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Unfortunately, despite the statement of the representative from Ukraine, Tishchenko, the participation of national minorities of Ukraine in socio-economic life is limited at the governmental level.

The primary opportunity for its realization and adaptation in the socio-economic life for national minorities is the preservation of their native language.

However, the Law of Ukraine “On Education” adopted on 5 September 2017 is contrary to the Convention on the protection of national minorities, according to which the state is obliged to ensure the right of national minorities to study in their native language. However, Article 7 of this law prescribes that education in all secondary schools in the territory of Ukraine, including private ones, take place in the Ukrainian language.

This legislative norm has caused dissatisfaction in many countries, including states of the European Union. In particular, the government of Hungary officially stated that the Ukrainian law on education violates the principles of the Association Agreement between Ukraine and the European Union, and strongly protested by blocking the integration process of Ukraine into NATO.

In addition, on 8 December 2017, the European Commission “For democracy through law”, better known as the Venice Commission, made an expert conclusion regarding the linguistic elements of the Ukrainian law “On education”.

One of the findings of this conclusion is that Article 7 of the law does not ensure compliance with the key principles necessary for the implementation of the framework law in the context of the international and constitutional obligations of the country. Members of the Venice Commission also pointed out that the adopted law does not provide solutions for languages that are not official languages of the European Union (EU), in particular for Russian, which is the most widely used language in Ukraine after the state language, while also stating: “a less favorable attitude towards these languages is difficult to justify, and therefore it attests to the discriminatory nature of the norm. With these considerations in mind, the correct decision would be to amend article 7 to replace these provisions with more balanced and clearly formulated ones. The issue of discrimination against the languages of other minorities whose languages are not official languages of the EU should also be resolved during the course of such a revision.”

However, up to now, after nearly two years, none of the recommendations of the Venice Commission on educational reform have been implemented by the government of Ukraine.

In October of this year, Ukraine signed an agreement with NATO on implementing the recommendations of the Venice Commission, but this does not guarantee the implementation of the agreement by Ukraine!

In addition, the Law of Ukraine “On ensuring that Ukrainian functions as the state language”, adopted on 25 April 2019, does not comply with the Constitution of Ukraine, existing international treaties, and the European Charter on Regional and Minority Languages, and, of course, infringes upon the rights of the multi-million Russian-speaking population, as well as of ethnic Hungarians, Romanians, Gagauz, and representatives of other national minorities of Ukraine.

This law imposes the obligatory use of the Ukrainian language across the country in all state institutions and local administration, as well as in all public spheres of life.

It should be noted that the OSCE High Commissioner for National Minorities, Lamberto Zannier, officially stated on 29 July 2019 that the language law adopted in Ukraine does not say anything about protecting the languages of national minorities, meaning that it must be brought into accordance with international best practices. In particular, he noted “One of the current issues is the implementation of the recommendations of the European Union. For example, this relates to the differentiation between languages of the European Union and all others. Such a classification speaks to the fact that unequal policies are applied to different national minorities, which introduces elements of discrimination. First, the law does not speak about the protection of the languages of national minorities. We are working with the Ministry of Culture [Ukraine] on certain changes that should appear in the document and take into account, for instance, the role of the Russian language. Second, all issues related to the use of the state language are resolved in quite a strict manner, not through a system of incentives and rewards that we would like to see, but rather through punishment. Third, the law was adopted without any consultations with representatives of national minorities.”

The discriminatory nature of several norms of this adopted law include:

- the ban on secondary and higher education in the Russian language and in the languages of national minorities, the removal of Russian language books, the complete ban on the commercial distribution of Russian-language computer programs, and the ban on Russian-language mass media;
- infringement upon the rights of patients of medical institutions who do not speak the state language;
- clear discrimination in the field of services, in which the use of the Ukrainian language is obligatory;
- the holding of all public, including cultural, events exclusively in the Ukrainian language.

According to the law already in force, observance of the norms mentioned above is monitored by a newly-created body vested with repressive powers: the Commissioner for the Protection of the State Language. And this is in a country, where, according to sociological surveys for 2018-2019, from 65% to 77% of the population uses Russian in everyday life.

In connection to this, our Institute suggests that an appropriate resolution be adopted following this meeting that supports the OSCE High Commissioner for National Minorities, Lamberto Zannier, and obliges the state of Ukraine to:

- a) Implement the recommendations of the European Commission “For democracy through law” (Venice Commission) of 8 December 2017 on repealing article 7 of the Law of Ukraine “on education”.
- b) Repeal all discriminatory norms in the Law of Ukraine “on ensuring that Ukrainian functions as the state language” of 25 April 2019.