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„Everyday Language Rights as a Reflection of Official Language Policies in Canada and Ukraine (1960s – present)“

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Abstract
1. Introduction

The word distinguishes a man from an animal; language distinguishes one nation from another.
Jean-Jacques Rousseau

The tie of language is, perhaps, the strongest and most durable that can unite mankind.
Alexis de Tocqueville

The development of the modern international society is notable for far-reaching processes of social communication and cultural exchange. However, the sociologists point out the ongoing simultaneous revival of socioeconomic communities. In other words, side by side with the tendency of globalization of the world, manifests itself the tendency of preservation of the cultural, and, first of all, linguistic roots of modern communities. The language panorama of the modern world does not refer to the mosaic of three or five languages. The geography of languages, geography of the peoples of the world and political map of the world are closely interwoven. Intensive and long-lasting contacts of the peoples result in bilingualism. Besides, bilingual situations become dominant in the societies of the modern type, being widespread in both former colonies and developing societies.

While multilingualism indeed facilitates international cooperation and integration, it does not always have a positive impact on linguistic diversity. Inequality of the status of different languages, their position in the global economy correspond into diversity of language issues. It is hard to believe that as few as 4 per cent of the world population speak as much as 96 per cent of the languages. Every two weeks a language disappears. Fragile linguistic diversity is drying out at an alarming rate. The experts forecast that by 2100 nearly half of the 6000 spoken today may have been gone.1 Although these issues are not objects of this paper, they will be touched upon to a limited extent. Despite all the threats and challenges, French in Canada and Ukrainian in Ukraine are generally not endangered, at least comparably to the aforementioned 4 per cent of the least commonly spoken languages which are indeed at risk.

This paper, while providing theoretical and historical overview on the relevant related topics, shall have as its priority to analyze comparatively the state of language rights in Canada and Ukraine. To achieve this goal it shall outline the development of official language policies in Canada and Ukraine since the Quiet Revolution in Québec and Perestroika in the Soviet Union, trace the development of de jure, as in the case of Canada, and de facto, as in the case of Ukraine, bilingualism. Afterwards it shall study the

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1 "The surprising resilience of a minority language". The Economist. 25 January 2014.
state of language rights the people of Canada and Ukraine enjoy in their daily lives in the services sector, both private and public, failures of the language policies in the aforementioned fields, breaches of the everyday language rights, struggle of the French-speaking and Ukrainian-speaking communities for their free exercise. The underlining idea is that language policies do not necessarily reflect the real language situation, but the complaints submitted to the authorities, public discourse, civic activism on language rights do or at least are more likely to show the real state of affairs.

The first incentive to write the paper on this particular topic is that the language has always been and remains one of the main elements of the culture. To lose a language means to lose the whole unique culture. To violate one's language rights is often equivalent to inflicting damage on one's soul, on one's very personality. The proper protection of language rights, especially those which people use on a daily basis, ensures the durability and development not only of the languages, but the unity and stability of the societies using these languages. In the words of Derek Fraser, Ambassador of Canada to Ukraine in 1998-2001, "there must be a long-term national consensus on languages. The countries that do not achieve such consensus have a tendency to break up".

The second incentive derives from the fact that there is a huge idealization of Western practices of bilingualism, especially those of Canada, among both certain political circles and ordinary people in Ukraine. Without looking deep into the whole complexity of the language issue, many are speculating that Canada's bilingual approach in government services should become a model that can be used in Ukraine. With that being said, there is a huge misperception of official bilingualism in Canada and its applicability in Ukraine even among scholars in the West. This misperception must be addressed. For instance, Dr. Roman Petryshyn of MacEwan University, while delivering a report at a conference in Ottawa last October attempted to answer the question which he formulated as follows: "Would the increase of status and prestige for Russian by making it an official national state language in Ukraine, like French has been in Canada – lead to greater national harmony?" Indeed, if we look at the pie charts in the Appendix, we might be tempted to conclude that the language situation is alike. Ukrainian compares to English, Russian compares to French. We also know that there is Crimea, the only Ukrainian region (as recognized by the international community) where Russian speakers hold an overwhelming majority of 90 per cent and Russian is granted an official status alongside Ukrainian and Crimean Tatar, but in practice functions as the only official language. There is Québec, the only Canadian province where the majority of the population are French speakers and French is declared the only official language within the province. Even though this all looks similar, in fact, it is just another fact that contributes to the aforementioned misperception.

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3 Roman Petryshyn is a director of the Ukrainian Resource and Development Centre at MacEwan University, Edmonton, Alberta, Canada.
It is undeniable that the Canadian and Ukrainian populations for the most part are both composed of two large ethnolinguistic communities, Anglophones and Francophones, Russian and Ukrainian speakers, respectively. The ethnic composition of French Canadians in Canada is 23 per cent of the population, similar to the 17 per cent which Russians have in Ukraine. However, ethnicity does not necessarily predetermines the language preference and, as we can see from the Appendix, the numbers of the speakers of Ukrainian and Russian cannot be established from the statistics on mother tongue, either. "This ambiguity calls into question the results of all research which looks into the native language without examining the significance respondents accorded to this term, above all the value of all the data on the degree of identification with the nation and the language recorded in censuses."\textsuperscript{4} There is no statistics on functionally bilingual population in Ukraine. Determination of the numbers of language groups by mother tongue is largely a Soviet rudiment. Dominique Arel of Canada believes that "a characteristic feature of Ukraine is that it is divided into two, approximately equal numerically linguistic groups – Ukrainian speakers and Russian speaker – the language is an indicator of identity".\textsuperscript{5}

The opinion poll conducted in 2013 puts even more doubts on the dominance of Ukrainian. The question was "What language is it easier for you to communicate in?" and the results are presented in the graph.

**Graph. Language preferences of Ukrainians.**

![Graph showing language preferences of Ukrainians](image)


Yet another opinion poll asked which language the respondents were the most comfortable to speak. "Here we can observe a very stable division into almost equal parts: 44 per cent declared the use of Ukrainian in 1991 and 46 per cent in 1998; the use of Russian over this period fell slightly from 56 to 54 per cent, whereas the percentage of those stating Ukrainian was never higher than 49 per cent and those stating Russian was never lower than 51 per cent." Another survey showed the standard of knowledge of the Russian language (free conversational language, writing and reading) in current Ukraine is higher (76 per cent) than the standard of knowledge of Ukrainian (69 per cent).

Getting back to the parallel between Crimea and Québec, these are not the only regions with strong separatist moods. The secessionist movements have been quite strong in Newfoundland, Nova Scotia, Yukon, British Columbia, Manitoba and Alberta, the last probably the most energetic in the last century, not counting, of course, Québec. One can often hear the numerous voices of Anglophone Canadians, calling to "let Québec go with peace", viewing the Francophone province as the burden to the rest of Canada.

As for Ukraine, until recently, separatism in Ukrainian-speaking western region was not less stronger than in Russian-speaking Crimea or Donbas. This especially was the case during the presidency of Viktor Yanukovych. The idea of separatism in western Ukraine has been promoted by a number of intellectuals, writers and poets, mostly natives of Galicia. Yuri Andrukhovych suggested to give Crimea and Donbas the chance for self-determination. His main argument was that the Ukrainian idea, language and culture were spreading very hard over there. That is why these regions must be excluded from Ukraine. Writer and literary critic Yuriy Vynnychuk gave an interview to a pro-Russian "2000" newspaper where he exclaimed unappealably, "The South-East has to secede from Ukraine". Then, boasting about his knowledge of realities in Crimea, he cut it short, "Crimea will never be Ukrainian and will never be Russian. Perhaps, one day there will be a normal Tatar republic". Vynnychuk paid due respect to what he considers the great civilizing mission of Poles, "Only where there were Poles, Ukrainian language and tradition were preserved, and probably, we must separate along this border... I do not know how long we could sustain: one side is pulling left, the others to the right, there is no decent life, twenty years – total decrepitude. Maybe, let us break up? Maybe, let us leave like once two Germanys? Host of the most watched TV channel of western Ukraine Ostap Drozdov shared his opinion live, "I see Ukraine as a typical communal flat. The mutual non-acceptance of mentalities is so deep that it is able to get on in one country only thanks to the absence of everyday contact between them. The easterners come to the West and westerners come to the East as guests, as tourists, as if to

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6 'Russian language in Ukraine without emotions [Russkiy yazyk v Ukraine bez emotsiy]'. Zerkalo Nedeli. No. 34. 2010.
another country... The more East and West get to know each other, the faster the fundamental otherness and ununitedness consolidate... Different worldviews, different civilizations, different experiences... One must not to reconcile, but to regulate these two world apart... Antagonists cannot get along together in one communal flat, they cannot and they do not have to". The most reckless Galician "Europeans", whether consciously or not, have insisted on voluntarily losing southern and eastern regions which, in their opinion, would facilitate the integration of the rest of Ukraine with the EU. As we can see, except the point on the EU integration, the motives of the secessionists in Quebec and Galicia have many similar features.

Since the subject on the West of Ukraine has already been started, it is reasonable to explain why this paper concentrates upon Ukrainian-Russian bilingualism as opposed to Ukrainian-Polish or, perhaps, even Ukrainian-Hungarian bilingualism. The linguistic portraits of the opposite banks of the Dnieper have historically been shaped differently. The Ukrainian lands under the Austria-Hungarian or, later, Polish rule, had at least some conditions to preserve their national potential: there were Ukrainian departments at the universities, Ukrainian grammar schools, Ukrainian theatre troupes. The position of Ukrainian in the West was beyond no comparison with that of their eastern fellow countrymen. No language other than Russian has competed with Ukrainian so vigorously throughout history. Furthermore, no other language duality is currently present in practically every corner of Ukraine, from the Carpathian meadows all the way east to the mines of Donbas, and draws so much attention in the public and political discourse.

As far as the time limits are concerned, this paper takes the Quiet Revolution in Quebec and Perestroika in the Soviet Union as turning points in the development of de jure, as in the case of Canada, or de facto, as in the case of Ukraine, bilingualism. The absence of relatively equal language rights and opportunities for the speakers of all the four languages before those events will be argued in the Issue of Comparability chapter. The shift towards bilingualism will be proven to have been started and discussed in the Overview of Official Language Policies section.

To conclude, the objectives of this paper shall be as follows:

1. To provide theoretical background on the terms of language policy and language rights; to generalize modern approaches to bilingualism; to define bilingualism as a sociocultural phenomenon in the societal development;

2. To demonstrate historical prerequisites of bilingualism in Canada and Ukraine; to compare historical development of the language issue in Canada and Ukraine, to draw parallels between

Losiev, Ihor. 'Galician disintegrators [Halytskyi dezintegratory]'. Ukrainskyi Tyzhden. No. 6 (274). 7 February 2013, online at <http://tyzhden.ua/Society/71721> (1 October 2014).
two countries and to prove that if any comparison of the language issue in the two countries is possible, it is the position of English in Canada that is comparable to that of Russian in Ukraine while the position of French corresponds to that of Ukrainian. Among others, the following aspects will be touched upon to support the claim: mother tongue misperception, history of settlement, core–periphery immigration patterns, appeasement of elites, oppression of French and Ukrainian, assimilation, lopsidedness of modern bilingualism, mass media and popular culture. Some aspects have already been described in the introduction while a separate chapter, in a sense the key part of the paper, will be devoted to the comparison of the state of language rights. The conclusion shall also reaffirm the validity of the English-Russian and French-Ukrainian comparability assumption;

3. To analyze and to compare the evolution of the official language policies in Canada and Ukraine since the Quiet Revolution and Perestroika, respectively;

4. To study the level of protection of the language rights, the mechanism of their defence in Canada and Ukraine, non-governmental initiatives for their protection and expansion; to add in yet another argument for the validity of the comparison of Canadian English to Ukrainian Russian, Canadian French to Ukraine as spoken in Ukraine by analysing the origin and number of complaints against the alleged violations of everyday language rights.
2. Theoretical Background

2.1. Language rights as human rights

Since homo sapiens are, by definition, "language animals", the issue of language assumes fundamental importance in human society. Language plays a central role in terms of economic opportunity and success as individuals, who have greater fluency in the language that dominates the society or enjoys the official status, have better access to and benefit more from public resources. Language has always been intimately associated with competition between communities and individuals. It is also of essence to the sentiments of community, tradition, culture and identity. As a result, any menace to, disrespect of or an attack upon its use or existence arises strong emotions and presents a potential cause of conflict.

Whilst in ancient times many rulers regarded the users of foreign languages as strange or inferior, true barbarians, this intolerance rarely translated into prohibiting local languages or other forms of oppression by public authorities. Fernand de Varennes, one of the most renowned experts in defending human and language rights, reasons that until the appearance of an increasingly centralized state in Europe a few centuries ago, most governments tended to adopt a rather benign attitude towards the language used by the peoples under their rule, as long as those showed proper obedience to authorities and provided the requested taxes and resources. In some ancient empires it was seen as useful to have the elite or even much of the population understand a common language, but this seldom, if ever, meant exclusion of local languages from private or public affairs. All this began to change dramatically after the fifteenth century with a gradual shift towards centralization of power in the hands of European sovereigns and ultimately the nation-state, which required the symbolism of a national community. In many cases it seemed natural to use language as a unifying link, a valid excuse for the rulers to claim that a population shared a common will and a common destiny. Some governments, assuming that individuals should not be using "inferior" languages, have had a tendency to stamp out anything that may be in opposition to their ideal symbolism of a unifying, pure national language. Other governments have taken an approach that it may be more beneficial for the national unity to accommodate some degree of language diversity rather than to force a single exclusive language on all individuals in all areas. Nevertheless, the tradition of intolerance and rejection of language diversity was thereby established and would have a great deal of influence and impact in many countries up until now. For centuries, linguistic diversity has been believed to be backward. The governments chose not to support minority languages in order not to encourage separation. Minorities, ethnic, cultural diversity have generally been seen as an obstacle to progress and development.

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However, over time the governments came to admit that languages are important, the rights which stem from them, should be protected. The beginnings of the positive change of attitudes started to be seen during the League of Nations era in its experiment with the so-called "minority treaties". Although that primitive system had little to offer in light of modern standards of human rights protection, it did include quite a few provisions to secure the language rights of minorities, such as the creation of private schooling in their languages, the right of the children from minorities to receive elementary education in their mother tongue at state-sponsored public schools. The notion of language rights gained ground following the WWII, developing from the principle of non-discrimination born in the interwar period and imbedded into international law. Henceforth, there has been a move away from an exclusive monolingual approach that believes that you need to have only one language to the one protecting and embracing linguistic rights and diversity. Article 1(3) of the United Nations Charter proclaims that one of the purposes of the organization is "to achieve international co-operation...in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to...language". Article 2(1) of the Universal Declaration of Human Rights provides that "everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as...language". The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and other continental and international human rights covenants all contain a clause on non-discrimination. A number of peace treaties concluded in the aftermath of the WWII included provisions in which language also figured more or less prominently. Henceforth, many countries have signed bilateral agreements dealing with some of their linguistic minorities. More recently, there have been ratified international and regional treaties, declarations and other instruments whose object was language rights and freedoms, status of territorially-based linguistic communities.

The other ground that concurrently bred the notion of language right was freedom of expression. To this day many take for granted the fact that language is at least an implicit component of freedom of expression, and that "freedom of expression, in particular, are intimately linked to freedom of access

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15 Ibid. p. 31.

It was basically in the last half a century, when a number of decisions, judgements have been taken, many scholars in a wide ranging number of states and in international law have produced research to firmly substantiate such a conclusion. Freedom of expression implies that individuals are free to use the language of their choice in private matters. However, certain state involvement is allowed in the public affairs, meaning that the state may require that an official or national language be used in conjunction with one's preferred language.

The aforementioned laws and other legal acts which can be considered sources of language rights law are indeed abundant, yet in most instances they merely set general rules to interpret and apply freedom of expression and the principle of non-discrimination. They do not explicitly list language rights and elaborate on their specifics. As a result, the documents, such as the UNESCO Universal Declaration on Cultural Diversity, UN Declaration on the Rights of Indigenous Peoples, UN Declaration on the Rights of National or Ethnic Religious or Linguistic Minorities, etc have been drafted. The problem is, as their very names attest, they are declaratory. "These all look good, they sound good, but most of these are not legally binding – they are not part of international law nor a legal response – or they do not have any real impact in relation to imposing measures that would ensure the protection or promotion of minority or indigenous languages." As we shall see, both the Canadian and Ukrainian legislation, albeit to different extent, demonstrate similar shortcomings. They may be unnoticeable on the paper, but become striking when exemplified by empirical data.

This thesis will use the term language, or linguistic rights as defined by yet another declaration, perhaps the most specific on the language rights, 1996 Universal Declaration of Linguistic Rights, also known as the Barcelona Declaration. To summarize its provisions, the definition sounds as follows: language rights include the individual and collective right to the use of one's own language both in private and in public, the right for one's own language and culture to be taught, the right of access to cultural services, the right to receive attention in one's own language from government bodies and in socioeconomic relations; the one's right to receive public and private services in the language of one's choice. Based on this definition, everyday language rights shall be understood as the language rights which apply to the daily life of an ordinary man who has a job, goes shopping, surfs the internet, listens to the radio, watches television, reads newspapers, travels, eats out, pays bills, uses a bank account, may call the police or contact public utilities and performs other routine activities.

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19 de Varennes, Fernand. ‘Esperança i desesperança…’
2.2. Language policy

Language policy is one of the most important factors and essential elements that form and change the language situation, distribution, role and status of languages in individual regions in particular and in the country in general. The term language policy gets an ambiguous interpretation in the sociolinguistic literature. Besides, the terms such as language building, language planning are often used as synonymous to language policy, although they may and often do bear quite different meanings.

Some scholars like Pierre Dumont and Bruno Maurer define language policy as "study and systematic organization of the language issue concerning a society, mostly multilingual". Denise Daoust and Jacques Maurais provide the following definition: "Language policy is a long-term conscious effort supported by the government for the purpose of changing the functions of the language within the society in order to resolve communicative problems." One of the major African researchers Musanji-Mwatha Ngalasso points out: "One of the main elements that lets one make judgements about the language policy is the presence of constitutional or legislative documents that indicate one or several languages which are to be used as official in the legislation, public administration, judiciary, education and communication. It is necessary to take the local languages into account when choosing the official language." According to Nina Mechkovskaya of Belarusian State University, language policy encompasses "all sorts of conscious activity of the society, aimed at the regulation of language use." Russian language scholar Rakhim Khashimov views it as "a means, a tool of influence of the state on the society, on the functioning and even the very existence of languages, on the inter-linguistic, interethnic and international relations." This particular paper does not concentrate on language policy, but shall describe those of Canada and Ukraine considering the definitions mentioned above.

The history of language policy theory indicate that all attempts of deliberate interference of the society in the development of language functioning have been based upon the acknowledgement and taking into account both internal trends of the language development and social factors which affect the functioning of language. At the modern stage, language policy is being developed to solve the issue of various complexity: from the selection of the language of national and interethnic communication to the practical normalizing and word creating activity. Language policy in the national sphere has

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objectives, on the one hand, to regulate the interrelations between the languages and dialects of various ethnic groups, on the other hand, to select a national official language. When regulating interrelations between the languages of certain ethnic groups, language policy encounters a particular task to pick out and support the language, which could unite separate ethnic groups into one single nation. When selecting the official means of communication, language policy seeks to highlight, proclaim and support some language in the official capacity at the national or regional level.25

Depending on the choice from the side of the government or the national elite, Joshua Fishman distinguishes three types of language policy:

1. Type A is there in the case, when the elite comes to a conclusion of the absence of the language capable of uniting the nation without provoking dangerous centrifugal forces, there no established tradition of nation-building, the elite can rely on to bring the nation together. The language of former colonizers is then adopted as official, but a course to build an exoglossic (multilingual) state, thereby recognizing the achievement of operative effectiveness, or "statehood", to be more valuable than ethnic authenticity, that is "nationalism". This type of language policy is possible only in multiethnic countries, notable for deep linguistic diversity. Such a solution, however, entails important consequences. The elite may find itself unable to communicate with the great mass of the population in extraordinary circumstances, especially in the regions where the chosen colonial language is not widespread. In the field of education, importance of the official language will inevitably be emphasized at the expense of local languages, which are in fact native to the local population. Motive power behind the acquisition of the official language would become the opportunity to secure well paid positions and transition to the ranks of the elite. The simultaneous awakening of the feeling of national consciousness within various ethnic groups, particularly in the areas of compact settlement is likewise unavoidable.

2. When there has existed a long-established common set of cultural and political features with the corresponding language, Type B language policy, opposite to Type A, is often preferred. The choice of this type of language policy requires the presence of significant sociocultural and political cohesion. Language policy can go by two goals at the same time – "nationalism" and "statehood". In this case there may emerge endoglossic (monolingual) states, which have high chances to succeed as the national official or state language, being autochthonous and acceptable for the absolute majority of the population, will be conducive to both the goals of nationalism, uniting the already solid in cultural terms society ever closer, and the goals of "statehood", continuing to function as lingua franca.

3. Whereas Type A policy stems from the belief that there is no established tradition of nation-building, no strong common cultural and political values and Type B policy ensues from the conviction of existence of such, language policy of Type C results from the presence of two or several competing nation-building traditions, each with its own social, religious, geographical basis and language tradition. The major issue of such situations become a problem of balancing out the needs of common statehood nationalism and regional or group nationalism, as well as the problem of effectiveness of the national system with existing local political systems. The competing elites, who assert contrary interests, inevitably appear when such policy is in place. Moreover, when they are unsatisfied with the current state of affairs, they can take steps towards secession of their region from the state entity, to which it belongs for certain reasons, so as to form their own state or "re-unite with their historical homeland".26

The scholars generally agree that C is the most preferable language policy type for a multilingual state. However, this policy sets enormous requirements for the population of such a state. In many instances it obliges educated people to speak at least two languages, and at the regional level – at least three. Otherwise, they will not be able to land jobs which fit their profile. Sometimes, it also imposes additional trouble on ordinary people, who normally would stay monolingual, but are forced to learn another dominant language at least at the basic level, as the provision of bilingual or multilingual services may be improper in their area of residence, or the knowledge of this second language gives better chances of employment, extended access to information, etc. Alternatively, they may defend their language rights by taking the alleged violations to the court of law or other authorized institutions. Whether they choose to do so or not in Canada and Ukraine, which are bilingual nations, whether the respective language policies of these countries ensure the protection of language rights, we shall see.

2.3. Understanding bilingualism

2.3.1. Approaches to understanding the phenomenon of bilingualism

The development and functioning of a social environment entirely depends upon those of the language environment. That is why, the scholars have been long tasked with analyzing the language issue in a comprehensive manner, both its historical evolution and modern state.

The phenomenon of bilingualism has received quite different amounts of attention and been approached from mostly opposite angles in Canada and Ukraine. This is well explained by the fact that Canada has been a part of the Western world, including its academic dimension, whilst the Ukrainian scholarship has been fostered on the Soviet academic breeding ground. Even after the Ukrainian independence, it still remained closely attached to and highly influenced by the post-Soviet academia, dominated by Russia in terms of both culture and language, and to a considerable degree was developing rather remotely from its Western counterpart.

In the Soviet sociolinguistics in particular and literature on linguistics in general, the issues of bilingualism and multilingualism were almost entirely politicized. The promotion of Russian as de facto, and since 1990, de jure official language prompted the scholars to speak about the possibility of existence of two native languages in each of the non-Russian constituent nations of the USSR. Among others, this notion was actively furthered by Valentin Avrorin. For instance, in one of the articles about the communist-invoked literacy campaign in the Russian Far North, he would claim, "Having received basic knowledge with the help of the mother tongue, the people awoke themselves to the need to improve this knowledge and inevitably came to a realization that, without deep mastery of the Russian language, such an improvement was not feasible for them." 

Ivan Bilodid, Director of Linguistics Institute of Academy of Sciences of the Ukrainian SSR, defined the issue of bilingualism in Ukraine as "justly resolved and harmonious". The mass use of Russian by Ukrainians as a main means of communication was interpreted as a positive happening. At the same time, the Russian language as spoken by non-Russian bilingual persons was called their "second mother tongue." Only close to the collapse of the Soviet Union, did the issue of bilingualism in Ukraine go back to the foreground and start receiving attention it deserved.

29 Panasiuk, Leonid. "To the sources of bilingualism in Ukraine: state of Ukrainian elite in the 20th century (an attempt analysis of history and political science) [Do vytokiv bilinhvizmu v Ukraini: stan ukrainskoi elity u XX st. (sproba istoryko-politolohichnoho analizu)]. Hileia. No. 34. p. 341.
Quite the contrary, the phenomena of bilingualism and multilingualism have been studied extremely profoundly in the West. The issue of bilingualism has been an object of scholarly interest of many linguists, sociologists, psychologists and political scientists. In particular, American linguist of a Polish Jewish descent Uriel Weinreich laid the foundation of the theory of bilingualism, examined the processes of interaction between the languages, researched socio-cultural environment of language interaction, proposed methods to study language contacts. Linguists Otto Jespersen of Denmark and Antoine Meillet of France would pay attention to the practical aspects of area language interaction, Manfred Uesseler of Germany suggested the classification of language variability depending on the level of individual language competence. Joshua Fishman, Charles A. Ferguson and Roman Jakobson of the United States also joined in to analyze the functional features of bilingualism.  

A generally accepted definition of bilingualism was provided by Uriel Weinreich. He defines bilingualism as a practice of alternating use of two languages, and those who employ this practice as bilingual persons. Such a broad understanding of bilingualism receives a backing from John R. Edwards, who considers everybody a bilingual person, for the simple reason that there is nobody in the world who knows no foreign words. François Grosjean inclines to identify anybody, who uses two or more languages in everyday life, as a bilingual person.

According to the common point of linguistics, developed by Viktor Vinogradov of the Soviet Union, mastering of a language progresses depending upon socio- and psycholinguistical factors, such as adaption of language by a child and learning of language by an adult. The first factor relates to the formation of primary language competence, i.e. the development from "absence of the language to monolingualism". The second factor opens the link with the formation of new (secondary) language competence on the basis of the primary competence that has already been developed, i.e. the movement "monolingualism – bilingualism".

The people rarely think about language issues in the monolingual environment. However, the situation changes radically when the person is put in a position where interlocutors speak different languages. In the multilingual environment, there interact two inborn, but contrary, needs of man. Vladimir Alpatov of Russia calls them "the need of identity" and "the need of mutual understanding". The former

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manifests itself in the desire to use one's "own" language, mastered in the first years of life, in any circumstances. The latter implies that each person, who takes part in a conversation, wishes to remove obstacles that could prevent the interlocutors from understanding each other. Only on condition that the parts have reached mutual understanding, can the communication be deemed successful.35

Most scholars, including Vilém Mathesius of Czechoslovakia, Leonard Bloomfield, Uriel Weinreich, Hilary Putnam of the United States, Lidiia Antoshkina, Helena Krasovska, Larysa Masenko, Petro Syheda, Oleksii Sukhomlynov, Nataliia Shumarova of Ukraine, Olga Akhmanova, Vida Mikhailchenko, Tatiana Kuznetsova, Olga Mitrofanova of Russia concur that for an individual and society as a whole, it is more convenient to speak one language, that has been mastered the first, defined as "mother tongue", "primary", or "functionally first language" in the bilingual or multilingual environment.36

The term "native language", or "mother tongue", carries unclear social content. Albeit not always, but in majority of cases, mother tongue is the language of one's ethnic group, one's culture. To use a "stranger's" language means to feel, at times subconsciously, ethnic, cultural or social inferiority. Sure, there may exist a compensating factor – the sense of special prestige of "stranger's" language.37

The functionally first language is mostly dictated by society, language orderliness from the side of state bureaucratic institutions, sociocultural norms of environment, language group, etc. At some point, the functionally first language might not be the language one knows the best, but it always is the language of adaptation, value orientation, expressed in aspiration to become a full-fledged member of society. Most often it is the language with great demographic capacity, the language with the largest number of functions, or one considered the most prestigious in the society.38

Ukrainian scholars Yevhen Borinshtein and Anatolii Kavalero draw attention to productive and receptive types of bilingualism.39 As a rule, bilingualism is productive, i.e. a bilingual person is capable of using the second language actively, this is an active language behaviour. A special case of bilingualism is passive, or receptive, bilingualism – such command of the second language, when an individual understands it, but produces practically no texts in this language. A term "dual linguism" applies to the situation of "two-way" passive bilingualism, when each interlocutor uses his language, but at the same time understands the language of the other part. This phenomenon is common within the areas where several, often related, languages are spoken.

37 Ibid.
Bilingual interaction can be functional and structural. The former indicates the presence of certain peculiarities of the functioning of two languages in the process of communication, which in its turn leads to the singling-out of the language situation as a component of social policy. The latter denotes the process of mutual influence of internal structures of the languages which constitute bilingualism.40

As argued by Miquel Siguan i Soler of Spain and Andrew W. Mackie of the United States, it is impossible to study bilingualism of an individual without taking into account the bilingual society. On one hand, a significant, and gradually growing in size, portion of bilingual people make up the foundation of the bilingual society. On the other hand, one becomes bilingual neither on a whim or by accident, but because one communicates with the people who speak a different language, either in family or other social fields. In this sense, the use of different languages in the social environment is crucial, thus combining individual and social contexts. Among others, Soviet linguist Leonid Nikolskii pointed out the fundamental importance of social interaction of languages in the process of formation of bilingualism.41

The scholars have always taken interest in the question of the effect of knowledge of two language on various aspects of individual intellectual development, as well as on the mastering of new languages. Some of them analyzed how bilingualism affects children. Others would inquire into how what influence it brings on adults. According to Mira Bogus of Russia, in general, the history of study of the issue can be broken down into three periods: negative, neutral and positive.42

The first period is characterized by negative attitude towards bilingualism. As long as in 1890, a professor at Cambridge University expressed an opinion that learning the second language degrades spiritual and intellectual growth of man by a factor of two.43 The majority view slowly evolved into claiming that "bilingualism (as distinct from second-language learning in the school) is damaging experience for the child, one which poses hurdles to the child's intellectual development and later emotional adjustment". The arguments of the opponents of bilingualism "usually lead to the conclusion that the trouble arises from "having too much in one's head," that some sort of deleterious conflict results from the bilingual child's being inputted with two different language codes, and that this linguistic conflict produces the very real evidence for intellectual deficit and personality problems which


they are able to adduce in support of their contentions. Their studies would reveal that "there is an association between bilingualism and lower intelligence ratings as well as certain types of personality dysfunction, when "somehow comparable" groups of monolinguals and bilinguals are compared." As an example, in 1953, one of the critics, Natalie Darcy of the United States, in a review on the literature on cognitive effects of bilingualism, concluded that "bilinguals suffer from a language handicap when measured by verbal tests of intelligence." There dominated an idea that the brain possessed limited capabilities as regards perception of more than one language. The advocates of that theory asserted that the better one knew one language, the less knowledge one could hold of another language. It was believed that the constant switching over between languages might result in a failure in one or both languages, that learning two languages lead to inefficiency and confusion.

"Early research on bilingualism did claim to find a verbal IQ difference between monolinguals and bilinguals, with monolinguals scoring higher. But the studies were so fraught with methodological weaknesses and flat-out flaws that they were eventually dismissed and replaced by more complex and responsible studies on the cognitive effects of bilingualism," Lisa Chipongian of University of Wisconsin-Madison counters such allegations. Nevertheless, the notion of negative effect of bilingualism remained predominant well into the midst of the 20th century.

During the second, "neutral period", it was concluded that, as a matter of principle, intellectual and linguistic development of bilinguals and monolinguals were the same. In 1944, Dorothy Tilden Spoerl found out that, in terms of intellectual development, college age bilingual students did not differ from their monolingual peers. Moreover, the latter excelled the former in professional area and research work. Věroboj Vildomec argued that bilingualism could both enrich and impoverish language and intellectual sphere of the child.
In 1935, Lev Vygotsky of the Soviet Union made a point that the effect of bilingualism on intelligence and growth level of man can only be positive. This idea of his, embodied in the book "Thought and Language" published in 1962, would become a basis for further research performed by scholars in Canada, Germany and France. In particular, Wallace E. Lambert and Elizabeth Peal of Canada made a substantial contribution to the research of how bilingualism affects development of personality. Having conducted a profound observation and analysis over a huge group of 10-year-old school children from six French schools in Montréal, they drew a number conclusions, namely, that: the level of intellectual development of bilingual children is higher compared to that of monolinguals of the same age; bilinguals have better intellectual plasticity and more creative approach towards the concepts; they possess many independent intellectual faculties which give them superiority over the monolinguals when it comes to sitting tests or problem-solving in general.

That study gave impetus to much further research in the area of bilingualism. Their results indicate that bilinguals surpass monolinguals not only in early childhood, but also in adulthood and old age. Ellen Bialystok of Canada argues that elderly bilinguals, who have actively been using both languages through their whole life, have better intellectual responsiveness and mental sportiveness. The scholars adhere to the opinion that bilingualism supports the activity of brain functions and impedes the process of cerebral aging. Perhaps, "competitive" nature of data processing accounts for this positive effect. In other words, the need to constantly make a choice between two languages.

Jorge V. Kroff of University of Pennsylvania reckons, "The parallel activation of the two languages creates competition across the two languages, which renders the bilingual a mental juggler. Surprisingly, the resolution of cross-language competition imposes relatively few processing costs to bilinguals because they appear to develop a high level of cognitive control that permits them to switch between the two languages and, at the same time, effectively select the intended language with few errors."

"The observation that both languages are active but that bilinguals are able to select the intended language with relative accuracy suggests that they develop cognitive control that enables them to negotiate the potential cross-language competition...As a consequence of having to resolve cross-language competition, bilinguals appear to gain a high level of skill associated with those executive

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55 Ibid. p. 230.
functions that are recruited during language selection. The control that bilinguals are able to exercise in using the two languages has been hypothesized to create expertise that goes beyond language use to affect cognition more generally,\textsuperscript{56} he further develops his argument.

In their book "In Other Words: The Science And Psychology Of Second-language Acquisition" Ellen Bialystok and Kenji Hakuta write that knowledge of two languages is more than knowing two ways of speaking. Human brain, whose representation is powered by two ways of expression, has capabilities, absent in that of monolinguals. "The enriching aspect of bilingualism may follow directly from its most maddening complication: it is precisely because the structures and concepts of different languages never coincide that the experience of learning a second language is so spectacular in its effects."\textsuperscript{57}

Depending on the conditions, under which the interaction of two languages is taking place, the effect of bilingualism can be both positive and negative. According to Wallace E. Lambert, there are two types of bilingualism: additive and subtractive. When the first language is primary and learning the second language does not force it out, bilingualism produces a positive cognitive effect. In this case one can speak about additive bilingualism. In the opposite situation, effect of bilingualism has a negative character and is defined as subtractive bilingualism.\textsuperscript{58}

2.3.2. Bilingualism as a sociocultural phenomenon of the development of a society

Social, or collective bilingualism describes the situation characterized by the use of two languages within society, group or social institute. The presence of two languages in the same social context determines the presence of bilingual people, although social bilingualism relies upon neither upon the number of bilinguals nor the intensity of bilingualism. Such understanding of mass bilingualism is held by Anatolii Zahnitko of Ukraine.

One often contrasts functional, or cultural bilingualism with ethnic bilingualism. In the case of ethnic bilingualism, the use of two languages within the same society originates from the contacts of two ethnic groups, when the same nation uses both languages: first as its ethnic language, second as supraethnic language used on special occasions or for particular purposes.

There always exist lively debates on the role of the languages in the bilingual societies. As stressed by sociolinguists, this may be since bilingualism is seldom purely symmetric. It is also "generally unstable in the sense that, over generations, populations shift from the weak to the dominant language." As briefly mentioned above, an individual or a speech community of a language as a whole may shift to speaking another when it is either of special prestige or believed to give better social opportunities. It does not necessarily have to be the case, but the participants of the language shift believe so. Otherwise, they would stick to their mother tongue. This process is referred to as language shift, or sometimes as language transfer, language replacement or assimilation. While events of language shift are normally subjected to criticism, some scholars believe it leads to greater communication and integration of isolated groups within society, which in its turn could have a positive effect.

Modern Polish sociolinguist Elżbieta Smuikowa, somewhat similarly to the critical scholars of the "negative period", claims that mixing the codes of the native and second language made many speakers lose the ability to speak the former. Bilingualism and partly biculturalism causes results in the "pidginization" of the mother tongue, and, as she calls it, halflingualism, in other words, bilingualism with incomplete level of competency in both languages.

Larysa Masenko is of the opinion that mass, or total bilingualism is a phenomenon, which is in principle different from individual bilingualism. According to her, it is the result of colonial dependance. Under oppresive conditions, dependant language community must learn another language, apart from mother tongue, and use it for communication under certain circumstances. If the second language gradually takes over all the functions of the native language, there is a danger that the latter will die out and bilinguals turn into monolinguals. Another consequence of such bilingualism is the loss of national consciousness, split in one's inner life.\footnote{Masenko, Larysa T. Language and politics [Mova i polityka]. Kyiv, 1999. p. 8.}

Contrary to individual bilingualism, characteristic for language behaviour of certain individuals, bilingualism in communication on the national level within one country is an excessive and unnatural phenomenon. Back in the day, the fact of bilingualism indicated that one nation assimilates the other. The existence of this phenomenon nowadays cannot prove nothing and does not signify nothing, but the fact that "the ends remain the same, the means might have changed, this is the only difference."\footnote{Ibid. p. 25.}

Larysa Masenko points out that individual bilingualism enriches man. However, when it becomes "all out widespread, it poses a threat of destruction of the foundations of spiritual originality of the national community."\footnote{Ibid. p. 43.} She bases her argumentation on the fact that the absolute majority of foreign sociolinguists interpret the phenomenon of bilingualism, experienced by a certain national community, as a certain phase in the assimilative process of ousting of one language by another. When such contact occurs between two languages, one of them seeks to become dominant, the other starts playing a subordinate part. Should the languages be similar, the similarity facilitates the absorption of subordinate language by dominant language.\footnote{Tyshchenko, Kostiantyn. 'Basque experience of language building [Baskiisky i dosvid movnoho budivnytstva]'}.\footnote{Tyshchenko, Kostiantyn. "Basque experience of language building [Baskiisky i dosvid movnoho budivnytstva]. Lesson of Ukrainian [Urok ukrainskoi]. 2000. No. 8. p. 51.}

Polish scholar Adam Demartin, describing the character of inter-linguistic relations in the villages with mixed population in the Polish-Ukrainian borderlands, notes, "When a Pole was a superchauvinist in the given village, he did not speak Ukrainian, when a Ukrainian was superchauvinistic, he would not speak Polish. Instead, all the rest spoke both languages."\footnote{Dzieje Lubelszczyzny: praca zbiorowa. Tom 6. Część 2. Lublin: Państwowe Wydawnictwo Naukowe, 1992. s. 30.} He draws the following conclusion then, "Bilingualism seems possible to me only when a village is populated at an equal percentage by the former and the latter."\footnote{Ibid.}
With the dynamics of the processes of globalization and international integration is on the rise, as the world, diverse socially and culturally, turns into unified organic system, the importance of various means of communication, especially those which facilitate dealings between people, ethnic groups, cultures, nationalities, nations, etc, is constantly increasing in our lives. The mankind is becoming a more cohesive populational entity. The barriers, which have existed for centuries, which divided various sociocultural communities, are breaking.

Globalization of history is unfolding right before our eyes. Outlying regions and peoples, who until recently have been "beyond history", outside active political life, ... are being drawn into its orbit. The social space is consolidating. The interaction between different cultural and civilizational systems is growing. At the same time, the linguistic diversity of modern world may be seen as an obstacle on the way of integration tendency. The language is ascending to new functional dimensions as well.

In many countries, including the objects of this paper, Canada and Ukraine, the issue of bilingualism carries a countless number of controversies and most often arouses extremely polar thoughts: from alarmist salutes to fierce resistance and prejudices. Some believe that bilingualism undermines the very viability of monolingual culture and thus provokes fears of its preservation. Others are confident that bilingualism facilitates the broadening of cultural range, imparts experience of foreign-language communities, accumulates the potential for adoption of universal values. For knowledge of foreign language and, naturally, foreign culture is a distinctive dominant of the process of gradual socialization of communicative personality to the leading (target) culture, simultaneously retaining one's own native language identity.

As explained by the Parliamentary Information and Research Service of the Library of Parliament of Canada, "it would be incorrect to state that federal legislation aims to make all Canadians bilingual. Rather, the purpose of official bilingualism is to respond to the linguistic needs of Canadians." In line with this remark, in this paper, bilingualism will mean a clear predominance of any two languages within the nation, is characterized by their relatively equal status in the sense that it must necessarily include provision of bilingual services by the national government throughout the country and might often include availability of bilingual services from regional and local governments as well as private enterprises.

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3. Issue of Comparability

History of settlement

Both the Canadian and Ukrainian language issues are products of the long-standing historical interaction between the British and the French, the Russians and the Ukrainians, respectively. The causes of the former date back to the beginning of the 17th century. The French founded their first permanent settlement in what is today Canada in 1605, the British did so 17 years later, in 1622. It should be mentioned that the French, however, were only the second white settlers who arrived in Canada. Those were the Norwegians who happened to be the first, but they did not leave much trace and had little impact on the future Canadian nation-building, so to speak. The French were colonizing the new lands throughout the 17th and the most part of the 18th century, establishing so-called New France that would extend from Newfoundland all the way west to the Rocky Mountains and from Hudson Bay southwards to the Gulf of Mexico. In modern Canada, most of the French incomers settled in the Saint Lawrence River Valley and Acadia.

In 1663, New France was officially declared the possession of the Kingdom of France. However, as soon as 50 years later, in accord with the Treaty of Utrecht, France weakened by the War of the Spanish Succession handed over Acadia, the eastern part of New France, to Britain. The British renamed Acadia to Nova Scotia, or New Scotland, and expelled the local French population, forcing them to relocate to different parts of the country. As a result of the Seven Years' War, France ceded the rest of New France, excluding Louisiana, to Great Britain. The members of the French colonial administration were allowed to leave for their historical motherland. The loss of the overseas possessions of France was formalized by the Treaty of Paris in 1763.

At the beginning, Canadian and French were inter-used as synonyms in the aforementioned areas. Even in the first half of the 19th century, for Major-General Sir Isaac Brock, a British Army officer and administrator, and his contemporaries, "Canadian meant French-speaking. English speakers were the English or British." For John Lambton, 1st Earl of Durham, Governor General and high commissioner of British North America, Canadian also meant French Canadian; "it did not include Nova Scotian; and the Canadas did not include Newfoundland, New Brunswick, or Prince Edward Island, their sister colonies", in other words, the areas colonized almost exclusively, with an exception of New Brunswick, by English speakers, from either the British Isles or other parts of North America.

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72 The first French colonizers arrived in 1534. In 1608, they founded the City of Québec. See Grimard, Normand.
Kyivan Rus, the medieval loose federation of East Slavic tribes, was a proto-Ukrainian rather than a proto-Russian state. Several distinct Slavic tribes evolved on Ukrainian territory: the Siverians, Polianians (plains people), Derevlianians (forest dwellers), Dulibians, White Croats, Ulichians and Tivertsians. More northerly tribes such as the Viatichians and Slovianians, the ancestors of modern-day Russians, played only a marginal role in the history of Rus.

Having been insignificant over the preceding centuries, the Russian colonization of Ukraine unfolded at an enormously fast pace after the Pereiaslav Agreement of 1654. According to Vasiliy Sergeevich, Russian legal historian, it was a personal union between Muscovy and Ukraine, whereby "the two parties shared the same sovereign but retained separate governments." His colleague, another specialist of Russian law, Nikolai Diakonov retorts: "by accepting personal subjugation to the tsar, the Ukrainians unconditionally agreed to the incorporation of their land into the Muscovite state." Whatever the truth, Muscovy gradually brought Ukraine under its control. The Russian garrisons stationed in Ukrainian cities would grow, interference into Ukrainian domestic affairs would become stronger, local rulers would be made loyal or replaced by Russian officials, the remnants of self-government were wrecked. Finally, after a series of wars with the Ottoman Empire in the 18th century, Russia, now keen to expand into southern Ukraine, could no longer tolerate the existence of the Zaporizhska Sich, once a stronghold of the Ukrainian Cossacks' military democracy, which was destroyed in 1775. Upon the partitions of Poland, Russia got the whole of Ukraine, except Eastern Galicia, Bukovina, Carpathian Ruthenia which were all united within the border of Soviet Ukraine in the aftermath of the WWII.

The most striking difference between Canada and Ukraine is that both French and British were aliens in North America as opposed to Ukrainians, the autochthonous people of Ukraine. Perhaps, British administration and Muscovites handed down different colonial legacies onto Canada and Ukraine. The British in most cases established indirect rule where the colonial government would govern through the indigenous authorities which were already there. According to Sir Frederick Lugard, this was supposed to foster better governance by reducing the magnitude of disruptions inherent in the change of rulers. The Russians, similar to French colonizers in Africa, would rely more on direct rule in which they would implement their institutions instead of adapting the preexisting institutions. However, the facts are that French came to Saint Lawrence River Valley and Acadia before the Brits, just like Ukrainians were in what today is Ukraine before Russians.

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Appeasement and assimilation of local elites

The new rulers of Canada, or conquerors, as they would often be described by their French-Canadian contemporaries, be it said that, through the Québec Act of 1774, retained and protected most of the property, religious, political, social, and cultural rights of the French-speaking habitants, guaranteed their right to practice the Catholic faith and to use the French civil law that later evolved into the unique Québec law.\(^{82}\) This piece of legislation mostly benefited the land-owners and priests who almost entirely controlled the society and spoke on its behalf at that time. The influence of the Catholic Church was particularly enormous in Québec. Gerald Hart notes that "the peasantry in whose name the bill had been procured and whom it was specially intended to benefit, mourned in sackcloth and ashes the moment information as to its provisions reached them."\(^{83}\) Moreover, no special provision concerning the use of French was included. Nonetheless, as the level of the national and class consciousness of the wide sections of the public remained low, appeasing the ruling elite turned out to be a sufficient measure to assure peace and order in the new region of British North America.

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In Muscovy and later in the Russian Empire, loyalty to the Russian Orthodox Church in Moscow and loyalty to the Russian language have been taken as markers of state unity. In counter-action, independent Ukrainian churches and the use of the Ukrainian language therefore have become markers of loyalty to an independent Ukrainian state.\(^{84}\) Andrew Wilson writes that Russia offered the Ukrainian elite assimilation instead of discrimination. The attractiveness of the imperial career indeed proved to be decisive for the military, secular and church elites of Ukraine. After the Treaty of Pereiaslav, the Ukrainian governing authorities were bit by bit replaced by imperial institutions, system of governance was unified to comply with that of Russia. The decrees of Russian tsars, such as the Charter for the Rights, Freedoms, and Privileges of the Noble Russian Gentry enacted by Catherine the Second in 1785, equalized the loyal Ukrainian aristocracy in rights with their Russian counterparts. Combined with brutal coercion whenever needed, those measures ensured fealty of Ukraine to its Russian lord. Russian, adopted en masse by the elite, started to be associated with universalism, progress and high culture whilst Ukrainian, the language of underprivileged peasants and surfs, became a symbol of rural backwardness.\(^{85}\) The assimilation of the Ukrainian elite continued in the Soviet Union, in particular accelerated by Joseph Stalin and later on during the "reign" of Volodymyr Sheherbytsky, a leader of the Communist Party of Ukraine from 1972 to 1989.

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Linguistic and national oppression, assimilation

The French population would still be in majority in what now constitutes the province of Québec and neighbouring areas. There would also be numerous French communities distanced from Québec. However, as the public administration was now under the British control and the British occupied the key positions in trade and industry, English was gradually turning into the language of "the rich, successful and educated". It is remarkable though that up until the American Revolution the English-speaking population of the Saint Lawrence River Valley was for the most part made up of servicemen, bureaucrats and some merchants. The Scottish and Irish Catholic peasants who immigrated to Canada merged with the local French speakers. As fast as a couple of generations later it was hard to distinguish them from the Canadians: they were well assimilated into the French-speaking community in terms of both language and customs. Even today a lot of French-speaking Canadians have Scottish and Irish surnames. The demographic and language situation changed dramatically after the American Revolution when Canada received a huge number of loyalists from the rebellious United States, those who kept fidelity to the British Crown and did not recognize the new nation. Unlike the Canadians, the newcomers were Protestant. They brought the culture, customs, worldviews completely different from those of Canadians. They did not integrate and got down to laying the foundation of a new, almost parallel world. In brief, this is how two major distinct of Canadians that exist hitherto came into being.

The language issue was further aggravated by the fact that after the French Revolution of 1789, the British Crown and Catholic Church, the latter, as mentioned above, being in charge of nearly all spheres of life in Québec, including education and book-printing, both did their utmost to isolate the people from the revolutionary ideas coming from France. For instance, not only the encyclopaedists were under a ban in the province, but also the greatest French novelists of the 19th century were prohibited. The education was based upon the works of the writers of the 17th century. In addition to the activities of the local reactionary clergy, the federal government shaped the educational programmes in such a way so as to engender a "proper appreciation (and acceptance) of one's place in society and to promote shared values and customs, thereby ensuring social stability,"86, or in other words, to bring up obedient "refined" citizens loyal to the Crown, following the corresponding lifestyle. The solution of the national issue as perceived by the Anglophone majority until the midst of the 20th century was well described by a speaker at the 1913 Presbyterian Church Pre-Assembly Congress, Massey Hall, Toronto: "The problem is simply this: take all the different nationalities, German, French, Italian, Russian and all the others that are sending their surplus into Canada: mix them with the Anglo-Saxon stock and produce a uniform race wherein the Anglo-Saxon peculiarities shall prevail"87.

Since then until the midst of the 20th century the French language in Canada in general and in Québec in particular had been time and again exposed to danger of extinction. Although the legal protection of English and French was rooted in Section 133 of the 1867 British North America Act which allowed for the use of both languages in parliamentary debates and court proceedings, as well as in the printing and publication of laws by the Parliament of Canada and the Legislature of Québec, French was still being continually ousted from different spheres of communication. Public administration was performed in English, the English-speakers took up the most important branches of economy. The pressure English exerted on French was permanently strengthened due to the numerous superiority of English-speaking population and increasing influence of the United States in international business, economic, political, cultural life of the continent. More on the personal level, French-speakers would derogatorily be called "frogs" and ordered to "speak white".

Ekaterina Kuralesina argues that from 1867 to 1963 the government of Canada carried out an oppressive policy towards the French language. To name several oppressive actions, in 1755–1764, during the Seven Years' War, the French-speaking Acadians were expelled from the land they had lived on for nearly 125 years. No distinction was made between those French speakers "who had been neutral and those who had resisted the occupation of Acadia". All of them were deported to other British colonies, later on many settled in Louisiana where ultimately gave up French and switched to English. After the British North America Act established the provincial responsibility over education, the corresponding provincial educational acts, with the only exceptions of Ontario and Québec, "banned the use of French as a medium of instruction in the system of public schools". Some additionally abolished the provision of financial support to Catholic French-speaking schools. In 1912, the Ontario Ministry of Education issued Regulation 17, which largely limited teaching in French to grades one to three. In 1927, Ontario Premier Howard Ferguson, seeking support of Louis-Alexandre Taschereau, his opposite number from Québec, in his struggle against the federal government, set up a commission to investigate the use of French in Ontario. Regulation 17 was soon replaced by a compromise system based on its recommendations. In spite of the repeal of Regulation 17, not before 1968 did the province relax its anti-French policy and amended its Education Act to give

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local boards of education a broadened discretion to establish French-language schools. Dozens of French-speaking communities, in Western Canada, e.g. Plamondon, Alberta, succumbed to a combination of racial hostility, government indifference, local apathy and the sheer weight of a dominant English-speaking culture. Even as late as in 1987, the Speaker of the Legislature of Alberta ordered a Francophone legislator to apologize when he tried to pose a question in French. Premier Donald Getty later declared, "It is not the intention of the Alberta government to introduce...any moves to make this province fully bilingual." And so, due to absence of French schooling, heavy Anglicization of education, public and business life, a great variety of distinct French dialects, including unique Newfoundland French, are now either extinct or moribund. Overall, the number and proportion of native French speakers has been slowly, but persistently, declining, especially outside Québec. On the contrary, the share of Anglophones has significantly increased since 1971.

Even in Québec, English continues to enjoy a tangible advantage over French in direct shift between the two official languages. In particular, in the western part of the island of Montréal as well as in the western half of the Outaouais region, where English and French are most nearly on an equal numerical footing, French suffers net language-shift losses to English which are of the same order in 1991 as in 1971. More exactly, net individual anglicization of francophones, that is, the shortfall of French home language with respect to French mother tongue, represented at both censuses, 7 per cent of the francophone population of Montréal's West Island, and 4 per cent of the francophone population in the Outaouais region's Pontiac and Gatineau counties.

References:
97 McQuigge, Michelle. 'Census 2011: Despite slow decline in French outside Quebec, immersion programs still popular'. Toronto Star. 24 October 2012.
The Russians appeared in Ukraine in the 14th, but their number was insignificant. Those were for the most part diplomats, clergymen, merchants. The first tangible wave of emigration from the Grand Principality of Moscow commenced when the region of Sloboda Ukraine in the northeast came under Muscovite rule in the mid-16th century. It was settled mainly by Ukrainian Cossacks, peasants, and clergy escaping the oppressive rule of the Polish nobility. In Sloboda Ukraine, they were granted numerous liberties with regard to self-government and taxation, which also provoked the influx of Russian peasants from neighbouring areas. The colonization would be supervised by a crowd of Russian bureaucrats. Besides, some Russians voluntarily moved to central and western Ukraine: persecuted clergymen and dissidents, defecting nobility and gentry, students, runaway surf and simply adventurers. Many of them would be assimilated, especially in the areas controlled by the Zaporozhian Cossacks. There is no doubt about the Ukrainian-language environment existing within their quasi-state. As per Dmytro Yavornytsky, one of the most prominent researchers of the Cossacks from the time of the Hetmanate, knowledge of Ukrainian was one of the major requirements to join the Zaporizhian Host.

As mentioned above, the things changed radically after the Treaty of Pereiaslav. It happened after the conclusion of the March Articles, when in 1658 the Muscovite troops and accompanying servicemen came to Ukraine on a mass scale. As the subjugation of Ukraine began, the oppression of its language and culture followed almost concurrently. Through almost 350 years of Russian rule over Ukraine, its government enacted 479 circulars, ukases, orders not to protect Ukrainian, but to prohibit or severely limit its use. Among the most notorious anti-Ukrainian initiatives the Valuev Circular of 1863 surely must be mentioned. Not only did it forbid a large portion of the publications in Ukrainian language, but voiced the cornerstone idea of the Russian policy towards Ukrainians and their language — "no separate Little Russian language ever existed, does not exist and could not exist" — the idea that Russian imperialism had been nurturing since the colonization of Ukraine, the idea it would stick to for centuries to come. The Russian chauvinist thought would go on to develop the legend of the triune Russian nation that consisted of three branches, Great (Russia proper), Little (Ukraine) and White (Belarus). The Soviet Union continued the tradition and came up with the idea of the "Soviet people".

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105 Russian Empire. Secret Decree of Minister of Internal Affairs Pyotr Valuev. 18 July 1863.
In the Soviet Union, internationalism was promoted as an official ideology. While the policy of Korenizatsiy promoted mostly in the 1920s could be seen as compatible with internationalism, since the 1930s, notably, since the Great Purge, there had been a swift return to old-school Russian chauvinism. Russification would advance under the guise of promotion of internationalism. Whereas Russian became synonymous to international, non-Russian was often regarded as nationalist. 107 Michael Moser of University of Vienna tells that the First World War triggered a new upswing of the national movement, of the Ukrainian language and culture, but this surge was short-lived and ultimately gave way to the repression that culminated in the Holodomor of 1932-1933 when leading national intellectuals were arrested or liquidated and several million peasants were starved to death. Moser emphasizes that for "centuries, the situation of the Ukrainian language in Ukraine is not only due to "natural" migration and the "natural" expansion of one language at the expense of another, it has also been an object of an active language policy, that of promoting Russian at the expense of Ukrainian." 108

From the times of Joseph Stalin onwards, the vigorous campaign against "Ukrainian bourgeois nationalism" had been consistently conducted, even during the so-called "thaw" in the mid-1960s. The population in Ukraine was increasingly Russified through Russian language education, Russian-language media and the prevalent use of Russian in the public affairs, which all could be considered a manifestation of the "soft classical methods" of the oppressive language policy. Some most notorious events of the "hard language policy" occurred in Kharkiv, namely, the elimination of almost the entire generation of Ukrainian writers and artists of 1920s and early 1930s, known by the term Executed Renaissance, among whom Valerian Pidmohylny, Mykola Kulish, Les Kurbas; the shooting of kobza players summoned to the fake congress in 1930s; the execution of 33 and repression of 800 students of University of Kharkiv for their refusal to take exams in Russian. 109 Moscow thus degraded Kharkiv from the cradle of Ukrainian Renaissance, the major cultural centre of Eastern Europe to an ordinary provincial town. Kharkiv, not Lviv, was the locomotive of Ukrainian cultural revival, and it was turned into a model Soviet city, little was left from its former greatness. What is remarkable is that the modern Russian propaganda presents Kharkiv and its inhabitants as "primordially" Russian.

107 See Dziuba, Ivan M. Internationalism or Russification? A Study in the Soviet Nationalist Problem. London, 1968. The book, originally titled Internationalizm chy rusyfikatsiia? [Internatsionalizm chy rusyfikatsiia?] was written by Ukrainian writer, social activist and dissident Ivan Dziuba in 1965 and sent to the communist leaders in Kyiv and Moscow. Through the analysis of the national and cultural policy of the Soviet government in Ukraine, the author claimed that the Communist Party had since the accession of Joseph Stalin to power switched to the positions of Russian great-power chauvinism and that its current policy towards Ukraine, Ukrainian nation, culture and language contradicted the very interests of the Ukrainian people. Shortly afterwards, the book was labelled anti-Soviet and banned. Ivan Dziuba faced the expulsion from the Writers' Union of Ukraine, was persecuted by the KGB and eventually imprisoned for the term of 18 months. In 1968, the English translation of the book, edited by M. Davies, was published in London, United Kingdom.


109 Albul, S. 'Students of Kharkiv were shot for refusal to take exams in Russian [Studentiv Kharkova rozstrilialy za vidmovu skladaty ispyty rosiiskoiu movoiu]'. Ukraina Moloda. 28 September 2000.
George Shevelov of Columbia University, a native of Kharkiv, defined the language policy of the Soviet government towards Ukraine in the following words: "The governmental interference in general, and in this particular case from the side of the government seized by Russians, in the internal laws of the language was a Soviet invention and novelty. Not Polish, not Romanians, not Czechs ever resorted to it, neither did the Tsar administration of the pre-revolutionary Russia. They all confined themselves to the measures of external pressure: banned the use of Ukrainian in public, entirely or partially; imposed their official language through the system of education; seduced Ukrainians with their culture and career opportunities; resettled them to non-Ukrainian territories, but populated the Ukrainian lands with the members of the dominant nation, etc. Alongside this "classical" methods, the Soviet system assumes control over the structure of Ukrainian: forbids certain words, syntactical construction, grammatical forms, spelling and orthoepic rules, and instead promotes others, closer to Russian or transferred from Russian in the flesh. Thus, in Soviet Ukraine, the conflict between Ukrainian and Russian has been carried from external, non-linguistic sphere over to the middle of the language itself. The struggle was taking place not only in the human psyche, but in the language itself."\(^{110}\)

In light of such language policy, the scale of assimilation of Ukrainians was obviously high. Famous Russian poet Vladimir Mayakovsky noticed that in the 1920s Ukrainian was widely spoken in Kharkiv. Today it is without a doubt a predominantly Russophone city. The same happened to then Katerinoslav, now Dnipropetrovsk. In 1959, 25.16 per cent of the population indicated Russian as their mother tongue, in 1970 – 28,68 per cent, 1979 – 32,08 per cent, 1989 – 33,66 per cent. The immigration accounts for this phenomenon only partially, most Russian speakers were produced by Ukrainians switching from Ukrainian to Russian.\(^{111}\) For the record, "the number of "inter-Soviet" immigrants (not only Russians) from the post-war period (1944–1990) in Ukraine amounts to anywhere from several million to over ten million people and when their children and grandchildren are included this figure could reach as much as one third of the population."\(^{112}\) Even in independent Ukraine, in the period from 1992 to 2010, the share of bilinguals dropped, but in favour of Russian in all the regions except western Ukraine. Out of 5 per cent of bilinguals in the centre only 1 per cent switched to Ukrainian, 4 per cent opted for Russian, in the south – Russian won with the score 1-9. As a result, the share of those who speak Russian in family increased from 43 to 54 per cent in the south, in the east it rocketed from 56 up to 64 per cent.\(^{113}\)


\(^{113}\) Kramar, Oleksandr. 'Cherez bilinvizm do rusyfikatsii: yak dvomovni hromadiany staiut rosiiskomovnymy.' *Ukrainskyi Tyzden.* 24 April 2012.
One-sidedness

As indicated above, the assimilation of French Canadians in and outside Québec as well as Ukrainians even in their own independent state is still ongoing. This translates into one-sidedness of bilingualism in these respective countries, one of the main deficiencies of their language situations. In Canada, while both languages, English and French, gained formal equality, English still dominates the public life in Ottawa, Toronto, Saskatoon, Vancouver, and often even in Montréal. More and more French Canadians become fluent in English whereas Anglophones do not feel the need to learn French. Pretty often even positions or areas designated bilingual are not such. French Canadian communities are fading away en mass in Alberta, Manitoba, Nova Scotia and even around bilingual Ottawa. Only 7 per cent of Anglophones living outside Québec are bilingual in French and English. In Québec, 37 per cent of Francophones speak both languages. Bilingualism has been increasing primarily among Francophones. In 2001, the probability that a Francophone would speak English was five times higher than to hear an Anglophone speak French. At the same time, it could be seen as a natural development in a country where Francophones made up only 27 per cent of the population back in 1971 and still represent as low as 22 per cent in 2011, in a country neighbouring the most powerful nation of the modern world, the huge nation that is mostly English-speaking, in the world where English is a major language of international communication and, quite importantly, business.

According to the 2001 Ukrainian Census, in the regions where the majority indicated Ukrainian as mother tongue, the percentage of those fluent in Russian was significantly higher than the other way around. It is characteristic for most Ukrainian speakers to switch the language code, to shift from mother tongue to the language of interlocutor. This may serve as a proof of the inferiority complex as such a shift is not necessary since almost all of those who live in Ukraine at least understand both languages. The analysis of the answers to the question what language the respondent uses when being addressed in transport, shop, street in Ukrainian, and, respectively, in what language he answers the requests in Russian, has demonstrated the cardinal difference between the language behaviour of ethnic Ukrainians and Russians in Ukraine. 83.2 per cent of surveyed Ukrainians answer in Ukrainian to the question posed in Ukrainian. At the same time, when asked in Russian, 90.6 per cent switch to Russian. Quite the contrary, stable monolingualism is typical for Russians. They overwhelmingly respond in Russian regardless of the language they are addressed in, be it Russian or Ukrainian (98.2 and 95.3 per cent, respectively). Therefore, similarly to Canada, Russian speaker in Ukraine is much more likely to be spoken in Russian than Ukrainian in Ukrainian.

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Migration patterns

The settlement and migration patterns of Anglophone Canadians and Russian speakers in Ukraine, Francophone Canadians and Ukrainian-speaking population of Ukrainian also demonstrate striking similarities. They all fall within the centre-periphery models and neo-Marxist development theory.\(^{117}\)

In both countries settlers have migrated and settled in the eastern territorial regions over the past 400 years. English have come to dominate the urban life in Canada, Russian occupied the same position in the cities of Ukraine. Homogeneous Frencophone and Ukrainian-speaking cities could be found only in Québec and western Ukraine, respectively. In the historically French Canadian and Ukrainian-speaking regions, French and Ukrainian could still be heard in the countryside, whereas the cities are likely to be dominated by Russian. In the past and since the 2000s, French speakers have immigrated to Toronto, Ottawa, Alberta and other English-speaking areas. Ukrainian speakers have been leaving their villages and moving to Russian-speaking cities, western Ukrainians have been immigrating eastwards to developed industrial centres. Both Anglophone and Russian colonizers preferred to settle in urbanized areas of Québec and Ukraine, respectively. The hot political debate on language issue was a reflection of everyday reality of many Québécois and Ukrainians faced. White-collar positions were almost entirely occupied by Anglophones and Russophones whilst Francophones and Ukrainian speakers clearly dominated among blue-collar workers. "There was only one French speaker in the office where my father worked. He was a security guard", remembered Edward Kowalski, a son of a Polish immigrant who lived in Montréal, the largest city of Québec and second-largest in Canada. That was a typical picture for the city in the 1950s–1970s. Edward himself could barely speak French. Like the majority of the immigrant children, he went to the English school. The parents did not want their child to grow into "a second-rate person".\(^{118}\) The social issue closely interwove with the language and national issue.

Mass media, pop culture

Taking into account the considerable linguistic and cultural influence of English-speaking provinces and such a powerful neighbour as the U.S., where television, cinema industry, leading mass media are dominated by English, Francophones outside Québec find themselves at risk of gradual, but irreversible assimilation. Similarly, there is an unequal ratio of Russian and Ukrainian in the domains of mass information and entertainment, which is caused not that much by the demand for such products by Russian speakers, but by the vast media market of Russia which penetrates into those of the former Soviet Union without a single thought of meeting the needs of non-Russian speakers.

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Affirmative action

It is true that the new language policy after the Quiet Revolution in Québec, the last years of the Soviet rule in Ukraine and following years of independence took the form of an affirmative action towards Francophones and Ukrainian speakers, respectively.

Complaints

The assumption of this paper is that there are much more complaints in relation to language rights coming from Francophones in Canada and Ukrainian speakers in Ukraine which would constitute another similarity of the language situation of two counties. However, since we have not covered this issue in the paper yet, let us not jump to conclusions. We shall surely see about the complaints point.

To name some other minor similarities, the kind of bilingualism as seen within the Québécois and Ukrainian societies is ethnic bilingualism, the phenomenon which has been elaborated on above. Roman Petryshyn adds that in the history of both countries, the importance of religion to the state during the 15-20th centuries, was replaced by the importance of the vernacular language when they emerged as modern nation states. The language issue in both countries has evolved along the same timeline initial stage – monolingualism – immigration – formation of language minority – political transformation – domination of minority language – oppression of French and Ukrainian – bilingualism. As mentioned in the introduction, it was the Quiet Revolution in Québec that gave impetus to the development of bilingualism in Canada. Similarly, the Perestroika played the same role in the history of the development of the Ukrainian bilingualism. It could be thus argued that in the Ukrainian case, the importance of religion was not replaced directly by the importance of the vernacular language, but first gave way to communism. It was the crawling collapse of the communist ideology in the Soviet Union that provoked the development of bilingualism in Ukraine as one of its former parts.

Both Canada and Ukraine have neighbouring states, U.S. and Russian Federation, respectively, whose populations and economies are many times the size of theirs. In these cases both countries understand that using the neighbouring state’s language is important to advancing their trade relations. No surprise, English and Russian play an important role in the business life of Canada and Ukraine. Both being middle range powers in the global security and trading systems, Canada and Ukraine are obliged to compromise and dialogue with both external and internal interests.

120 Ibid.
Whereas English is used as lingua franca in the Western world, Russian performs the same function in the post-Soviet world. In fact, the North-Atlantic trading space is regarded as one. The post-Soviet market, with low or no tariffs, various bilateral and multilateral free trade agreements also constitutes one relatively homogeneous entity. The English-speaking United States is Canada's top supplier of merchandise imports, responsible for over half of all imports into Canada. The U.S. share is even greater as an export destination, accounting for nearly three quarters of Canada's merchandise exports. Ukrainian economy is not that dependant on Russia and other CIS members like Canada on the U.S. However, in 2013, CIS countries accounted for 36 per cent of Ukrainian exports whereas the European Union purchased only 26 per cent. Ukraine sold 23.8 per cent of its merchandise exports to Russia alone, slightly less than to the EU. On the other hand, Ukraine relies much more on imports from Europe than from Russia. It buys four times more from Germany and two times more from Poland than it sells to them. Since the Ukrainian Revolution, the trade with Russia is decreasing, while Ukraine is becoming much more active on the common European market.

The key difference between the neighbours of Canada and Ukraine is that neither the British administration nor modern Britain and the U.S. never claimed that there was no French or French Canadian nation. Neither did they deny the fact of existence of a distinct French language. Russia always did it with a greater or lower degree of intensity. Except for a short period of Ukrainization in the 1930s, the Russian government never made concessions to the Ukrainian speakers. Ukrainian was the second most widely spoken language of the Russian Empire and then the USSR. However, there were no talks about bilingualism in Russia, nor that Ukrainian could be the only official language in Ukraine which it became as late as in 1989. The UK, U.S. or France never intervened in the language or nation-building policies of independent Canada, the only exception being the controversial address of Charles de Gaulle at the Montréal City Hall in 1967. Since 1991, the Russian Federation has consistently criticized the Ukrainian language policies and forced its own vision of them onto the Ukrainian government. Canada's neighbours do not have language-based territorial claims to Canada. Russia annexed the Ukrainian peninsula of Crimea and is demanding the federalization of the rest of Ukrainian, which could be considered a claim for delayed annexation. In most cases, both within Canada and in its Anglophone neighbourhood, English and French are regarded as simple means of communication. You can be Canadian no matter which one you use. Russian new imperialism is confident that any speaker of Russian is the bearer of Russian culture with all consequences.


By far not all Canadians are bilingual. Only 12.2 per cent of the population spoke both languages when Canada began tracking its bilingual speakers in 1961. By 2011, the share of Canadians able to hold a conversation in both English and French was 17.5 per cent. Most of them, however, are concentrated in the so-called bilingual belt, a portion of Canada that stretches between northern Ontario and northern New Brunswick. Without a doubt, this is a positive development, but still one is not in a position to claim that Canadians are perfectly a bilingual nation. Unlike Canada, the majority of Ukrainians are at least passively bilingual — even if they do not use one of the languages in everyday situations, they understand it perfectly well. It is not infrequent that while having a conversation, one person speaks Ukrainian and the other — Russian. Besides, especially in central Ukraine, many people speak so-called surzhyk, a language variety in which the grammar of Ukrainian — phonology, morphology, syntax, and lexicon — contains Russian-influenced elements not present in the standard Ukrainian language, most notably, Russian words or terms manipulated with Ukrainian grammar and phonetics. Russian-speaking Ukrainians, unlike their Russian counterparts understand Ukrainian well. This works the other way around — all due to the mutual exposure of the speakers to both languages. It is true that mutual intelligibility of the languages contributes to faster assimilation. On the contrary, different languages contribute to segregational assimilation. Canada has developed at least two parallel societies, Francophone and Anglophone, former, roughly speaking, confined to Québec and adjacent areas collectively known as the bilingual belt. The bilingual Canadian government was meant to become a bridge between the two communities. In Ukraine, this mission was assigned to the monolingual national government that was supposed to unite all Ukrainians regardless of their language. Due to the mutual intelligibility of Ukrainian and Russian in Ukraine and passivity of the government in the effort to promote Ukrainization, official status of Ukraine became rather symbolic. However, more insights in the language policies of Canada and Ukraine will follow below.

4. Overview of Official Language Policies

4.1. Canadian official bilingualism after the Quiet Revolution in Québec

Although Canada is one of the most developed countries in the world and gets constantly ranked among the best places to live by different magazines and surveys, its language situation is not as simple as it may seem.

The Canadian population is definitely not homogeneous, either. Three large linguistic groups make it up: Canadians whose mother tongue is English, or Anglophones, Canadians whose mother tongue is French, or Francophones, and those whose native or home language is neither French nor English, mostly immigrants. The first two groups originate from the British and French colonizers, respectively, until today they constitute the majority of the population and, alongside the First Nations, are considered the founding nations of Canada. In 2011, as per the latest census data available, English was the mother tongue of nearly 58 per cent of Canadians (or 19.1 million persons), and French was that of nearly 22 per cent (or 7.2 million persons). At home, 66 per cent of Canadians spoke English and 21 per cent spoke French.¹²⁵ Thus, together Anglophones and Francophones represent about 87 per cent of the total population.

Nonetheless, a phenomenon called official bilingualism does exist in Canada today. It means that "English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada".¹²⁶ The federal government is obliged to protect the linguistic rights of Anglophone and Francophone Canadians in their relations with federal institutions and within these institutions. Canada aspires to be bilingual on the federal level and encourages its citizens to learn both official languages. At the same time, each province and territory has its own languages legislation aimed at guaranteeing the language rights of the majority while protecting those of the language minority, in particular, official language minority.

The Canadian language situation as we see it now was mainly produced during the 1960s–1980s. This paper shall outline what the roots of the complex Canadian linguistic picture were, what issues regarding the language rights it produced, how the federal and provincial language policies tackled them and created the relative language harmony as we witness it today.


A radical change in the language issue in Canada occurred in the 1960s and 1970s with the outbreak of the Quiet Revolution in Québec. As defined by Paul-André Linteau, "in the strict sense, the Quite Revolution generally refers to the political, institutional and social reforms undertaken between 1960 and 1966 by the Liberal government of Premier Jean Lesage. The state took responsibility for institutions that had hitherto been dominated by the private sector — notably the Catholic Church — so that they could be rationalized and access to them could be made more democratic."\textsuperscript{127} The provincial government brought about the long-awaited secularization of social life. At last the church transferred the control over elementary and secondary schools, healthcare and social security to the government.\textsuperscript{128}

The Quiet Revolution gave rise to the new secular Québec nationalism. In 1962, the nationalization of the electricity companies marked its beginning and would symbolize the new nationalism for years to come. Paul-André Linteau argues that it "was expressed on three fronts at the same time. Within Quebec, nationalist challenged the ascendancy of the British minority and promoted the accession of members of the French majority to the leading positions in the economy and society. In Canada, they sought to end the process of federal centralization, which had been proceeding rapidly since the war, and obtain wider powers for Quebec within Confederation. Finally, they aimed to assert Quebec's presence internationally, notably by establishing a special relationship with France and other Francophone countries."\textsuperscript{129}

The old Québec nationalism first of all concentrated on religion, agricultural lifestyle, opposition to urbanization and industrialization as a means to preserve the French Canadian identity. The habitat of the French Canadian nation went far beyond the territory of Québec and embraced all Canadians of French descent. Quite the contrary, the new nationalism presented the province of Québec embodied by the state agencies, departments, public officials as the only institutional framework to defend the rights and provide the well-being to French Canadians.\textsuperscript{130} The principle of ethnicity was now replaced by the principle of territoriality. In other words, everybody who lived in the province of Québec and complied with its laws could be a part of the Québec nation regardless of where his ancestors came from. The new nationalism acknowledged the existence of two nations in Canada and proclaimed Québec a representative of the interests of the French Canadian nation. However, at the same time, it also served as a sound justification of the state interventions into the economic and social life. Politically, the new nationalism resulted in the establishment of the Parti Québécois in 1968, a centre-

\textsuperscript{128} Ibid. p. 178.
\textsuperscript{129} Ibid.
left party that would advocate national sovereignty for the province of Québec. The new party came into being after the merger of the Mouvement Souveraineté-Association of René Lévesque, to-be Premier of Québec, and the Ralliement national of Gilles Grégoire, former Member of Parliament of Canada and to-be member of the National Assembly of Québec. The Parti Québécois declared the achievement of political, economic and social independence of Québec as preconditions for the further development of the Québec society. Its leaders urged the people to fight more fiercely for a secession from Canada.\textsuperscript{131} Knowledge of French started to be seen nearly the major prerequisites to qualify for the membership of the new Québec nation. The new nationalism had a direct effect on the language policy. On 24 March, 1961, the Office de la langue française was founded within the government structure. This public agency was "to align on international French, promote good Canadianisms and fight Anglicisms,...work on the normalization of the language in Québec and support state intervention to carry out a global language policy that would consider notably the importance of socio-economic motivations in making French the priority language in Québec."\textsuperscript{132}

The Quiet Revolution made Canadians and the world take a new look at the national issue and reconsider the relationship between Canada's two major constituent parts, Anglophones and Francophones. Important transformations took place in practically all the areas of life of the predominantly French-speaking province of Québec. It had taken the path of modernization and conscious search for a clear-cut national identity. The most important points of the Quiet Revolution ideology were the change of the role of government in administering the life of the Québécois; concern for family; strengthening of the position of the French language.\textsuperscript{133}

Responding to the new developments and demands of Québec, on 19 July 1963, Her Majesty's government headed by Liberal Prime Minister Lester B. Pearson established the Royal Commission on Bilingualism and Biculturalism tasked to "inquire into and report upon existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measure that should be taken to safeguard that contribution"\textsuperscript{134}. In its report published in February 1965 the Commission argued that Canada was not very successful in its aspiration to achieve the equality of both official languages as provided by Section 133 of the British North America Act. Neither

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    \item \textsuperscript{133} Kijewska-Trembecka, M. Québec i Québécois. Ideologie dążeń niepodległościowych [Québec and Québécois. Ideologies of independence aspirations]. Kraków 2007. s. 177.
\end{itemize}
\end{footnotesize}
the federal nor the provincial governments protected the rights of the Francophone minority. They were underrepresented in both politics and business, their salaries were lower than those of the majority of other ethnic groups of Canada, just slightly above the earnings of Italian Canadians and Indians. The commission provided the whole number of recommendations to optimize the language situation and secure the bilingualism not only in word, but in deed.

The government was pushed to implement the language reform by further developments in Québec. On 24 July 1967, the President of the French Fifth Republic, General Charles de Gaulle, addressing the crowd that had gathered in front of the Montréal City Hall during the 1967 International and Universal Exposition, ended his speech with the words "Vive le Québec libre ! Vive, vive, vive le Canada français ! Et vive la France !" Such statements constituted a fragrant violation of diplomatic protocol. However, the Québécois who were listening to the general that evening met them with loud applause and cheerful exclamations. Yet another warning signal for the federal authorities was the foundation of the aforementioned Parti Québécois in October 1968. On 13 February 1969, a terrorist group called the Front de libération du Québec exploded a bomb at the Montréal Stock Exchange. 27 people sustained an injury as a result of the terrorist attack.

On 14 December 1967, Prime Minister Pearson announced to the public that he was leaving politics. On 20 April 1968, then Minister of Justice and Attorney General Pierre Elliott Trudeau became the new head of the Liberal government. As Trudeau ascended to power, the Liberals were determined to tackle the problem of Québec where the situation was highly explosive. The recommendations of the aforementioned Royal Commission on Bilingualism and Biculturalism made the basis of the practical language of the new Liberal Cabinet. The Commission finished its work in 1969 and concluded in its preliminary report that "Canada, without being fully conscious of the fact, is passing through the greatest crisis in its history. The source of the crisis lies in the Province of Quebec." The new Official Languages Act came into force on 9 September 1969. "Its purpose was to give English and French equal status, not only in Parliament and before the courts of Canada, but throughout the federal administration as well." With the adoption of the new language law, the federal government embarked on the road to institutional bilingualism. All federal departments and agencies were to become bilingual, government services across the country to be offered in both official languages, a fair

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share of public service employment to be accessible to French speakers. The position of Official Languages Commissioner was created under the Official Languages Act. It is true that the new language policy took the form of an affirmative action towards Francophones. However, the underlying idea was that every Canadian, regardless of his location or origin, would have the possibility to be served in the official language of his choice.140

The Official Languages Act, however, did not actually follow many of the recommendations of the Royal Commission on Bilingualism and Biculturalism which proposed French-language work units within the federal government. Instead, French and English were made co-equal inside the federal parliament, the courts, and the civil service. The designation of certain departments and positions bilingual often meant that those would be French Canadians who would become bilingual whereas Anglophones in most cases remained monolingual. In many instances this new bilingualism was just for show. As a rule, the official publications, reports, laws, papers were drafted and developed in English and only then translated into French. The availability of public services in French remained problematic. The Office of the Official Languages Commissioner started receiving literally tons of complaints, the overwhelming majority of them coming from Francophones. The issue was mostly unsolved or at least seemed to be such to the French Canadians — they still viewed the government as representing the interests of Anglophones, ignoring those of the other part of the nation.

Moreover, in 1971 Trudeau declared that Canada planned on adopting multicultural policy. In his speech in the House of Commons on 8 October 1971 he claimed that "there cannot be one cultural policy for Canadians of British and French origin, another for the original peoples and yet a third for all others. For although there are two official languages, there is no official culture, nor does any ethnic group take precedence over any other. No citizen or group of citizens is other than Canadian, and all should be treated fairly."141 "A policy of multiculturalism within a bilingual framework commends itself to the government as the most suitable means of assuring the cultural freedom of Canadians."142 The main principle laid in the new concept of federalism to be followed by the ruling Liberal Party became the principle "one country — one nation". Roughly speaking, this formula rejected both the existence of a distinct French Canadian nation and binational character of the country as a whole. The Right Honourable Prime Minister believed that there was only one nation in Canada — Canadians who spoke two languages.143

142 Ibid.
In 1982, the British Parliament adopted the Canada Act and thus relinquished all its powers vis-a-vis the Canadian affairs. The Canada Act became the foundation of the new Canadian Constitution. The Canadian Charter of Rights and Freedoms was proclaimed as its integral part. It entrenched major constitutional guarantees for the status of both official languages at the federal level, and also for the rights of official language minorities in every province and territory. Among other things, the Charter also guaranteed the rights of the ethnic minorities where they reside compactly to education in their mother tongue.

The new federal Official Languages Act took effect in 1988. It basically clarified the responsibilities of the federal authorities concerning the implementation of bilingualism. The Act contained provisions for service to the public, language of work, and the participation of both French- and English-speaking Canadians in the federal public service. With respect to the language of work, the new law stated that federal institutions in bilingual regions had a duty to promote a workplace that was conducive to the use of both official languages. The Official Languages Act further provided that the designation of bilingual positions must be done using only objective criteria.

Provincial response, Québec

The Official Languages Act was meant to appease the radical mood in Québec, but the province would not accept bilingualism served under the multicultural dressing. Liberal Premier Robert Bourassa led the movement against the new policy of the federal government. Bourassa and the nationalist Québécois regarded themselves, French Canadians, as one people, one nation. They considered it nothing less than a betrayal of the Canadian history to treat the ethnic minorities the same as the Francophones. The Québécois could not agree with the state of affairs in which the French Canadians, despite being a founding nation of Canada along the British, would be put on the same footing as any other ethnic minority. In their opinion, there should be indeed an official Québec culture and it was necessarily to rise above any other cultures in the province. The remark of Trudeau that Italian would be granted an official status should the number of Italian Canadians reach that of French Canadians infuriated the Québécois even further, pouring more oil on the provincial separatist flames.

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In 1974, the Québécois got tired of being second-rate people in their own country, so to say. The government of Robert Bourassa passed the Official Language Act, also known as Bill 22, through the National Assembly. The Act imposed French as the sole official language of Québec. The access to English-language education was restricted, French made the language of communication in the public administration, public utilities, and professional bodies, public signage must include French.

In 1977, the provincial government promulgated the Charter of the French Language, also known as Bill 101. It expanded upon the previous Official Language Act and decreed that the language of work in Québec would be the French language. The working language of the middle- and large-sized enterprises was henceforth to be French. Each firm, shop, restaurant, agency were obliged to provide services in French, but could also render them in other languages at their discretion. All signage was to be done in French with the right to add English or other text which, however, should be made in the smaller font. The secondary education in English was available only to children of those parents who had graduated from English schools in Canada themselves. Most French Canadian and immigrants had no option other than sending their children to French schools. The Charter also enlarged the mandate of the Office de la langue française, later renamed to the Office québécois de la langue française.

The Charter, albeit very controversial among the Anglophone minority, contributed greatly to the protection of French in the province. However, it effectively drove some major companies that had been traditionally carrying out business in English out of Québec. Many companies left the Montréal Stock Exchange to trade stock at the Toronto Stock Exchange where business could be done in English. Up until 1977, Montréal played the role of the economic and financial capital of Canada. After 1977, that role was gradually taken over by Anglophone-dominated Toronto, in part, thanks to the businesses that had moved there from Montréal. But instead, the Québécois preserved their language and culture. Many attribute the language transformation of Montréal in particular and the province in general from English- to French-dominated to the rejection of bilingualism.

Ontario

Francophones in Ontario constitute the largest French-speaking community outside of Québec. Even compared to Québec, the French Canadians in Ontario had been encountering much more difficulties when it came to realization of their language rights, at least due to the simple fact that French was not a majority language in the province.

One of the recommendations of the Royal Commission on Bilingualism and Biculturalism was that Ontario became officially bilingual. However, the provincial government preferred not to follow this recommendation, but adopted the French Language Services Act in 1986. That piece of legislation
guaranteed the right to French-language provincial government services in certain designated regions. In order for an area to obtain designation Francophones were to make up at least 10 per cent of its population, urban centres must have at least 5,000 speakers of French. The Act also established the Office of the French Language Services Commissioner whose mandate is to investigate complaints on the French-language services from the public. It is not authorized to investigate complaints regarding the private sector unless the company in question delivers services on the province’s behalf.

**New Brunswick**

Following the recommendation of the Royal Commission, the government of New Brunswick adopted the provincial Official Languages Act in 1969, establishing both French and English as official languages in the legislature and administration. To further promote bilingualism, in 1981, it passed the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick.

**Manitoba**

English was the province’s de facto only official language when in 1985 the Supreme Court of Canada gave the official answer to the reference question – Reference re Manitoba Language Rights. The Court ruled that both the British North America Act of 1867 and the Manitoba Act of 1870 required laws to be in both English and French. Besides, the Court re-enacted the provisions of the Manitoba Act regarding the official bilingualism in the legislature and the courts.

**Other provinces and territories**

The language problem had not been that burning in other provinces and territories of Canada. Therefore, English retained its status as either de facto or de jure sole official language, except for Québec and New Brunswick. However, most of them embarked upon legislative work to protect the linguistic rights of French Canadians to a greater or lesser extent. As of 2011, every Canadian province except British Columbia and Newfoundland and Labrador has implemented measures to recognize the official languages or the provision of French-language services. Most provinces and territories have offices to oversee the proper protection of the language rights of the speakers of both official languages, to work towards the decrease of their violation.

Besides the offices of language commissioners, the importance with which Canada treats its language situation is perfectly demonstrated by the attention paid to the language matters in the parliamentary business. In May 1980, the Parliament of Canada established the Special Joint Committee on Official Languages to assess what progress had been made since the adoption of the Official Languages Act in 1969. Four years later, the Standing Joint Committee on Official Languages Policies and Programs was officially created. In February 1986, this joint committee changed its name, becoming thereafter the Standing Joint Committee on Official Languages. On 10 October 2002, the Senate dissociated itself from the former Standing Joint Committee on Official Languages and created its own standing committee on official languages. Hence, at the moment each chamber has its own standing committee on official languages. That of the House of Commons is tasked with the review of official language policies and programs, reports of the Commissioner of Official Languages. The Senate committee's mandate is "to study all matters relating to official languages generally. It studies matters relating to the application of the Official Languages Act (OLA) and of the regulations and directives made under it".148

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4.2. Development of bilingualism in Ukraine after the Perestroika in the Soviet Union

As argued in the previous chapter, since the very time Ukraine fell under the rule of Russia, the Ukrainian language had consistently been ousted from all the spheres of social life, simultaneously replaced by Russian. As of the midst of the 1980s, both the USSR and Ukraine as its constituent part could, with a great degree of certainty, be described as such, where the Russian language had clearly assumed a dominant position. To demand services in Russian where they were not yet available, to demand to be spoken to in Russian in Ukraine was a norm whereas the same demands with regard to Ukrainian were not tolerated. "Because that would have been considered nationalist. This was dangerous," notes Yuriy Vynnychuk. Therefore, at the point when perestroika and glasnost unfolded in the Soviet Union in the second half of the decade, one could not speak of real bilingualism in terms of equal language rights for both Ukrainian and Russian speakers.

Speaking of the legal framework that regulated the status and use of languages then in place in Ukraine, one must keep in mind that until 1990, the Soviet Union de jure had no official language. Russian was merely defined as the language of interethnic communication. Naturally, the situation was mirrored quite precisely in Ukraine. According to Article 32 of the Constitution of the Ukrainian SSR, adopted on 20 April 1978, promised equality before the law for all regardless of language, among other factors such as origin, social and property status, race and ethnicity, education and so forth. Article 34, among other things, emphasized that the citizens of the republic had equal rights and could use their own mother tongue with no restrictions. As per Article 43, every Ukrainian was entitled to free education in his native language. Article 103 provided that legislative and other acts of the Ukrainian parliament, Supreme Soviet or Verkhovna Rada, shall be published in both Ukrainian and Russian. Legal proceedings were to be conducted in either Ukrainian or the language of the majority of local population; anyone who appeared in court was guaranteed access to the case material and the right to address the court in his native language, as stipulated by Article 157.

While no language enjoyed official status according to the 1978 Ukrainian Constitution, the role of Russian as the language of interethnic communication was emphasized again and again in the national legislation, lots of bylaws and local ordinances. As mentioned above, albeit de facto, Russian assumed the role of the official language and had been rapidly spreading in importance and prestige at the expense of the national languages. Ukrainian gained official status only in 1989 when the

The republican Constitution was amended and, on 28 October 1989, the Law "On the languages in the Ukrainian SSR" was passed by the Verkhovna Rada. It still guaranteed the high status of Russian, explicitly mentioning it as the language of international communication of Ukraine alongside Ukrainian and other languages, guaranteeing its special role as the only language of international communication of the people of the USSR. The latter clause, however, lost its meaning with the collapse of the Soviet Union. The law placed Russian next to Ukrainian in many of articles, making it if not the second official language formally, but the language enjoying most features of the official language. For example, the acts of the highest bodies of the government and administration of Ukraine shall be passed in Ukrainian, but published in both Ukrainian and Russian.

On 24 April 1990, the Supreme Council of the Soviet Union, for the first time in the Soviet history, granted Russian an official status. The Law "On the languages of the peoples of the USSR" gave the governments of the constituent republics the right to establish their own official languages. However, Russian was recognized as official on the federal level as well as the language to be used as a means of international communication. Articles 9 (Language of citizens' addresses to the state and public authorities, enterprises, establishments and organization) and 13 (The use of the languages of the peoples of the USSR in the services sector) are of particular interest for this paper since they still seem to be the basis of the modern Ukrainian language regulations concerning those fields. The former guaranteed the right of Soviet citizen to conduct outgoing communication with the institutions listed above in the language of their choice. In their turn, the institutions were required to respond in the language of request. However, the requirement was not mandatory as "in case of lack of possibility to give an answer in the language of address, the answer is given in the official language of the USSR". Article 13 obliged those working in the services sector use the language of the served person. However, "should knowledge of the language of address not be stipulated in the qualification requirements to occupy corresponding positions, the official language of the USSR is used". Russian was thereby put to the higher position compared to other languages of the Soviet Union. As we shall see, Russian would retain its privileged status even in the language legislation of independent Ukraine.

On 16 July 1990, the Ukrainian Parliament adopted the Declaration on the State Sovereignty of Ukraine. In accordance with it, the government was to guarantee the functioning of Ukrainian in all the spheres of public life and take care of the language needs of Ukrainians, both in Ukraine and abroad. 153

12 February 1991 brought out the State Programme of development of Ukrainian and other national languages in the Ukrainian SSR for the period until 2000. The Programme set its ultimately goal to

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make Ukrainian the fully functioning language in all the spheres of social life, as both an official
language and a language of interethnic communication. For the first time in the history of Ukrainian
law-making did it use the term language rights, guaranteed them implicitly together with
ethnocultural rights for all the citizens, declared the aspiration to establish the necessary conditions for
the development and use of the minority languages of the Ukrainian SSR.

On 12 May 1991, when Ukraine was still a Soviet republic, the Law "On the protection of consumer
rights" saw the light of the day. Although it had no formal provisions with respect to language, Article
15 (The right of consumer for information about goods) contained an important clause which would
later be referred to by the language rights activists. The Article read that "the consumer shall have the
right to receive necessary, accessible, credible and timely information about goods, which ensured the
possibility of its conscious and competent choice. The information shall be provided to the customer
before the purchase of the commodity or the order of work (service)." This text can theoretically be
interpreted as if it guarantees the right to receive services in one's preferred language. However, the
courts of law and other official bodies would almost all of the time hold a different opinion.

The adoption of the new Constitution finalized the shift towards de facto bilingualism in Ukraine. As
per Article 10, Ukrainian was recognized as the only official language. However, the same Article
obliged the government "to assure free development, use and protection of the Russian language and
other languages of national minorities of Ukraine." It also stated that the state "facilitates the learning
of the languages of international communication." It is worth adding that out of the UN's six
working languages, until recently, only one has been widely used and practically accessible – Russian.
Therefore, according to the Constitution of Ukraine, no restrictions were imposed as concerns the use
of languages. Moreover, Article 24 of the Constitution supplemented by Article 161 of the 2001
Criminal Code prohibited discrimination on the grounds of language and made it criminally punishable.
The situation of official monolingualism, but allowing almost unrestricted use of both most spoken
languages was thereby created in Ukraine. Those new constitutional provisions clearly were an attempt
of compromise. The explicit mention of Russian thus emphasized its status in comparison with other
minority languages. At the same time, it was clearly counted as one of them. Also, even though
Russian was specifically named in the Article, it changed nothing in the status of Russian as a minority
language. This provision was obviously added to the Constitution in the last moment, for the
preliminary versions drafted by the Constitutional Commission, which were presented in March and
April 1996, contained no such formulation.

In 1999, the Constitutional Court of Ukraine was supposed to clear up the ambiguity in the language legislation, when it was requested to provide an official interpretation of Article 10 of the Constitution. However, it ended up reaffirming the official status of Ukrainian and the freedom of simultaneous use of "Russian and other languages of national minorities in the course to be determined by the laws of Ukraine." The verdict, however, claimed that "Ukrainian as a state language shall be the mandatory means of communication on the entire territory of Ukraine for fulfilling the duties of the state authorities and local self-government (language of the acts, work, bureaucracy, documentation etc), as well as in public sphere of social life to be determined by the law." Therefore, one could only expect to be served in Ukrainian by official institutions; there was no requirement for businesses, other private entities to provide their services in the language preferred by the consumer. The second page of the Appendix shows a typical explanation of the absence of service in the language of the customer's choice. The businesses would normally justify it by referring to the freedom of language use and prohibition of discrimination on the language grounds.

The victory of the Orange Revolution became the beginning of probably the first since the 1920s active, albeit uncertain, controversial and inconsistent, Ukrainization. In 2005, the Ministry of Foreign Affairs ordained that the use of Ukrainian within the body be obligatory. The state-owned First National TV channel started dubbing Russian speech in its news bulletins. The government issued recommendations to the electronic media and radio stations to increase the share of Ukrainian music.

In 2006, Ukraine enforced the 1992 European Charter for Regional or Minority Languages, ratified in May 2003, which seeks to protect and promote historical regional and minority languages in Europe. The Ukrainian legislator was very vague on the point whether Russian should be treated as a historical minority language as the Charter only applies to languages traditionally used by the national and excludes languages of recent immigrants from other states. While Russians are definitely alien to the Ukrainian lands, as we know from previous chapters, their immigration has not started recently. However, the overwhelming majority of modern Russian Ukrainians have indeed either come or descended from Russian immigrants of the past century. After the parliamentary election won by the pro-Russian Party of Regions, a number of regional and city councils in eastern and southern Ukraine, referring to the Charter, adopted resolutions proclaiming Russian a regional language in their territories. The process of appealing against those decisions by the prosecutor's offices of various levels lasted with changeable luck throughout the entire term of Viktor Yushchenko.


Later that year, the Verkhovna Rada assigned a 75 per cent quota on the broadcasting in Ukrainian, and ordered to dub the programs produced in the language other than the official. The Cabinet of Ministers decrees to fix quotas of mandatory dubbing, voicing or subtitling in Ukrainian for all the foreign films. Those decisions were promptly challenged in the court and were suspended until 2007 when the Constitutional Court ruled that foreign films shall not be distributed and demonstrated in Ukraine unless they were dubbed, voiced or subtitled in the official language.

President Yushchenko put forth much effort to expand the network of Ukrainian-language schools in Crimea. In 2008, Minister of Education Ivan Vakarchuk made the External Independent Evaluation, Ukrainian testing system for admission to universities, now introduced universally, available exclusively in Ukrainian. He also lobbied to amend the Law "On the higher education" to make Ukrainian the sole language of post-secondary education. In March, Yushchenko ordered to pay bonuses to teachers of Ukrainian language and literature who worked at schools with the language other than Ukrainian as a medium of instruction.159

Among other presidential initiatives, the more strict enforcement of the legal regulations on language use in the advertisement and public signage should be mentioned. For the first time in Ukrainian history, even predominantly Russian-speaking cities got the Ukrainian outer appearance. As we shall see in the next chapter, this also provoked fines and appeals against those fines brought up to the courtroom. All in all, the presidency of Yushchenko should be given a credit for the apparent increase of the use of Ukrainian in public affairs and for its first tangible promotion of such kind in the commercial life. It should be kept in mind that for the most of his presidency Yushchenko had quite limited powers as the republic had become parliamentary. Besides, in 2008, when the global financial crisis hit Ukraine, things much more important than language flooded the agenda. Anyway, there is still room for criticism as the Ukrainization effort of Yushchenko was often selective, not comprehensive, did not include enough of preparatory public dialog, created excessive social tension.

Since the inauguration of Viktor Yanukovych on 25 February 2010, who succeeded Yushchenko as the President, political power became increasingly consolidated under the new president. It stands to reason, the president, especially in once again the presidential republic, plays a major role in the sphere of language policy. Since his notorious defeat in 2004, Yanukovych had been increasingly speaking Ukrainian along with Russian to improve his undermined image.160 That did not indicate though, he would continue to force Ukrainization like his predecessor.

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159 Marusyk, Taras. 'Language policy in the time of Yushchenko's Presidency [Movna polityka chasiv Prezydenstva Yushchenka]'. Radio Svoboda. 8 September 2011, online at <www.radiosvoboda.org/content/article/24315987.html> (4 October 2014).
Although Yanukovych rarely took an openly active part in language policy, he certainly contributed to the general discourse on languages and patronized the pro-Russian and pro-Russophone initiatives of his party and ministers. The platform of his Party of Regions always had the introduction of Russian as the second official language. Prior to becoming a President, Yanukovych himself promised the official status for Russian on multiple occasions, most recently, in Odesa in September 2009. However, having been elected a President, he switched to presenting himself as a passionate adherent of Ukrainian and referred to typically patriotic rhetoric.\(^1\) To add Russian as the second state language indeed was an unrealistic endeavour. It required a non-existing majority of 300 votes in the Verkhovna Rada and a nationwide referendum with little prospect for success. Therefore, the ruling political forces were compelled to find other ways to further Russian at the expense of Ukrainian.

In 2012, the status of minority languages was strengthened after the adoption of the Law on the Principles of State's Language Policy, which enabled local authorities to declare a language spoken by at least ten per cent of inhabitants in their town or district a regional language that can be used on par with the Ukrainian language in that area. The OSCE High Commissioner on National Minorities opined that the language law failed to strike an adequate balance between promotion and use of the state language as a unifying factor in society and promotion and protection of minority languages. After the law was adopted, Russian was declared a regional language in seven provinces.\(^2\) The opposition to the new law resulted in the so-called Language Maidan. The controversial law passed by Parliament on 3 July 2012. The following day, the rally gathered against the bill at the Ukrainian House in Kyiv. The following weeks saw the clashes with the riot police and the use of tear gas. Yanukovych signed it into law on 8 August, promising to get down to the work on amendments straight away. The courts would be manipulated to ban the protests. The Language Maidan in Cherkasy was brutally dispersed, pro-Ukrainian protesters were attacked many times in Kharkiv and other major cities.

Practically all the poor achievements of the Yushchenko era were scrapped. In the educational sphere, where the dissemination of Ukrainian had been most successful, new Minister of Education Dmytro Tabachnyk took every possible step to reduce the use of Ukrainian and foster the use of Russian instead. Tabachnyk denied the very existence of the Ukrainian nation and once even called Ukrainian "an unnecessary language". Member of Parliament Olena Bondarenko did her utmost to oust Ukrainian from the radio and TV programs as thoroughly as possible. Her activities at one point led to a 25 per cent quote for Ukrainian on TV.\(^3\) Russification took a long leap forward.

Just after coming to power in March 2014, the acting government attempted to abrogate the language law in a controversial move that alarmed minorities and increased tensions, particularly in the eastern and southern regions. The acting president never signed the government decision into force, and the old Yanukovych-era Law "On the principles of the state language policy" remained in force.

As Russia annexed Crimea and the War in Donbas, the language policy was left frozen. The only change has been brought about in the new Law "On the higher education" which made Ukrainian once again the medium of instruction at Ukrainian universities. The new government is not tired to reaffirm that Ukrainian shall be the sole state language while Russian has been promised to be granted special status should the implementation of the political solution of the War in Donbas commence.

In the new Constitution of the so-called Republic of Crimea Ukrainian retained its official status together with Russian and Crimean Tatar. However, trilingualism has proven to be nominal as the new Crimean government is closing Ukrainian schools, Ukrainian and Crimean Tatar classes, removing these languages from curriculum. Ukrainian is swiftly disappearing from Crimean websites and public sphere in general.164

Unlike Canada, Ukraine has never had a separate standing committee on language policy in its legislative body. At different times, there had been committees on human rights, national policy, minorities and so forth. In 2012, they all were merged into one Standing Committee on Human Rights, National Minorities and Interethnic Relations. Only during the Presidency of Yushchenko, were there the Department of Language and Ethnonational Policy within the Secretariat of President. However, it served only as a consultative body to the President and had no direct impact on decision-making. No specialized institution with the sole mandate to inspect the state of protection of language rights, whether of speakers of Ukrainian or Russian, develop initiatives for its improvement, has ever existed in Ukraine neither at the local or national level, again, contrary to Canada.

164 "New order": Ukrainophone pupils in Crimea have been deprived of the right for complete secondary education ["Novyi poriadok": ukrainomovnykh shkoliariv u Krymu pozbayly prava na zakinchenu seredniu osvitu]. UNIAN. 1 September 2014, online at <http://goo.gl/lm7GBd> (26 September 2014).
5. Everyday language rights in Canada and Ukraine

The language dies not because others do not speak it, but because those who know it do not speak it.

José María Aznar

Bilingualism has made progress in the last half a century. However, the last two decades have brought a new area of concern – the federal government has withdrawn from a number of its responsibilities by transferring them either to private enterprise or to the provinces, but without forcefully insisting that services to official language minority groups be maintained. To tell the truth, the government has not been doing a perfect job to ensure bilingualism in its own backyard so it is going to be even harder for it to monitor what is going on in the neighbour's backyard. Senator Jean-Maurice Simard raised a question in the Upper House denouncing what he called the gradual deterioration of services in French to Francophones outside Québec. Senator Noël Kinsella, currently Speaker of the Senate, said it was unfortunate that the demands of zero deficit targets and globalization had been set up as a bar to justify the erosion of services in French. 165 Senator Normand Grimard, contemplating about provision of bilingual services in Ottawa, recapitulated, "It is far off the mark to assume that because a Member of Parliament can order his two eggs sunny side up with bacon in French every morning in the Parliamentary cafeteria that bilingualism in the national capital is in good shape." 166

It probably does not make much sense to prove whose language rights are more often abused in Canada. However, for the sake of objectivity, this paper will briefly present some factual and statistical data which clearly confirm that these are Francophone Canadians who experience difficulties when it comes to everyday language rights:

✔ According to the federal Commissioner of Official Languages, every year, hundreds of Canadians continue to file complaints because their language rights have not been respected. 167 In 2010–2011, the Office of the Commissioner received 1,116 complaints, compared with 1,729 in 2009–2010. Over 90% of the admissible complaints were from Francophones. The number of admissible complaints filed by Anglophones was relatively low, but nonetheless it increased from 46 in 2009–2010 to 63 in 2010–2011. 168 In 2011–2012, almost half (48 per cent) of all incidents resulting in a complaint occurred in the National Capital Region, with the Ontario part generating four times as many incidents as the Québec part. Outside of the

166 Ibid. p. 9.
168 Ibid. p. 42.
National Capital Region, most of the violations of the Act were observed in Ontario (15 per cent), Québec (11 per cent) and New Brunswick (7 per cent). Again, as we can see, almost all the complaints were filed by Francophones and originated from French-speaking or bilingual areas.

✓ Complaints under Part IV of the Official Languages Act numbered 2,581 between 2006 and 2013. They primarily concerned federal institutions that are in close, everyday contact with Canadians. Air Canada, Canada Post and Canada Border Services Agency were the top collectors of the complaints. Through those seven years, the Commissioner also received 1072 complaints under Part V (language of work) of the Official Languages Act. Air Canada topped the list again, breaking away far from other agencies.\(^{169}\) Air Canada’s poor performance in French has always caused a great deal of dissatisfaction. Having received some 900 complaints in 1995-1999, the Office of the Commissioner had to initiate four court remedy proceedings.\(^{170}\)

✓ In spring 2009, Michel Thibodeau could not order a 7-Up in French on an Air Canada flight. The federal government worker did not just grumble about poor service. He and his wife Lynda sued the airline for more than half a million dollars. In 2011, the court finally ordered Air Canada to pay 12,000 dollars to Thibodeau.\(^{171}\)

✓ In 2009-2010, 876 complaints alone from Francophones to the Official Languages Commissioner were provoked by the decision by CBC/Radio-Canada to eliminate virtually all of the local programming at French-language radio station CBEF Windsor.\(^{172}\)

✓ In Ontario, the Office of the French Language Services Commissioner received 381 complaints in 2010-2011, 371 complaints in 2011-2012 and 349 complaints in 2012-2013.\(^{173}\)

✓ Over 40 years ago, the Royal Commission on Bilingualism and Biculturalism reported that Canada’s capital "should be regarded as the property of neither Francophone nor Anglophone Canadians, but as the product of the fruitful collaboration of both, as a symbol of the things they have in common."\(^{174}\) In the summer of 2011 and the spring of 2012, the Office of the Commissioner of Official Languages tried to check if a speaker of either official language could get by in Ottawa. Under the guise of tourists they inspected the airport, hotels, museums, theatres, shops and restaurants and found out that the great majority of them lack French-


\(^{171}\) Kim, Mackrael. 'Air Canada ordered to pay $12,000 to passenger unable to order drink in French'. *The Globe and Mail*. 13 July 2011.


language spoken services, signage, printed information like menus in the restaurants. 74 per cent of the restaurants visited did not have French or bilingual menus. Most of the time, the menus in these restaurants were available in English only. The situation was relatively acceptable only in Ottawa hotels where service in French was readily available nearly 9 times out of 10.175

✓ To cite a couple of concrete examples:

- Martineau, a columnist for Journal de Montréal newspaper, complains, "I often go to restaurants downtown and I will tell that French services is missing regularly. When ask the waiters to address me in French, they look at me as if I was a fanatical nationalist."

- 30-year-old Annie lives in the City of Québec and does not speak English. From time to time she drives to Montréal and many times has found herself in the restaurants where the waiters did not understand French, not to mention their ability to speak it.176

- In 2009, a woman from New Brunswick experienced difficulties with the Canada Border Services Agency Learning Centre located in Rigaud, Québec. When an employee from the Psychology Section in Fredericton, New Brunswick, called to register her for a psychological assessment to be carried out before going to Rigaud. She was offered the test in English. When the woman wondered why she could not do it in French as she was from a Francophone region, the employee told that "the results from the test would take too much time to obtain, and in any case, she is able to speak English." The case was later brought to and examined on the Standing Committee on Official Languages on demand of her MP, Jean-Claude D'Amours.

- During the same meeting of the Official Languages Committee, Monique Guay, MP for Rivière-du-Nord, retorted to the statement of Vice-President of the Human Resources Branch at Canada Border Services Agency Camille Therriault-Power who said that "each year, 95 million travellers cross our borders. Of these, roughly 20 file a formal official languages complaint for lack of greeting or service in both official languages." Guay assailed the Vice-President that the true figure was much higher, "Some people don't complain because they are afraid to do so, don't have time or don't know it's even an option. There might be several reasons why people don't complain, but, in my view, this is unacceptable."177

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Nevertheless, one should not be led astray that these are only Francophones which feel underprivileged when it comes to the realization of everyday language rights. Anglophones, although much more rarely, also face their language needs not met. For instance, in 2013, a 77-year-old Canadian navy veteran dying of lung cancer and his family were treated rudely by a hospital orderly at the Hull Hospital, Gatineau, across the river from Ottawa, because they spoke English. The orderly said, "This isn't a hotel. I don't speak English; this is Québec". "Speak to me in French! This is Québec!" he went on. In 2011, the author of this paper himself was given a negative answer when asking whether he could speak English to order a hamburger at a McDonald's in Montréal.

The positive feature of official bilingualism policy in Canada is that it has made it quite easy to track violations of language rights since, apart from the news reports, there is a vast pool of credible official data. The information provided above represent only a small portion of the entire data on the state of language rights protection in Canada. Unfortunately, the scholar will not enjoy such favourable conditions for research on language rights in Ukraine. The reports with all the data processed and well-structured will not be handed to him on a silver platter. The scholar will have to literally dig for it on his own. The second half of this chapter, starting on the next page, contains the results of such research.

178 Giuseppe, Valiante, C. Hofley. 'Dying war vet ordered to speak French at Hull Hospital'. Ottawa Sun, 20 October 2013.
This July, at a conference on the new Ukrainian government's language initiatives, International law expert, former ambassador in Benelux countries, Britian and Ireland, representative of Ukraine in EU and NATO, former judge of the International Criminal Tribunal for the former Yugoslavia Prof. Volodymyr Vasylenko argued, "Russian language de facto has a privileged status in Ukraine. In Ukrainian courts, there are no complaints from Russian speakers about violation of their language rights, no complaints in the Office of the Ombudsman. These are language rights of Ukrainians, not Russians, which are being violated in Ukraine. It is necessary to protect Ukrainian, not Russian. To grant Russian a special status is the tool to destroy Ukraine".179 While the next section, the core of this paper, will put in question the statement on the absence of formal complaints from Russophones regarding their language rights, this section will focus on civil society initiatives in the field.

The first mass movement for language rights was probably "Ne bud baiduzhym" founded in September 2005 by a group of musicians. Its objective has been the promotion of Ukrainian culture and language in general rather than the sole struggle for language rights. In 2009, "Ne bud baiduzhym" successfully lobbied the decree of the Cabinet of Ministers that obliged teacher of municipal and state-owned Ukrainian schools to use Ukrainian not only in class, but during the entire business hours. The decree was revoked by the Constitutional Court the following year. "Ne bud baiduzhym" closely collaborated with another civil society movement, "Prostir svobody" which in 2012 and 2013 had produced two reports on the position of Ukrainian in various fields of official, commercial and everyday life.180

In January 2012, a fraction of "Ne bud baiduzhym" activists established "Drizhdzhi", non-partisan social initiative aimed at bringing the Ukrainian services sector, labelling of goods and advertising materials, web resources into accord with the needs of Ukrainian-speaking consumers. The initiative led by Anna Yushchenko encouraged the consumers to express their resentment about the lack of service in Ukrainian in complaints books. Should this not yield results, "Drizhdzhi" recommended to turn to the State Inspection for Consumer Rights Protection. They created the interactive detailed map of Kyiv restaurants which allegedly violated the language rights of Ukrainian speakers. The map was viewed 100 thousand times within the first weeks. They also developed an online tool to generate complaints against restaurants. Their website recently migrated to client.in.ua contains some statistics on complaints from several month of 2013:

180 For full reports see Movement of volunteers "Prostir svobody". Position of the Ukrainian language, online at <http://dobrovo.org/project/10/> (29 August 2014).
July (3-31 July)

- Website visited – 5571;
- Unique visitors – 4216;
- Complaints generated and mailed to the Consumer Rights Protection Inspection – 25;
- Test purchases and test visits to restaurants conducted – 28;
- Advise by telephone provided – 21;
- Administrative proceedings instituted – 4;
- Fines imposed by the Consumer Rights Protection Inspection – 3;
- Shops and restaurants Ukrainized – 2.

August

- Website visited – 4417;
- Unique visitors – 3183;
- Complaints generated and mailed to the Consumer Rights Protection Inspection – 20;
- Control inspections conducted – 21;
- Advise by telephone provided – 14;
- Administrative proceedings instituted – 3;
- Fines imposed by the Consumer Rights Protection Inspection – 3;
- Shops and restaurants Ukrainized – 5.

September

- Website visited – 2577;
- Unique visitors – 1427;
- Complaints generated and mailed to the Consumer Rights Protection Inspection – 11;
- Control inspections conducted – 12;
- Advise by telephone provided – 6;
- Administrative proceedings instituted – 3;
- Fines imposed by the Consumer Rights Protection Inspection – 3;
- Shops and restaurants Ukrainized – 4.

October

- Website visited – 3085;
- Unique visitors – 1901;
- Complaints generated and mailed to the Consumer Rights Protection Inspection – 8;
- Control inspections conducted – 10;
- Advise by telephone provided – 12;
- Shops and restaurants Ukrainized – 3.  

The initiative made a big deal about the case when a Ukrainophone customer was denied service in Ukrainian in a Kofe Khauz coffee shop in Kyiv. The story received wide coverage in the media when it turned that the employees were instructed to speak to customers exclusively in Russian. "Drizhdzhi" had put its language rights fight on hold since the beginning of Euromaidan. In July 2014, its leader Anna Yushchenko took part in the aforementioned conference alongside Volodymyr Vasylenko. She

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182 "In Kyiv the coffee scandal with Russian chauvinism blamed on an intern [U Kyievi kavovyi skandal z rosiiskym shoynizmom povysly na stazheral]. Komentari. 23 August 2013, online at < http://ua.comments.ua/life/208595-ukiievskavoviy-skandal-z-rosiyskim.html > (18 September 2014).
supplied statistics prepared by "Prostir svobody" which had to prove the dominance of Russian on the Ukrainian market. According to her, the share of Ukrainian-language newspapers stands at 30.2, magazines – 18.5 per cent. In October 2013, the primetime of the most popular Ukrainian TV channels was filled with Russian by 50 per cent, Ukrainian – only 31.8 per cent. The monitoring of the 6 most popular radio stations confirmed that the share of songs in Ukrainian they play was continuing to decline and at the moment was 2.2 per cent. Only 50 per cent of books in Ukraine are printed in Ukrainian, while the majority of them is the study literature. The import of books from Russia exceeds the book publishing in Ukraine by multiple times. Anna Yushchenko told that after coffee shops and restaurants had been monitored in 29 big cities, it was discovered that only 46 per cent of them had Ukrainian signage, only 49 per cent had Ukrainian menus and only 36 per cent had its personnel to serve Ukrainophone customers in Ukrainian.183

Another initiative called "I tak poimut" to promote the language rights of Ukrainophones is based mostly on online activism, employs such means as emails and social media. As of 1 September 2014, its Facebook group had 7120 members. The motto of the initiative is to "vote with money" for service in Ukrainian. In other words, it encourages the participants not to buy from companies which do not have Ukrainian versions of their websites, do not communicate in Ukrainian on Facebook, accompany their goods with non-Ukrainian signage and documentation. Alternatively, it suggests to exert pressure on such businesses to make them meet the language demands of speakers of Ukrainian. "I tak poimut" targets large foreign corporation which treasure their reputation. The activists have been suing the largest Ukrainian online shop for the lack of Ukrainian version of its website. One of them, Sviatoslav Litynskyi, sued Samsung due to the Russian signage on its washing machines. While the court rejected all his claims, Samsung eventually agreed to import washing machines with Ukrainian signage.

To list some more most controversial instances of the abuse of the Ukrainophones’ language rights:

- In January 2011, Oleksandr Shvets, an Odessa traffic police officer, declined to speak Ukrainian after pulling over the car and went as far as to call it "a calf's language". As the result of the proof having gone public on YouTube and wide coverage in the media, the sergeant was fired from the force.

- In October 2013, Andrii Tovkach, a border guard at the major Ukrainian airport Kyiv-Boryspil, refused to speak Ukrainian when on duty. He addressed the passenger, Sviatoslav Pavliuk, in Russian and did not switch to Ukrainian after two requests, continuing speaking Russian and saying he was not obliged to speak Ukrainian as he had dual citizenship. After the rejection of the phone complaint, Pavliuk submitted a written note to the State Border Guard Service.184

To say the truth, pro-Russophone non-governmental organizations have been active in Ukraine in the past couple of decades, too. The activities of practically all of them were associated with the promotion of Russian culture, closer cooperation and integration with Russian, the idea of the "Russian world". They would also be directly or indirectly affiliated with pro-Russian political parties such as the Party of Regions, the ruling party during the Presidency of Yanukovych.

In the last decade, Party of Regions MP Vadym Kolesnichenko and his non-governmental organization whose full name read "Human rights advocacy social movement "Russophone Ukraine" made its presence well known among the Ukrainian public or at least it claimed to the largest and strongest organization to promote the rights of Russian speakers. Its activities almost exclusively included press conferences, round tables, rallies, surveys of public opinion, celebrations of holidays significant for Russian culture such as the Birthday of Alexander Pushkin or Russian Language Day. The major area of interest of "Russophone Ukraine", its stumbling block with the Ministry of Education and public schools, was the medium of instruction in the pre-college education. "Overall, only seven secondary schools with Russian as a medium of instruction are functioning in Kyiv, it is 1.59 per cent of the total number...There are also twelve institutions which have classes taught in both Russian and Ukrainian. At the same time, according to the 2001 Census, 2.5 million people lived in Kyiv, out of whom 600 thousand, that is 24 per cent, admitted Russian to be their mother tongue," expressed his outrage Kolesnichenko at one of the meeting with public, adding that the current state of affairs allowed only 10 per cent of Kyiv residents to fully satisfy their needs to receive secondary education in their native language, obviously having forgotten that there were Ukrainian speakers in the capital as well.185

Pro-Russophone activists would be especially tough and eloquent to criticize the initiatives of the local councils in western Ukraine to ban Russian signage and the attacks of the nationalist Svoboda party on the deputies who spoke Russian in the session hall and standing committees of the Verkhovna Rada.186

The following fact speaks for itself and could provide additional food for thought: After Yanukovych had been overthrown and fled from Kyiv in the end of February 2014, Vadym Kolesnichenko escaped to Sevastopol, supported the Russian annexation of Crimea and joined Russian nationalist and socialist Rodina party,187 characterized by historian Timothy Snyder as a far right party.188

185 All-Ukrainian non-governmental organization "Human rights advocacy social movement "Russophone Ukraine". Ukraine: A straitjacket for a Russian. 17 May 2013, online at <http://r-u.org.ua/?p=825> (15 September 2014).

186 'Svoboda demands that all MPs speak Ukrainian in parliament'. Kyiv Post. 13 December 2012, online at <http://www.kyivpost.com/content/politics/svoboda-demands-that-all-mps-speak-ukrainian-in-parliament-317575.html> (17 September 2014).

187 'Crimea rose up against pretenders and fascists: Kolesnichenko [Krym vosstal protiv samozvantsev i fashistov: Kolesnichenko]'. The Kiev Times. 7 March 2014.

This section will analyze the court judgements, to a greater or lesser extent related to language rights, as contained in the Integrated State Register of Court Decisions (Ukrainian: Єдиний державний реєстр судових рішень; Yedynyi derzhavnyi reiestr sudovykh rishen), a database established in accordance with the Law "On access to court judgements" of 22 December 2005 and available online at regestr.court.gov.ua. The study commenced in the middle of August and had to be finished on 5 September 2014 owing to the probable breakdown of the database which informed it could not be accessed because of the high number of requests it was receiving. Since time was a factor for the completion of this paper, the analysis of the court decisions was finalized at the stage it was as of 5 September.

A total of four search requests was submitted to the server. All of them were typed in Ukrainian Cyrillic as this is the language and alphabet in which the judgements are announced and then archived. There is no comprehensive or at least more or less sizeable database of court judgements in Russian.

The requests were as follows:

"Про мови в Українській РСР" українською мовою
English: "On the languages in the Ukrainian SSR" in Ukrainian

"Про мови в Українській РСР" російською мовою
English: "On the languages in the Ukrainian SSR" in Russian

"Про засади державної мовної політики" українською мовою
English: "On the principles of the state language policy" in Ukrainian

"Про засади державної мовної політики" російською мовою
English: "On the principles of the state language policy" in Russian

The requests contain the titles of the main pieces of language legislation until 2012, that is the Law "On the languages in the Ukrainian SSR", and thereafter, the Law "On the principles of the state language policy", in quotation marks as any language rights case will inevitably include references to either of the two acts, depending on the time when the judgement was pronounced. The mentioning of Ukrainian and Russian were added to further make sure that those were the language rights of their speakers which were the case objects. The judgements themselves, no matter whether positive or negative, were not studied. It was the nature of complaint which was in focus.

The database displayed 1334, 776, 495, 628 results sorted by relevance, respectively. By the time of the unexpected database failure, 546 judgements had been checked from the first array, 227 from the second, of which 24 did not overlap the previous array, 205 from the third, of which 193 not overlapping, and 210 from the fourth, of which 81 were new. Therefore, in total, 844 most relevant, as suggested by the system, unique court judgements were analyzed. It must be noted that one court
judgements does not necessarily refer to one court case. Quite often there are many judgements within the same case, including but not limited to those on initial lawsuits, procedural issues, appeals to a higher court. They all could be grouped into three major categories: judgements regarding language rights; procedural technical judgements; incomplete or irrelevant texts.

Those in the first category fall within one of the following characteristics: actions, either complaints or requests, of individuals to protect, restore their allegedly violated language or derivative right, or eliminate negative consequences of such violation; actions of the same nature but taken by legal entities; requests of authorities, public officials, civil servants, courts of law against alleged violations of collective or individual language rights. This group eventually embraced 281 out of 844 judgements. 207 or nearly 74 per cent of the judgements were on the alleged breaches of the language rights of Ukrainian speakers, 71 decisions or 25 per cent were directed against the deeds which, according to the claimants, that way or another posed a violation of the rights of Russian speakers. The remaining 3 judgements concerned the language rights of the speakers of other languages: 2 German and 1 Farsi.

The requests of public prosecutors or individuals to repeal the resolutions of local councils in eastern Ukraine to grant Russian a special, regional status, or otherwise strengthen its status during the Presidency of Yushchenko, were regarded as belonging to the first subcategory. Respectively, the claims of the prosecutor's office to void the resolutions of local councils in western Ukraine to reaffirm the official status of Ukrainian, to provide it with extra privileges, to restrict the use of Russian in defiance of the newly adopted Law "On the principles of the state language policy", were placed in the second subcategory. The appeals to such judgements were put into respective opposite subcategories.

Although a significant part of the claims against the alleged violations of the language rights of Ukrainian speakers was indeed raised by official bodies, such as the public prosecutor's office or State Inspection for Consumer Rights Protection, and businesses, the majority of the judgements within the first subcategory were provoked by private persons. In particular, many of the lawsuits of this kind were instituted in Mykolaiv and included the claims:

- to oblige the Verkhovna Rada, Mykolaiv Oblast Council, to translate the non-Ukrainian speeches of their deputies, other persons who partake in its sessions into Ukrainian; to pay indemnification for an injury to mind caused by the use of Russian during the sessions;
- to recognize the delivery of public speeches in Russian by elected officials, civil servants, most notably, by the Mayor of Mykolaiv, both directly at open gatherings and on the television, the radio or printed media, without a simultaneous Ukrainian translation, as illegal; to charge damages for the inflicted emotional distress;
• to request the information on the stands at public institutions and private businesses, their websites, the printed announcements, opening hours, rules of conduct and other information on the stands of the churches of the Ukrainian Orthodox Church of the Moscow Patriarchate to be displayed in Ukrainian; the route signs and audio announcements on the public transit to contain information in Ukrainian; to compensate damages of emotional distress;
• to have the bills delivered in Ukrainian instead of Russian as a necessary condition to the observation of one's rights to access to information.

Generally, there was no request to prohibit the use of Russian; the claims concerned the need of simultaneous use of Ukrainian as the official language. Only in one of the Mykolaiv cases did the claimant want to oblige all parties of the process to speak exclusively Ukrainian. On another occasion, the court ruled that the whole case be heard in Russian as one of the participants was from the republic of the former USSR. Language preference of the Ukrainian participants were thus recognized as less important. In one of the Mykolaiv cases, the claimant asked to oblige the regional department of the Ministry of Emergency Situations to add the German-language version of their website to already existing Ukrainian and Russian ones. It was to mirror the information from the Russian version.

The full names of the parties are almost always hidden in the judgements in the database. However, drawing a correlation with the news reports, it appears that most, if not all, complaints on the alleged abuse of the language rights of Ukrainian speakers in Mykolaiv come from one person, local pensioner Anatoli Ilchenko.189

In other regions, the complaints against the violation of the language rights of Ukrainian speakers were not less numerous. There were some suits on the majority of the alleged violations as those reported in Mykolaiv, but they represented only single instances. The exception would be the complaints against the exclusive use of Russian on the bills, most often addressed to public utilities. The related issue was the failure of public authorities, state-owned or municipal companies, private businesses to respond to written or spoken requests in Ukrainian in the same language. They were many complaints from different regions stating that public authorities often responded in Russian to the requests submitted in Ukrainian. The twisting of Ukrainian names of people in the responses, in the documents, especially by the passport office in the issued passports and by the companies on their bills would also be a common matter of the resentment brought to the courtroom. The people also protested about excessive presence of Russian on television and in the newspapers.

189 Matola, Viktoria. 'Ukrainians teach the government to respect the language through protests, suits and complaints to the European Court [Ukrainstsi vchat vladu povazhaty movu protestamy, sudovymi pozovamy ta skarhamy u Yevrosud]'. Tyzhden.ua. 22 August 2013, online at <http://tyzhden.ua/News/87512> (16 September 2014).
The typical complaints against the abuse of Ukrainian speakers' language rights were:

In 2007, Ukrtelekom, Ukraine’s monopolist telephone company, was sued for mailing out bills in Russian and the rejection of its employees to serve the customer in Ukrainian.

In Lviv, the claimant demanded that PrivatBank, the largest commercial bank in Ukraine, provide account statements exclusively in Ukrainian.

The claimant requested that his passport be changed because it contained a Ukrainian spelling of the Russian patronymic whereas the patronymic should have been in Ukrainian in the first place.

In 2006, the claimant in the lawsuit contacted the Kharkiv police with a written request in Ukrainian, but received the answer in Russian.

The city council of Hirske, Luhansk Oblast, was sued for conducting its sessions and meetings of standing committees exclusively in Russian.

The speeches and statements of public officials aired or printed in Russian without translation into Ukrainians. The defendants included the deputies of local councils, local civil servants, the Verkhovna Rada and even the President of Ukraine.

During the Presidency of Yushchenko, when the legal regulations on language use in the advertisement and public signage were strictly enforced, various state inspections, usually the State Inspection for Consumer Rights Protection, fined many businesses for the failure to meet the requirements of the law, in most cases, displaying advertising materials exclusively in Russian with no Ukrainian translation.

As mentioned above, during the Presidency of Yushchenko public prosecutors requested courts to revoke numerous resolutions of local councils
in eastern Ukraine to grant Russian a special status, to give it preferential treatment of any kind or to use Russian in place of Ukrainian for official purposes. When Yanukovych replaced Yushchenko as President, public prosecutor’s offices stopped challenging such decisions of local councils. Instead, individuals and interest groups took the initiative and filed corresponding claims to the courts. What is interesting, the prosecutors’ claims were always satisfied, at least partially, the claims filed by individuals or otherwise by private actors were almost always rejected.

During the Presidency of Yanukovych, local councils in western Ukraine appealed against court decisions to cancel their resolutions preferences for Ukrainian, including financial support to business that served in Ukrainian.

Even though an average citizen does not visit the court often, the language situation in Ukrainian courts should also be mentioned. While there were very few direct complaints from Ukrainophones, such the courts themselves determined on multiple occasions that documentation of the case was carried out in Russian, certain documents lacked Ukrainian translation, the institutions which conducted preliminary proceedings communicated with the case participants and documented them in Russian, copies of the judgements were not provided in Ukrainian.

As regards the language rights of the speakers of the languages other than Ukrainian or Russian, two cases should be mentioned. In the former, a citizen of Iran, having signed a contract written in Ukrainian, demanded the court to recognize it null and void as he was fluent only in Farsi and had no command of Ukrainian whatsoever. In the latter case, the claimant, having applied for a certificate of the victim of political repressions, asked the court to oblige the authority in charge of the decision to issue the document with the texts in both Ukrainian and German. The commission only had Ukrainian forms at its disposal and denied the request.
As concerns the complaints from Russophones, almost all of them, with a few exceptions were appeals to the decisions of the state inspections to impose fines on businesses or private entrepreneurs who did not supply their Russian advertisement with Ukrainian translation, marketed goods without appropriate Ukrainian marking, banks which refused to issue statements in Ukrainian, official institutions which did not agree with the court decisions to respect the language rights of Ukrainian speakers. It Most such appeals would originate from eastern and southern Ukraine.

The complaints against the alleged violations of everyday language rights of individual Russophones included:

**In 2008, a customer in Sevastopol complained that Paracetamol sold in local drugstores did contain instructions for use in Russian.**

**In 2010, Farmak, a large pharmaceutical company, was sued in Sevastopol because one of the drugs it was producing and selling did not come with Russian instructions inside. The package only included instruction sheet in Ukrainian.**

**Kharkiv mayor, Department of Education of Kharkiv City Council and Kharkiv specialized school 16 were sued due to the lack of Russian-language secondary education at the aforementioned school, no chance for the parents to select the medium of instruction for their children, new Russian classes not being open, the local community not being informed about the opportunity to learn in Russian at Kharkiv specialized school 16.**

**In Kyiv, the Cabinet of Ministers and Verkhovna Rada were requested to recognize the policies of the State Committee on Television and Radio Broadcasting illegal and oblige it to create necessary conditions so that the claimant could freely see the movies in cinemas dubbed or voiced in Russian.**

As concerns the complaints from Russophones, almost all of them, with a few exceptions were appeals Many language rights complaints or requests of Russophones related to the lack of Russian services in the courtroom. The claims would include requests: to provide a Russian interpreter, case documents to be translated into Russian; to recognize the documents such as testaments or marriage certificate created in Russian to be valid and admissible in the court; to change the language of the entire hearing
from Ukrainian to Russian; to provide the authentic translation of court decision into Russian.

Other isolated complaints included the demand of the applicant for the passport to travel abroad to have his name transliterated from Russian rather than from Ukrainian; the claim for freedom of use of Russian in the work of civil law notaries.

The second category, being procedural, or technical, judgements did not directly relate to language rights. Those were judgements not to hear or to suspend the case on the grounds of non-compliance of the application, supporting documentation or evidence with the formal requirements such as that the application must be submitted in Ukrainian; supporting documentation and evidence must be provided in either Ukrainian or Russian (until 2012), in either Ukrainian or recognized regional or minority language (after 2012), or translated into Ukrainian. Many judgements simply contained requests to submit such documentation in the accepted language with no reference to suspension or any other effects on the case. The issues would be explicitly listed in the judgements and requested to be taken care of in a timely manner. 558 out of the total 844 search results accounted for such judgements. Most of them concern commercial law cases and come from Crimea, more specifically, the Commercial Law of the Autonomous Republic of Crimea. However, there is also a significant proportion of judgements on general civil law and administrative law cases.

In none of 884 judgements analyzed were such suspensions or requests ever challenged by either claimant or defendant. Quite notably, in 2007 in Zaporizhia, the defendant, a legal entity, appealed against the initial decision of the court to recover its debt, arguing that the judgement was not legitimate since the application of the claimant had been presented in Russian. While the court of appeal admitted that the submission of application in the language other than Ukrainian constituted a violation of Article 3 of the Code of Civil Procedure as well as Article 21 of the Law "On the languages in the Ukrainian SSR", it was not a sufficient reason to rescind the judgement of the lower court. It also should be added that on no occasion were the documents in Ukrainian rejected or either of the parties not allowed to speak Ukrainian.

The third category has 5 judgements, of which 4 could not be studied properly as the texts were either incomplete or blank, 1 was found irrelevant. It was a judgement in absentia by a court in Mukachevo, wherein the prosecutor filed a suit in the interests of Rakoshyno village council to oblige one of its

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employee to return the bonuses paid to him for knowledge of Slovak and Hungarian, although this knowledge was not been needed to perform his duties.\textsuperscript{191}

While the analysis of the judgements on the cases related to language rights is indeed very important in the light of practical absence of any reliable official statistic, the question whether the cases and judgements on them found in the Integrated State Register of Court Decisions are sufficiently representative produces a certain degree of doubt. One must remember that not even one decade has passed since the database has started working at its full capacity. It definitely does not show all the judgements even in the time frame it is supposed to cover. With that being said, the results obtained should be treated very carefully and not serve as the ultimate basis for any conclusions. That is why this paper has attempted to piece together the picture of the state of everyday language rights by looking into different aspects, the aforementioned judgements only being one of them.

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\section*{6. Conclusion}

In the 19th century, John Stuart Mill, an outstanding English philosopher, pointed out, "Among a people without fellow-feeling, especially if they read and speak different languages, the united public
opinion, necessary to the working of representative government, cannot exist. The influences which form opinions and decide political acts are different in the different sections of the country. An altogether different set of leaders have the confidence of one part of the country and of another.”

Perhaps, the man, believed to have the highest IQ of all times, might have been wrong.

Canada’s history demonstrates that this country generally has tried to operate on the basis of compromise with respect to national identity markers, such as religion and language. The Québec Act adopted by the British Parliament in 1774 ensured the religious freedom of the Catholic population of the former New France. Almost two centuries later, the importance of religion to the French Canadian society was replaced by the importance of the vernacular language when Québec emerged as a modern nation society. That shift dictated by the so-called Quiet Revolution brought about the changes in the language situation, both on the federal and provincial level, ultimately resulted into French becoming the official language of Québec, one of the two official languages of the province of New Brunswick and nationally of all Canada, as well as enjoying wide rights and privileges locally in its other regions. On the other hand, the interests of the Anglophone Canadians throughout the nation and especially in Québec were preserved as comprehensively as possibly could have been. From 1963 onwards one could observe the strengthening of the position of French as the official language effectively used in practice, as well as the realization of measures aimed at the promotion of bilingualism in all fields. The policy of official bilingualism has overcome a long and winding road. A lot of mistakes were made en route, yet it eventually yielded significant success. The achievements of bilingualism are absolute. The French Canadians no longer need to translate the official documents into English or vice versa. They could easily be served in their mother tongue anywhere in Québec, in the federal public institutions and by Crown corporations, receive provincial and local government services in certain other regions throughout Canada. Should their language rights be violated, there is always an effective mechanism to restore them, including but not limited to the complaints to the Official Languages Commissioner in Ottawa, Office québécois de la langue française in Montréal, etc. Most importantly, both the Canadian and Québec society obtained long-expected stability and peace. Bilingualism became one of the cornerstones of the new Canadian identity, the pride of many Canadians, both French and English speakers, from the Pacific to Atlantic coast.

The situation in Ukraine has not been less complex, but unfortunately, largely due to historical reasons, internal divisions, current economic situation in which the people are obsessed with the thoughts about daily bread, the language issue is Ukraine has not been treated with attention and care it deserves. The language policy of the Ukrainian government could be described, roughly speaking, as the absence of

any language policy. Since Ukraine won independence in 1991, the inconsistent and incomplete 
Ukrainization effort coupled with promotion of Russian by pro-Russian forces within Ukraine as well 
as by Russian cultural imperialism resulted in the situation of anarchic de facto bilingualism. Whereas in 
Canada the ability of one to speak both official languages does not deprive him of the right to be 
served in the language of his choice, in Ukraine it clearly does. This paper has successfully challenged 
the statement of Prof. Vasylenko and proven that both Ukrainian and Russian speakers, although to a 
completely different degree, believe that their language rights are being violated.

However, this paper has agreed with another opinion Prof. Vasylenko expressed, "Since the very first 
days of Ukrainian independence Russia has insisted that Ukraine adopted Russian as its second official 
language. Why so? Because Russia considers Russian a geopolitical weapon, advancement of the 
Russian world. There is no room for an independent Ukraine in this world." On the contrary, Canada 
is lucky to take affirmative action versus French in the situation when there is no geopolitical threat 
from the United States or any other country that would use English as a geopolitical weapon.

The findings of this paper leave no doubt that it is Ukrainian that is in disadvantageous position in 
Ukraine. Nevertheless, the Ukrainian government seems to be reluctant to protect it. More services in 
Ukrainian become available not thanks to the government, but thanks to the initiatives like 
"Drizhdzhi". In Ukraine, Ukrainian is being kept alive and the struggle for language rights of 
Ukrainophones is being waged because of the enthusiasts whereas in Canada there is the whole 
number of official institutions with multi-million budgets and clear-cut mandate to make sure any 
Canadian, be he from Vancouver or Montréal, feels that his language rights are not only formally 
recognized, but respected in practice.

The state of ongoing discrimination of Ukrainians in their own country causes tension in the inter-
language relations which is further aggravates by politically motivated populist calls to grant Russian 
the official status. The language policy makers and language rights activists have a lot to learn from 
experiences of Canada. However, their practices cannot be adopted in Ukraine as they are due to the 
differences of Canadian and Ukrainian language experience mentioned in this paper. However, it can 
be said for sure that the new Ukrainian language policy must be developed as a compromise between 
different ethnolinguistic groups in the name of national unity. It must finally get rid of populist slogans 
and concentrate on the real protection of language rights.

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List of Acronyms
**EU** – European Union  
**ISRC** – Integrated State Register of Court Decisions  
**NATO** – North Atlantic Treaty Organization  
**U.S.** – United States of America  
**UK** – United Kingdom of Great Britain and Northern Ireland  
**Ukrainian SSR** – Ukrainian Soviet Socialist Republic, the official name of Ukraine under the communist rule since the ratification of the 1936 Soviet Constitution  
**UN** – United Nations Organization  
**UNESCO** – United Nations Educational, Scientific and Cultural Organization  
**USSR** – Union of Soviet Socialist Republics, Soviet Union  
**WWII** – Second World War

Appendix
Mother tongue in Ukraine and Canada, 2001


Mother tongue is defined by Statistics Canada as the first language learned at home in childhood and still understood by the person at the time the data was collected.

Source: Statistics Canada.

No definition by State Statistics Service of Ukraine. Ukrainians and Russians themselves see this term is not unambiguous — "surveys reveal that 34% of respondents understand the term "native" as referring to the language in which they think and talk freely; for 32% of those surveyed it refers to the language of the nation they belong to; for 24% it is the language of their parents; and for 9% it is the language they use most often."

Source: 'Russian language in Ukraine without emotions [Russkiy yazyk v Ukraine bez emotsiy]'. Zerkalo Nedeli. No. 34. 2010.

The answer of one of the restaurants in Kyiv to the complaint on
Шановна пані [назва]

У відповідь на Ваше звернення повідомляємо про наступне. Вільне використання в Україні російської або іншої мови гарантується ст. 10 Конституції України, в Україні гарантується вільний розвиток використання і захист російської, інших мов національних меншин України. Отже наш заклад має право використовувати у своїй діяльності російську мову. Зокрема ст. 24 Конституції України проголошує: **Не може бути привілеїв чи обмежень за ознаками раси, кольору шкіри, політичних, релігійних та інших переконань, статі, етнічного та соціального походження, майнового стану, місця проживання, за мовними або іншими ознаками.** Зокрема, звертаємо увагу на те, що Закон України, прямої заборони на використання російської мови в процесі здійснення підприємницької діяльності в законодавстві України немає, а отже порушення з боку нашого закладу відсутнє.

Але ми враховуємо Ваші побажання і в майбутньому обов'язково надрукуємо 2 примірника на українській мові.

З повагою,
Директор
ТОВ «Олівер Твіст»

Врублевський Я.І.
Abstract

Canada and Ukraine probably differ more than they are alike: location, size, culture, politics, economy, history, society, language. Well, oddly enough, the countries appear rather similar than different when it comes to the last three aspects if viewed through the prism of the language issue. Having provided theoretical, historical background to the language issue in both countries and proven their comparability, this paper analyzes the official language policies in Canada and Ukraine since the Quiet Revolution in Québec and Perestroika in the Soviet Union, traces the development of de jure, as in the case of Canada, and de facto, as in the case of Ukraine, bilingualism. The paper goes on to study the state of the language rights the peoples of Canada and Ukraine enjoy in their daily lives, the level of satisfaction with their protection of the respective linguistic communities. Having no official statistics on origin and number of complaints against the alleged violations of language rights in Ukraine at its disposal, the paper resorts to the analysis of the relevant court decisions. Overall, the main idea has been that language policies do not necessarily reflect the real language situation, whereas the complaints submitted to the authorities, public discourse, civic activism on language rights are more likely to expose the true state of affairs.
PERSONAL INFORMATION

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Sex Male | Date of birth 01/07/1990 | Nationality Ukrainian

WORK EXPERIENCE

22/09/2014–Present
Customer Service Advisor
Capgemini, Kraków (Poland)

02/08/2010–31/08/2012
Middle Project Manager
PSD2HTML.com (operates as W3 Ukraine), Kharkiv (Ukraine)

28/10/2012–29/10/2012
Observer of Ukrainian parliamentary election
Ukrainian Democratic Alliance for Reform of Vitali Klitschko Consulate-General of Ukraine in Poland, Kraków (Poland)

Intern to Nathan Cullen, MP for Skeena-Bulkley Valley
House of Commons of Canada
Canada-Ukraine Parliamentary Program Ottawa, Ontario (Canada)

08/02/2010–14/05/2010
Intern at District Office of Assemblymember Steven C. Bradford
California State Assembly
51st State Assembly District Internship Program Inglewood, California (United States)

EDUCATION AND TRAINING

09/2013–Present
Master of Arts in Global Studies
University of Vienna, Vienna (Austria)
Erasmus Mundus Scholarship, European Commission

09/2012–Present
Master of Arts in Global Studies
University of Wroclaw, Wroclaw (Poland)
Erasmus Mundus Scholarship, European Commission

08/2009–05/2010
Global Undergraduate Exchange Program Fellow, International Relations
California State University, Carson, California (United States)
Global Undergraduate Exchange Scholarship, United States Department of State

09/2007–06/2012
Bachelor of History
University of Kharkiv, Kharkiv (Ukraine)
PERSONAL SKILLS

Mother tongue(s)
Ukrainian, Russian

Other language(s)

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Common European Framework of Reference for Languages

Computer skills

ADDITIONAL INFORMATION

Select Conferences and Seminars
Speaker at:
1. July 2014 – REACT Regional Euro-Atlantic Camp, Stavna, Andrijevica, Montenegro
2. April 2014 – British Association for Slavonic and East European Studies Annual Conference, Fitzwilliam College, Cambridge, England, United Kingdom

Participant of:
3. May 2014 – To Be Secure Forum – Turning Words into Action, Budva, Montenegro
4. October 2013 – Model Ukraine White Paper Committee Workshop, Ottawa, Ontario, Canada
5. March 2012 – Eastern European Winter School, Wrocław, Poland

Attended lectures delivered by international specialists in the field of the regional economic, political, social, cultural, historical issues, engaged in the seminars supervised by renowned Polish scholars, presented a report

6. May 2011 – Solidarity Academy, Gdansk, Poland

Attended lectures from renowned historians and leading figures of public life from Poland and abroad, took part in practical workshops allowing to gain knowledge and basic practical skills in the fields of history and the idea of the Solidarity movement, social change, and social participation


9. October 2011 – Building Bridges: The Tools of Public Diplomacy, symposium at Syracuse University, Syracuse, New York, United States