

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
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AT THE 1186th MEETING OF THE
OSCE PERMANENT COUNCIL**

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On the Law on Education in Ukraine

Mr. Chairperson,

On 3 May we listened attentively to the position of the distinguished Permanent Representative of Ukraine regarding the Law on Education adopted by the Verkhovna Rada. Unfortunately, in the crowd of details we did not hear the one important thing, namely a desire by the Ukrainian Government to remedy the discriminatory provisions of the law or to listen to and heed the representatives of national minorities and other ethnic groups in that country.

On that occasion selective and biased extracts from the Venice Commission's conclusions regarding this law were quoted to us. We should like to comment on some of them.

It is difficult to deny that "it is a legitimate and commendable aim for States to promote the strengthening of the State language and its command by all citizens", as paragraph 118 of the conclusions points out. This is a general comment applicable to all countries.

However, the devil is in the details, as they say, in this case the specific case of Ukraine. This specific case is also touched on in other paragraphs, in particular in paragraphs 119 and 120, which state that "Article 7 of the new Law, by reducing the scope of education in minority languages, notably at the secondary level, has drawn strong criticism and protests both domestically and internationally."

Let us focus on one detail highlighted by the experts with regard to the Ukrainian Government's national policy. The conclusion explicitly states that Article 7 "as adopted, is quite different from the draft on which minorities were consulted." This difference is clearly not to the benefit of minorities. We all recall how the distinguished Ukrainian ambassador spoke on 3 May of a "road map" and of consultations with national minorities and the like. What is the good of these consultations if the opinion of hundreds of thousands if not millions

of people whose welfare is supposedly looked after by the Ukrainian authorities is completely ignored in reality?

As far as OSCE commitments are concerned, it may be recalled how paragraph 35 of the 1990 Copenhagen Document applies to this case. It states that “the participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.” If the consultations, as we have seen, are a mere fiction, what kind of “effective participation” by national minorities are we talking about? Not to mention paragraph 34 of the Copenhagen Document which states that “the participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue.” It is against this background that the refusal by representatives of the Hungarian diaspora to participate in the “consultations” with the authorities, as mentioned last time by the distinguished Ukrainian Permanent Representative, is to be understood.

Moreover, the Venice Commission did not conceal its concern regarding the provisions of the law, which do not establish the precise level of protection of the linguistic rights of national minorities in Ukraine, as demanded by the relevant international norms.

The situation is exacerbated by the fact that the Law on Education is a framework act serving as a legal basis for future policy-making in this important area. Indeed, this basic document permits the existing language regime to be radically changed into a system focusing entirely on the mandatory use of the Ukrainian language as the language of instruction. According to the Commission, “this could result in a substantial diminution in the opportunities available to persons belonging to national minorities to be taught in their languages, which would amount to a disproportionate interference with the existing rights of persons belonging to national minorities.” A similar concern is expressed in paragraph 122 of the conclusions, which points to the serious danger that the minority language will be taught only as a subject but that there would no longer be the possibility to teach other subjects in it.

It has already been said in this room, on 3 May, that the measures adopted by the authorities in Kyiv are more like “linguistic cleansing” of the education system in the country, which not only runs counter to the Constitution of Ukraine but also violates its international commitments, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Council of Europe Framework Convention for the Protection of National Minorities and a number of other documents. I shall not name them here, as the list is long enough already. In conclusion, I should like merely to dwell on the last of these documents, the Council of Europe Framework Convention.

As you know, on 5 March the specialist Advisory Committee published its conclusions on the report by Ukraine regarding fulfilment by it of the provisions of this Convention. The conclusions by this body for the most part agreed with those of the Venice Commission and other bodies. In paragraph 13 of the document the Committee also mentioned the insufficient co-operation by the authorities of Ukraine with national minorities: “The Advisory Committee shares concerns of national minority representatives with regard to the lack of consultation on matters affecting them.” Paragraph 25 points to the serious danger regarding the changed wording of Article 7 of what was then a draft Law on

Education, which did not seem to offer the same level of protection as that provided for in the Constitution of Ukraine. In relation to Ukraine the experts draw the unambiguous conclusion (paragraph 160) that “initiatives to reform primary and secondary education raise concerns as regards availability of minority language education in the future.”

We shall also look at the outcome of the consideration in the Council of Europe of the results of the third monitoring cycle on Ukraine’s compliance with the European Charter for Regional or Minority Languages.

On the whole, this shows that the “reforms” currently being carried out by the Ukrainian authorities do not offer any hope to national minorities for the future. History has taught us the tragic consequences of ethnic self-interest of this type.

We again urge all interested parties, above all the Ukrainian authorities, to reassess the possible negative consequences of this type of experiment. In our opinion, there is an urgent need for the OSCE’s specialist structures, including the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights, to provide the Ukrainian Government with as much assistance as possible in this matter.

Thank you for your attention.