

## The Law of Ukraine "On education", Language Conflicts, and Linguistic Human Rights

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Ukrajna Legfelsőbb Tanácsa (parlamentje) 2017. szeptember 5-én megszavazta az ukrán új ukrán oktatási kerettörvényt. A jogszabály a kisebbségi nyelveken folyó oktatást az óvodai nevelésre és az általános iskola alsó tagozatára (1–4. osztály) szorítja vissza. A felső tagozaton (5–9. osztály) és a középiskolában (10–12. évfolyam) az államnyelven (ukránul) oktatott tantárgyak számát fokozatosan növelni kell, a szak- és felsőoktatásból pedig gyakorlatilag eltűnik az anyanyelven történő tanulás joga. Elfogadása óta a törvény – pontosabban annak az oktatásban használt nyelveket szabályozó 7. cikke – a viták középpontjában áll. A törvényt nemzetközi szervezetek (EU, Velencei Bizottság) és az ukrainai kisebbségek képviselői is bírálták. Ennek ellenére a kijevi kormányzat további törvényekkel erősítette meg a kerettörvény 7. cikkében kodifikált oktatási modellt. A tanulmány bemutatja, hogy a kormányzatnak a jogszabály elfogadása mellett felsorakoztatott érvei hamisak. A 2017. évi oktatási kerettörvény elfogadását követő viták kimenetele döntő szerepet játszhat az európai őshonos kisebbségek anyanyelvű oktatáshoz való jogának és általában a kisebbségi nyelvek használatának interpretálásában.



### Introduction

After the dissolution of the Soviet Union, Ukrainian nation building was aided by the system of institutions inherited from the USSR (relatively clearly marked inner and outer borders, a parliament, ministries, representation in the UN etc.), but, at the same time, made difficult by the Russian community living in Ukraine, which became a minority overnight (Brubaker 1996, 17). The presence of the sizeable Russian community has been felt primarily in the Ukrainian–Russian language struggles. Researchers (Stepanenko 2003, 121; Pavlenko 2008, 275) and the specialists of international organizations (e.g. *Opinion* 2011, 7; 2017; UN 2014) have repeatedly pointed out that the question of languages is heavily politicized in Ukraine, and the fact that it is not clearly settled can lead to the emergence of language ideologies as well as to conflicts of ethnic groups and languages.



The particular characteristics of the geopolitical and geographical position of Ukraine, the variable political, historical, economic, cultural and social development of the regions of its territory inherited from the Soviet Union, the ethnic and linguistic composition of its population, and the fact that the representatives of the titular nations of all neighbouring states are among its citizens all turn issues of language into matters of internal and foreign policy as well as of security policy in this country.



Independent Ukraine is undergoing the worst crisis of its brief history. In late autumn 2013, protests and unrest broke out in Kyiv, claiming several people's lives; in March 2014 Russia annexed the Crimean peninsula; an armed conflict has been going on in the eastern part of the country since April 2014. The linguistic division of the country and the Ukrainian–Russian linguistic rivalry have also contributed to causing the political, military and economic crisis which threatens the security of the entire European continent and set back the world economy.



Since October 2017, another conflict has been going on related to Article 7 of the Law of Ukraine "On Education" (Zakon 2017). In this article we will analyse the basics of this conflict. A feature of our analysis is that we focus our attention on the aspect of the Hungarian minority.



### Multilingualism in Ukraine

Ukraine is undoubtedly a multilingual state de facto, but monolingual de jure.

The multilingual nature of Ukraine is recognized in practice by most researchers (Bowring 2014, 70; Bilaniuk 2010, 109; Shumlianskyi 2010, 135 etc.). Rjabcsuk analyses the situation in the following way: "Ukraine is practically a bilingual country where everyone seems to own both Ukrainian and Russian, and the overwhelming majority (about two thirds of respondents in various public opinion polls) say that they speak both languages almost freely" (Rjabcsuk 2015, 135).



This fact is a consequence of historical factors (Pavlenko 2011). The point is not only that a large part of modern Ukraine has long been under the influence of the Russian language, but also that the imperialistic policy of the Soviet Union gathered in the Ukrainian SSR also such territories, the majority of which population was not



sovereign Ukraine, along with economic and political problems, impacted millions of non-Ukrainian citizens.

In connection with the language situation of Ukraine, we almost exclusively speak only about the Ukrainian–Russian bilingualism and the problems of the Ukrainian and Russian languages. The reason for this, of course, is that, according to the 2001 census, the proportion of Russians among citizens of ethnic minorities in Ukraine was 78%, and among the language minority – 91% (Fig. 1). Therefore, in Ukraine the problem of minorities is practically the problem of the Russian language and the Russian minority. Speaking of the language policy of the country, the discussion of the problems of other languages is almost missing.

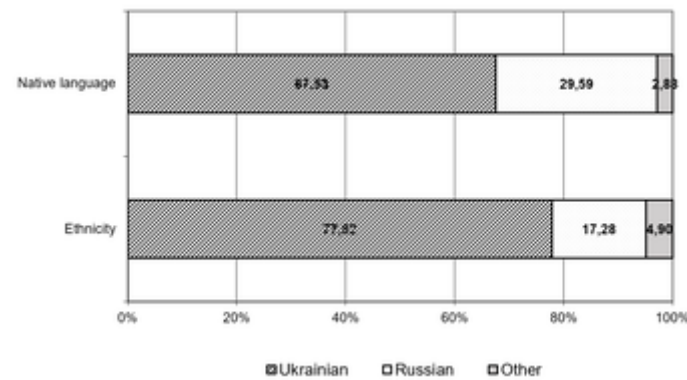


Figure 1. The coincidence of native language and ethnicity in case of the population of Ukraine according to the 2001 census (%)

The phenomenon that in Ukrainian political and scientific discourse, in addition to Ukrainian and Russian, other languages are almost invisible, is called “invisibilisation”. Invisibilisation is the deliberate elimination or concealment of obvious signs of a certain culture or language in order to make this culture or language invisible (Haig 2004, 123; Skutnabb-Kangas 2000, 354).

In Ukraine it is often told to Hungarians and Romanians that language law, law on education, and so on, “is not against you, it’s in support of the state language,” or “it’s against Russian-speakers”. That is, representatives of small minorities must endure and be silent, remaining invisible further.

### Law of Ukraine “On education”

Due to the large number of Russian-speaking citizens and the history of the Ukrainian language, the language issue in Ukraine is very painful. The problem of languages is traditionally in the centre of all election campaigns in the history of independent Ukraine (Stepanenko 2003).

The language conflict that arose after the adoption of the new Law of Ukraine “On Education” in October 2017 (Zakon 2017), again raised a fuss about the language issue in the country, but in addition to the Russian language, this time also focused on the Hungarian language.

What exactly is Article 7 of this Law, which the Hungarian community in Ukraine opposes?

- Minority languages are excluded from state schools, since the law refers only to public (communal) institutions.
- Education in minority languages is limited to pre-school and primary education. With secondary, vocational and higher education this right can be applied only to a limited extent.
- According to the law, the institutional autonomy of minority schools ceases to exist, since teaching in minority languages is possible only in separate classes (even at the level of pre-school and primary education), and educational institutions where there are no groups or classes with the Ukrainian language of instruction cannot exist anymore.
- The law creates legal uncertainty. No one knows how to interpret the words of the law “along with the state language”, “one or more” subjects can be taught in “two or more languages” (Brenzovics et al. 2020).

In March 2019, the Ministry of Education and Science of Ukraine submitted a draft law on general secondary education to the parliament. On 20 January 2020 the Law had been adopted, but the President of Ukraine (until February 14) has not yet signed the law; it is not yet valid (Zakon 2020).

According to the promises, this law will solve all controversial issues raised after the adoption of the framework law. The following three models are visible in the project:

- In the educational model for the indigenous peoples (primarily the Crimean Tatars), children can study from 1st grade to 12th in their mother tongue (first language) with “in-depth training” of the state language.
- The second model is proposed for national minorities whose language is one of the official languages of the European Union. In elementary school, instruction is conducted in the mother tongue of national minorities (in our case, in Hungarian), of course, with the obligatory learning of the state language. In grade 5, at least



language. At the high school level (grades 10–12), at least 60% of the lessons should be taught in Ukrainian.

- The third model was developed for national minorities whose language belongs to the same language family as the Ukrainian, and their language is not the official language in the EU (it is practically Russian). They can study in their mother tongue in the lower grades (grades 1-4) and study Ukrainian as a subject. From grade 5, at least 80% should be taught in Ukrainian and only 20 percent – in the mother tongue (Table 1).

*Table 1.* The maximum share of the mother tongue in the educational process (%) in the Draft Law of Ukraine "On General Secondary Education" (201

	Grades 1–4	5 <sup>th</sup> grade	9 <sup>th</sup> grade	Grades 10-12	Who are these?
representatives of majority	100	100	100	100	Ukrainians
indigenous people	100	100	100	100	Crimean Tatars
minorities, their language is official in the EU	100	80	60	40	Hungarians, Romanians
minorities, their language is NOT official in the EU	100	20	20	20	Russians

Thus, the (draft) law on general secondary education did not revoke the provisions of article 7 of the framework law on gradual Ukrainisation in the field of education.

On April 25, 2019, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Supporting the Functioning of the Ukrainian Language as the State Language" (Zakon 2019). Article 21 of this law virtually repeats Article 7 of the law on education. Part IX of the State Language Law, postpones the application of Article 21 until 2020 (and hence Article 7 of the Education Act) to indigenous peoples and a particular group national minorities (practically, to Russians). National minorities whose languages are one of the official languages of the EU must move from education in Ukrainian language in 2023.

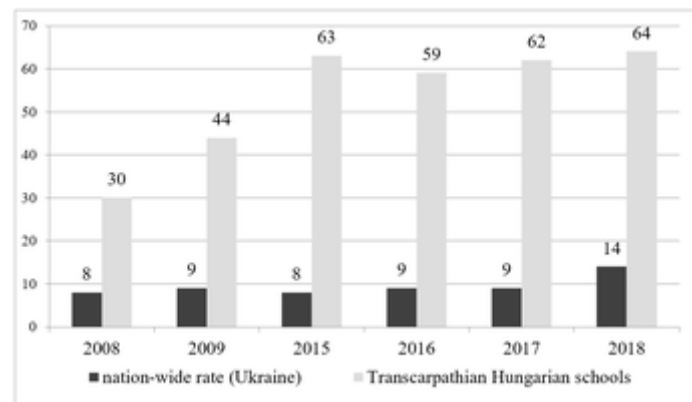
### The language of education in the spotlight of conflict

After the adoption of the Law of Ukraine "On Education", the Hungarian community of Transcarpathia became the focus of attention. Despite the fact that (according to the 2001 census data), Hungarians make up only 0.3% of the population of Ukraine and only 12.5% of Transcarpathia, central television companies, Internet portals and newspapers regularly talk about Transcarpathian Hungarians. The main reason for the increased attention was that the Hungarian community (at national and international forums) consistently and loudly expressed their desire to preserve their linguistic and educational rights (Brenzovics et al. 2020). And although Hungarians can hardly be considered a significant minority in Ukraine, the conflict was raised from the internal state level to the international arena because Hungary, with its full diplomatic weight, supported the struggle of the Hungarians of Ukraine for their educational and linguistic rights. As a result, an intense diplomatic conflict arose between Ukraine and Hungary (Markovskiy, Shevchenko 2017).

The importance of this conflict is confirmed by the fact that the Government of Hungary, in addition to other diplomatic tools, has blocked the organization of high level political summits between Ukraine and NATO (Toronchuk, Markovskiy 2018). And this, of course, has become very sensitive for Kyiv, since the annexation of the Crimea and the protracted conflict in the east of Ukraine since the spring of 2014 have put the security issue in the foreground in Ukraine and throughout Europe.

The Ukrainian government motivates the transfer of education from the native language to Ukrainian, primarily by the fact that in schools with languages of instruction of national minorities, pupils cannot master the state language, which impedes their social integration. This is especially true of the Transcarpathian Hungarians. Since the examinations in the Ukrainian language and literature in the form of external independent testing (EIT) became mandatory in Ukraine (in 2008 for those who wish to continue their studies in higher education, and then, from 2017 for all graduates), the Ukrainian political elite gradually refers to the results of the EIT in support of the above arguments. If one looks at this data, it seems that Ukrainian officials and politicians are right (Fig. 2).

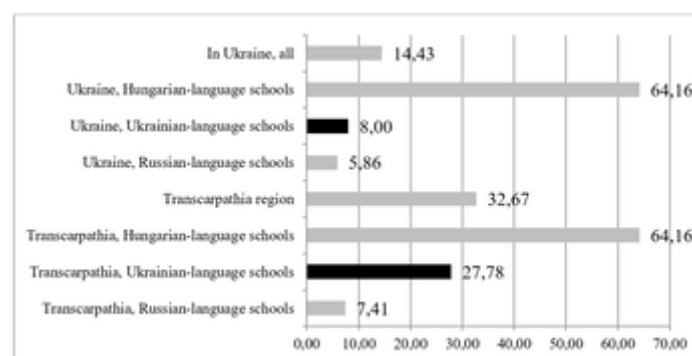




*Figure 2.* Ratio of examinees who failed the External Independent Testing in ‘Ukrainian language and literature’ (i.e. did not obtain the minimum score needed to be admitted to tertiary education) in Ukraine (all schools) and in the Transcarpathian Hungarian schools (in %)

However, EIT on Ukrainian language and literature does not measure the level of proficiency in the language, but requires knowledge gained from studying two school subjects (Ukrainian language and Ukrainian literature). If the argument of the Minister of Education and Science of Ukraine that a poor result of graduates of Hungarian schools in independent testing is a proof that Hungarians in Transcarpathia do not know Ukrainian, would be true, then it should be concluded that thousands of graduates of schools with Ukrainian language of instruction also do not know the Ukrainian language.

Figure 3 clearly shows that in 2018 among graduates of schools with the Ukrainian language of instruction at the national level, 8%, and in Transcarpathia, close to 28% received very low scores on the same tests on the Ukrainian language. If we believe the words of the ministry, one could conclude that all of them, despite the fact that they graduated from school with the Ukrainian language of instruction, do not speak Ukrainian, their native language.



*Figure 3.* The share of graduates who in 2018 did not overcome the threshold (did not reach the minimum number of points) in the External Independent Testing in the Ukrainian language and literature (Ukraine and Transcarpathia)

Figure 3 also shows that the share of failures in EITs on Ukrainian language and literature among students in Russian-language schools is lower than among graduates of Ukrainian-language institutions. If we proceed from the logic of the Ministry of Education and Sciences that in order to increase the level of proficiency in the state language it is necessary to switch to teaching a number of subjects in Ukrainian, we could even suggest, based on the results of the examinations, that some subjects should be taught not in Ukrainian, but in Russian. Let's face it: this is stupidity.

The results of the EIT in the Ukrainian language and literature are clearly visible: the results of graduates of schools with Ukrainian and Hungarian languages of instruction are far from each other. The question arises: why?

One of the components of the answer is that the educational policy in Ukraine treats the concept of “equal opportunities” rather specifically: despite the fact that the UPE for the Ukrainian language and literature put the same requirements on all participants, youngsters go to tests with different chances and opportunities.

All schools with Hungarian as the language of instruction (SHLI) in Transcarpathia teach three languages: Hungarian as the mother tongue of the learners, Ukrainian as the state language and a foreign language, usually English. In SHLI all the school subjects are taught in Hungarian, except for Ukrainian language and literature and the foreign language. In fact, the teaching materials for the different Ukrainian language teaching contexts (schools with Ukrainian as the language of instruction and SHLI) differ from each other in that both teachers and learners use different textbooks for studying Ukrainian language and literature. However, at the end of their studies, learners have to take the same examination in the form of the EIT, and meet the same requirements. We find this unfair because minority children are seriously disadvantaged at the EIT (Huszti, Fábrián, Bárányné

language. It has repeatedly been necessary to pay attention to the fact that Ukrainian-language schools (SULI) have more hours for this discipline than schools with Hungarian language of instruction (Cserniczkó 2015). Therefore, this time we will specifically analyse how many hours were allocated for mastering the “Ukrainian language” subjects for all the years of study for those graduates who passed the EIT in the Ukrainian language and literature in 2017. Table 2 summarizes how many hours the Ministry of Education and Science of Ukraine provided for pupils of Ukrainian and Hungarian schools who started studying on September 1, 2006, and graduated from grade 11 in 2017 (Cserniczkó 2018).

Table 2. The number of hours for the discipline “Ukrainian language” in schools with Ukrainian and Hungarian languages of instruction (for those students who graduated from grade 11 in 2017)

Academic years, grades	Number of lessons per week		The total amount of lessons for the academic year		Difference for the academic year (hours)
	SULI	SHLI	SULI	SHLI	
2006/2007, 1.	8	3	280	105	175
2007/2008, 2.	7	3	245	105	140
2008/2009, 3.	7	4	245	140	105
2009/2010, 4.	7	4	245	140	105
2010/2011, 5.	3,5	3	122	105	17
2011/2012, 6.	3	3	105	105	0
2012/2013, 7.	3	2	105	70	35
2013/2014, 8.	2	2	70	70	0
2014/2015, 9.	2	2	70	70	0
2015/2016, 10.	2	2	70	70	0
2016/2017, 11.	2	2	70	70	0
Together	46,5	30	1627	1050	577

As we see in Table 2, for 11 years, pupils of schools with Ukrainian language of instruction had 1,627 hours in the Ukrainian language, while in schools with the Hungarian language of instruction, their number was only 1,050 hours, that is, 577 less lessons. The biggest difference was observed precisely in the initial phase of language acquisition, that is, in grades 1–4. But after graduating from secondary school, everyone, regardless of who went to what school, must solve the same tasks at the EIT.

The differences between the results of graduates of schools with the Ukrainian and Hungarian languages of instruction in the EIT in the Ukrainian language and literature are largely explained by the above factors. If we add the following factors to this, which are not enough for effective and efficient teaching of the Ukrainian language in schools with Hungarian language of instruction (inadequate curricula, poor textbooks, a shortage of specialized teachers, etc., see Huszti, Cserniczkó, Bárány 2019), it is not surprising that the results of students of such schools are so weak.

Conducting EIT in this form and under such circumstances is a clear discrimination (Cserniczkó 2017, 2018). The basis of the arguments of the Ukrainian authorities to enact article 7 of the Law on education is thus lost.

Is it true that the Hungarians of Transcarpathia do not speak Ukrainian?

It is not true that the Hungarians of Transcarpathia do not speak Ukrainian. According to official data of the last Soviet and the first Ukrainian census, for 12 years from 1989 to 2001, the share of Hungarians in Transcarpathia, who “fluent” in Ukrainian, increased almost fourfold (Figure 4).

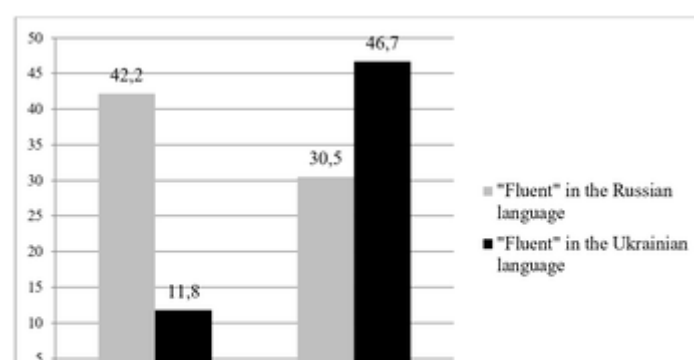




Figure 4. The share of "fluently speaking" in Ukrainian and Russian among the Hungarian population of Transcarpathia (according to the census data of 1989 and 2001)

In 2016, a sociological survey was conducted in Transcarpathia. In total 1212 respondents were polled. We asked our informants to rate their language skills on a six-point scale. The research data shows that the language skills of Transcarpathian Hungarians are extremely diverse. Only 5% were those who did not understand the Ukrainian language at all and did not speak this language at all. 13% understood the state language, but they did not speak Ukrainian. However, 82% of Transcarpathian Hungarians speak Ukrainian. 57% of Hungarian respondents in Transcarpathia were satisfied with the level of knowledge of the Ukrainian language, but 43% would like to improve their knowledge of the state language (Cserniczkó, Hires-László 2019).

These data show that a significant part of Transcarpathian Hungarians are properly integrated. Those who have a job and social relations that requires this are well versed in the Ukrainian language, but those whose life and environment do not depend on their knowledge of the state language are obviously at a lower level. If Kyiv is not satisfied with this and expects knowledge of the Ukrainian language as a native language from Transcarpathian Hungarians, this is not about integration, but about waiting for assimilation.

In our understanding, the question is not simply about what language to teach children. Adequate teaching of the Ukrainian language does not necessarily require the teaching of most subjects in the Ukrainian language. The state has other, more effective methods to achieve its goal. An international expert on minority education, Skutnabb-Kangas (1990, 17), states:

«It becomes abundantly clear from the analysis, that ‘which language should a child be instructed in, L1 or L2, in order to become bilingual?’ poses the question in a simplistic and misleading way. The question should rather be: ‘under which conditions does instruction in L1 or L2, respectively, lead to high levels of bilingualism?’»

Why do Hungarians insist on the schools with the native language of instruction?

The question arises: why do the Hungarians insist on their schools with the native language of instruction, if Kyiv constantly repeats that the Ukrainian language is the key of integration? There are several reasons. One of them is that the school not only transfers knowledge, but is also an important institution for the reproduction of identity. If we consider the degree of language assimilation among 6 national communities in Ukraine, we will find very important correlations. In those communities that have a full-fledged network of schools with a native language of instruction, there is a high proportion of those who have retained their native language. For those who have only some schools with a native language of instruction, or instruction in their native language is conducted only at a lower level of education, the proportion of those who have preserved the language of their ancestors is much lower. And the communities that have no schools with the native language of instruction in Ukraine have stepped onto the path of assimilation and language shift (Table 3).

Table 3. Ethnicity, native language, and mother-tongue-medium instruction data for 6 communities in Ukraine (2001 census data)

	Number (by ethnicity)	Percentage within population of Ukraine	Native language and ethnicity the same	Do they have MTM education?
Hungarians	156 566	0,32	95,44	Yes
Rumanians	150 989	0,31	91,74	Yes
Belarusians	275 763	0,57	19,79	Partly
Polish	219 179	0,30	12,95	Partly
Greeks	91 548	0,19	6,37	No
Jews	103 591	0,21	3,10	No

“Mother tongue medium education enables the group to continue to exist as a group” (Kontra, Lewis, Skutnabb-Kangas 2016, 224). Thus, when Kyiv narrows the level of education in native language of minorities, it does not support social integration of minority groups, but actually increases the chances of language assimilation. Education in state language develops subtractive bilingualism, and does not support the native language of minorities.

As shown by data from various kinds of sociological research, the absolute majority of Hungarians in Transcarpathia (75–85% of them) send their children to schools, where instruction is conducted in their native

power and prestige of a language increases when this language is symbolically or practically associated with a more economically and politically developed world (Gal 1979). Peoples of Transcarpathia know this very well. At present, the economic benefits of Hungarian, Slovak and Romanian in Transcarpathia are high in Transcarpathia. This is evidenced, for example, that in 2017 in Transcarpathia, Hungarian language courses were held in 52 settlements, where more than 10 thousand people studied the Hungarian language. While Ukraine is in such an economic and political state, thousands of Ukrainian parents choose kindergartens and schools for their children with the Hungarian language of education and training. For example, in the 2018/2019 school year in Transcarpathia, 12 percent of children attending kindergarten with Hungarian parenting language were Ukrainians by nationality, and almost 20 percent of children had one of their parents Ukrainian (Ferenc, Nánási-Molnár 2018).

It is true, that at the same time, several Hungarian parents choose a school with Ukrainian language of instruction for their child, because they consider this to be correct (Cserniczkó 2013, 411–424). There are no problems with this. The right to change languages, to language assimilation is an important human right (Skutnabb-Kangas 2000, 502). The right to choose the language of instruction must be respected. This right is important not only for members of minorities, but also for the majority. We must not forget – the restriction of the right of choice causes conflict.

### Language conflict in Ukraine

The recent conflict that has arisen in connection with Article 7 of the Law on Education, at first glance, concerns the language of education. It seems to be debating whether Ukraine can partially change the language of education of minorities on its own territory. However, this is not about the internal affairs of Ukraine, but about the problem of linguistic human rights. An international expert in the field of linguistic human rights considers:

“If an educational system is organized so that all teaching (except possibly Indigenous/Tribal or minority/minoritized children’s mother tongues as subjects) happens through the medium of the dominant language and the teachers are monolingual in it, we have a submersion learning situation, and the school’s structure reflects linguicism” (Skutnabb-Kangas 2019, 69).

The narrowing of the linguistic rights of people (representatives of the majority and minorities) creates a conflict situation. “Lack of linguistic rights is one of the causal factors in certain conflicts, and linguistic affiliation is a rightful mobilizing factor in conflicts with multiple causes where power and resources are unevenly distributed along linguistic and ethnic lines. Thus not granting linguistic and cultural human rights is today a way of supporting what has been called ethnic conflict” (Skutnabb-Kangas 2000, 430).

Ukraine today is an example of this in Europe. Political instability and economic problems in combination with armed conflict and the geopolitical interests of different parties make linguistic human rights insignificant, essentially political trouble. But it should not be so.

It is not surprising that the problem with the language issue caused a conflict in Ukraine. After all, we know that the language problem was one of the main excuses for the outbreak of the armed conflict in eastern Ukraine. “The most recent example of a global crisis caused to a large extent by language conflict is the situation in Ukraine. (...) The linguistic aspect of the conflict seems to me to be underestimated in foreign politics and in the media” – Weydt argues (Weydt 2015, 138). It may be worth trying to apply a language policy that does not give rise to conflicts.

### How to resolve the conflict?

Roter and Busch state: “In Ukraine (...) the exclusive nation-building (the so-called Ukrainisation) is very clearly aimed at promoting the Ukrainian language as the sole legitimate language in the public domain, at the expense of other languages, especially Russian, but also other minority languages. Their use may have been affected as a 'collateral damage' of the process of Ukrainisation as anti-Russian policies, but it is not less painful for the speakers of those languages. This has been demonstrated in Ukraine's new 2017 Law 'On Education' (Article 7)” (Roter, Busch 2018, 165).

In the context of the Law of Ukraine “On Education”, there was a sharp debate between the representatives of the central government and the Hungarian community in Transcarpathia, as to whether Article 7 of the new law regulating the language of education complied with Ukraine's international obligations. Both the Advisory Committee on the Application of the Framework Convention for the Protection of National Minorities in Ukraine and the Expert Committee on Monitoring the Implementation of the European Charter for Regional or Minority Languages have made a number of comments on the issue of education in the language of minorities, suggesting that Ukraine is not fully fulfilling its commitments. As the Law of Ukraine “On Education” significantly reduces the use of minority languages in public education as compared to the earlier, the new regulation will make Kyiv even less able to fulfil the obligations by ratifying the Framework Convention and the Charter (Cserniczkó 2019; Nagy 2019). However, international law does not provide adequate protection for minority language rights.

The conflict with the law on education has become a sad reminder that issues related to the linguistic human rights and language rights of minorities can lead to serious tensions between European countries. The absence of generally accepted European mechanisms to protect the linguistic rights of minorities not only undermines the



We have little chance to change international human rights law overnight, but we must strive for this. But then how to resolve the conflict between the two neighbouring countries? Since this is an internal Ukrainian law, the key to the decision in Kyiv:

1. Ukraine should follow the recommendations of the Venice Commission's Opinions ([Opinion 2017](#), [Opinion 2019](#)).
2. Article 7 of the law on education shall be amended.
3. The rights of citizens to choose the language of instruction shall be preserved.
4. The bilingual education model should be proposed as an additional model.
5. It is necessary to change the quality and effectiveness of teaching Ukrainian as a state language, and there is no need to change the language of instruction.

We must understand: this controversy concerns the linguistic human rights. In the future, the consequences of this protracted discussion can play a crucial role in interpreting the rights of European minorities to education in their mother tongue. This crucial issue is not only a problem for Ukraine and Hungary: all countries must find a balance between supporting the state language and using minority languages in education.

## Conclusions

Ukraine is a multi- or bilingual country in practice, where the Ukrainian and Russian languages are both used widely. In spite of this, the country's political elite regards assuring the dominance of the state language at the expense of Russian to be the basis of societal consolidation and of the new national identity, and considers the codification of de jure monolingualism to be the right direction for the country. Many are against minority languages getting an official status (e.g. Hungarian, Romanian, Gagauz, Bulgarian or Russian) at least in those regions where the speakers of these languages live in great numbers. This language policy necessarily results in conflicts.

Blommaert and Verschueren explain the radicalism of newly independent states in their language policy with the long oppression suffered by them before. This seemingly applies to Ukraine as well ([Blommaert, Verschueren 1992](#), 373). The Ukrainian political elite was satisfied with the state language status of the Ukrainian but did little to actually support this state language. Ukraine attempted to move towards a balanced "nationalisation of the state" ([Brubaker 2011](#)), which was made more difficult by the lack and inherent permeability of a clear boundary between Ukrainian and Russian culture, language and identity.

Nationalist patriots consider Ukraine an unrealized nation-state ([Brubaker 1996](#), 4; [Roter, Busch 2018](#), 158). This is accompanied by the readiness to "correct" the discovered deficiency and make the state what it really is (according to their wishes): a true, homogeneous national state of real Ukrainians.

However, it does not take into account that a part of the country's population does not believe in the homogenous national state, but wants to establish the rule of law, and build Ukraine, which is home to all citizens, regardless of their political conviction, nationality, mother tongue or religion. At the same time, patriotic nationalists do not realize that Europe means diversity, multilingualism, pluralism.

Taras had drawn attention to the paradox that although Western European states that were previously insensitive to multilingualism increasingly recognize the linguistic rights of minorities at the regional level, at the same time, new elites of national states of former polyethnic empires are supporters of monolingualism ([Taras 1998](#), 79). Kymlicka also indicates that most Western European countries are currently in principle monolingual, but at the regional level many minority languages have official status not only in Switzerland, Belgium, Spain or Finland, but also in Germany, Italy, etc. At the same time, he also emphasizes that international law is lagging behind the practice of a number of Western European states: no international document insists on the recognition of the official status of minority languages. But we must understand that in the modern world, national minorities no longer claim rights for themselves based on the goodwill of the state and the majority society, but on the basis of common human rights and equality of people ([Kymlicka 2015](#), 10).

A more or less satisfactory closure of the linguistic conflict could only be possible if the political leadership gave up its goals of Ukrainisation, centralization and homogenization and found the desired unity in diversity. Kyiv has to hand over some of its power – especially over education, language rights, and the development of the economy – to the regions ([Kulyk 2008](#), 328–329). The country's government has to recognize the fact that many of today's Ukraine's regions have long standing historical, cultural, political, and economic traditions as well as ethnically, linguistically, and denominationally diverse populations ([Karácsonyi et al. 2014](#)). Regardless of which political party and power will lead Ukraine and how it divides the country administratively, its political elite will have to face the fact that Ukraine's population is ethnically and linguistically heterogeneous. The linguistic rights situation of the country will have to be normalized accordingly – and this is in the common interest of Ukrainians, Russians, and the other minorities.

According to Shohamy, the theory and practice of language policy should move towards giving people more rights and opportunities to actively participate in the preparation and implementation of language solutions



prohibition as much as possible. In addition to decentralization of political decision making and economic development, a certain degree of decentralization in the field of language policy may be required. Perhaps, the tension on language policy could be reduced by transferring the adoption of certain decisions to regional levels in the development of language policy.

At the national level, it is expedient to maintain and strengthen the status of the Ukrainian state language. However, regions must be given much more rights and opportunities to determine the language regime according to local conditions.

In March–April 2019, presidential elections were held in Ukraine, and parliamentary elections took place on July 21. Voters elected a new political elite because they were fed up with war, corruption, the economic crisis, nationalist national politics, and discriminatory language policy. People trust that the new political power will learn from the mistakes of its predecessors.

One can see from the example of Ukraine's language and educational policy how a provision restricting the rights of speakers of regional or minority languages becomes the source of fierce diplomatic disputes between two neighboring States (Ukraine and Hungary). The outcome of the controversy following the adoption of the 2017 Law on Education could play a decisive role in interpreting the right of autochthonous minorities in Europe to education in their mother tongue and, in general, the rights to use minority languages. Should European international organizations assist in eroding the Ukrainian education network in regional or minority languages, a danger precedent will be set, according to which the rights of minorities previously acquired in the legal system of the State they are citizens of can be curtailed at any time. States that are building homogeneous nation-states may be encouraged by the Ukrainian example, may take similar steps, thus inevitably leading to new conflicts in Europe. We expect and hope the new political power of Ukraine to respect linguistic human rights and the rule of law.

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