# Open Letter

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**Abstract:**

The document "Conception of realization of state language policy" contradicts article 22 of Constitution of Ukraine related to the linguistic rights of the minorities. This open letter represents an appeal to the Ukrainian authorities aimed to the realization of remedies concerning the important reduction of the language-related human rights of the national minorities.

The authors of this document consider that the acceptation and the realization of the restrictive policy from "Conception of realization of state language policy" can cause the appearance of an international effort that can lead to negative feelings among the citizens of Ukraine and also to a damaging effect on the international authority of Ukraine.

**Key words:** language policy, Ukraine, minorities, linguistic rights, international human rights

**To:**

*Secretary General of the Council of Europe*
Mr. Terry Davis
*UN Secretary General*
Mr. Ban Ki-Moon
*UNESCO Director General*
Mr. Koichiro Matsuura
*OSCE High Commissioner on National Minorities*
Mr. Knut Vollebaek
*Chair of the Bureau of the European Commission against Racism and Intolerance*
Ms. Eva SMITH ASMUSSEN
*Chair of the Committee of Experts of the European Charter for Regional or Minority Languages*
Mr. Stefan Oeter

## As for project of Conception of realization of state language policy

Due to informational material which is on: web page of Cabinet of Ministers of Ukraine (http://www.kmu.gov.ua/control/publish/article?art id= 128235384), the Government of Ukraine 23.04.2008 approved as the main project of Conception of realization of state language policy (at further Conception).

As for it, we - leaderships of civil organizations that national minorities which are contemporary language minorities of Ukraine, we consider as important to pay Your attention at a lot of misunderstandings and also violations of Constitution and other acts of legislation of Ukraine and international obligations of our state which are closely connected with the preparation of this document and his content.

The first, the Project of this important government document was prepared without representatives of language minorities. The representatives were not informed about procedure of preparation of this document, and also they were not invited to discuss the preparation of final text that was approved as a fundamental element of project of Conception. Such behavior of the Government of Ukraine (or his structure) is not only violation of general form of communication of governmental structures with non-governmental organizations in the democratic society and also violation of 15 article of List Convention about defense of national minorities and the 4th part of article 7 of European Charter of regional languages or languages of minorities (as for effective participation of persons which take to the national minorities in state cases, besides that they carry in).

That's why we consider as important to note that such behavior of Government of Ukraine (or his structures) is not single case. For instance, the same without the participation of the most interested in,

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namely representatives of national minorities, the Minister of education and science gave the order from 25.05.2008 number 461 "about affirmation of branch Programme of improvement of learning of Ukrainian language in the general education schools with studying languages of national minorities on 2008-2011" in accordance with it these educational establishments in fact are transformed into two-languages (the language of some minority-Ukrainian language) establishments.

The second, inexplicity, humiliating and discriminative for the representatives of national minorities and not Ukrainian citizens juridical incorrect using of terms and separate thesis of the document which wonder and positively prohibition. In the first chapter of charter "Modern situation and determination of problems, which are solving due to Conception" the term "Ukrainian nation" Contemporary used as in ethnic and also in civil meaning, moreover the term "Ukrainian nation" is used in its ethnic meaning. According to the text of this paragraph historically on the territory of Ukraine live only ethnic Ukrainians and only they are basic system creating fundamental part of Ukrainian state and Ukrainian nation. In the second charter is noted existence of political speculations and separate movements in the language situation during using of state language. Namely, non Ukrainian citizens are potential political speculators and separatists, which taking into consideration the thinking of authors of document put under the threat sovereignty of the state and conduct to the slow disappearance of Ukrainian nation. Such and the same statements contradict not only Constitution of Ukraine and legislation of Ukraine, also healthy thinking.

The third, if only in the second charter of document fair constant that, "In Ukraine is the process of functional degradation of languages of national minorities, but at further in the document except one general phase" improving development of languages of national minorities" we can't find any statements to correct this situation.

The fourth, the text of Conception consists of some misunderstandings, which reflect the situation not into profit of minorities. Conception confirms, that "according to the legislation in the official communication with the state language can be used languages of the national minorities in that places where such representatives of language are the most of people". That isn't correct and partly citation of terms of Law of Ukrainian SSR "About languages in Ukrainian SSR". Incorrect, because in the text of article 3 of this law is about "places of living of citizens of other nationalities…" and isn't full because Conception doesn't pay attention at other statements of Law by which foreknow wide human rights of using their native language (although items of article 5-9 of law). Besides, outside of author attention of conceptions were principles and items of List convention about defense of national minorities of European Council and European Charter of regional languages or languages of minorities. According to these documents the criteria of existence of rights of communication with administrative powers is not "minority" and "traditional living" or "their numerous quantity" (part 2 of article 10 of List convention) and "some quantity of persons, that justify providing of different protective and incentives remedies" (item 6) article 1 of Chapter.

As for irrelevances of the text it is also important reducing in some times quantity (in percents) of citizens of Ukraine which use not Ukrainian or not Russian languages in family communication. Thus, in Convention is maintained that "only 0,2% is representatives of national minorities, which speak native language in the family". Due to census of people in 2001 Hungarian community in Ukraine is more than 0.3 % of the population of the country, and Romanian speaking community in Ukraine (persons which are declared themselves Romanians and Moldavian) is about 1% of population of country and more then 90% representatives of these minorities in Chernivetska and Zakarpatska regions use most of time language of their nationality in the communication.

The fifth, taking into account that in analyze and establishing parts of project of Conception hasn't any critic of current legislation, document plans "to implement legislation about languages in accordance with Constitution of Ukraine" and "to implement Law of Ukraine about Ratification of European Charter of regional languages of minorities" in accordance with requests of Charter in authentic reduction". It's difficult to understand – where is "not corresponding" and where is hide "not authentic" of reduction of Charter?

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The last, generally, there is misunderstanding the aim and correct acceptation of this Convention. As language sphere is one of the most regulative sphere in details of common relations in our state. The language rights in Ukraine are guaranteed by Constitution and determined by special law, and also by a lot of branch (education, culture, self-government) laws, items of which are proved by current international treatments of Ukraine.

Cabinet of Ministry must rule by already mentioned documents and provide their observance and realization, and don't give their incorrect of point of legal interpretation in the form of misunderstanding conception. Moreover, application of language in Ukraine is determinate by law (part 5 of article of Constitution of Ukraine), but not by different conceptions.

Taking into account the mentioned information we consider that confirmed as the base project of Conception of realization of state language policy by Cabinet of Ministry contradict to Constitution and other legislative acts and also international treatments of Ukraine. This document contradicts article 22 of Constitution of Ukraine and aimed on realization of remedies which importantly reduce of language human rights of national minorities, acceptation and realization of which can cause to the appearance of international effort, that can reflect at feelings of citizens of Ukraine negatively and also at international authority of our state.

Whereas the statement of Project Conception realization of state's language policy contradicts to articles 22 and 24 of Constitution as a main Law of Ukraine, and international human rights law, we ask you **to attract attention of the Government of Ukraine and the President of Ukraine** to stop action of this Conception project, abolish it and also cross it from the register at further.

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