

**Written Comments
by Hungarian Researchers and NGOs
in Transcarpathia (Ukraine)
on the Fifth Periodic Report of Ukraine
on the implementation of the
Framework Convention for the Protection of National Minorities**

Executive summary

Berehove – Beregszász

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1. Introduction

This alternative report is submitted by Hungarian researchers and non-governmental organizations representing the Hungarian community living in Transcarpathia county (Закарпатська область) of Ukraine. The report is prepared with the cooperation of members of the Transcarpathian Hungarian Cultural Association, the Transcarpathian Association of Hungarian Pedagogues, the Democratic Alliance of Hungarians in Ukraine, the A. Hodinka Linguistic Research Centre, and the T. Lehoczky Research Centre. It focuses on issues of implementation of the Framework Convention for the Protection of National Minorities in Transcarpathia and aims to complement the government's periodic report by shedding light on the perspective of the national minorities and the users of minority languages and point out some problematic issues, which remain unsolved despite the ratification of the Framework Convention for the Protection of National Minorities.

The following comments are structured according to the Articles of the Framework Convention. These comments are in no way comprehensive. For the sake of brevity, we concentrated on questions that seemed to be the most important, or where the most relevant recent developments have taken place.

Authors welcome the opportunity of submitting their notes related to the Ukrainian Government's report and will be happy to give an explanation and/or response to any possible question of the Council of Europe's Committee of Experts. In case of such demand and possibility we look forward to a personal meeting during the visit of the Committee of Experts to Ukraine in order to provide the members with further feedback as to the implementation of the Framework Agreement in Transcarpathia.

This is not our first alternative report: we have prepared a similar information material¹ to the fourth periodic report of the Ukrainian Government as well. We submitted an alternative report similar to this one on the implementation of the European Charter for Regional or Minority Languages in Ukraine and Transcarpathia to the competent body of the Council of Europe in 2016² and 2019³.

These alternative reports indicate the commitment of the Hungarian national minority in Transcarpathia towards general human rights, and our demand and firm intention to maintain our identity and native tongue as well as to preserve acquired rights.

Ukraine, which became independent in 1991, is undergoing its most serious crisis. Besides the political and economic troubles, it needs to deal with a military conflict as well. In this tense situation our aims cannot be to sharpen the linguistic and ethnic conflicts, but to achieve consolidation and societal peace. We are convinced that preserving ethnic, cultural, and linguistic diversity, the creation of mutual respect will bring us closer to peace.

¹ Written Comments by Hungarian Researchers and NGOs in Transcarpathia (Ukraine) on the Fourth Periodic Report of Ukraine on the implementation of the Framework Convention for the Protection of National Minorities. Berehovo – Beregszász, January 20, 2017. https://kmksz.com.ua/wp-content/uploads/2017/01/Framework-Convention_Transcarpathia_Ukraine_Shadow-Report-KE.pdf

² Written Comments by Hungarian Researchers and NGOs in Transcarpathia (Ukraine) on the Third Periodic Report of Ukraine on the implementation of the European Charter for Regional or Minority Languages, submitted for consideration by the Council of Europe's Committee of Experts on the Charter. Berehovo – Beregszász, 11 July 2016. <https://kmksz.com.ua/wp-content/uploads/2017/01/Ukraine-Charter-shadow-report-Amyekjelentes-nyk.pdf>

³ Joint alternative report by Hungarian NGOs and researchers in Transcarpathia (Ukraine) on the Fourth Periodical Report of Ukraine on the implementation of the European Charter for Regional or Minority Languages, submitted to the Council of Europe's Committee of Experts. https://hodinkaintezet.uz.ua/wp-content/uploads/2020/01/Written-Comments-Charter_2019.pdf

Respecting laws guaranteeing the rights of national minorities and use of minority languages is a common interest of the state, the majority society and minority communities: compliance with laws is an important step towards the rule of law and a functional democracy. This was our main goal with preparing this alternative report.

Full text of the alternative report prepared in broad collaboration and involvement of a number of experts will be submitted by the Cultural Alliance of Hungarians in Transcarpathia to the appropriate bodies of the Council of Europe soon.

2. Ratification of the Framework Convention

Ukraine signed the Framework Convention for the Protection of National Minorities in 1998. Data of ratification: 26 January 1998.⁴ Data of entry into force: 1 May 1998.

The text of the Framework Convention relating to ratification has been completed in the official Ukrainian-language translation and is available on the public official website of the Supreme Council of Ukraine.⁵ The state has not made translation of the Framework Convention in other languages.

Ukraine submitted its fifth cycle State Report on the implementation of the Framework Convention to Strasbourg on 10 January 2022. The text of the Report (either in English or Ukrainian or any other language) was not disclosed by the government (the English version is available on the Council of Europe's official website).⁶

3. Continuous restriction of minority rights

In the period covering the Fifth Periodic Report of Ukraine on the implementation of the Framework Convention for the Protection of National Minorities (from 2017 to 2021) we have witnessed substantive changes in the country's policies (in the field of legislation, originating summons and operation of law as well) related to nationalities.

Following the political change in 2014 (Revolution of Dignity) Ukraine have taken several legislative steps fundamentally transforming the legal status of minorities and minority languages. In this respect the most important legal measures were the following: the Law of Ukraine on Public Service (2015)⁷, the Act on changes to certain Laws of Ukraine as to the language of audiovisual (electronic) mass media (2017)⁸, the new framework Law on Education (2017)⁹, the Law on the State Language (2019)¹⁰, the Law on General Secondary Education (2020)¹¹ and the repeal of the language law of 2012 (2018)¹².

⁴ <http://zakon3.rada.gov.ua/laws/show/703/97-%D0%B2%D1%80>

⁵ http://zakon3.rada.gov.ua/laws/show/995_055

⁶ <https://rm.coe.int/5th-sr-ukraine-en/1680a52485>

⁷ Закон України «Про державну службу». <https://zakon.rada.gov.ua/laws/show/889-19>

⁸ Закон України «Про внесення змін до деяких законів України щодо мови аудіовізуальних (електронних) засобів масової інформації». <https://zakon.rada.gov.ua/laws/show/2054-19>

⁹ Закон України «Про освіту». <https://zakon.rada.gov.ua/laws/show/2145-19>

¹⁰ Закон України «Про забезпечення функціонування української мови як державної». <https://zakon.rada.gov.ua/laws/show/2704-19>

¹¹ Закон України «Про повну загальну середню освіту». <https://zakon.rada.gov.ua/laws/show/463-20#n984>

¹² Рішення Конституційного Суду України у справі за конституційним поданням 57 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України «Про засади державної мовної політики» від 28. 02. 2018 р. № 2-п/2018. <https://zakon.rada.gov.ua/laws/show/v002p710-18#Text>

According to opinions of the Venice Commission related to several Ukrainian laws¹³ and the evaluation by the monitoring committees of the European Charter of Regional or Minority Languages and the Framework Convention for the Protection of National Minorities the policies on nationalities and language, restricting minority rights - despite of the minorities' demands - are incompatible with Ukraine's international commitments.

4. Decentralization

The central government did not consult representatives of the minority communities during the preparation of the administrative reform. According to Article 16. of the Framework Convention "The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention".

In 2015 Ukraine's Verkhovna Rada (Supreme Council) passed the Law on Voluntary Association of Local Governments, thus starting the Ukrainian administrative – or decentralization – reform. Rada voted for the resolution "on the establishment and union of districts" on 17 July 2020, which, during decentralization - led to termination of 490 districts of Ukraine and establishment of 136 ones instead.

Before the decentralization Transcarpathia had 13 districts, where in Beregszász (Berehove) district Hungarian population evidently constituted majority. Following the decentralization 6 districts remained in Transcarpathia. Due to the reorganization Hungarians are not constituting majority in any of the districts. Therefore, the administrative reform undoubtedly violates regulations of Article 16 of the Framework Convention.

Before the decentralization Transcarpathia had 52 local governments with Hungarian majority. Following the administrative reform only 10 local governments were established, where Hungarians have absolute majority. So, the decentralization has undoubtedly changed the ethnic proportions of individual administrative units, which is in contradiction with the goals of the Framework Agreement.

5. Language rights

Laws on the protection of national minorities and use of minority languages are contradictory. In addition, the Ukrainian state neglects its obligation to inform citizens and civil servants about the applicable laws. It is common that citizens and civil servants applying the law are unaware of their rights and obligations.

Provisions of the Law on the State Language passed in 2019 enters into force gradually, although the minority law promised in it has still not been prepared. Preparatory work related to the law is going on, although representatives and experts of interest-representing organizations of the Hungarian community were not involved in the process.

Public administration bodies use minority languages in a limited way.

Based on Paragraph 2 of Article 10 of the Framework Convention minority languages may be used in communication with administrative institutions. Previous language laws (that

¹³ CDL-AD (2017) 030. Opinion on the provisions of the Law on Education of 5 September 2017, which concern the use of the State language and minority and other languages in education. Opinion no. 902/2017. Strasbourg, 11 December 2017. [https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf=CDL-AD(2017)030-e); CDL-AD(2019)032. Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language. Opinion No. 960/2019. Strasbourg, 9 December 2019. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)032-e)

of 1989 and 2012) on certain conditions provided an opportunity to use minority languages in communication with local and regional administrative institutions. Nevertheless, the Language Law of 2019 does not already provide an opportunity to use minority languages in the work of local governments. Thus, the use of Hungarian language is ousted from this point of view.

Minority languages are not used before public administration bodies. Neither the central government, nor Transcarpathian county-, district- or local public administration bodies publish their resolutions in minority languages. The state does not promote - but rather impedes - the use of minority languages in the public sphere.

6. Minority languages in public space

According to Paragraph 3 of Article 11 „In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications”.

Transcarpathia is undoubtedly a region of Ukraine, traditionally inhabited by substantial numbers of persons belonging to national minorities, and there is a sufficient demand to display local names, street signs etc. in Hungarian, German, Romanian etc. In Transcarpathia from the beginning of the 1990s one could see different bilingual signs (Ukrainian-Hungarian, Ukrainian-Romanian, but also Ukrainian-German) while entering many cities and villages.

Unfortunately, Article 41 of the Law on the State Language may only give an opportunity to use the state language. Bilingual signs are disappearing in Transcarpathia continuously: in a number of settlements officials changed bilingual signs existing since decades to Ukrainian ones.

By changing the bilingual signs to monolingual ones Ukraine clearly violates Article 11 of the Framework Convention.

The lack of bilingual signs is especially dangerous in the case of signs informing about danger and the labelling of pharmaceuticals and dangerous goods. According to the census, 6,5 million citizens of Ukraine do not speak the state language, and the absence of inscriptions in regional and minority languages endangers their life and health.

7. Summary and conclusion

Hungarian national minority in Ukraine does not require extra rights. Our endeavour is to protect our previously acquired rights existing for decades, preserve our language, identity and culture.

Based on the changes in the direction of national and language policies of Ukraine we may conclude that Kyiv is not willing to observe European standards of protection of minority and language rights undertaken by ratifying the Framework Convention and the Charter when joining the Council of Europe. This change in the direction may be identified in all laws of that field passed during the reporting period covered by the Fifth Periodic Report of Ukraine on the implementation of the Framework Convention.

The Advisory Committee and the Council of Europe, as distinguished organizations having an authority to protect human rights, shall consider these regrettable matters of facts while forming their relation to Ukraine.

Whether European organizations, including the Council of Europe, will not stand against continuous and gradual restriction of the rights of national minorities, then, on one hand – due to their inactivity - they may become accessories not just in gradual deterioration of minority rights in Ukraine, but in eroding the whole international system of minority protection. Thus, it may lead to a precedent, because of which any minority could be deprived of its previously acquired rights in any state. In such case, the example of Ukraine may encourage countries building homogenous nation-states to choose a similar way that may result in further conflicts in Europe. We are sure, nobody is interested in such a scenario.

Yours sincerely,

Berehove/Beregszász, February 17, 2022.

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