

СУЧАСНА СИСТЕМА МІЖНАРОДНОГО ПРАВА

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THE COUNCIL OF EUROPE LANGUAGE STANDARDS PROTECTION OF MINORITY LANGUAGES AND THEIR SIGNIFICANCE FOR UKRAINE

СТАНДАРТИ РАДИ ЄВРОПИ ЗАХИСТУ МОВ МЕНШИН ТА ЇХ ЗНАЧЕННЯ ДЛЯ УКРАЇНИ

СТАНДАРТЫ СОВЕТА ЕВРОПЫ ЗАЩИТЫ ЯЗЫКОВ МЕНЬШИНСТВ И ИХ ЗНАЧЕНИЕ ДЛЯ УКРАИНЫ

Vsevolod Mitsik

Doctor of Juridical Science, Professor, Head of the Department of International Law, Institute of International Relations, Taras Shevchenko National University of Kyiv, Member of the Committee of Experts of the Framework Convention for the Protection of National Minorities (1998-2004), Member of the Committee of Experts of the European Charter for Regional or Minority Languages (2007-2019). E-mail: mitsik56@gmail.com

Всеволод Мицик

Доктор юридичних наук, професор, завідувач кафедри міжнародного права Інституту міжнародних відносин Київського національного університету імені Тараса Шевченка, член Комітету експертів Рамкової конвенції про захист національних меншин (1998-2004), член Комітету експертів Європейської хартії регіональних мов або мов меншин (2007-2019). E-mail: mitsik56@gmail.com

Всеволод Мицык

Доктор юридических наук, профессор, заведующий кафедрой международного права Института международных отношений Киевского национального университета имени Тараса Шевченко, член Комитета экспертов Рамочной конвенции о защите национальных меньшинств (1998-2004), член комитета экспертов Европейской хартии региональных языков или языков меньшинств (2007-2019). E-mail: mitsik56@gmail.com

Abstract. *As for most countries of the world, the problem of preservation and protection of regional or minority languages is relevant for modern Ukraine. It should be noted that there are no universal special international legal instruments on this issue. Today, European states under the leadership of the Council of Europe have achieved more significant results in this area. The main purpose of its work on this subject is to preserve and protect regional or minority languages in Europe as an integral part of Europe's cultural heritage. Analysing the legal situation with minority languages in Ukraine and the remarks of the monitoring bodies of the Council of Europe on this issue, we note that there is an urgent need to direct national lawmaking to improve national legislation and eliminate shortcomings and inconsistencies with European international legal standards in this area. The article examines the issues of cooperation between Ukraine and the Council of Europe on the protection and promotion of historical regional or minority languages, which contributes to the development of cultural wealth and traditions of Europe. The author examines the purpose of the adoption of the European Charter for Regional or Minority Languages, its main provisions, and the particularities of the object of application. The reform of the monitoring mechanism of the Charter dated July 1, 2019 is analyzed. Special attention is paid to the application by Ukraine of the European Charter for Regional or Minority Languages and the problematic issues of its implementation.*

Key words: *The Council of Europe, Ukraine, regional or minority languages, language rights, language standards, multinational and multilingual population.*

Анотація. Як і для більшості країн світу, проблема захисту і збереження регіональних мов або мов меншин актуальна і для сучасної України. Необхідно зазначити, що універсальні спеціальні міжнародно-правові документи з цього питання відсутні. Більші суттєвих результатів у цій царині досягли сьогодні європейські держави під егідою Ради Європи. Головна мета її діяльності з цієї проблеми полягає у збереженні й захисті регіональних мов або мов меншин в Європі як невід'ємної складової європейської культурної спадщини. Аналізуючи правове становище стосовно збереження і захисту мов меншин в Україні і зауваження моніторингових органів Ради Європи з цього питання відзначаємо, що існує нагальна необхідність спрямувати національну правотворчість на вдосконалення національного законодавства й усунення недоліків та невідповідностей щодо європейських міжнародно-правових стандартів у цій царині. У статті розглядаються питання співпраці між Україною та Радою Європи щодо захисту та популяризації історичних регіональних мов чи мов меншин, що сприяє розвитку культурних багатств та традицій Європи. Автор розглядає мету ухвалення Європейської хартії регіональних мов або мов меншин, її основні положення та особливості об'єкта застосування. Проаналізовано реформу механізму моніторингу Хартії від 1 липня 2019 року. Особлива увага приділяється застосуванню Україною Європейської хартії регіональних мов або мов меншин та проблемним питанням її імплементації.

Ключові слова: Рада Європи, Україна, регіональні мови або мови меншин, мовні права, мовні стандарти, багатонаціональне та багатомовне населення.

Аннотация. Как и для большинства стран мира, проблема сохранения и защиты региональных языков или языков меньшинств актуальна и для современной Украины. Необходимо отметить, что универсальные специальные международно-правовые документы по этому вопросу отсутствуют. Более существенных результатов в этой области сегодня достигли Европейские государства под эгидой Совета Европы. Основная цель деятельности этой международной организации в данной сфере заключается в сохранении и защите региональных языков или языков меньшинств в Европе как неотъемлемой составляющей европейского культурного наследия. Анализируя правовое положение языковых меньшинств в Украине и замечания мониторинговых органов Совета Европы по этому вопросу отмечаем, что существует настоятельная необходимость направить национальное правотворчество на совершенствование украинского законодательства и устранения недостатков и несоответствий относительно европейских международно-правовых стандартов. В статье рассматриваются вопросы сотрудничества Украины и Совета Европы в защите и популяризации исторических региональных языков или языков меньшинств, что способствует развитию культурного богатства и традиций Европы. Автор рассматривает цель принятия Европейской хартии региональных языков или языков меньшинств, ее основные положения и особенности объекта применения. Проанализирована реформа механизма мониторинга Хартии от 1 июля 2019 года. Особое внимание уделяется применению Украиной Европейской хартии региональных языков или языков меньшинств и проблемным вопросам ее имплементации.

Ключевые слова: Совет Европы, Украина, региональные языки или языки меньшинств, языковые права, языковые стандарты, многонациональное и многоязычное население.

Introduction. In accordance with art. 15 of the European Charter for Regional or Minority Languages, its Parties (25 countries) shall submit to the Secretary General of the Council of Europe periodically reports on their policies pursuant to Part II of this Charter (objectives and principles) and on the measures to promote the use of regional or minority languages of Part III (education,

judicial authorities, administrative bodies and government services, mass media, economic and social life, etc.), which they undertake to apply. The main goal of it is to maintain and to develop the Europe's cultural traditions and heritage, and on the other, to respect an inalienable and commonly recognised right to use a regional or minority language in private and public life. Ukraine as a state party participates in this process also. The monitoring bodies of the Council of Europe create the conditions to monitor the implementation and facilitate the fulfilment of the obligations of the Parties. Enforcement of the Charter is under control of a Committee of experts which examines reports presented by the Parties. The analysis and recommendations of this body are the basis for the necessary Recommendations by the Committee of Ministers to the Parties. This is the purpose of the Recommendations of the Committee of Ministers of the Council of Europe on the application of the European Charter for Regional or Minority Languages by Ukraine.

The purpose of research. The purpose of this article is to analyze the application by Ukraine of the European Charter for Regional or Minority Languages and the problematic issues of its implementation.

Recent literature review. In recent years, Ukrainian scientists have been paying significant attention to the functioning of the Ukrainian language as a state language, the linguistic rights of national minorities, the situation with national minorities in Ukraine in general. However, with rare exceptions, attention is paid to the analysis of the problem of the formation of European language standards for the linguistic minorities and their importance for Ukraine. The latest publications on the proposed topic include research problems of Implementation of the European Charter for Regional or Minority Languages by Ukraine [Tatiana Kovalova, 2018]. V. Mitsik studies the European system of protection of the rights of linguistic minorities [V. Mitsik, 2020].

Research results. The Council of Europe was established on 5 May 1949. According to the Statute, the aim of its activities is "to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress" (Statute, art. 1). The main task of the Council of Europe is to coordinate the laws of the member states to ensure the rules of liberal democracy, which are set out in the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. In addition to traditional civil and political human rights, the Council of Europe has a mandate to promote the preservation and protection of the right to use regional or minority languages.

The Council of Europe (CoE) consists of 47 states. Ukraine became a member of the Council of Europe on 9 November 1995. According to the Charter of the Council of Europe, the country is represented in all three main bodies of the Organisation: the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities.

One of the main fields of Ukraine's cooperation with the Council of Europe today is the implementation of national legislation in accordance with its standards based on the principles of the rule of law and the whole spectrum of human rights protection. Ukraine, as a full member of this largest European intergovernmental organisation, plays an important role in its activities. In turn, the Council of Europe in numerous decisions of its main bodies - the Committee of Ministers, the Parliamentary Assembly of the Council of Europe, the European Court of Human Rights, as well as in the relevant conclusions of the Venice Commission consistently upholds territorial integrity, sovereignty and independence of Ukraine and provides practical assistance in the process of implementing democratic reforms. This is stated in numerous Decisions of the Council of Europe in support of the territorial integrity and independence of Ukraine. And, for example, in the recent announcement that the European Court of Human Rights partially accepts Ukraine's complaint against Russia on human rights violations in Crimea of 14 January 2021

One of the most important aspects of Ukraine's cooperation, which is home to about 120 nationalities, with the Council of Europe is the protection and promotion of regional or minority languages.

What is the significance of the European Charter for Regional or Minority languages for Ukraine?

This topic is actually relevant, due to many factors. Firstly, today the problem of protection of regional or minority languages is relevant both for Ukraine and for most countries in the world, which due to various objective factors formed a multinational and multilingual population. Scientists estimate that there are more than 6,000 "living languages" in the world today, but experts believe that if no active action is taken, half of them will have disappeared by the end of this century.

During the history of mankind, more than 9,000 languages became "dead", with about 250 of which disappeared in the last 70 years. Even the languages of the once powerful states have disappeared, for example, ancient Greek, Aramaic, Latin, Sanskrit, Assyrian, ancient Russian, ancient Persian. According to UNESCO, the languages that have recently disappeared include: Manks (residents of the Isle of Man), which disappeared in 1974, Asa (Aasá) in Tanzania - disappeared in 1976, Ubykh (Turkey) - disappeared in 1992, Eyak (Alaska, USA) - disappeared in 2008 and many others.

According to the experts, a language can exist and develop successfully if at least 1 million people speak it. There are no more than 250 of them in the world. Since less than 100,000 people, each speak 90% of today's languages, the prospect of their survival is considered problematic. The Atlas of the World's Languages in Danger, which has been published periodically by UNESCO since 2001, states that 50 European languages are, inter alia, on the verge of extinction. Due to the level of threat to their viability, languages in the Atlas are divided into five categories, according to which languages can be in a state: instability, danger, serious danger, critical situation and complete disappearance [Moseley, Christopher (ed.), 2010].

Secondly, with regard to modern Ukraine, the problem of language rights is one of the most pressing and is hotly debated among experts, politicians, lawyers as well as among all segments of the population. According to the State Statistics Service of Ukraine as of 1 January 2021, the current population of Ukraine, excluding the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, was 41.6 million [Population, 2021], of which almost 9 million were of other than Ukrainian nationalities. For reference, the population of countries such as Hungary, the Czech Republic or Sweden is about 10 million people each. The largest ethnic groups in Ukraine numbering more than 100,000 are: Russians, Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles, Jews. According to the latest All-Ukrainian census, unfortunately, in 2001, representatives of 120 nationalities lived in Ukraine. This situation has historically led to multilingualism in the country, which requires clear legal settlement.

Legislation of Ukraine on languages consists of the provisions of the Constitution of Ukraine of 1996 [Constitution, art. 10, 11, 22, 53, 119], the Declaration of the Rights of Nationalities of Ukraine of 1991, Laws of Ukraine "On National Minorities in Ukraine" of 1992, "On Ensuring the Functioning of the Ukrainian Language as the State Language" of 2019, "On Ratification of the European Charter for Regional or Minority Languages" of 2003, "On Ratification of the Council of Europe Framework Convention on National Minorities" of 1997, and other sectoral laws of Ukraine related to language issues as well as the following international agreements: the Framework Convention for the Protection of National Minorities of 1995 and the European Charter for Regional or Minority Languages of 1992, which have, after ratification, become apart of national legislation in accordance with the Constitution of Ukraine.

For the first time the European Charter for Regional or Minority Languages (ECRML) was ratified by the Law of Ukraine No. 1350-XIV of 24 December 1999 "On Ratification of the European Charter for Regional or Minority Languages, 1992" with many reservations. The Law expired due to its recognition as unconstitutional in accordance with the decision of the

Constitutional Court of Ukraine No. 9-рп /2000 of 12 July 2000. The Law of Ukraine No. 802-IV of 15 May 2003 "On Ratification of the European Charter for Regional or Minority Languages" entered into force on 1 January 2006 ratified the Charter for the second time. In the Ukrainian context, it is the languages of national minorities, which have been erroneously defined, not regional or minority languages under the Charter. Paragraph 2 of the Law emphasises that "the provisions of the Charter apply to the languages of the following national minorities of Ukraine: Belarusian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian" [Law of Ukraine, 2003].

Particular attention is drawn to the heated disputes and often incompetent or erroneous opinions that appear daily in the media (newspapers, television, Internet, etc.) focused on the lately adopted in this area Law of Ukraine No. 2704-VIII of 25 April 2019 "On Ensuring the Functioning of the Ukrainian Language as the State Language". Experts and the public are particularly concerned about whether such a law is needed, whether the law is in line with Ukraine's international obligations, and whether this law addresses national language interests.

The answer to the first question is positive, because until recently the Law of Ukraine "On the Principles of State Language Policy" of 7 July 2012 remained in force (expired on 28 February 2018). The Law was primarily based on political preferences to protect the Russian language, rather than equal protection of all existing minority languages in the state. Numerous articles devoted to the Russian language only prove this. Despite the fact that the Russian language has been thoroughly protected and has had legal and de facto priority over the languages of other minorities, Russia, some Russian-speaking citizens and politicians have turned the "language war" into an armed war: the slogan "protection of the Russian-speaking population" is used by Russia as a pretext and justification for the occupation of certain territories in Eastern Ukraine and Crimea.

The Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language" is positive and meaningful. However, changes in the country and international obligations require additional new approaches to the problem and immediate settlement of the language issue in Ukraine, not only the official language.

For example, the issue of providing secondary education in the relevant minority languages is problematic in the current legislation. We should note that the Law of Ukraine "On Ratification of the European Charter for Regional or Minority Languages" establishes in Article 4 (a) the obligation that the following paragraphs and sub-paragraphs of Articles 8 to 14 of Part III of the Charter, in particular sub-paragraph "b (iv)", shall apply to each language to which the provisions of the Charter apply in accordance with Article 2 of this Law Article 8 "Education". Under Article 8 (b) (iv) of the ECRML, Ukraine has undertaken to provide, in particular, a quotation for possible analysis by the reader goes as follows: "1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State: (c) (i) to make available secondary education in the relevant regional or minority languages; or (ii) to make available a substantial part of secondary education in the relevant regional or minority languages; or (iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or (iv) to apply one of the measures provided for under (i) to (iii) above, at least to those pupils who, or where appropriate, whose families, so wish in a number considered sufficient".

However, if we compare this international obligation with the content of Article 7 "Language of Education" of the Law of Ukraine "On Education" of 2017, paragraph 1 thereof provides for, in particular, that persons belonging to national minorities of Ukraine are guaranteed the right to study in communal educational institutions for pre-school and primary education, along with the state language, in the language of their national minorities. Persons belonging to indigenous peoples, national minorities of Ukraine, are guaranteed the right to learn their languages in communal institutions of general secondary education or through national cultural societies.

The obvious significant difference between the ECRML obligations is to provide some opportunity for secondary education and provide for the teaching of relevant minority languages

within the secondary education system as part of the curriculum and the provision of the said law of Ukraine, which guarantees the right to learn the language of the respective national minority in communal institutions of general secondary education.

The foreign ministers of Hungary, Bulgaria, Romania and Greece in their letter to their Ukrainian counterpart Pavel Klimkin expressed their concern under the new Law of Ukraine on Education. Hungary has appealed to the United Nations to consider the Law on Education passed by Ukraine, arguing that the law violates the right of national minorities to use their language. Ukraine has its own arguments in accordance with the mandatory requirement to get education in the state language. According to the official statistics of the Ukrainian Centre for Educational Quality Assessment, in 2016 more than 36% of graduates of the Zakarpattia region passed an external independent test in the Ukrainian language with a score of 1 to 3 on a scale of 12 points. These results mean that a third of graduates do not have the opportunity to apply to higher education institutions, as the successful completion of the Independent External Evaluation in the Ukrainian language is a mandatory requirement for admission to higher education [Tatiana Kovalova, 2018:41].

It is an indisputable fact that the language issue has become the object of political bargaining, especially during the election campaign, becoming a means of manipulation. The vast majority of people unfamiliar with the provisions of the Charter easily believe in the promises of the "fathers of politics", who can not but know the essence of the document, however, deliberately use the situation distorting its basic provisions.

The main purpose and provisions of the ECRML

First of all, it is important to define the main goal of the ECRML. The Preamble and the Explanatory Report to the Charter state that the Charter is aimed at protecting regional or minority languages and promoting their development. However, this provision does not apply to linguistic minorities, especially national minorities. The Charter does not establish any individual or collective rights for national minorities. These terms are not used in the Charter. The Parties carry out their policies, legislative and practical activities in relation to regional or minority languages, in the territories where such languages are used [V. Mitsik, 2020]. The main purpose of the Charter is cultural development. "The Charter is designed to protect and promote regional or minority languages as a threatened aspect of Europe's cultural heritage. For this reason, it not only contains a non-discrimination clause concerning the use of these languages but also provides for measures offering active support for them. The aim of the Charter is also, as far as reasonably possible, the use of regional or minority languages in education and the media and to permit their use in judicial and administrative settings, economic and social life and in cultural activities. Only in this way can such languages be compensated, where necessary, for unfavourable conditions in the past and be preserved and developed as a living facet of Europe's cultural identity". The specific scope of the document is worth mentioning: "The Charter is designed to protect and promote regional or minority languages as a threatened aspect of Europe's cultural heritage", "The aim of the Charter is also, as far as reasonably possible, the use of regional or minority languages...", "in this way can such languages be compensated, where necessary, for unfavourable conditions in the past and be preserved and developed as a living facet of Europe's cultural identity"[Explanatory Report, par. 10].

This is how most States Parties perceive these provisions. In Norway, for example, the Sami language (four variations) and the Kven language (which is indeed in critical condition) are recognised as such languages. Sami, Finnish, Meänkieli (Tornedalen Finnish) are the recognised minority languages in Sweden; Welsh, Scottish Gaelic, Irish - in Great Britain. However, given the provisions of par. 21 of the Explanatory Report, which emphasises that the Charter does not specify which European languages correspond to the concept of "regional or minority languages", the list of regional or minority languages remains largely the discretion of each Party. There are countries that pay attention to languages that are in critical condition, as well as recognise the languages of

neighbouring countries, which obviously are not threatened with extinction, at least in the near future.

For example, Poland has recognised Karaite, Lem, Kashubian, Yiddish, Hebrew, Tatar, Armenian, as well as German, Ukrainian, Belarusian, Czech, Romanian, Lithuanian, Slovak, and Russian as minority languages. However, the only official language of Poland, according to the Constitution, is Polish (Chapter I, Article 27). Croatia has recognised: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian. The Czech Republic declared, in conformity with the Charter, that it regarded Slovak, Polish, German and Romani as the minority languages. The Slovak Republic declared, in conformity with the Charter, that the "regional or minority languages" are: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romany, Ruthenian and Ukrainian. Interestingly, the Committee of Experts of the Charter and the Committee of Ministers of the Council of Europe do not object, rather encourage such a widespread approach to the recognition of minority languages, which are not in a critical state but are traditionally spoken in the country.

The issue is resolved in Ukraine in the same way. However, in the Law of Ukraine "On Ratification of the European Charter for Regional or Minority Languages" the provisions of the Charter apply to the languages of the following 13 national minorities (not minority languages as stated in the Charter) of Ukraine: Belarusian, Bulgarian, Gagauz, Greek, probably Yiddish), Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian. It is obvious that among the 13 mentioned languages in Ukraine, three minority languages are really endangered for the cultural heritage of Europe - Ruthenian, Karaite and Crimean. It is interesting to note that according to the provisions of Article 1 of the Charter, Romani and Yiddish refer to "non-territorial languages", "which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof". This is how these languages are defined in most European countries.

Another document of the Council of Europe is devoted to the rights of minorities - the Framework Convention for the Protection of National Minorities, which is often referred to together with the European Charter. These documents are actually interrelated and complementary. However, the former regulates language issues concerning national minorities. For example, paragraph 1, Article 10 of the Framework Convention emphasises that "The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing". However, paragraph 2 thereof stipulates that "In areas inhabited by persons belonging to national minorities traditionally or substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities"[Framework Convention, 1975].

The Convention, as we have determined, regulates the issues of linguistic minorities ("use of the language of the relevant minority"), not national ones, to which a group of persons of different nationalities may belong, but its number is smaller than the population of such an area, which uses the language of the majority.

What is the difference between "regional" and "minority" languages?

For the purposes of the Charter, Article 1 thereof defines the term "regional or minority languages" as "languages that are: (i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and (ii) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants".

It should be noted that the Charter does not have separate definitions of "regional language" and "minority language", which rises ongoing discussions and authors suggestions for the interpretation of the phrase "regional or minority languages" with regard to the content of the document. The authors of the Charter, in our opinion, predicted such a situation and laid down their position in the section "Terminology used" of the Explanatory Report. The adjective "regional"

denotes languages spoken in a limited part of the country, where they may also be spoken by the majority of citizens.

The term "minority" refers to situations in which either the language is spoken by persons who are not concentrated on a specific part of the territory of a State, or it is spoken by a group of persons, which, though concentrated on part of the territory of the State, is numerically smaller than the population of this region. Therefore, both adjectives refer to factual criteria and not to legal notions and in any case relate to the situation in a given State (for instance, a minority language in one State may be a majority language in another State).

It is clear that the Charter is primarily aimed at protecting regional languages. In practice, States Parties most often recognise and protect minority languages in their declarations and periodical national reports, and only occasionally recognise regional languages.

Monitoring mechanism under the Charter and its reform of 1 July 2019

(The reform of the monitoring mechanism of the European Charter for Regional or Minority Languages, adopted on 28 November 2018 by the Ministers' Deputies, with a view to strengthening it, entered into force on 1 July 2019).

The issues of monitoring mechanism functioning within the framework of the Charter are regulated by Article 16 "Examination of reports" and Article 17 "Committee of experts". It can be briefly explained as follows. State Reports containing information on the implementation of the ECRML obligations shall be submitted to the Secretary General of the Council of Europe in accordance with Article 15 and shall be considered by the Committee of Experts established under Article 17. The Committee of Experts shall be composed of one member per Party. The members of the Committee shall be appointed by the Committee of Ministers from a list of individuals of high integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned. Members of the Committee shall be appointed for a period of 6 years and shall be eligible for reappointed.

On the basis of these reports and the information received by the Committee of Experts, the Committee shall prepare a report for the Committee of Ministers. This Report shall, inter alia, contain the proposals of the Committee of Experts to the Committee of Ministers for the preparation of the necessary recommendations to one or more of the Parties. The Committee of Ministers shall, by unanimous vote, adopt such recommendations as binding upon the Parties. The Secretary General of the Council of Europe shall submit to the Parliamentary Assembly a detailed biennial report on the application of the Charter. The effectiveness of the Committee of Experts largely depends on the fact that its reports on the implementation of each article and paragraph of the European Charter by each State Party become public to other Parties to the Charter, and especially to representatives and users of their linguistic minorities whose rights are protected.

The reform of the ECRML monitoring mechanism is due to the fact, that it is a living organism that must respond to the changes that have taken place during 27 years of its existence. It consists of the following measures:

- to adjust the monitoring cycle of the Charter by extending the report cycle to five years instead of the current three years and introducing mid-term state performance reports, thereby allowing States Parties to spend more time implementing and reporting on the Charter and bringing the cycles under the Charter and Framework Convention closer together, enhancing efficiency of their implementation, whilst following up on the recommendations for immediate action from the previous evaluation report on the assessment of the situation with their implementation in each five-year cycle;
- to allow the Committee of Experts to prepare and submit its report (report on the evaluation of the situation with the implementation of the Charter by the Party) and carry out on-the-spot visits to the country by the Committee of Ministers without receiving a subsequent periodical, cyclical report (some countries delay their reports for several months to several years), violating the reporting

obligations of the states, disorganising the monitoring activities of the Committee of Experts and the Committee of Ministers of the Council of Europe;

- to enhance the accuracy of the CoE's evaluation reports through a dialogue with the State Party within a strict timeframe so as not to hinder the relevance (for a subsequent period of 5 years) of evaluation reports by the Committee of Experts by delaying their publication; States to fulfil their obligations to allow the publication of the Evaluation Report of the Committee of Experts as soon as the State Party receives final comments on it, and not after the Committee of Ministers recommendations, which are delayed by CoE member states for some political reasons (For example, for almost three years, Russia and Hungary did not agree on the adoption of positive recommendations of the Council of Ministers of the Council of Europe on the implementation of obligations under the Charter of Ukraine. Such a change makes it possible to disseminate the conclusions of the Committee of Experts more quickly and to strengthen their expert analysis, followed by the Political Recommendations of the Committee of Ministers of the Council of Europe);

- to increase member turnover in the Committee of Experts by setting a limit to the number of times a member can be appointed, in line with other monitoring bodies of the Council of Europe (it means no more than two consecutive terms) [Strengthening the monitoring mechanism, 2019].

Each of these reforming measures has numerous benefits for the application of the ECRML. The reform of this system should make the ECRML more transparent, more open to the public and especially to groups interested in the existence of regional or minority languages protected by the Charter.

Similarly, allowing the Committee of Experts to begin its evaluation without a subsequent periodical report by the State provides for fewer violations in the Charter's monitoring cycles. Moreover, no country will delay several years with the subsequent report after the new five-year cycle, which in itself will allow more time for states to implement domestic policies to protect regional or minority languages and to report on any new policies in this area.

It should also promote cooperation within the CoE through bringing the Charter and the Framework Convention closer together which, in turn, provides a detailed picture of minority languages and the language rights of national minorities in Europe every five years. This proposal will also make periodical reporting more practical for States Parties to both the Charter and the Framework Convention.

Conclusions

For more than 70 years of its existence, the Council of Europe has become a recognised leader in the formation and development of ideas and principles of democracy, the rule of law and human rights. It is well known that today the CoE remains the main source of standards for European countries in the area of fundamental human rights and freedoms. Standards that are enshrined primarily in its legally binding conventions, not only in political declarations or decisions, are therefore binding upon the authorities of countries that have ratified them.

States becoming members of this international organisation must recognise the following three basic principles: the principle of the rule of law, the principle of democratic pluralism and the principle of protection of human rights and fundamental freedoms. To meet these conditions, states need to ratify at least fundamental international legal instruments adopted within the Council of Europe, including the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. These unique in international law European conventions provide for protection of the regional or minority languages and the language rights of persons belonging to national minorities at the European regional level.

Ukraine ratified the ECRML on 15 May 2003 and the FCNM on 9 December 1997. Ukraine is consistently improving its national regulatory framework to regulate the protection of regional or minority languages and to bring national legislation into line with its international obligations in this area. However, today in Ukraine there are issues in this area that require an effective and urgent solution.

An important basis for resolving these issues is certainly the activities of the Council of Europe in addressing protection of regional or minority languages to strengthen democracy, justice and stability as well as peace in Europe, the development of international cooperation in this important field of human rights.

This is the purpose of the Recommendations of the Committee of Ministers of the Council of Europe to States Parties on the application of the European Charter for Regional or Minority Languages by Ukraine. With regard to the legislative framework applicable before the adoption of the new Law on Education evaluated in the third periodical report it is recommended that Ukraine should take into account all the observations and recommendations of the Committee of Experts and, as a priority:

1. adopt, for each language, a structured approach to the implementation of the undertakings under the Charter in co-operation with the respective speakers;
2. develop and implement, for each Part III language, a comprehensive policy for teaching the languages at all levels of education;
3. extend and strengthen the offer of radio and television broadcasts in the Part III languages;
4. ensure that the Part III languages can be used in practice in the field of administration;
5. promote the adoption and use of traditional and correct forms of place names in the minority languages;
6. secure long-term financial support for cultural facilities in order to provide stability for cultural activities in minority languages;
7. take resolute action to promote Romani in order to safeguard it [Recommendation CM/RecChL(2018)6].

The issue of lawmaking in this area is relevant and necessary. The civilized society must solve it properly, taking into account international standards, state interests and language needs and rights of the population of Ukraine. These factors must be taken into account when developing and adopting the Law on official language policy, Law on state language as well as the Law on languages in Ukraine.

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