

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
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AT THE 1213th MEETING OF THE
OSCE PERMANENT COUNCIL**

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On violations of linguistic rights in Ukraine

Mr. Chairperson,

We should like to draw the attention of the Permanent Council to the latest violation of linguistic rights in Ukraine. The authorities of that country are endeavouring to artificially fast-track the adoption of the new Law on Ensuring the Functioning of the Ukrainian Language as the State Language. The procedure is already scheduled for completion in the first half of February. They are clearly in a hurry to pass it in time for the presidential election in Ukraine so as to oblige radical groups.

The draft law aims at the total “Ukrainization” of all spheres of life in the country and in society and to remove from it not only the Russian language but also the languages of the Hungarian, Romanian, Bulgarian, Polish, Greek and other national minorities. The leadership of the Verkhovna Rada is no longer hiding its intention to continue this harsh national, nay nationalistic, policy. We have not heard a reaction by the European Union to these draconian measures in relation to the languages of a number of its Member States. Or are the authorities in Brussels counting on bargaining in a bilateral format for concessions for themselves at the expense of discrimination against the Russian language?

Attention needs to be drawn specifically to Article 17 of the draft law. The new text is essentially a copy of Article 7 of the previously mentioned Law on Education. It states that the Ukrainian language shall be used for independent external assessment and entrance examinations and for foreign language teaching. Article 15 confirms the exclusive status of the Ukrainian language in electoral processes, and Article 21 requires that all articles in foreign-language print media must also be reproduced in that language. There are a number of other restrictions as well. This is tantamount to total language cleansing.

Moreover, the draft law contains a number of terms – “sphere of private communication”, “public disparagement of the Ukrainian language”, “attempts to introduce official multilingualism in Ukraine” – which fail to meet the requirements of legal certainty, a situation that also prejudices the rights and legal interests of citizens.

A few days ago, the Chairperson of the Committee on Culture and Spirituality, Mykola Kniazhytskyi, who is sponsoring the draft law in the Rada, stated that the document would not undergo any significant changes in the second reading. He thus ignores more than 2,500 amendments already submitted in the work on this initiative.

Moreover, he excludes the possibility of the draft law being submitted for analysis by the Council of Europe Venice Commission, as was done earlier with the scandalous Law on Education. Evidently, fears that international bodies will once again strongly criticize the Ukrainian authorities for departing from their human rights obligations are more important than common sense, legal logic and the duty of the State to operate in the best interests of its people and not to their detriment. It is notable that only days ago the President of the Venice Commission, Gianni Buquicchio, confirmed in writing that the Commission's condemnation of the notorious Article 7 of the Law on Education stood. Thus it also applies in full measure to Article 17 of the new draft law.

The Advisory Committee of the Framework Convention for the Protection of National Minorities also has serious problems with the Ukrainian authorities.

The conclusion by independent Ukrainian experts speaks volumes as well. They state that the draft law is "the most controversial of all the previously proposed language law versions."

Let us move to an assessment of this initiative from the point of view of the Ukrainian Government's legal and political obligations and commitments.

First, the new law violates the Constitution of Ukraine itself. Articles 10 and 24 guarantee citizens the "free development, use and protection of Russian and other languages of national minorities" and provide for equal constitutional rights without privileges or restrictions, including those based on linguistic characteristics.

Second, it contravenes Article 27 of the International Covenant on Civil and Political Rights, which has been ratified by Ukraine. This article states that "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language." This also applies in full, by the way, to the persecution in Ukraine of the canonical Ukrainian Orthodox Church. But that is another story.

Third, there is a whole set of commitments within the Council of Europe and in relation to the comments by the Venice Commission already spoken about.

Fourth, returning to OSCE commitments, we should like to ask how the Ukrainian authorities take into account paragraph 35 of the 1990 CSCE Copenhagen Document, which 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."

And paragraph 34 of that document asserts 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.”

We should like to hear professional comments by Ukraine and not unsubstantiated excuses and slogans.

On the whole, we are once again obliged to note that the so-called “reforms” offer the Russian-speaking population and national minorities in Ukraine no hope for a trouble-free and equitable future. It is therefore extremely urgent for the OSCE’s specialist bodies, including the Chairmanship, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights and the Representative on Freedom of the Media to monitor the situation particularly closely.

Thank you for your attention.