

ARTICLES

THE INVOLUTION OF EDUCATION FOR NATIONAL MINORITIES IN UKRAINE AS REFLECTED IN THE MONITORING BY THE COUNCIL OF EUROPE

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ABSTRACT

Council of Europe monitoring mechanism for the protection of national minorities rights reveals the involution of the education in national minorities languages in Ukraine. Between 1999 and 2020 Ukraine underwent four cycles of monitoring, composed of a state report, an opinion of a panel of experts and a resolution adopted by the Council of Ministers of the Council of Europe. The present article proposes a review of these monitoring cycles with a focus on the situation of education in national minorities languages. The Ukrainian Government's policy of compelling all schools to exclusive use of Ukrainian language was noted by the mentioned monitoring mechanism, but there was no noticeable improvement of the situation during 1999–2020.

Keywords: Ukraine, national minorities, education, rights

Ukraine signed the Framework Convention for the Protection of National Minorities on 15th September 1995 and ratified it on 26th January 1998, the monitoring mechanism started in May 1999². The present article will present the situation of education in mother tongue for the national minorities in Ukraine as it may be seen in the monitoring reports carried under the Framework Convention for the Protection of National Minorities (FCMN) of the Council of Europe (CoE). Two decades of monitoring reveal that the mechanisms established at the beginnings of the Ukrainian statehood after the Soviet collapse are still in place, hindering the development of the national minorities.

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²Council of Europe, „Ukraine”, s.a., Available at: www.coe.int/en/web/minorities/ukraine, Accessed on 10th March 2021.

LEGISLATION FOR NATIONAL MINORITIES' SCHOOLS IN UKRAINE DURING THE 90'S

The Language Law of Ukraine from 1989 introduced a whole series of provisions intending to curb russification and make Ukrainian the dominant language in all spheres of public life³. In regard to education in minorities' languages this law had the following main provisions:

1. The free choice of the language of instruction is an inalienable right of the citizens of the Ukrainian SSR;
2. The Ukrainian SSR guarantees each child the right to be brought up and to receive education in its national language;
3. In the schools of the Ukrainian SSR, teaching will be done in Ukrainian. In places of compact settlements of civilians of other nationalities, schools can be established in which the language of teaching will be their national language or another language;
4. In schools, separate classes can be created in which the language of teaching is Ukrainian or the language of people of a different nationality;
5. In all schools, the study of the Ukrainian language and the Russian language is compulsory;
6. In institutions of special secondary, professional technical, and higher education of the Ukrainian SSR, Ukrainian is the language of teaching. In places of settlement of a majority of citizens of other nationalities, the language of teaching is in their national language, alongside Ukrainian;
7. In the above-mentioned institutions, groups can also be created with the Russian language of instruction in cases determined by the appropriate organs of state administration.

The Language Law of 1989 had some progressive provisions for national minorities, but some imprecise expressions (for instance the law did not specify what was meant by "compact settlement") and lack of administrative guarantees rendered it useless.

In 1991 Ukrainian Parliament adopted Declaration of the Rights of Nationalities of Ukraine, which guaranteed all nations and national groups the right to use their mother tongue in all spheres of public life, including education, administration⁴.

In mid-1992 the Ukrainian parliament adopted a very liberal law on national minorities which granted equal political, social, economic and cultural rights to all citizens, "regardless of their ethnic origin, and supported the development of their national self-consciousness and self-expression". This was immediately followed by a separate article which defined these guarantees as resting upon the national

³ Jan Germen Janmaat, *Nation-Building in Post-Soviet Ukraine: Educational Policy and the Response of the Russian-speaking Population*, Amsterdam/Utrecht, KNAG, p. 59.

⁴ *Ibid.*, p. 65.

minorities observing the constitution and laws of the land, as well as respecting its state sovereignty and territorial integrity. Article three defined national minorities as “Groups of Ukrainian citizens who are not Ukrainian by nationality and who manifest national consciousness and community of interest within the group”⁵.

However, the benevolent legislation influence was reduced by administrative measures, especially after the appointments of Minister Talanchuk and his radical deputy Anatolii Pohribnyi⁶. Unsatisfied with the slow growth rate of Ukrainian-language instruction – the percentage of Ukrainian-instructed pupils only increased from 47.9% in 1990–1991 to 49.3% in 1991–1992 – and accusing the heads of local administration and schools of ignoring the stipulations of the State Program, these officials tried to find new ways to reach the goals of Ukrainization. Teachers who switched to Ukrainian language instruction received material “encouragement”, new schools could be opened only if they used Ukrainian language, before receiving the status of lyceum or college any school should switch to Ukrainian language. Another administrative incentive for minorities’ schools to open only Ukrainian classes was Talanchuk's order to give schools transferring to Ukrainian priority in receiving textbooks.

With these measures the Ukrainian Government clearly wanted to indicate that Ukrainian schools and schools with other languages of instruction were not to be treated as equals: the former were to be the norm, the latter the exception. For admittance to the former, there would be no obstacles whatsoever, *i.e.* if parents have not applied for a specific language of instruction, their child should automatically be assigned to a Ukrainian school, for admittance to the latter a special application would be required. Obviously, the Ministry hoped that parental passivity would result in many children being enrolled in Ukrainian schools.

New changes in the language politics had a legal foundation in the Constitution of Ukraine, which was adopted in June 1996. The constitution further guaranteed “the free development, use and protection of Russian, and other languages of national minorities of Ukraine”⁷, but the administrative measures described above for limiting the use of minorities languages in schools remained in place.

The new Ukrainian state developed an efficient mechanism for ethnic assimilation: on one side the legislation was drafted as to be praised on international level⁸, on the other side the ambiguous wording and administrative measures drastically limited the use of minorities languages in schools (also in local administration and mass-media).

⁵ Taras Kuzio, *Ukraine. State and nation building*, Routledge, London, 1998, p. 94.

⁶ Jan Germen Janmaat, *op. cit.*, p. 67.

⁷ Article 10, Constitution of Ukraine, Available at: <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=254%EA%2F96%2D%E2%F0#Text>, Accessed on August 22, 2022.

⁸ Myroslava Antonovych, *The Rights of National Minorities in Ukraine: An Introduction*, P. Cumper and S. Wheatley (eds.), *Minority Rights in the New Europe*, Kluwer Law International, 1999, pp. 251–257.

FCMN'S PROVISIONS FOR EDUCATION IN MINORITIES LANGUAGES

The Framework Convention for the Protection of National Minorities seeks to ensure the use of national minorities' languages in education through the articles 12 and 14, the main provisions being the following:

Article 12

1. The Parties, if necessary, shall take measures in the areas of education and scientific research in order to promote studying the culture, history, language and religion of their national minorities and major part of the population.
2. In this connection, the Parties, besides, shall guarantee proper conditions for training the teachers and access to training appliances, as well as promote contacts between pupils and teachers belonging to different communities.
3. The Parties undertake to give persons belonging to national minorities' equal opportunities for access to education on all the levels.

Article 14

1. The Parties shall be obliged to recognize that every person who belongs to national minority has the right to study the language of own minority.
2. If the localities where the persons who belong to the national minorities traditionally reside or where they constitute a considerable part of population, in case of sufficient necessity the Parties try to provide, if possible and within the framework of their educational systems, for the persons who belong to these minorities, the proper conditions for teaching the language of the relevant minority or education in this language.
3. Paragraph 2 of this Article is used without prejudice to study official language or this language.

Basically the use of mother tongue for national minorities members should be granted at all levels, the government should ensure the training for teachers in minorities languages – all without hindering the use of the official language. The monitoring mechanism put into place by the Council of Europe revealed beginning with 1999 the way the Ukrainian Government understood to protect national minorities' right for education in mother tongue.

FIRST CYCLE OF MONITORING 1999–2003

Ukraine presented the general situation of its national minorities on 2 November 1999⁹. According to this report Ukraine had a comprehensive legislation

⁹ Report submitted by Ukraine pursuant to article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, Council of Europe, Strasbourg, 1999.

covering the right of national minorities to learn in their native language (Declaration of the rights of nationalities in Ukraine, and secured in the laws of Ukraine On national minorities in Ukraine, On languages in Ukraine and On education. Without specific details, the report stated that courses of local lore, history of native land, history of Hungarian, Romanian, Slovak, and Moldavian peoples are taught in schools providing general education. According to the Ukrainian report of 1999 persons who belong to national minorities have the same opportunities for access to education on all the levels as the ethnic majority has. In order to satisfy cultural/educational needs of pupils being of national minorities' origin on the base of the annual State Program of issuing literature in national minorities' languages, about 170 official editions, text-books and manuals, as well as phrase-books, were issued in 19 languages of ethnic communities. Particularly, text-books or manuals of 26 titles were issued for pupils of the 1st and 2nd forms in Polish, Romanian, German, and Hungarian. In common with the Hungarian and Romanian sides, manuals on history of Hungarian and Romanian people have been published.

The report states that the Ukrainian Government organizes and finances training of the pedagogical staff for schools where teaching is done in national minorities' languages. Such specialists are trained in 15 higher schools of the country: in the Ternopil State Pedagogical Institute at the faculty of philology – specialists on Polish language and literature; in Zakarpattia Pedagogical Institute (town of Beregove) – pedagogical staff for educational institutions where teaching is done in Hungarian, in Lviv State University named after I. Franko – teachers of Polish language; in Izmail Pedagogical Institute – teachers of Bulgarian and Moldavian languages; in Uzhhorod State University – teachers of Slovak, Hungarian and Roumanian; in Volyn State University named after Lesia Ukrainka – teachers of Polish; in Zhytomyr Pedagogical Institute – teachers of Polish; in Mariupol Humanitarian Institute – teachers of new Greek language and literature; in Cherkassy State University – teachers of Russian language and literature; in Chemivtsi State University – teachers from schools with teaching in Romanian; in Chernivtsy High Pedagogical School – specialists in Romanian; in Prykarpattia State University – specialists on Slav philology; Mukacheve Pedagogical School – teachers from elementary school and educators from pre-school institutions where teaching is done in Romanian and Hungarian.

According to the same source in 1999 in Ukraine there were 21.246 educational establishments of general education, including with Ukrainian language of teaching 16.032 (4.421.265 pupils), Russian – 2.561 (2.313.901 pupils), Romanian – 108 (27.776 pupils), Moldavian – 18 (4.509 pupils), Hungarian – 65 (21.214 pupils), Crimean-Tatar – 6 (4.071 pupils), Polish – 3 (1.109. pupils). Besides, there were 2.469 mixed educational establishments of general education, in particular 2.394 – Ukrainian – Russian, 28 – Ukrainian – Hungarian, 7 – Ukrainian – Romanian, 9 – Russian – Romanian.

The opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities published in 2002 found many issues regarding the use of national minorities' languages in education¹⁰. The main problem was that the pupils belonging to national minorities were confronted with difficulties in ensuring adequate access to textbooks for persons belonging to national minorities. Persons belonging to the Romanian minority have called for a creation of a multicultural university in the Chernivtsi (something that never happened).

The legal guarantees for persons belonging to national minorities the right to receive instruction in their language were formulated in a general fashion and the legislation at issue contained no precise numerical or other threshold that would trigger the introduction of instruction in, or of, a minority language in a school. As regards the practical implementation of Article 14 of the Framework Convention, the Advisory Committee noted that the share of the instruction in the Ukrainian language has considerably increased in recent years at all levels of education while in particular the share of the national minorities languages teaching has decreased. The Advisory Committee underlined that the reform should not result in undue limitation of the rights of persons belonging to national minorities under Article 14 of the Framework Convention, and that the above-mentioned threshold should be applied in an equitable manner in relation to all languages of persons belonging to national minorities.

On 5th February 2003 was adopted the Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, stating that:

“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”¹¹.

SECOND CYCLE OF MONITORING 2004–2011

Ukraine submitted a second report concerning the national minorities in 2006¹². After describing the structure of the education system, the report stated that the decision on the use of national minorities' languages in schools belongs to the local authorities, the decision being made based on the request from

¹⁰ Advisory Committee on the Framework Convention for the Protection of National Minorities Opinion on Ukraine adopted on 1st March 2002, Council of Europe, Strasbourg, 2002.

¹¹ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, 5 February 2003, Council of Europe, Strasbourg.

¹² Second report submitted by Ukraine pursuant to article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, 8 June 2006, Council of Europe, Strasbourg.

parents. According to this report in 2006 the number of schools using minority languages decreased sharply from 1999: Russian – 1345 schools (525 260 pupils), Moldavian – 8 schools (3 127 pupils), Romanian – 94 schools (22 365 pupils), Hungarian – 70 schools (14 823 pupils), Polish – 4 schools (943 pupils), Crimean-Tatar – 14 schools (3 472 pupils). Also the report insisted that the Ukrainian Government took all necessary steps to ensure access to text-books in minorities languages.

In 2008 the Advisory Committee on the Framework Convention for the Protection of National Minorities was concerned that the final examinations in secondary education and entrance examination to higher education institutions will have to be conducted in Ukrainian only. This reform would also apply to students who have studied in schools with minority language instruction¹³. Taking note of the efforts made by the Government of Ukraine the Advisory Committee highlighted the objections from Ukrainian authorities to the introduction of teaching in minority languages on the grounds of an alleged lack of qualified teachers. The lack of quality textbooks continued to be an issue of deep concern for several national minorities, such as the Romanians, the Moldovans and the Crimean Tatars. Textbooks for national minorities were outdated, insufficient in numbers and poorly translated from Ukrainian, a state of affairs which may contribute to decisions by parents to send their children to Ukrainian schools.

Another major problem was that no follow-up has been given by the authorities to the proposal to set up a multicultural university in the Chernivtsi; consequently Romanian students were obliged to study topics other than Romanian philology in Ukrainian exclusively. The Advisory Committee noted that, as a result of a general reform process, the share of the instruction in the Ukrainian language had considerably increased at all levels of education while the share of national minorities' languages teaching was decreasing. Another issue was that since 2003, the Ministry of Education of Ukraine has encouraged educational institutions with instruction in a minority language to introduce more subjects taught in Ukrainian.

The Advisory Committee heard disconcerting reports by representatives of national minorities suggesting that local authorities have shown a lack of support for minority language education. For example, representatives of the Romanian minority deplored the fact that an increasing number of Ukrainian classes in certain Romanian schools are being opened at the expense of the Romanian language. The Advisory Committee was concerned that such developments, coupled with the aforementioned shortage of textbooks and qualified teachers, combined with the obligation to take entrance examination to higher education in Ukrainian, can discourage parents from sending their children to educational institutions with minority languages. The obligation for the authorities to provide for the creation of a class or a school with education in a minority language, if certain objective

¹³ Advisory Committee on The Framework Convention for The Protection of National Minorities. Second Opinion on Ukraine, 30 May 2008, Council of Europe, Strasbourg.

conditions are met, was not provided for in clear terms and no effective legal remedy seems to be available against arbitrary refusals by the local authorities.

The resolution adopted in 2011 stated that the share of instruction in the Ukrainian language has continued to increase at all levels of education while, according to the assessment made by persons belonging to some national minorities, instruction in minority languages has been decreasing, at the same time the shortage of quality textbooks and qualified teachers for teaching in minority language persisted¹⁴.

THIRD CYCLE OF MONITORING 2009–2013

Ukraine answered in 2009 asserting that there were in place the necessary institutions for training teachers in national minorities' languages and that the study in native language is guaranteed by law¹⁵. The numbers for the educational institutions in minorities languages provided in 2009 by the Ukrainian Government showed a new decrease: Romanian 89 (from 94 in 2006), Moldavian 6 (from 8 in 2006), and Hungarian 66 (from 70 in 2006). The report insisted anew that the local authorities are responsible for opening classes in national minorities' languages.

In 2012 the Advisory Committee on the Framework Convention for the Protection of National Minorities noted that in what regards the quality and quantity of minority language textbooks received reports that, despite efforts taken by the authorities, provision of textbooks continues to be inadequate at all grades and particularly in secondary schools¹⁶. Also, representatives of the Romanian minority were concerned that opportunities to study in the Romanian language at the University of Chernivtsi are limited to a small Romanian philology department, where teachers of Romanian language and literature are trained. The Advisory Committee asked the Ukrainian authorities to continue their efforts to ensure that a sufficient number of adequately trained teachers is available to meet the needs of minority language institutions, including for minority language education in subjects other than language or literature.

The Advisory Committee further noted that representatives from all minority communities claim that the number of minority language schools, as well as the quality of education offered is in continuous decline, even in areas where the minority forms a significant part of the population. Another neglected concern was about the continued lack of legal certainty as regards access to education in

¹⁴ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, 30 March 2011, Council of Europe, Strasbourg.

¹⁵ Third report submitted by Ukraine pursuant to Article 25, Paragraph 1 of The Framework Convention for The Protection of National Minorities, 7 May 2009, Council of Europe, Strasbourg.

¹⁶ Advisory Committee on The Framework Convention for The Protection of National Minorities. Third Opinion on Ukraine, 22 March 2012, Council of Europe, Strasbourg.

minority languages, as there was still no precise legal framework with regard to educational rights. While the Constitution and the 1989 Law on Languages contain general guarantees relating to minority language education, the decision of whether to open a minority language class or school lies with the local authorities. In addition, the Advisory Committee was informed that there is no Romanian language instruction at all in 21 villages of Chernivtsi Oblast, inhabited mainly by Romanians, and that tendencies continue towards opening Ukrainian rather than Romanian language classes. Local authorities also continue to object the opening of Polish language classes, and Bulgarian language education continues to be limited to a few hours per week, even in areas of compact settlement of this minority. The Advisory Committee urged the authorities to provide clear legal guarantees for the right of persons belonging to national minorities to receive education in and of their language.

The resolution for the third monitoring cycle noted the same concerns as before¹⁷. The requests for Ukraine were to provide clear legal guarantees for the right to receive education in and of minority languages and regularly monitor their effective implementation; increase and diversify opportunities to study in minority languages at university level; increase efforts to provide minority language institutions with adequate supplies of quality textbooks and strengthen opportunities for the training of minority language teachers; adopt clear law provisions in order to ensure the use of minority languages for access to higher education.

FOURTH CYCLE OF MONITORING 2014–2020

Ukraine submitted a new report on the situation of national minorities in 2016¹⁸. This time, the Government in Kyiv resumed to general statements, that teachers in Ukraine are regularly trained for general educational establishments and classes with teaching in the Crimean Tatar, Hungarian, Russian, Polish, Romanian, Slovakian and Bulgarian languages. The specific numbers for institutions providing education in national minorities languages showed the same decreasing trend: for Romanian 78 (down from 89), for Moldavian 5 (down from 6) etc. The Ukrainian Government maintained its stance regarding the opening of national minorities languages schools by the local authorities and that the national legislations covered all necessities for the education in national minorities languages.

The Advisory Committee on the Framework Convention for the Protection of National Minorities from 2018¹⁹ took notice of a further decrease of the numbers of

¹⁷ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, 18 December 2013, Council of Europe, Strasbourg.

¹⁸ Fourth Report submitted by Ukraine pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities, 30 May 2016, Council of Europe, Strasbourg.

¹⁹ Advisory Committee on The Framework Convention For The Protection of National Minorities. Fourth Opinion on Ukraine, 5 March 2018, Council of Europe, Strasbourg.

schools providing education in national minorities languages (75 schools using Romanian language, 3 schools using Moldavian language). Concerns have been raised however about the limited number of places available at smaller philology departments, such the Romanian philology department at the University of Chernivtsi, which do not train enough qualified teachers in general and teachers capable of teaching subjects other than Romanian philology in particular.

The Advisory Committee recommended that the authorities introduce flexibility in the implementation of the territorial administrative reform and ensure that the availability and quality of education at minority language schools do not suffer as a result of the establishment of large hub schools and a disproportionate focus on financial efficiency. Also, the Advisory Committee calls on the authorities to increase their efforts to ensure that an adequate supply of textbooks and/or other teaching and learning materials in minority languages is available at all levels of education.

The resolution adopted in 2020²⁰ asked the Ukrainian Government to continue efforts to develop, in consultation with all relevant groups, a clear and coherent legislative and policy framework regarding the use of languages in order to provide solid legal guarantees for the protection and use of all minority languages; to introduce flexibility in the implementation of the administrative territorial reform and ensure that the availability and quality of education in minority language schools does not suffer as a result of the regionalization.

CONCLUSIONS

Beginning with the 90s the Ukrainian Government developed a mechanism aimed at imposing the Ukrainian language as the sole education language. There are some persistent characteristics of this mechanism that are worthy of a short analysis. The decision on the opening of classes/ schools in national minorities' languages is relegated to the local authorities, which in turn are encouraged to reject all calls for such classes or schools, this allows the central government to deny responsibility regarding the decrease of numbers of schools using national minorities languages. Other means to discourage the parents to enroll their children in national minorities' schools: lack of text-books in national minorities languages, final exams only in Ukrainian even that the candidate did not studied in Ukrainian, lack of teachers in national minorities languages. The legislation is maintained ambiguous and therefore the opening of classes in national minorities' languages is almost impossible.

²⁰ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine, 8 December 2020, Council of Europe, Strasbourg.

The monitoring mechanism put into motion by the Council of Europe revealed all these means of the Ukrainian Government and asked in each resolution to stop the process of hindering the education in national minorities' languages – with no result. The Ukrainian Education Law of 2017 went even further, banning virtually all education in native languages for national minorities, something that deserves a future article.

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