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AT THE 1229th MEETING OF THE OSCE PERMANENT COUNCIL**

23 May 2019

**On the Ukrainian Law on Ensuring the Functioning of  
Ukrainian as the State Language**

Mr. Chairperson,

After the coup d'état in February 2014, the "Maidan" authorities set out to clamp down on the rights of Russian-speaking Ukrainians and national minorities in Ukraine. The very first statements and decisions by the Ukrainian leaders, such as the rescinding of the Law on the Basic Principles of State Language Policy, intensified social tensions and resulted in a reinterpretation of the Ukrainian Government's relations with the regions, including Donetsk and Luhansk. But even this did not stop the Ukrainian authorities from taking further confrontational steps in this direction. Since 2014, the violations have become truly systematic. Under the pretext of protecting the Ukrainian language, the forced Ukrainization of all aspects of life has intensified, depriving ethnic communities of their identity.

This discriminatory policy reached its apogee on 15 May this year, when, a few days before his resignation, Petro Poroshenko, who had already lost the presidential election, signed the Law on Ensuring the Functioning of Ukrainian as the State Language, which had been hastily adopted by the Verkhovna Rada. The law is not simply in direct contravention of the Constitution of Ukraine, a large number of provisions of Ukrainian national law and the Ukrainian Government's obligations and commitments under international law. It exacerbates existing tensions and could aggravate the already difficult situation within the country.

The Verkhovna Rada committed serious procedural violations before the adoption and during the consideration of the law. This has been officially admitted, by the way, by a number of Rada deputies. In particular, the recommendations of the main specialist department of the Verkhovna Rada on the need to change a number of formulations that did not meet the requirements of legal certainty were ignored. It would appear that, aware of the legal flaws and blatantly discriminatory nature of the law, the Ukrainian authorities were reluctant to submit the draft to the Venice Commission of the Council of Europe. Moreover, they are simply ignoring the Commission's previous recommendations from 2017 dealing with the no less discriminatory Law on Education.

Even taking into account the amendments to it, the law on the State language does not comply with legal standards. In the first place, it contravenes the Constitution of Ukraine, in particular Article 10, which

guarantees the “free development, use and protection of Russian and other languages of national minorities”. According to Article 11, the State should promote the development of the ethnic, cultural, linguistic and religious identity of indigenous peoples and national minorities in Ukraine. Article 22 states that “the content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.” And according to Article 24, “citizens have equal constitutional rights and freedoms and are equal before the law”, notably with respect to linguistic characteristics.

It is also at odds with the Ukrainian Law on National Minorities, Article 6 of which allows the possibility “to study in one’s native language at State educational institutions”. Preferences in favour of certain languages conflict with Article 1, paragraph 1, of this law, which states that citizens shall enjoy the protection of the State on an equal basis.

Let us turn to Ukraine’s international obligations. The document violates Article 27 of the International Covenant on Civil and Political Rights ratified by Ukraine, which says: “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 or practise their own religion, or to use their own language.”

Nor does the law live up to the European standards that the Ukrainian leadership aspires to so much with its meaningless statements and promises. For example, Ukraine has ratified the European Charter for Regional or Minority Languages, according to which the Ukrainian Government is meant to protect and promote the use of the languages of minorities in education, science, culture, administrative authorities, politics and courts and to take the corresponding measures as outlined in the Charter. In the accompanying declaration, Ukraine also specifically mentioned the applicability of its provisions to the Russian language. The violation is clear.

The same is also true of OSCE commitments. For example, paragraph 34 of the 1990 CSCE Copenhagen Document states: “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.” The law on the State language reduces this right to a minimum and effectively limits it. Paragraph 35 of the Copenhagen Document states: “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.”

Paragraph 32 stipulates that “persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will.” As for the system of administrative fines provided for in the law for the failure to use the Ukrainian language, depriving some of the inhabitants of Ukraine of their linguistic rights today is just a legal device for achieving the aforementioned assimilation.

Let us also recall that Point 11 of the Minsk Package of Measures signed on 12 February 2015 at the height of the armed conflict in Donbas enshrined the right to linguistic self-determination for certain areas of the Donetsk and Luhansk regions. The new law on the State language effectively deprives Donbas of this possibility. As such it corresponds to neither the letter nor the spirit of the Minsk agreements. It is also important to remember that the Minsk Package of Measures was endorsed by United Nations Security Council resolution 2202 of 17 February 2015. Thus the actions of the Ukrainian leadership seemed to deliberately undermine the efforts of the UN Security Council and the international community to settle the crisis in Ukraine.

In that connection, the Russian Federation put forward an initiative on 20 May to hold a meeting of the UN Security Council on that topic. However, the Western members of the Council, including our partners in the “Normandy format”, blocked the holding of a meeting and refused to give an objective assessment of the actions of the Ukrainian Government. They proceeded purely from political considerations. No one was troubled by the direct violation by Ukraine of the Minsk Package of Measures nor by the fact that the entry into force of the law would make the prospects of a peaceful settlement in Donbas more remote – in others words, yet another example of hypocrisy.

Mr. Chairperson,

Respect for the rights of national and linguistic communities in Ukraine is still a long way from basic international standards. We call on the Slovak OSCE Chairmanship, the OSCE High Commissioner on National Minorities Lamberto Zannier, the Office for Democratic Institutions and Human Rights and the participating States to provide a principled public assessment of the Ukrainian Government’s legislative steps. We hope that the new leadership of Ukraine will find the political will to put an end to these excesses. We expect a balanced policy with respect to all categories of citizens of Ukraine without discrimination on ethnic, linguistic, cultural or religious grounds.

Thank you for your attention.