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**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
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AT THE 1249th MEETING OF THE OSCE PERMANENT COUNCIL**

28 November 2019

On violation by Latvia of educational and linguistic rights of national minorities

Mr. Chairperson,

We have already drawn attention to the flouting by the authorities in Latvia of the educational and linguistic rights of national minorities in that country. The so-called reforms are continuing.

On 14 November, the Constitutional Court of Latvia issued a decision on the claims of parents of pupils about the illegality of the application of the 2018 language amendments to private educational establishments. According to the court's decision, the introduction of a new language quota in private schools is said to be legal and consistent with the Constitution. It is significant that the preliminary discussion of the claims was held *in camera*, and the records were not published.

In fact, the court considered a single class action consisting of three claims. All of them came from Russian-speaking families whose children attend private schools. The parents and activists were attempting to appeal against the "reform", citing its inconsistency with the articles of the Constitution on legal clarity and certainty, the prohibition of discrimination, the right to education and the protection of national minorities.

As a result, the court once again made a politically motivated decision. The judges claimed that the new education law does not prohibit the use of minority languages in education, but that the education system is obliged to provide students with the opportunity to use the State language.

According to the Constitutional Court, there are no grounds for affirming that the contested legal norms could cause a decline in the quality of education. And yet, according to the latest public opinion poll, 49 per cent of the population describe this very education as "mediocre". The judges somehow considered that the established "linguistic" quotas (80 per cent in the State language against 20 per cent in minority languages in primary school and 100 per cent in the State language in secondary school) "provide ethnic minorities with the necessary minimum rights to master their mother tongue properly and to preserve their identity".

Local experts were very critical of these conclusions, pointing out that the rights of minorities in education were now practically non-existent. They state that the court ignored the opinion of international pedagogy experts.

The Constitutional Court is considering several more lawsuits: a ban on Russian-language programmes in private universities from 1 January this year; a planned “increase in the share of the State language in preschool education”; and a similar problem in kindergartens.

In other words, the court, under the pretext of good intentions and the need to ensure the integration of members of minorities into society, is blindly implementing the official policies and merely helping to further isolate the Russian-speaking minority. In that connection, people in Latvia are already saying that “this decision is clear evidence that the truth cannot be found in Latvian courts”. Calls are being heard for further protest actions and appeals to the European Court of Human Rights. As you know, the first claims have already been filed with that court.

We repeat that such measures by the Latvian authorities violate not only national legislation but also a number of obligations under international law. For example, Article 27 of the International Covenant on Civil and Political Rights states that “persons belonging to such minorities shall not be denied the right ... to enjoy their own culture ... or to use their own language”. According to Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms ... without distinction as to ... national or ethnic origin, to equality before the law, notably in the enjoyment of ... the right to education and training.” Article 5 of the UNESCO Convention against Discrimination in Education recognizes “the right of members of national minorities to carry on their own educational activities, including ... the use or the teaching of their own language.” Articles 29 and 30 of the Convention on the Rights of the Child state that “the education of the child shall be directed to ... the development of respect for the child’s parents, his or her own cultural identity, language and values” and that “a child belonging to such a minority ... shall not be denied the right ... to enjoy his or her own culture ... or to use his or her own language”. Nor does the law comply with the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, not to mention the country’s own Constitution.

The amendments to Latvian law also run counter to The Hague Recommendations regarding the Education Rights of National Minorities by the OSCE High Commissioner on National Minorities. While all this is taking place, the European Union remains silent about such serious problems in one of its Member States.

We call on the High Commissioner and the Director of the Office for Democratic Institutions and Human Rights to evaluate the actions by the Latvian authorities, which grossly violate the rights of national and linguistic minorities.

Thank you for your attention.