

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2003)5 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine

*(Adopted by the Committee of Ministers on 5 February 2003
at the 826th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”), and sitting in the presence of a non-member state Party¹;

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention in particular rule 39² of Resolution (97) 10;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10³;

Having regard to the instrument of ratification submitted by Ukraine on 26 January 1998;

Recalling that the Government of Ukraine transmitted its state report in respect of the first monitoring cycle under the Framework Convention on 2 November 1999;

Whereas the Advisory Committee accepted the invitation of the Government of Ukraine to send a delegation to gather further information in Ukraine; this visit taking place from 4 to 7 December 2001;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by Ukraine was adopted on 1 March 2002 and then transmitted to the Permanent Representative of Ukraine and communicated to the permanent representatives of all member states and to the representatives of a non-member state Party as document CM(2002)45;

Whereas the Government of Ukraine submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the delegations of all member states and a non-member state Party as an addendum to document CM(2002)45 dated 10 October 2002;

Having examined the Advisory Committee's opinion and the written comments of the Government of Ukraine;

Having also taken note of comments by other governments,

¹ The Federal Republic of Yugoslavia.

² According to Rule 39 of Resolution (97) 10, “the Committee of Ministers shall invite a representative from each non-member Party to attend the meetings of the Committee of Ministers whenever it exercises its functions under the Framework Convention, without the right to participate in the adoption of decisions”.

³ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting parties casting a vote, including a majority of the representatives of the Contracting parties entitled to sit on the Committee of Ministers, vote in favour”.

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Ukraine:

- Ukraine has made commendable efforts in terms of designing legislation of a general nature for the protection of national minorities and demonstrated commitment to the implementation of this legislation.
- Certain shortcomings remain, and some setbacks have been observed, in the legislative framework pertaining to the implementation of the Framework Convention, including in the field of electronic media.
- Whereas a spirit of tolerance and inter-ethnic dialogue generally prevails in Ukraine, disputes related to language issues have caused tension. It is therefore crucial that the pending legislative and practical initiatives in this sphere are pursued in full compliance with the Framework Convention.
- Bearing in mind the reports concerning *de facto* discrimination of persons belonging to certain national minorities, such as Roma, it is important that Ukraine improves the manner in which such cases are monitored and addressed by law-enforcement and other authorities concerned.
- The implementation of the Framework Convention needs to be improved as regards Crimean Tatars and other formerly deported people, *inter alia*, in terms of their participation in cultural, social and economic life and in public affairs, although a range of initiatives have been launched to address their problems and certain improvements have recently been achieved in this respect.
- The implementation of the Framework Convention in the educational sphere merits particular attention from the authorities with a view to ensuring that the on-going reforms in this sphere do not result in undue limitations on the existing right of persons belonging to national minorities to receive instruction in and/or of their languages.

2. Recommends that Ukraine take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion.

3. Invites the Government of Ukraine, in accordance with Resolution (97) 10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.