



KMKSZ Statement on the amendment of Ukrainian laws affecting the rights of national minorities (communities) in certain areas in conjunction with Council of Europe Recommendations

The Cultural Alliance of Hungarians in Sub-Carpathia (KMKSZ) consistently and continuously supports the integration efforts of Ukraine into the European Union. Therefore, it welcomes the numerous legal amendments by the Supreme Council of Ukraine on December 8, 2023, concerning the rights of national minorities, which point in the direction of the realization of these ambitions.

Some parts of the law can be considered forward-looking, as they restore some of the linguistic rights previously granted to the Hungarian minority, with particular regard to education, the production and distribution of printed products, and the area of media use.

It is a positive step that the law concretizes certain previously undefined legal categories. In drafting the text of the legislation, some recommendations of the Venice Commission were taken into account, and national minority organizations were also consulted.

In a significant step forward, Article 7 of the Education Act guarantees the right of certain minorities, including the Hungarian minority, to study in their native language. In another positive development, children who began their studies in Hungarian prior to the 2018 school year may continue to study in Hungarian until they finish secondary education.

At the same time, we note with regret that the adopted law still does not allow the use of minority languages at the level of higher administrative units (district, county). At the local settlement level, use of language rights remains subject to the majority decision – meaning that enforcement of language rights will not be implemented in most locales.

The law links linguistic rights to the concept of "traditional" settlement of the minority and sets the minimum level at 10%. Accordingly, in locations where the minority population does not reach this threshold (i.e. those in diaspora) will have no language rights at all, which further accelerates their assimilation.

The legislation affects only the linguistic rights of minorities; other minority rights are completely left out. The law still does not provide for the free use of national symbols, nor does it provide the conditions to ensure political representation for minorities.

Several clauses of the law are discriminatory or merely declarative, which can lead to arbitrary interpretation. The meaning of several legal terms remains unclear. This raises further questions, primarily relating to the right to native-language education alongside the state language.

The law still does not comply with all the recommendations of the Venice Commission; does not ensure the rights guaranteed to minorities in the Constitution and other international documents; and does not restore the full range of previously existing minority rights.

We trust that this amendment to the law is only the first step in the process of restoring the full range of nationality rights previously exercised by the Hungarian minority in Transcarpathia. KMKSZ continues to support Ukraine's integration with Europe, and we look forward to Ukraine becoming a European, democratic state under the rule of law, in which human and national rights are respected.

Uzhhorod (Ungvár), December 18, 2023

The **Hungarian Human Rights Foundation (HHRF)** is a New York-based, independent, international non-profit which, since 1976, has advocated for the human rights of 2 million ethnic Hungarians who live as minorities in Croatia, Romania, Serbia, Slovakia, Slovenia and Ukraine.

hhrf.org

United States: 120 East 90th Street, Suite 5D, **New York, NY** 10128; tel: 1-212-289-5488; e-mail: info@hhrf.org

Washington, D.C.: 2001 Massachusetts Ave NW, Washington, D.C. 20036, tel: 1-646-749-5062

Magyarország: 1255 **Budapest**, pf. 847.; tel: +36-30-639-2545; e-mail: viktor@hhrf.org

Romania: str. Moșilor 9., 400001 **Cluj**; tel: +40-735-445003; e-mail: mazs@hhrf.org