



Permanent Mission of Ukraine
to the International Organizations in Vienna

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Statement on the Law of Ukraine “On Education”

As delivered by Ihor Prokopchuk,
Permanent Representative of Ukraine to the International Organizations in Vienna,
to the 1157th meeting of the Permanent Council,
28 September 2017

Mr. Chairperson,

The Delegation of Ukraine takes note of the statements delivered by the delegations of Hungary, the Russian Federation and Romania and will communicate their contents to the capital. They voiced earlier concerns in connection with the newly adopted Law of Ukraine “On Education” and those were responded to with substance and constructiveness, in particular during the meetings with the Minister of Education of Ukraine in Kyiv, in bilateral contacts, at the OSCE Human Dimension Implementation Meeting and meetings with the Deputy Minister of Education of Ukraine who was in Warsaw. We are ready to continue dialogue and consultations on implementation of provisions of the mentioned Law.

Mr. Chairperson,

In our statement today we would like to present additional clarifications and dispel the myths which also emerged today around the adopted legislation.

Reform of Ukraine’s education system is an important part of the large-scale reform process in the country. On 5 September 2017 the Verkhovna Rada (Parliament) of Ukraine adopted the Law of Ukraine “On Education” which was signed by the President of Ukraine on 25 September 2017.

When elaborating and adopting the new Law the Ukrainian authorities and legislators have taken full account of Ukraine’s obligations and commitments under respective international instruments, including the European Charter for Regional or Minority Languages and the Council of Europe Framework Convention for the Protection of National Minorities. Notably, these instruments underline that the right to maintain the collective identity through the minority language must be balanced by the responsibility to integrate and participate in the wider national society through the acquisition of a sound knowledge of both that society and the State language.

The new Law specifies that the human right to education may be exercised through obtaining it at different levels of education, in various ways and forms, including pre-school, comprehensive, extracurricular, vocational, higher education and adult (continuing) education.

Whereas the Law is a complex document transforming the educational system in the country, the expressed concerns of some states refer to its one article.

Article 7 of the Law stipulates that the language of the educational process in Ukraine is the official language of the State. The very same Article of the Law clearly ensures the right of national minorities in Ukraine to maintain their collective identity through the medium of their mother tongue at primary and secondary levels of education.

I wish to offer a quotation of the respective provision of the Law:

“Persons belonging to national minorities of Ukraine are guaranteed the right on education in municipal educational institutions of pre-school and primary education in the language of the national minority they belong to and in the official language of the State.”

In this light we wish to recall the view expressed in OSCE HCNM’s recommendations on education: “The first years of education are of pivotal importance in a child’s development. ...Pre-school and kindergarten levels should ideally be the child’s language”. Moreover, it was maintained that “in primary school the curriculum should ideally be taught in the minority language” with a few practical and theoretical subjects taught in the State language towards the end of that period. Thus, while there are no specific international obligations on ensuring such ideal educational medium for children belonging to national minorities, it is provided for in the Ukrainian Law in question. My distinguished colleagues would certainly take a note that whereas the HCNM’s recommendations refer to gradual increase of instruction in the State language already in the primary, Ukraine’s Law provides for education in the language of the national minority throughout the primary school.

At the secondary level of education, apart from teaching of the national minority language and literature, one or more subjects can be taught in the languages of the European Union. Studies of a number of subjects, in particular mathematics, will be accompanied by the use of vocabularies enabling to learn the respective terminology in the minority language.

While the reform is introduced from 1 September 2018, a transitional period is foreseen for children who now receive education in the language of national minorities until 1 September 2020 with gradual increase of the subjects in the State language.

On top of the above we wish to point out that the Law envisages a possibility for national minorities to establish and manage their own educational institutions funded from both national and international sources. This is an additional important opportunity that can be exercised by interested persons belonging to national minorities.

Ukraine will forward the respective parts of the Law to the Council of Europe for opinion.

Distinguished colleagues,

The OSCE High Commissioner on National Minorities maintained in the respective recommendations that States are obliged to guarantee equal opportunities for everyone, regardless of whether they belong to majorities or minorities, to participate in the economic, social, cultural and political life of the society. In this context importance is attached to avoiding segregation in education, even if self-induced by minority communities, while fully respecting the educational rights of persons belonging to minorities.

The objectives of equal opportunities of all members of the Ukrainian society form the basis of the newly adopted Law “On Education”. The considerations took account of the assessments of steadily dropping level of secondary education among children receiving instruction in the language of national minorities. For instance, in 2016 over 36% of school graduates in Zakarpattya region scored 1 to 3 grades in the Ukrainian language on the 12 grade scale. In particular, in Beregove district of that region, which is densely populated by the Hungarian national minority, 75% of school graduates scored 1 to 3 grades in the Ukrainian language on the 12 grade scale. In 2016, in total 60,1% of children belonging to Hungarian and Romanian national minorities did not pass the threshold of testing in the State language.

The reform of the education system in Ukraine will improve the quality of education, open up further prospects for continuous education, enhance equality of opportunities, foster competitiveness of the young people in the labour market and employment, including in the public sector. The possibilities for the young people, including from national minorities, to fully realize their potential and aspirations will be significantly broadened.

Mr. Chairperson,

I would like to make some remarks specifically in response to the statement of the Russian delegation which contained numerous distortions. In terms of respect for rights of national minorities the Russian Federation is a special case deriving from the policies and practices of enforced russification of population during the Soviet totalitarian regime. When joining the Council of Europe in 1996 the Russian Federation undertook an obligation to become a party to the European Charter for Regional or Minority Languages. It was signed by Russia, but not yet ratified. Over 2 million strong Ukrainian national minority in Russia does not have a single school in Ukrainian. Earlier this year we informed the Permanent Council that the only library of Ukrainian literature that had been operational in Moscow from 1920s was effectively closed by the authorities while the director of the Library was sentenced on trumped-up charges. Any manifestation of signs of Ukrainian identity in today's Russia is a significant risk to personal safety and freedom. The most appalling situation is in the parts of Ukraine, illegally occupied by Russia – the Crimean peninsula and certain areas of Donbas. In the occupied Crimea the main targets of Russian repressive policies are the indigenous Crimean Tatar people and the Ukrainian community. The report on Crimea, released this week by the UN High Commissioner for Human Rights, put into spotlight grave violations of rights of Crimean Tatars and Ukrainians from the beginning of Russian occupation and

Russia's contempt to its obligations under international law as an occupying power. The country which displays profound disregard to its obligations relating to national minorities indulges in utter hypocrisy raising questions in respect to other countries.

Mr. Chairperson,

Over the years since establishment of the office, the OSCE High Commissioner on National Minorities developed valuable sets of recommendations comprehensively addressing respective issues, among them The Hague Recommendations Regarding the Education Rights of National Minorities, the Ljubljana Guidelines on Integration of Diverse Societies, The Bolzano-Bozen Recommendations on National Minorities in Inter-State Relations. So far these sets of recommendations, which are inter-related, have not been endorsed by the OSCE participating States as their political commitments, not least because of the positions of the countries which raise concerns today.

Is it that the moment is now ripe to restart respective discussions to come to agreement? We would direct this question to the Chairmanship. Ukraine is ready to work for their endorsement within the OSCE to ensure common framework for protection and promotion of rights of persons, belonging to national minorities, across the OSCE space.

Thank you, Mr. Chairperson.