

PC.DEL/545/18

4 May 2018

ENGLISH

Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY MR. ALEXANDER LUKASHEVICH,
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AT THE 1184th MEETING OF THE
OSCE PERMANENT COUNCIL**

3 May 2018

On the Ukrainian Law on Education

Mr. Chairperson,

We are regrettably obliged to note that the distinguished Ukrainian representative is once again attempting to justify discriminatory amendments to the Law on Education, rather than providing information on measures by the Ukrainian authorities to rectify problematic aspects of the law, as a number of international bodies have called on the Ukrainian Government to do.

As you know, complaints have been made by representatives of international organizations, parliamentary structures and human rights bodies. Last December, the Venice Commission of the Council of Europe published its conclusion on the law, in which it criticized Article 7 and recommended to the authorities in Kyiv that they amend it so as to avoid discrimination against national minority languages. The President of the Venice Commission, Mr. Gianni Buquicchio, has suggested the establishment of a co-operative initiative between the Council of Europe and the European Union on this matter.

In its Resolution of 12 October 2017, the Council of Europe Parliamentary Assembly stated that the Ukrainian Law on Education does not strike an appropriate balance between the official language and the languages of national minorities.

In December of that year, the Office of the United Nations High Commissioner for Human Rights called on Ukraine to “ensure that the rights of minorities are respected without discrimination among different minority groups.” It was emphasized that the position of the Ukrainian language should not be strengthened at the expense of national minority languages.

The measures adopted by Ukraine are more like “linguistic cleansing” of the education system, which directly contravenes Articles 10, 24 and 53 of the Constitution of Ukraine. They violate Ukraine’s international commitments, including within the framework of the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the 1960 UNESCO Convention against

Discrimination in Education, the Concluding Document of the 1986 CSCE Vienna Meeting, the Document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, and the 1991 Report of the CSCE Meeting of Experts on National Minorities.

In particular, the 1990 CSCE Copenhagen Document clearly states that “persons belonging to national minorities have the right ... to establish and maintain their own educational ... institutions, organizations or associations” and 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.”

Paragraph 63 of the Concluding Document of the 1986 CSCE Vienna Meeting states that participating States should “ensure access by all to the various types and levels of education without discrimination”, including for reasons of language.

The new Ukrainian law also goes against The Hague Recommendations (1996) and Ljubljana Guidelines (2012) of the OSCE High Commissioner on National Minorities, according to which “States should respect the right of persons belonging to minorities to be taught their language or to receive instruction in this language, as appropriate, especially in areas inhabited by them traditionally or in substantial numbers.”

By continuing their confrontational approach to the language issue, the Ukrainian authorities are recreating the situation that essentially gave rise to the conflict and then the civil war in south-eastern Ukraine. The adoption of this law is hampering the rapprochement of the parties to the conflict in Ukraine and is making the likelihood of its settlement more remote. There is an evident lack of desire by Ukraine to fulfil its own commitments under point 11 of the Minsk Package of Measures of 12 February 2015, which calls for the adoption of permanent legislation on the special status of the Donetsk and Lugansk regions with account taken of the right to linguistic self-determination.

Moreover, the Ukrainian authorities are now attempting to exempt the languages of the European Union Member States from this law. In terms of the relevant universal human rights instruments, this biased approach could be construed as racism, if not a deliberate policy by the State and its leaders. We call on the EU Member States once again to think about what is happening in Ukraine and not to abet the Ukrainian authorities in their discriminatory actions.

We also urge the High Commissioner on National Minorities to give due consideration to this law and finally to take a serious approach to the situation regarding the rights of national minorities in Ukraine.

Thank you for your attention.