obrazovaniya-kotoraja-poobeshchala-s-sentjabrja-2020-hoda-ukrainizirovat-vse-russkie-shkoly.html> )

It is worth mentioning, that the closure of Russian schools - is the norm Ukrainian law "On education" that was adopted in earlier 2017, during presidency of Poroshenko. And in order to eliminate this norm, 226 votes in the Verkhovna Rada, which the "Servant of the People" fraction has, are enough. However, it is clear that the current Ukrainian authorities have no desire that change anything in this law.

On April 2, 2020 the Cabinet of Ministers of Ukraine approved its work program. One of the points of cultural block of Denis Shmygal's government program is indicated the development of a holistic Ukrainian-cultural and information environment. According to the Internet source "Strana", - this indicates the continuation of the previous course towards the Ukrainianization of all spheres of public life . Also is noteworthy the paragraph on national-patriotic education. It states that the goal of the government is to create a "unified national value system". A separate paragraph of the program states "strengthening international solidarity in countering the aggression of the Russian Federation". Thus, in the humanitarian sphere, the government of Denis Shmygal intends to continue Poroshenko's policy, the "Strana" summarizes. ( <https://strana.ua/news/259068-prohramma-pravitelstva-shmyhalja-polnyj-tekst-i-analiz.html> ).

#### **A comment**

*It should be noted, that the actions of Ukrainian authorities aimed at total Ukrainization and elimination Russian language from education , contradicts to the real point of view and demands of significant part of Ukrainian society , which proved by various sociological researches carried out in 2019-2020.*

*According TNS company research , conducted in May 2019 more than third of Ukrainian citizens (35%) consider Russian their native language. At home and at work, approximately the same proportion of respondents usually communicate in Russian and Ukrainian (49% each). Noteworthy is that the Ukraine language dominates in the formal dialogue - in educational institutions (53%), where its use is regulated by the government and in casual conversation respondents prefer Russian language - with friends, acquaintances (52% ) and on the Internet (56%). ( <https://strana.ua/news/207544-odinakovoe-chislo-ukraintsev-obshchaetsja-na-russkom-i-ukrainskom-doma-i-na-rabote-opros.html> ).*

*According to a survey of the Kiev International Institute of Sociology ( KIIS ) , conducted in October 2019 , a statement by the Minister of Education Anna Novosad that from September 2020 all Russian-language schools in Ukraine will switch to the Ukrainian language of instruction to some extent are approved by 49% of respondents, while 47%, do not approve of such a decision ( <http://kiis.com.ua/?lang=ukr&cat=reports&id=898> ).*

*According to the KIIS sociological survey conducted in February 2020, 33% of respondents believe that the state should provide Russian-speaking citizens of Ukraine with the right to receive school education in Russian throughout Ukraine. Another 40% believe that the government should ensure such right in those areas where the majority of the population wants it. Thus, in total, 73% of respondents in favor of the right to study in Russian or throughout Ukraine, or in Russian-speaking regions. In addition, 37% of people believe that the state is obliged to provide Russian-speaking citizens of Ukraine with the right to communicate with officials in the Russian language throughout Ukraine, and 31% - in those areas where the majority of the population wants it.*

<https://www.kiis.com.ua/?lang=ukr&cat=reports&id=920>

## **2. Creation of the authorized representative's institution for the state language protection**

After the entry into force of the Law of Ukraine "On ensuring the functioning of the Ukrainian language as the state language" in Ukraine, a new state body was created - an authorized person to protect the state language. The activities of the authorized representative, his tasks, powers, the procedure of appointment and dismissal, etc. governed by the abovementioned law (Section VIII "Protection of the State Language").

Among the Authorized Representative's main tasks is the protection of the Ukrainian language as the state language, the protection of the right of Ukrainians to receive information and services in public life in the state language. The Representative submits language policy proposals to the Cabinet of Ministers. He monitors the implementation of the language law and the state programs adopted on it.

The Authorized Representative examines complaints of violation of the provisions of the language law and the administrative dereliction and has the right to demand an official investigation and disciplinary action against officials at all levels of the power vertical.

These requirements of a "language representative" are mandatory for investigation. That means that the authorities will have to start an internal investigation in any case. The law mentioned the mechanism for these complaints - they can be submitted both by regular and e-mail. And for e-mail, even anonymous letters are allowed.

"The electronic complaint must indicate the e-mail address to which the response can be sent or information about other channels of communication with sender. The use of a signature when sending an electronic appeal is not required", - the law says.

In response to the anonymous letter, the authorized person may order a language examination and conduct "control over the use of the state language". The complaint is processed within 30 business days.

The Authorized Representative is also entitled to draw up protocols and fine "in cases established by law." He has the right to draw up acts to control the use of state language. Assignees of an Authorized Representative may also draw up acts and protocols.

On November 27, 2019 the Cabinet of Ministers of Ukraine appointed Tatyana Monakhova to the post of Authorized Representative for the Protection of the State Language.

December 10, 2019 during her first press conference in her new position, T. Monakhova stated that parliamentarians and government officials will be fined for public speaking in Russian. When Monakhova was asked whether she intends to seek punishment of officials for speaking in Russian, the Authorized Representative answered positively, explaining that such statements violate the language law.

"All officials, judges, all teachers ... the legislative, executive, judicial branches of government, education, healthcare and the army - this is where the Ukrainian language should be the default setting. Therefore, we will consider complaints if someone complains " - promised Monakhova.

She also talked about the system of fines.

"We will monitor the performance of the language law and will ourselves give notice. After the first notice, if violations continue, fines would be applied. The biggest fines as for today - is 11,600 UAH" - Monakhova said.

Tatyana Monakhova also said that for non-compliance with the provisions of the law on the state language, fines will apply even for children's clubs. Answering the question of what to do with children's clubs in Kiev, which in the majority of its conducted in Russian, Authorized Representative said, that all clubs will be required to switch into the Ukrainian language.

" Ukrainian should be used by default, this means that for the first time violation they would receive a note, and on the second time there a fine would be applied. All this is in the law." - Monakhova said . ( <https://strana.ua/news/238640-movnyj-ombudsmen-tatjana-monakhova-shtrafovati-budut-dazhe-detskie-kruzhki.html> )

Online source "Strana" also drew attention on Tatiana Monakhova's position on the language issue, which she has publicly declared prior to entry into Authorized Representative office. According to Monakhova Ukrainization is necessary and should be stimulated not only with carrot, but also with stick. And the Ukrainian society Monakhova wants to see as "homogeneous".

"There was always a dream to cultivate, build a powerful homogeneous monolith of Ukraine - a society of like-minded people speaking the state language, not having discrepancies on key state issues. They create a monolith with both a carrot and a stick", - Monakhova noted in January 2019 in one of her publications on website "The Donbass News".

According to Monakhova, " stick, however, is also bearing fruit. Introduced quotas for Ukrainian-language content have shown both the authors' readiness to create songs and films in the state language, as well as people's willingness to listen and watch them", - Monakhova said . ( <https://strana.ua/news/235942-tatjana-monakhova-hto-izvestno-o-jazykovom-ombudsmene-biografija-i-foto.htm> )

### **3. Problems of the Hungarian community in Ukraine**

The policy of forced Ukrainization and accelerated assimilation of the non-Ukrainian-speaking population over the years under various Ukrainian authorities affects the rights of not only Russians, but also representatives of a number of other ethnic communities living in Ukraine, in particular, the Hungarian community in Transcarpathia . This issue was especially acute during the time of President Poroshenko, when the actions of the Ukrainian authorities, which infringe on the rights of national minorities, met harsh criticism from Hungary. Over the past few years, the problem of protection of the Hungarian minority's rights in Ukraine is the subject of sharp differences between the two countries.

After the power reload in Ukraine in 2019 the situation in this area did not significantly changed.

***1) Problems with the observance of the cultural and language rights of the Hungarian community***

On April 25, 2019 Hungarian Foreign Minister Peter Siyyarto called the new "language law" adopted on April 25 by the Verkhovna Rada as "unacceptable". According to him, the law violates the rights of the Hungarian minority, and corresponds to the vision of the President of Ukraine Petro Poroshenko, who, according to Siyyarto, promoted "antihungarian policy."

The Hungarian Foreign Minister expressed the hope that with the future President of Ukraine Volodymyr Zelensky "it will be possible to clarify the situation with laws affecting the rights of the Hungarian community".

( <https://ukranews.com/news/628855-glava-mid-vengrii-raskritikoval-ukrainskij-yazykovej-zakon> )

On December 8, 2019 the Hungarian Foreign Ministry announced that the renewal of the rights of Transcarpathian Hungarians is a condition for unblocking the entry of Ukraine into NATO from Budapest. Ministers foreign Affairs of Hungary Peter Siyyarto drew attention to the conclusion Venice Commission on on the Ukrainian language law, which states that the provisions of this law are deprived of national communities of their rights to use their native language, as well as violation of international law. ( <https://112.ua/politika/mid-vengrii-vozobnovlenie-prav-zakarpatskih-vengrov--uslovie-dlya-razblokirovaniya-vstupleniya-ukrainy-v-nato-517766.html> )

The Minister of Education and Science, Anna Novosad, rejected as unacceptable ideas of the Minister of Foreign Affairs of Hungary Peter Siyyarto on options for the implementation of the language rights of Transcarpathian Hungarians in Ukraine. This became known after the meeting between Novosad and Siyyarto on February 8, 2020.

According to Ukrainian media, Peter Siyyarto suggested that Novosad consider ways to improve the conditions for learning the native language for the Hungarian community. In his opinion, Ukraine could equate the Hungarian language with the language of the indigenous people and increase the number of hours for learning the Ukrainian language, but not at the expense of other subjects, but by increasing the hours on the subject "Ukrainian language".

Anna Novosad rejected both ideas as unacceptable. According to Novosad , first Siyyarto's initiative could lead to the fact that children will study 7 days a week, which will create a large burden on children and harm their health. The Minister of Education and Science of Ukraine considered political the second proposal to recognize the Hungarian language as the language of indigenous people. In her opinion, the Hungarian language does not fall into the category of the language of the indigenous people, since the concept of "indigenous people" applies to nationalities that do not have a state other than Ukraine.

( <https://112.ua/obshchestvo/novosad-sochla-nepriemlemymi-idei-siyyarto-o-pravah-vengerskogo-menshinstva-yazykovyy-vopros-zakryt-524985.html> ).

## ***2) public statements and actions of Ukrainian officials, aimed at the assimilation of ethnic Hungarians***

On October 16, 2019 was published an interview with the head of the Transcarpathian Regional State Administration (RSA) Igor Bondarenko to information agency Ukrinform, in which he addressed the issue of the Hungarian community in Transcarpathia.

"Regarding the issue with the Hungarians, I'll tell you this: I really liked the position of our Foreign Minister, who said that we do not have Hungarians in Transcarpathia, but we have Ukrainians of Hungarian origin. If they need to be taught 100% Hungarian language, we understand that this is wrong, it won't be so. The path will be 50 to 50".

( <https://www.ukrinform.ua/rubric-regions/2799853-igor-bondarenko-golova-zakarpatskoi-oda.html> )

Society of Hungarian culture in Transcarpathia (AHCT) stated that considers as an insult to the Hungarian community words of the head of the Transcarpathian Regional State Administration I. Bondarenko that they are "Ukrainians of Hungarian origin". This is mentioned in the statement of the Association, published on October 18, 2019.

"The Association of Hungarian Culture of Transcarpathia (AHCT) expressed an official protest against the statement of the head of the Transcarpathian Regional State Administration Igor Bondarenko. This is an interview with Igor Bondarenko, published by ukrinform.ua, in which the head of the Regional State Administration stated that "there are no Hungarians in Transcarpathia , but Ukrainian with Hungarian origin . in AHCT believe that "it is not only unclear, but also offensive for our community “, - - said in a statement .

The AHCT refers to Articles 53, 92 and 119 of the Constitution of Ukraine, where the term “indigenous peoples and national minorities” is used, in accordance with European practice. In a statement AHCT notes that correct name is the "Ukrainian Hungarians" or "Transcarpathian Hungarians".

( <https://www.ukrinform.ru/rubric-regions/2801683-vengry-zakarpata-obideli-izza-zaavlenia-glavy-oga.html> )

## ***3) Liquidation of local self-government in places of compact residence of the Hungarian community***

Deputy Chairman of the Transcarpathian Regional Administration, Josip Barto, announced the need to create a Hungarian region in Transcarpathia with the center in Beregovo. In Ukraine, administrative-territorial reform is underway, which is aimed to reduce areas in all regions. In Transcarpathian region they want to form four large regions instead of the existing thirteen. Deputy chairman of the regional administration Josip Barto believes that exists a problem with the distribution of the Hungarian settlements in new areas .

" The territories of compact residence of the Hungarians are going to be divided between the four districts being created in the Transcarpathian region,

which will disrupt communication between the settlements, it is necessary to create a fifth - the Hungarian region", - Barto said.

"Administrative reform should take into account the multi-ethnic composition of our region and the fact that there are cultural and language characteristics of the region. It is necessary to consider all the factors in the reform and approval of the long-term plan areas. All of these initiatives will bring Ukraine closer to European values and solve the problems of inter-ethnic relations", - noted Barto.

( <https://www.unian.net/society/10743402-zamglavy-oblsoveta-schitaet-neobhodimym-sozdat-na-zakarpate-vengerskiy-rayon-video.html> )

#### **4. The problem of recognition of Transcarpathian Rusyns as a national minority**

Along with the Hungarian community, many other ethnic groups, including Ruthenians, live in the territory of the Transcarpathian region. The All-Ukrainian census of Ukraine in 2001 showed that 10 thousand Transcarpathians (0.8% of the population of the Transcarpathian region) called themselves Rusyns. The State Statistics Committee of Ukraine, however, does not distinguish Rusyns and their dialect as a separate nationality and language. In Ukraine, Ruthenians, as a rule, are called the ethnic group of Ukrainians. Moreover, some Rusyns consider themselves a separate nation. In the time of Petro Poroshenko, such statements were often perceived as manifestations of separatism and attracted the attention of the Security Service of Ukraine.

At the same time, in the Czech Republic, Slovakia, Serbia, Poland, Russia and a number of other countries where Rusyns also live, they are officially recognized as a national minority.

Under President V. Zelensky as under the former Ukrainian government officials, Kiev categorically refuses to recognize the Rusyns as a separate ethnic group, as well as from any dialogue on this subject with a representative Ruthenian organizations Transcarpathians. As a result, they are forced to seek support from the leaders of neighboring states, in which Ruthenians have a recognized status of a national minority.

On September 3, 2019 President of the Czech Republic Milos Zeman received a delegation of Rusyns in Prague Castle, including from Transcarpathia. According to the online source "Strana ", President of the Coordination Center of Rusyn Organizations (Vienna) Tatyana Pop, Milos Zeman warmly welcomed Rusyn leaders, listened to their problems and promised full cooperation.

"We agreed with Mr. President that he will instruct his assistant to coordinate with us the restoration of historical justice and the rehabilitation of Ruthenians in the Czech Republic and throughout Europe. We have big plans for cooperation with Mr. Zeman. He also promised to touch upon our meeting with Vladimir Zelensky questions, after which, I hope, our Ukrainian president will accept us, " said Tatyana Pop. <https://strana.ua/news/220380-prezident-chekhii-zeman-vstretitsja-s-rusinami-zakarpatja.html> )

Meanwhile, Ukrainian officials, as well as representatives of various political forces, reacted extremely negatively to the meeting of the Czech President

with the delegation of Rusyns. On September 11, 2019, the Czech ambassador to Ukraine, Radek Matula, was invited to the Ministry of Foreign Affairs of Ukraine for clarification in connection with the meeting of Czech President Milos Zeman with representatives of the Czech non-governmental organization World Administration of Subcarpathian Ruthenians".

The Foreign Ministry of Ukraine will continue to decisively respond to any attempts to cast doubt on the sovereignty and territorial integrity of Ukraine", - said the press secretary of the Ministry of Foreign Affairs of Ukraine Yekaterina Zelenko in her comment to the media.

( <https://www.eurointegration.com.ua/rus/news/2019/09/11/7100638/> )

A number of Ukrainian politicians have already accused the Ruthenian delegation of separatism, and also called on the Security Service of Ukraine to deal with them.

"I hope that the new head of the SSU will pay attention to these international voyages and statements by the self-proclaimed defender of Transcarpathian Rusyns, and our special service will give it a proper legal assessment. For the purpose of such activity can be only one - to try to undermine the situation in the region," wrote on his page On Facebook, an influential politician and businessman in Transcarpathia, member of the Verkhovna Rada Viktor Baloga.

Member of the European Solidarity Party (led by former President of Ukraine Petro Poroshenko) Sofia Fedyna from the rostrum of the Verkhovna Rada also called on the SSU to respond to a meeting between Czech President Milos Zeman and a delegation of Rusyns. Fedyna called Zeman's negotiations with the Rusyns "a terrible incident" that threatens the security of Ukraine.

Responding to questions from the Czech publication Deník N, the Ukrainian ambassador in Czech Republic, Yevgeny Perebiynis, said that activists speaking on behalf of the Rusyns "are engaged not only in their culture and language, but also in further destabilization of our country, which is already fighting pro-Russian separatists in the east" .

"The Rusyn issue is not a question of nationality, but a political project that largely supports, promotes and finances by the Kremlin with the goal of destabilizing the situation in Ukraine, especially in Transcarpathia", - Perebiynis said .

At the same time, the head of the Ukrainian diplomatic mission refused to comment on the fact of a meeting with the Rusyn delegation of the Czech Republic president.(<https://www.radio.cz/en/rubrika/radiogazeta/milosh-zeman-poobeshchal-rusinam-obsudit-ix-problemy-s-vladimirom-zelenskim> )

In his turn, the representatives of the Rusyns who met with Zeman in their public comments in the media and social networks categorically denied that they asked him to help separate Transcarpathia from Ukraine. According to Tatyana Pop, Rusyns would only like Ukraine to recognize their ethnic group as a national minority, as in Europe and Zeman promised to raise this issue on the meeting with Zelensky.

(<https://strana.ua/articles/222189-pochemu-rusin-obvinili-v-separatizme-posle-vstrechi-s-prezidentom-chekhii-zemanom.html> )

### **III. Cases discrimination of Ukrainian citizens on language grounds in the various spheres of public and in private life**

*In accordance with Article 10 of the Constitution of Ukraine, "in Ukraine, the free development, use and protection of Russian and other languages of the national minorities of Ukraine is guaranteed". Article 24 of the Constitution states that there can be no privileges or restrictions on the grounds of race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other grounds.*

*Despite this, in 2019-2020, Ukraine continued to record numerous cases of discrimination against citizens on language grounds, political opinion, etc. Moreover, recently, such incidents began to occur not only in socio-political (public) life, but also in the sphere of everyday communication.*

#### **1. Violations of the right to use freely the native language in public sphere**

On August, 29 2019 the newly elected chairman (speaker) of the Verkhovna Rada of Ukraine Dmitry Razumkov turned off the microphone of Oleg Voloshin, a parliamentarian from the Opposition Platform - For Life party, for speaking in Russian. The incident occurred during questions to the applicant for the post of First Deputy Speaker of the Verkhovna Rada Ruslan Stefanchuk. Voloshin said he has the right to speak in the language of his constituents. After that, the sound of the speech in the broadcast from the Rada disappeared. After Oleg Voloshin switched to Ukrainian, Razumkov gave him the opportunity to finish the replica.

It is worth noting that muting the microphone has long been an exceptional measure in the fight against Russian-speaking parliamentarians of the Verkhovna Rada representing opposition political parties. In particular, in the Verkhovna Rada of the previous convocation, Verkhovna Rada Speaker Andrei Parubiy and First Deputy Speaker Irina Gerashchenko repeatedly muted the parliamentarians from the "Opposition Block" when they began speaking in Russian.

( <https://strana.ua/news/219456-spiker-rady-razumkov-otkljuchil-mikrofon-russkohovorjashchemu-nardepu.html> )

#### **2. Discrimination of the Russian language in the field of education**

Following the entry into force of the State Language Law on July 16, 2019 in Kharkov schools, teachers were given reminders of fines for using the Russian language. This was told by the teachers themselves. Teachers also note that during the briefing they were warned that answering calls is now only possible in Ukrainian. ( <https://strana.ua/news/211848-ukrainskim-uchiteljam-vydali-raspechatki-so-shtrafami-za-ispolzovanie-russkoho-jazyka-foto.html> )

In Avdeevka, Donetsk region, the parents of students of several classes of one of the schools, which they recognized as the main one, organized a protest against the transfer of education to the Ukrainian language. This information reported channel "1+1" on July 22, 2019. Most parents whose children go to the sixth or seventh grade advocate that education continue in the Russian language.

The principal considers her main goal is to switch educational process in Ukrainian language. "We must comply with our statute, which was approved in the 2018. Language is the main component of the identification of a nation", - the school principal said. ( <https://ukranews.com/news/643986-ukrainizatsiya-shkoly-v-avdeevke-stolknulas-s-protestami-roditelej-uchenikov> ).

On March 10, 2020, the press service of the Lviv City Administration announced that the director of the Lyceum No. 45 of the city of Lvov would receive a reprimand due to the formation of classes with the Russian language of instruction.

As the Head of the city education department Zoryana Dovganik reported, the website of the lyceum No. 45 posted an announcement on the recruitment of children for studying in Ukrainian and Russian, which is a violation. In particular, the law provides that the formation of classes with teaching in the language of national minorities is possible only at the request of parents. A separate class can be formed if the school receives more than 5 such applications.

"The language of instruction in all schools is state language. If there is an appeal from parents about studying in the language of national minorities, such classes could be form. But this applies only to elementary school. In secondary school, 80% of instruction should be in the state language", - said Dovganik. According to her, also on the website of lyceum No. 45 old documents were posted. Therefore, the lyceum principal was reprimanded and demanded to write an explanatory note.

At the same time, representatives of the Lyceum told that "there is a demand, Russian classes are recruited, and the new law on secondary education are allowed to do so. Therefore, no violations". ( <https://varianty.lviv.ua/70688-dyrektorka-litseiu-45-otrymaie-dohanu-cherez-formuvanniam-klasiv-z-rosiiskoiu-movoiu> )

### **3. Russian language discrimination in healthcare**

The Ministry of Health and the Ministry of Culture issued recommendations on countering the spread of coronavirus in the languages of national minorities of Ukraine. There is no Russian language among them. The news about the appearance of campaign posters was published on April 4, 2020 on the Facebook page of the Ministry of Health.

"As part of the information campaign against the spread of coronavirus infection, the Ministry of Health of Ukraine is developing materials for different population groups. Together with the Ministry of Culture and Information Policy of Ukraine, the "Coronavirus\_info" communication team has adapted basic recommendations on measures in the languages of national minorities living in the country. Now infographics are already available in Polish, Crimean Tatar, Hungarian and Romanian", - the agency's press service said.

Whether the poster will be published in Russian, the Ministry of Health did not say. ( <https://strana.ua/news/259250-moz-opublikoval-sovety-o-koronaviruse-na-jazykakh-natsmenshinstv-krome-russkoho.html> )

In Kiev, the dentist Irina Kozak-Kedich said that she would treat Russian-speaking patients only if they switch to Ukrainian. On February 1, 2020, she announced on her Facebook page that she decided to conduct such an experiment.

"I decided to conduct an experiment. From next week I will pretend that I do not understand the "language". I wonder how many of my patients will switch to the state language, and how many will go to look for another dentist", - she wrote. In addition I. Kozak-Kedich referred to a similar case in public transport - when the driver ignored the request of several of their passengers to make a stop, because they asked him in Russian. He answered them that he did not understand them. ( <https://strana.ua/news/248522-v-kieve-stomatoloh-zajavila-chto-ne-budet-lechit-russkojazychnykh-patsientov.html> )

#### **4. Violation of the cultural identity rights. Imposition of fines for non-compliance with "language quotas"**

The National Television and Radio Broadcasting Administration fined Mayak TV Company (Alexandria, Kirovograd Region) for not complying with language quotas. The decision on this was made at a meeting of the National Administration on September 19, 2019.

"Regulator on 19 September announced a warning and impose a fine to a local radiostation OOO "TV and Radio Mayak" of the city of Alexandria, Kirovograd region, investigation of company activities confirmed non-compliance with legal requirements regarding the compulsory share of songs in the state language and the license conditions “, - - says in the message.

As reported, the daily monitoring of radio broadcasting company "TV and Radio Mayak" recorded that the actual % of the songs in the state language during those days was 34.5% in the June 19, 2019 and in the time between 15:00 and 22:00 - 33.3%. According to the second part of Article 9 of the Law of Ukraine "On Television and Radio Broadcasting" such a share should be at least 35%.

Now, the radio station must within thirty days after the National Administration informs of the decision to pay 5% of the license fee to the state budget and bring its activities to the conditions of its own license and legislative requirements. " ( <https://strana.ua/news/223245-na-trk-majak-nalozhili-shtraf-za-nevypolnenie-jazykovej-kvoty.html> )

#### **IV. Illegal actions of radical nationalist groups. The incitement of ethnic hatred, the use of hate speech. Acts of vandalism**

##### **1. Acts of violence, attacks and other illegal actions of radical nationalist groups**

On November, 3 2019 activists of the All-Ukrainian public organization "Sokol" carried out another raid in Lviv against street musicians singing in Russian. Activists walked along the central streets of Lviv. After the raid, the head of the regional organization "Sokol" Bogdan Fedun told the local online source 032.ua that in the center of Lviv, unidentified people had broken a guitar of a street musician who performed Russian-language songs. This happened during the of "Sokol". However, the organization says that it was only "conducted preventive conversations", - and some "unknown patriots" broke the instrument.

"We spoke with him on previous raids, we came, when the equipment was already broken. At this time, we were in the next street, and were speaking to the other street musicians. One of our members, who stood by and watched musicians not to sing in Russian, just witnessed, as an unidentified patriot broke the technique, after that we immediately came there ", - - said Bogdan Fedun.

Activists of the organization conduct such raids periodically.

"On November 3, another raid took place against street musicians singing in Russian. Activists walked along the central streets of Lviv. The good news is that after several such raids in the center of our city, almost no songs are heard that are performed in the language of the occupier. Also, with some musicians preventive conversations were carried out", - the "Sokol" organization said.

The All-Ukrainian public organization " Sokol " is an ultra-right military-sports youth organization, founded in 2006 in Lviv. The organization declares the continuation of the Ukrainian " Sokol " of the first half of the XX century, which was banned by the Soviet government in 1939.

( <https://korrespondent.net/city/lvov/4156988-vo-lvove-ulychnyi-muzykant-poplatylsia-za-russkye-pesny> )

**On January 10, 2020** in Uman, approximately 30 people with knives and sticks attacked Jews near the grave of Rabbi Nachman. According to witnesses, the attackers were armed with knives and sticks. It is noted that the brutal beating began after a minor dispute between one of the local Ukrainians and a Jew.

Law enforcement officers who arrived at the scene did not try to help, but "just stood and watched what was happening."

As a result of the incident, four injured Jews were taken to the nearest hospital.

A similar incident in Uman occurred in early December 2019, when an armed attack was made on a Jewish pilgrim praying at the grave of Rabbi Nachman.

( <https://112.ua/avarii-chp/v-umani-gruppa-zloumyshlennikov-s-nozhami-i-dubinkami-napala-na-evreev-chetvero-chelovek-v-bolnice-521617.html> )

On January 27, 2020, in Kharkov, near the building of the regional state administration, nationalists foiled a rally in defense of the Russian language and

Russian-language schools, organized by the chairman of the Kharkiv city organization Opposition Platform - For Life, Andrei Lesik. The organizers of the action said that in Ukraine, about 15 million citizens speak Russian, so it is impossible to limit their rights to use their native language.

Representatives of the "National Squads", - "Right Sector", - "Freikor" and other nationalist organizations gathered for the announced meeting even before its official start at 11:00. When the participants started the event, the nationalists began to chant "Suitcase, train station, Russia!" and shout obscene chants. After that, an unknown sprayed gas, a scuffle began. The police intervened in the conflict and spread the groups of nationalists and Lesik in different directions. According to Ukrainian media, the correspondent and operator of the STB channel, as well as the organizer of the action, Andriy Lesik, suffered from the actions of nationalists. Law enforcement officers did not detain any of the attackers, despite the fact that nationalists of the rally used physical force even against older women.

According to Lesik, residents of Kharkov asked him to hold an action. "In Kharkov, the Russian language has the status of a regional language. The law on secondary education, adopted by the mono-majority, violates the Constitution. The Russian language and other languages of national minorities have the right for protection and development ... Unfortunately, there are no changes after inauguration of Vladimir Zelensky. Radically-minded people continue run things and tell how to live", - said Andrei Lesik.

( <https://strana.ua/news/246630-v-kharkove-natsionalisty-napali-na-storonnikov-russkoho-jazyka-i-ruskojazychnykh-shkol.html> )

On January 30, 2020 in Dnipro (former Dnepropetrovsk), nationalist activists thwarted the opening of the international film festival "Cinema Assembly on the Dnieper". The guests of the festival were directors and authors from Sweden, Serbia, Bosnia, Georgia, Armenia, Azerbaijan, Belarus, Russia, Ukraine.

The incident occurred on the evening of January 30 during the review of the Belarusian film "Debut". According to media reports, law enforcement officers were present at the scene, but were inactive.

First, representatives of the nationalist party "National Corpus" staged a picket in front of the building where the festival takes place. The picketers were masked and burned fire. They claim that they came to stop the "propaganda of the Russian world". Later the nationalists were able to get inside the building.

One of the incident witnesses told about the misbehavior of the nationalists: "On January, 30 they broke into the hall and tried to disrupt the demonstration of the Belarusian film "Debut", - but the film was shown. During the demonstration, activists shouted songs, sang a hymn, demanded to stop the film demonstration.

Entrance to the Dnepropetrovsk House of Trade Unions was blocked by radical activists who let people in with invitations. After being shown to people who were leaving the building, they shouted "Ganba" ("Shame" - Ukrainian) and insults".

In connection with the incident the next day, January 31, a message was announced on the site of the Orthodox Culture Center "Lestvitsa" that the film

festival was canceled. "Wishing to maintain public peace in the city of Dnipro, the organizing committee of the "International Film Assembly on the Dnieper" decided to cancel the film festival. We apologize, we hope for your understanding and your holy prayers!. The organizing committee of the festival "International Film Assembly on the Dnieper 2020", - said in a statement.

( <https://112.ua/obshchestvo/radikalno-nastroennye-aktivisty-sorvali-otkrytie-mezhdunarodnogo-kinofestivalya-kinoassambleya-na-dnepre-524112.html> , <https://nashemisto.dp.ua/2020/01/30/v-dnepre-nackorpus-v-maskah-is-faerami-piketiruet-dom-profsojuzov-foto/> )

## **2. The incitement of ethnic hatred, the use of hostile language**

On October 4, 2019, the Lviv journalist Oleg Radyk, the host of the Big Talks program on the First Western channel, on his Facebook page proposed his own way of reintegrating Donbass into Ukraine, which he sarcastically called the "Radyk formula" (similar to the well-known "Stanmeier formula").

"Do you want the truth, how to return the Donbass? When we get in there, 40 years of sweeping and anti-terror. Banning the Russian language for officials. Closing all universities. Eachone. Let them go to Lviv. Financing informers. Pensions should be annulled. For everyone. Benefits only for groups who suffered from the Russian occupation", - wrote Radyk.

In addition, Radyk called for the creation of filtration camps for residents of Donbass on the territory of coalmines, and to beat everyone who does not respond correctly to the nationalist greeting "Glory to Ukraine". He also said that in his old age he agreed to be the head of the filtration camp or the police in Gorlovka.

( <https://strana.ua/news/225987-lvovskij-zhurnalist-predlozhl-radikalnoe-vozvrashchenie-donbassa.html> )

On January 26, the head of the department of the Lviv Polytechnic University, Doctor of Economic Sciences Iosif Sytnik published an anti-semitic post on his Facebook page. According to Sytnik, Ukrainians for decades have elected Jews who "lead on a leash" the Ukrainian people.

"For decades, 78% majority of the mono-ethnic Ukrainian people have chosen Them (as he calls Jews in the post) and Theirs political projects. And between the elections, Ukrainians tear apart their fight with each other, spit in their eyes, and pour mud, proving which of these "favorites" better, who is different, who deserves to take care of them, sinners, on the way to slavery and self-destruction, " - wrote Sytnik .

Sytnik added that "only near the Wailing Wall in Jerusalem - they for a moment take off their Ukrainian masks, abandon their roles, which effectively perform in Ukraine and become real." ( <https://strana.ua/news/247160-zavkafedroj-lpu-schitaet-cto-vmesto-evrejskoj-vlasti-ukraintsy-dolznyi-ustanovit-ukrainskuju-vlast.html> )

On January, 29 2020 social networks have appeared that Executive Director of the charity fund "Svoi" Irina Koshkin encouraged to arrange a boycott of the Children's Robotics School in Kiev, only for the fact that teachers teach technical

disciplines in the "language of the aggressor", - that is Russian. At the same time, the "Svoi" volunteer organization is focused on helping Ukrainians affected by the conflict in Donbass, which are mostly Russian speaking.

It is worth noting that the robotics school in Kiev is a Russian franchise, and in addition, it is private, not public. And parents pay money so that their children receive knowledge and professional experience in their native language. But Ukrainian national patriots did not satisfy with these explanations. They demanded that the lessons be translated into English instead of Russian, "because no one needs the Russian language, and it's not used anywhere except Russian Federation". Well, they traditionally organized a network protest Russian-speaking IT specialist.

(<https://ru-ru.facebook.com/groups/219622248093542/permalink/2718840331505042/> )

On January 31, 2020 on the NTA TV channel, the Lviv television journalist Ostop Drozdov proposed setting a tax on any Russian-language product that, according to him, kills Ukrainian citizens like vodka and drugs.

"Imagine, you come to some kiosk with music. The CD of the Ukrainian artist costs one hundred hryvnias, the album in Russian - two hundred, because there is additional tax. Because I stand on the position that Russian language and Russian is killing. If alcohol or tobacco is considered a harmful product, an additional tax is imposed on it. I believe that a Russian-language product that serves nostalgia and returns to the Russian world also kills. Everything in Russian in this country should have been twice as expensive. And then there will be more free and more market access to all Ukrainian-language content, because it will be more accessible", - said Drozdov.

According to Drozdov, Ukrainians need the Russian language only to interrogate Russian prisoners.

"When they ask me why Ukrainians know Russian, I have this answer: we need to know Russian only in order to be able to interrogate Russian prisoners. For everything else, there is a state language", - Drozdov said during the same broadcast.

( [Http://www.nta.ua / Krayina-oligarhiv-i-bidnyakiv](http://www.nta.ua / Krayina-oligarhiv-i-bidnyakiv) )

On February 8, 2020, the Ukrainian writer Larisa Nitsoy, known for her Russophobic views and statements, insulted the jury of the Ukrainian national selection for Eurovision Song Contest 2020 and the singer Assol, who participated in the selection with the song "Save It". She did not like the fact that the jury and the artist speak Russian. On her Facebook page, Nitsa wrote that she was happy with all the participants of the National Selection, as they spoke Ukrainian on stage, except for Assol, who "jumps from Ukrainian to Russian without even noticing it".

Calling the Russians "Muscovites" and the Russian language "moscowska" Nitsoy also did not ignore the members of the jury and the organizers of the show, whom she called "jackasses" and stated that she despised them. In addition, Nitsoy spoke insultingly about the participants of the second semi-final of the national selection, which is to be held on February 15.

"All participants speak Ukraine, but one girl group. Some Russian-speaking assholes decided to represent the Ukrainian nation. Or it wasn't their decision, were they appointed to be assholes? Interestingly, how the STB decide who will speak in moscowska? This is someone's special decision. Special developments, so that, God forbid, everyone speaks Ukrainian. So how is it prescribed? Draws are drawn, or they simply stick a finger: "You and you are a Muscovite!" So as not to forget about the muscle brothers. Otherwise everyone will think that Ukrainians live in Ukraine and this is Ukrainian land", - wrote Nitsoy.

( <https://www.obozrevatel.com/show/people/kozlyi-i-kozlihi-nitsoj-zhestko-raskritikovala-zhyuri-i-uchastnikov-natsotbora-na-evrovidenie.htm> , <https://www.facebook.com/larysa.nitsoi/posts/3000801139951998> )

On March 7, 2020 the Ukrainian publishing house "Vesti" reported that in Lviv, local nationalists launched the persecution of Lyceum No. 45 for using the Russian language in the educational process. In particular, they accused Lyceum No. 45 of refusing to completely switch to the Ukrainian language. Earlier, the Lyceum announced the recruitment of first graders in Russian-language classes, after which teachers began to receive threats and online bullying.

As noted in the publication , lyceum №45 is a one of the best schools in Lviv. About a thousand students of more than two dozen nationalities study at the Lyceum. But in recent years, the lyceum has become the target of attacks by nationalists who accuse educators of promoting the "Russian world" and "Russification of Ukrainian children". Last year, the lyceum was accused of creation only one Ukrainian-language first grade out of four possible. Earlier, nationalists achieved the closure of the Pushkin Museum in the school.

"To disperse that school to hell", - "My Lvov is already not the same. Once Lvov and Bandera were afraid and respected, but now the Muscovites have come in and are demanding the rights", - "we should burn such lyceums with all staff in it", - etc.- in such terms the situation was commented in the radical-nationalist source "About Language".

( <https://vesti.ua/lvov/vo-lvove-natsionalisty-zatravili-edinstvennyj-litsej-s-russkim-yazykom> )

On April 11, 2020 the publisher Vesti reported on the persecution of a well-known physics teacher from the Richelieu Lyceum, Honored Teacher of Ukraine Pavel Victor, who started a YouTube channel with video lessons in Russian. The Facebook group "Fizika connected people" launched a whole campaign against Pavel Victor. According to nationalist users, the teacher should conduct online classes in Ukrainian. It is worth noting that the work of Victor is called a symbol of success of the modern education system. Recently, he became the owner of a silver YouTube button - over 100,000 subscribers follow his channel, which can be considered a phenomenon, since his video lessons are used to teach physics in many countries of the world. ( <https://vesti.ua/odessa/rabotaet-na-kreml-v-odesse-zatravili-izvestnogo-professora-iz-za-yazyka> )

### 3. Acts of anti-semitic vandalism

September 17, 2019 Jewish Confederation of Ukraine (JCU) announced a significant concerns regarding a series of anti-semitic vandalism acts in several regions of Ukraine. As noted in the statement, on September 15, 2019 in the Nikolaev region, vandals desecrated the monument to the victims of the Holocaust, painting it with swastikas and a letter with threats. On September 17, 2019 a monument to the victims of the Holocaust in the Kirovograd region was also desecrated. JCU expressed its indignation at this repeated act of anti-semitism and called on law enforcement officers to approach the issue of detecting criminals as responsibly as possible.( <https://jcu.org.ua/ru/news/eku-vstrevozhena-povtornym-aktom-antisemitizma> )

October 2019 an anti-semitic inscription “Das ist Jude! Kill the Jews!” Was put on the advertising city light on Cosmonauts Square in Kiev with a poster for the concert of Russian satirist and writer Mikhail Zhvanetsky.

( <https://jewishnews.com.ua/society/otchet-po-antisemitizmu-v-ukraine-za-2019-god> )

On the night of November 25, 2019 vandals painted a swastika on the monument to the classics of Jewish literature Sholom - Aleichem in Kiev . This was announced by the Chief Rabbi of Ukraine Moshe Reuven Asman on his Facebook page.

"Another provocation in front of our synagogue ... this morning .... " - He wrote, posting a photo after the incident. At the same time, in the comments, one of the page's subscribers wrote that video cameras from nearby stores recorded vandals. The monument to Sholom Aleichem is located in Kiev on the street Rognedinskaya 3, near the Central Synagogue of Kiev. ( <https://112.ua/kyiv/sv-kieve-vandaly-raspisali-pamyatnik-sholom-aleyhemu-svastikoy-516119>. The html , <https://www.facebook.com/388184211532597/posts/1061150477569297/> )

### 4. Administrative dereliction of enforcement agencies and the judicial system of Ukraine to persecute incite of national, racial or religious hatred

On November 11, 2019 the former consul of the Consulate General of Ukraine in Hamburg, Vasily Marushchinets, who was dismissed in 2018 for anti-semitic and xenophobic statements, won a lawsuit against the Ministry of Foreign Affairs of Ukraine. As the result of the trial judges of the Sixth Administrative Appeal Court decided that Marushchinets was fired illegally, and his actions have nothing that contradicts to the oath of a public servant, and decided to restore him to the position occupied previously.

According to the Ministry of Foreign Affairs of Ukraine, on the execution of the decision of the Sixth Administrative Appeal Court on December 9, 2019 Marushchinets was appointed to the post of first secretary of the security unit of the Department of countering threats from the Russian Federation Ministry of Foreign Affairs of Ukraine. In addition, he was paid the amount of the average income for the time of the forced almost one and a half year downtime in the amount of 218,184 hryvnias (the amount equivalent to 9 thousand US dollars as of December 2019).

According to Ukrainian media, since 2010 Maruschinets regularly posted on his page in Facebook anti-semitic and chauvinistic materials.

In his comments and publications, the diplomat repeatedly made rude anti-semitic, anti-polish and anti-hungarian statements. In addition, Marushchinets conducted open propaganda of racial and national hatred, glorified fascism and nazism, wrote that "being a fascist is honorable," and was proud that his father "was a soldier of the German Wehrmacht." After the scandalous statements of Marushchynets became known to the international community and caused an indignant reaction from the media of Germany, Poland and Israel, the Ministry of Foreign Affairs of Ukraine in May 2018 recalled him from the Federal Republic of Germany and dismissed him from the diplomatic service, but after a year and a half he was restored by the court decision.( <https://ukranews.com/publication/2767-proslavivshegosya-neonatsizm-i-antisemitizm-marushhynetsa-vernuli-v-mid-vyplativ-emu-neustojku-v> )

In a comments to Deutsche Welle radio station, co-founder of the Center for the Study of Interethnic Relations of Eastern Europe, Artem Kharchenko, noted that since 2014 right-wing radical movements that often share anti-semitic views have gained popularity in Ukraine. At the same time, representatives of Jewish communities and experts state that law enforcement officers are in no hurry to investigate recorded cases of vandalism on the basis of anti-semitism. The police are sluggish in responding to such crimes, leaving them uninvestigated, although law enforcement officers quickly record such crimes and report the initiation of criminal proceedings. "The police are trying to distance themselves and not undermine the situation", - says Kharchenko.

Law enforcement officers themselves admit that they still do not keep detailed statistics of such acts of vandalism. "There are no separate statistics, how many monuments have been desecrated," DW was told the Head Office of the National Police.

According to the Chief Rabbi of Ukraine and Kiev, Moshe Reuven Asman, the Ministry of Internal Affairs of Ukraine assured him that the police are doing everything possible to find and arrest those who defiled the monument to Sholom Aleichem in Kiev. However, there no guarantees whether the promise will be fulfilled and attackers will be arrested. ( <https://www.dw.com/en/how-is-investigated-acts-anti-Semitism-in-Ukraine/a-51438136> )

#### **A comment**

*In accordance with Ukrainian law, inciting ethnic hatred is a criminal offense and entails both administrative and criminal liability.*

*In particular, Article 161 of the Criminal Code of Ukraine (Violation of equal rights of citizens depending on their race, nationality or religion) provides various penalties for intentional acts aimed at inciting ethnic, racial or religious hatred and hatred, to humiliate national honor and dignity or insult of feelings of people in connection with their religious beliefs, race, ethnicity, color, language , as well as direct or indirect restriction of rights or direct or indirect privileges based on race, color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other grounds.*

*However, in practice, numerous manifestations of ethnic hatred and hostility towards various ethnic communities living outside the territory of in Ukraine do not results in any effective reaction from law enforcement agencies and the judicial system and, as a rule, remain completely unpunished.*

## **The V. Crackdown on free speech, political censorship**

*Under President P. Poroshenko, under the pretext of combating " Russian aggression " in Ukraine, a number of prohibitions and restrictions were imposed on the Russian media, books and other printed materials published in Russia, as well as Russian social networks and sites. The same practice continues after the election of V. Zelensky as president.*

On May 15, 2020 the act of former president P. Poroshenko on blocking Russian social networks VKontakte and Odnoklassniki expires, and the current President intends to extend the ban on Russian social networks and Internet services in Ukraine. The team of President V. Zelensky believes that the restriction of access to these sites should be extended.

According to the deputy chairman of the Verkhovna Rada committee on digital transformation, parliamentarian from the presidential party "Servant of the People" Alexander Fedienko, the President has already taken such a decision, and the order is already in the President's Office.

Fedienko specified that no one will unblock social networks by act of the President after May 15 - informed sources confirmed this to him. ( <https://www.rbc.ua/rus/news/agressivnye-sotsseti-zelenskogo-planiruyut-1582547378.html> )

Security Service of Ukraine offers to prolongate sanctions on Russian social networks "Odnoklassniki" and "VKontakte" for another three years. The relevant proposals, the chairman of the Service, Ivan Bakanov, introduced to the National Security and Defense Administration of Ukraine. The SSU press service announced this on April 10, 2020 in Telegram channel.

The report notes that the SSU cyber specialists analyzed that during the period of the sanctions the number of Ukrainian users in these social networks decreased in three times. As noted in the SSU report, this "significantly narrowed the target audience to which the information operations of the Russian special services are directed".

In addition, the SSU reported that during 2017-2020, thousands of cases with "destructive content" on the Odnoklassniki and VKontakte platforms were recorded , and since the beginning of the imposition of sanctions, nearly 100 criminal cases against owners and administrators of "anti-Ukrainian communities" in these social networks were registered. They accused of encroachment on the territorial integrity of Ukraine, the actions aimed at overthrowing the constitutional order or the usurpation of state power and the establishment of terrorist groups. ( <https://vesti.ua/strana/na-tri-goda-SSU-lobbiruet-zapret-na-odnoklassniki-i-vkontakte> )

On April 2, 2020 in the Luhansk region, Ukrainian border guards detained a cargo minibus. In the vehicle, the 57-year-old driver, along with the 48-year-old passenger, carried nearly 6 dozen cardboard boxes with more than 2.3 thousand books.

According to the press service of the State Border Service, all printed materials were Russian-made. Among the thid books - " History of the Russian State " Nikolai Karamzin, as well as books wrote by contemporary Russian authors. The department emphasized that the driver of the minibus was supposed to deliver this literature to Kiev for 20 thousand hryvnias. At the moment, the driver of the minibus has been brought to administrative responsibility for violation of the border regime and, together with the passenger and the cargo, transferred to the SSU "to conduct the necessary examinations and qualifications of the act". ( <https://dpsu.gov.ua/ua/news/%20video%20-bilya-kordonu-zatrimali-bus-z-rosiyskim-chtivom/> )

## **VI. International human rights organizations and institutions on the situation the national minorities' rights observance in Ukraine**

OSCE High Authorized Representative Lamberto Zannier, in connection with the law on the state language, called the current language policy in Ukraine violating the rights of national minorities and discriminatory.

"One of today's problems is the implementation of the recommendations of the Council of Europe. For example, this concerns to the separation between the languages of the European Union and others. This classification suggests that unequal policies are being applied to different national minorities, and this introduces elements of discrimination", - Zannier noted in an interview with Izvestia, which was published on July 29, 2019.

He emphasized that the law on language adopted in Ukraine says nothing about the protection of national minorities.

"Firstly, the law does not say anything about the protection of languages of national minorities. Secondly, all questions about the use of the state language are resolved quite strictly - not through the system of incentives and rewards that we would like to see, but through punishment. Thirdly, the law was passed without any consultation with representatives of national minorities", - added Zannier.

( <https://strana.ua/news/214734-verkhovnyj-komissar-obse-nazval-tekushchuju-jazykovuju-politiku-v-ukraine-diskriminatsiej.html> )

According to the investigation of the Anti-Defamation League (the ADL), published on November, 21 2019, for the last four years level of anti-semitism has grown Ukraine, for now it's one of the highest in Europe.

As noted in the Global 100 Index research, anti - semitic mood in Ukraine grew by 14 percent compared to the latest research conducted by ADL experts in 2015.

The ADL is an international organization with headquarters in New York that monitors the manifestations of anti-semitism and other forms of xenophobic in the world. (<https://hromadske.ua/en/posts/v-ukraine-odin-iz-samyh-vysokih-urovnej-antisemitizma-v-evrope-issledovanie> , <https://global100.adl.org/country/ukraine/2019> )

Office of the United Nations High Authorized Representative for Human Rights (OHCHR) expressed concerns about language rights legislation and Confirm readiness to support the Government of Ukraine in the development of a draft law on the rights of indigenous peoples and national minorities of Ukraine to eliminate gaps in national legislation in the field of language policy.

This is stated in the OHCHR report on the situation of human rights in Ukraine for the period from August,16 to November,15 2019.

( [https://www.ohchr.org/Documents/Countries/UA/28thReportUkraine\\_RU.pdf](https://www.ohchr.org/Documents/Countries/UA/28thReportUkraine_RU.pdf) )

In the Report on the situation of human rights in Ukraine for the period November 16, 2019 - February 15, 2020, OHCHR UN again drew attention to the situation with respect to language rights. The report, in particular, notes:

"On December 9, 2019, the European Commission for Democracy through Law (Venice Commission) published its opinion on the Law "On ensuring the functioning of the Ukrainian language as the state language". In accordance with the conclusion of the Venice Commission, largely due to the lack of a special law on the protection and use of languages minorities, the current legal framework does not provide a fair balance between the legitimate aim, namely, strengthening and promoting the role of the Ukrainian language, and sufficient guarantees of the national language rights of minorities, which reinforces the concern previously expressed by OHCHR.

OHCHR once again calls on the Cabinet of Ministers and the Parliament, without unreasonable delays and through extensive, comprehensive consultations with representatives of national minorities and indigenous peoples, to develop a law on the implementation of the rights of indigenous peoples and national minorities of Ukraine, as the Venice Commission recommended.

In general, OHCHR considers that the legislation does not provide sufficient guarantees for the protection and use of minority languages in the absence of a law on the exercise of the rights of indigenous peoples and national minorities. The Venice Commission also expressed concern that the Law on Education provides EU languages with a preferential treatment compared to other minority languages. In addition, although the Law on Secondary Education guarantees education in the language of indigenous peoples along with instruction in the Ukrainian language, it does not indicate the exact proportions. This raises concerns regarding the level of protection of the language rights of indigenous peoples. The Law on the Exercise of the Rights of Indigenous Peoples and National Minorities should also solve this problem and provide adequate protection for teaching indigenous languages at school".

([https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine\\_RU.pdf](https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine_RU.pdf))

## VII. Conclusions and Recommendations

An analysis of the current situation with the observance of the rights of national minorities living on the territory of Ukraine allows us to conclude that so far no changes for the better in this area have occurred since the election of President Vladimir Zelensky and the complete renewal of the Ukrainian authorities .

The public statements of senior officials recorded during the review period, as well as the practical decisions of the highest authorities, showed that V. Zelensky continued the course pursued under the previous regime to build a mono-ethnic monocultural state in Ukraine with the total dominance of the Ukrainian language in all spheres of public life, while completely ignoring the language and cultural rights and needs of the Russian and Russian-speaking population, as well as other national communities and ethnic groups living in the territory Ukraine.

**In fact, the current state policy in the interethnic sphere is aimed at forced Ukrainization (assimilation) of national minorities living in Ukraine with the aim of creating a mono-ethnic, monocultural and monolingual Ukrainian nation.**

Starting from April 2019, Ukraine has adopted a number of new legislative acts that seriously violate the basic rights of ethnic minorities: including the right to free development and use of the native language. First of all, we are talking about the law "On ensuring the functioning of the Ukrainian language as the state language" and the law "On complete general secondary education". These laws contain norms that grossly contradict the Constitution of Ukraine, as well as a number of international conventions signed by Ukraine in the field of protecting human rights that prohibit discrimination based on language and ethnicity.

During the review period, in Ukraine, numerous violations of the right to free use of the native language continued to be recorded, there were manifestations of discrimination against citizens on the basis of their language of culture and both on the part of the state and on the part of individual officials.

The monitoring of Ukrainian mass media and websites allows us to conclude on the ongoing practice of using the hostile language from a considerable number of Ukrainian politicians, journalists, public activists, etc. Moreover, the use of hate speech against the Russian and Russian-speaking population of Ukraine is regular, systematic and completely unpunished, despite the responsibility provided in article 161 of the Criminal Code of Ukraine for intentional acts aimed at inciting national, racial or religious hatred, humiliation of national honor and the dignity or insult of people's feelings in connection with their religious beliefs, race, ethnicity, color, language, etc.

Serious concern cause activity of various right-wing nationalist organizations, numerous acts of violence and other illegal actions on their part. Particularly is very disturbing the fact that, as in the days of President Poroshenko, various incidents involving radical right-wing groups occur with complete inaction, and even direct connivance on the side of law enforcement agencies.

Under President Zelensky, under the pretext of counteracting "aggression from the Russian Federation", the policy pursued by the previous government continues to restrict freedom of speech, access to Russian media and social networks, bans on the import of literature from the Russian Federation, etc.

In order to improve the situation with respect for the rights of various national communities and ethnic groups living in Ukraine, the following recommendations are proposed:

1. To achieve at the international level from the authorities of Ukraine strict observance of human rights (including the rights of national minorities) in accordance with the obligations that Ukraine assumed upon ratification of fundamental international documents in this area. In particular, to demand that the Ukrainian authorities abolish discriminatory norms in national legislation that infringe on the rights of national minorities in the field of education and obtaining information in their native language.

2. To achieve from the Ukrainian authorities to bring Ukrainian legislation that affects the rights and interests of national minorities in accordance with the basic international standards provided for by the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. As a "road map" for solving this issue to offer Ukraine to use the recommendations of the European Commission for Democracy through Law (Venice Commission), related to the Law of Ukraine "On ensuring the functioning of the Ukrainian as the state language".

3. Advise Ukraine on adoption of a special law, which provides the right of national minorities to receive education in their native language, as well as the right to free development and use of the native language in other areas of public life. This law should take into account the existing ethnic composition of the population of Ukraine, as well as the real cultural and language preferences of citizens of Ukraine. It is reasonable to involve representatives of various national communities and ethnic groups living in Ukraine in drafting the document.

4. To demand from the Ukrainian authorities not in words but in practice to fight against right-wing radical groups, to seek criminal prosecution of those guilty of human rights violations, as well as incitement of national, racial religious hatred that calls for discrimination against citizens by language, ethnic, racial or confessional.

5. Carry out continuous integrated monitoring of human rights and rights of Russian and Russian-speaking population, as well as other national communities and ethnic groups that lives in Ukraine. It seems reasonable to involve not only Ukrainian, but also foreign human rights organizations in conducting such monitoring.