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**STRUGGLE FOR SURVIVAL**  
**THE TRANSCARPATHIAN HUNGARIANS**  
**(1944–2022)**



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# LINGUISTIC (HUMAN) RIGHTS AND THEIR VIOLATIONS IN TRANSCARPATHIA (1944–2022)

## 1. What are linguistic rights?

Since 1948 the Universal Declaration of Human Rights<sup>1</sup> has summed up all those universal human rights that belong to all people (regardless of gender, age, religion, mother tongue, color or financial situation).<sup>2</sup> This extremely important document, however, practically says nothing about what rights are linked to language use, thus it does not shed light on what exactly universal linguistic (human) rights are.<sup>3</sup>

Linguistic human rights are those individual and collective rights that refer to the use of different languages and which, in theory, belong to all people.<sup>4</sup> Linguistic (or language) rights “are human rights that have an impact on the language preferences or use of state authorities, individuals and other entities”. They “can be described as a series of obligations on state authorities to either use certain languages in a number of contexts, or not interfere with the linguistic choices and expressions of private parties”.<sup>5</sup>

The issue of linguistic (human) rights is a complex one. It is obvious that “language is a fundamental human right, or at least a human right

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<sup>1</sup> Universal Declaration of Human Rights. <https://www.coe.int/en/web/compass/the-universal-declaration-of-human-rights-full-version->. Last accessed on 25<sup>th</sup> January 2022.

<sup>2</sup> DAVIES, William, Stanley DUBINSKY: *Language Conflict and Language Rights: Ethnolinguistic Perspectives on Human Conflict*. Cambridge: Cambridge University Press, 2018. 161–183.

<sup>3</sup> SKUTNABB-KANGAS, Tove: Linguistic Human Rights. In: *The Oxford Handbook of Language and Law*. Eds. Tiersma, Peter M., Lawrence M. Solan. Oxford: Oxford University Press, 2012. 235–247. DOI: 10.1093/oxfordhb/9780199572120.013.0017.

<sup>4</sup> *Linguistic human rights: Overcoming linguistic discrimination*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Berlin–New York: Mouton de Gruyter, 1994.; *Language: A Right and a Resource, Approaching Linguistic Human Rights*. Eds. Kontra, Miklós, Robert Phillipson, Tove Skutnabb-Kangas, Tibor Várady. Budapest: Central European University Press, 1999.; *The Handbook of Linguistic Human Rights*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Oxford: Wiley–Blackwell, 2022.

<sup>5</sup> *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*. Geneva: Office of the High Commissioner for Human Rights, 2017. 5. [https://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities\\_EN.pdf](https://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf). Last accessed on 25<sup>th</sup> January 2022.

whose forfeiture or denial can impact negatively upon the realization of other rights”. But we also need to consider that, though the relation between language and human rights seems obvious, yet this approach is still controversial, and it has provoked lively scientific and public policy debates among lawyers, political scientists and linguists alike. “People have taken various positions on the entire issue of language rights. And so the implementation of language rights is far from straightforward”.<sup>6</sup>

Attempts to define universal linguistic rights have been made, of course. For example, according to Fernand de Varennes, human rights and linguistic rights are closely interconnected. He considers the right for all people to receive equal treatment, without discrimination, universal, thus also valid with reference to linguistic rights.<sup>7</sup> Robert Phillipson and Tove Skutnabb-Kangas believe that “linguistic rights are one type of human rights and as such one intricately interlocking element in a set of inalienable, universal norms for just enjoyment of one’s civil, political, economic, social and cultural rights”.<sup>8</sup>

In our opinion, universal declarations or conventions on linguistic human rights must include the following rights pertinent to all human beings:

“A) everybody can

1. identify with their mother tongue(s) and have this identification accepted and respected by others;
2. learn the mother tongue(s) fully, orally and in writing (which presupposes that minorities are educated through the medium of their mother tongue(s));
3. use the mother tongue in most official situations (including schools).

B) everybody whose mother tongue is not an official language in the country where s/he is resident, can become bilingual (or trilingual, if s/he has 2 mother tongues) in the mother tongue(s) and (one of) the official language(s) (according to her own choice).

C) any change of mother tongue is voluntary, not imposed.”<sup>9</sup>

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<sup>6</sup> DAVIES and DUBINSKY, 2018. 167.

<sup>7</sup> VARENNES DE, Fernand: *Language, minorities and human rights*. The Hague: Kluwer Law, 1996. 117.

<sup>8</sup> PHILLIPSON, Robert, Tove SKUTNABB-KANGAS: Linguistic rights and wrongs. *Applied Linguistics* 16(1995)/4: 483–504.

<sup>9</sup> PHILLIPSON and SKUTNABB-KANGAS, 1995. 499-500.

In 1996, participants at the World Conference on Linguistic Rights<sup>10</sup> in Barcelona drew up the *Universal Declaration of Linguistic Rights*.<sup>11</sup> Although the document has been presented to the UNESCO Director-General, it has not received a formal approval from this international organization. Thus, linguistic (human) rights do not have a universally accepted definition applicable to all people till today.

The Organization for Security and Co-operation in Europe (OSCE)<sup>12</sup> set up the position of High Commissioner on National Minorities in 1992 so that minority-based conflicts would be prevented at the earliest possible stage.<sup>13</sup> The High Commissioner's office has elaborated and presented to the OSCE member states several such recommendations whose aim consists in preventing and reducing minority-based conflicts. Several of these documents mention issues related to linguistic rights and language use, for example: *The Hague Recommendations Regarding the Education Rights of National Minorities* (1996)<sup>14</sup>; *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities* (1998)<sup>15</sup>; *Guidelines on the Use of Minority Languages in the Broadcast Media* (2003)<sup>16</sup>. The office of the United Nations Special Rapporteur on Minority Issues<sup>17</sup> drew up the document entitled *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* (2017).<sup>18</sup> This, however, – similarly to the aforementioned recommendations by the OSCE – does not constitute a universal agreement on linguistic human rights, but only a recommendation on the language use rights of national and/or of

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<sup>10</sup> World Conference on Linguistic Rights. Barcelona, 6–9 June, 1996. <https://unesdoc.unesco.org/ark:/48223/pf0000104267>. Last accessed on 25<sup>th</sup> January 2022.

<sup>11</sup> Universal Declaration of Linguistic Rights. [https://pen-international.org/app/uploads/drets\\_culturals389.pdf](https://pen-international.org/app/uploads/drets_culturals389.pdf). Last accessed on 25<sup>th</sup> January 2022.

<sup>12</sup> Organization for Security and Co-operation in Europe (OSCE). <https://www.osce.org/>. Last accessed on 25<sup>th</sup> January 2022.

<sup>13</sup> OSCE High Commissioner on National Minorities. <https://www.osce.org/hcnm>. Last accessed on 25<sup>th</sup> January 2022.

<sup>14</sup> <https://www.osce.org/hcnm/hague-recommendations>. Last accessed on 25<sup>th</sup> January 2022.

<sup>15</sup> <https://www.osce.org/hcnm/oslo-recommendations>. Last accessed on 25<sup>th</sup> January 2022.

<sup>16</sup> <https://www.osce.org/tk/hcnm/32313>. Last accessed on 25<sup>th</sup> January 2022.

<sup>17</sup> United Nations Special Rapporteur on Minority Issues. <https://www.ohchr.org/en/issues/minorities/srminorities/pages/srminorityissuesindex.aspx>. Last accessed on 25<sup>th</sup> January 2022.

<sup>18</sup> [https://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities\\_EN.pdf](https://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf). Last accessed on 25<sup>th</sup> January 2022.

language minorities; thus, it is not binding. A further common point of these documents is that it treats the linguistic rights of minorities as special rights of (national or language) minorities rather than universal human rights.

The *European Charter for Regional or Minority Languages* was adopted by the Committee of Ministers of the Council of Europe in 1992.<sup>19</sup> States that have ratified the Charter may choose from the provisions proposed in the document in an *à la carte* system – with certain restrictions. One of the choices consists in the fact that states can choose the languages they extend the scope of the Charter upon. Furthermore, considering the provisions stated in Part I., Article 2, point 2 of the document, states can choose among the provisions of the Charter in such a way as to employ Part II. and at least 35 of the articles or points of Part III, at least three from both Article 8 and 12, and one from each Article 9, 10, 11 and 13.

However, it makes a huge difference how the states ratifying the Charter choose from among the options offered by the document. To demonstrate this, we review an excerpt from Article 8, point 1 of the Charter. Article 8, point 1 of the Charter offers the following options from kindergarten to university and adult education:

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

- b. i. to make available primary education in the relevant regional or minority languages; or*
- ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
- iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv. to apply one of the measures provided for under i. to iii. above at least to those pupils whose families so request and whose number is considered sufficient; (...)*

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<sup>19</sup> European Charter for Regional or Minority Languages. <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/text-of-the-charter>. Last accessed on 25<sup>th</sup> January 2022.

It is obvious that it makes a huge difference which option a given state chooses. While point *i*, for example, means that minorities can study in their mother tongues, point *ii* means that certain subjects will be taught in different minority languages, and *iii* only means that the language of a given minority will be taught as a subject.

The *Framework Convention for the Protection of National Minorities* is a document drafted in 1995.<sup>20</sup> Certain articles of the document also define rights for the use of minority languages.

In states ratifying the *Charter* and/or the *Convention*, the given international document has become part of the internal legal order. As of 20<sup>th</sup> February 2022, not all of the 47 member states of the Council of Europe have ratified the *Charter* and the *Framework Convention* (see Table 1).

**Table 1.**

*Chart of signatures and ratifications of the Charter and/or of the Framework Convention (24<sup>th</sup> February 2022)*<sup>21</sup>

	Total number of ratifications/ accessions	Total number of signatures not followed by ratifications	State who neither signed nor ratified
<i>European Charter of Regional or Minority Languages*</i>	25	9	13
<i>Framework Convention on the Protection of National Minorities**</i>	39	4	4

\* <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty-num=148>.

\*\* <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty-num=157>.

Last accessed: 25<sup>th</sup> January 2022.

<sup>20</sup> Framework Convention for the Protection of National Minorities. <https://rm.coe.int/16800c10cf>. Last accessed on 25<sup>th</sup> January 2022.

<sup>21</sup> At the time of writing this article, the Council of Europe had 47 member states. However, the Russian Federation was excluded from membership of the international council on 16<sup>th</sup> March 2022. Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe (Adopted by the Committee of Ministers on 16<sup>th</sup> March 2022 at the 1428<sup>th</sup> meeting of the Ministers' Deputies). [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a5da51](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a5da51). Last accessed on 25<sup>th</sup> January 2022.

Regarding the protection of minority languages at European level, resolutions 1985 (2014)<sup>22</sup>, 2196 (2018)<sup>23</sup> and 2368 (2021)<sup>24</sup> of the Parliamentary Assembly of the Council of Europe should also be mentioned, which, however, belong in the category of soft law, i.e., they are not binding.

In relation to international minority rights, Kymlicka articulates four assumptions about post-socialist states that arose among Western European democracies and international organizations in the 1990s: (1) in Western democracies there exist certain shared norms or models; (2) which work well in Western states; (3) and they can be employed in Eastern- and Central-Europe and they will work well there as well, if they are ratified; (4) the international community has a role to play in promoting and implementing these standards. Kymlicka, however, also emphasizes that all of these are highly debatable given that even Western countries themselves differ from one another in dealing with their own minorities and there is also a debate about whether there are codified international standards in this area at all.<sup>25</sup>

In line with Kymlicka's statements, Pavlenko also phrases the following: "Initial Western attempts to teach the newly emerging countries ways in which 'good' liberal democracies resolve language policy dilemmas quickly led to the realization that ethnolinguistic issues are far from being 'resolved' in the West and that there is, in fact, no normative theory of language rights".<sup>26</sup>

The countries of the world and of Europe have created such different legal regulations on languages that today it is impossible to talk about generally valid "international standards" or "European norms" regarding language rights: "various attempts have been made to create an international legal framework for linguistic rights, but to a large extent these matters are left to the discretion of sovereign states and linguistic disputes are fought

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<sup>22</sup> PACE Resolution 1985 (2004). The situation and rights of national minorities in Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20772&lang=en>. Last accessed on 25<sup>th</sup> January 2022.

<sup>23</sup> PACE Resolution 2196 (2018). The protection and promotion of regional or minority languages in Europe. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24410&lang=en>. Last accessed on 25<sup>th</sup> January 2022.

<sup>24</sup> PACE Resolution 2368 (2021). Preserving national minorities in Europe. <https://pace.coe.int/pdf/828e8bbd173fce65bb7319d889417d619577c7449749a553f2d78cf0df-c4a29c/resolution%202368.pdf>. Last accessed on 25<sup>th</sup> January 2022.

<sup>25</sup> KYMLICKA, Will: Multiculturalism and Minority Rights: West and East. *Journal on Ethnopolitics and Minority Issues in Europe* 14(2015)/4: 4–25.

<sup>26</sup> PAVLENKO, Aneta: Language rights versus speakers' rights: on the applicability of Western language rights approaches in Eastern European contexts. *Language Policy* 10(2011): 37–58.

out in domestic politics”.<sup>27</sup> As determined by international experts on the subject, “there is no generally accepted categorization of language rights at the supranational level”.<sup>28</sup> What is codified law in one state is unthinkable in another. That is why language violations can only be documented in relation to the rights codified in the internal legislation of individual states.

In what follows, first we draw up a brief summary of the linguistic rights of Hungarians in Transcarpathia in the Soviet Union, and then we present linguistic rights violations. After that, we briefly present the legal regulations regarding language use in the independent Ukraine, and finally we point out how the authorities in Kyiv restrict the linguistic rights of the Hungarian national minority living in Transcarpathia.

## **2. Linguistic rights in Transcarpathia in the Soviet-Ukraine period**

The region known today as Transcarpathia was part of Hungary until the peace treaty ending the First World War. From 1919, for twenty years, it was part of Czechoslovakia. In 1939, it made again part of Hungary for a short period of time, while after the Second World War it was annexed to Ukraine becoming part of the Soviet Union.<sup>29</sup>

One of the characteristic features of the Soviet language policy was that officially (de jure) the Soviet Union did not have a state language or an official language; in theory, all nationalities and languages had equal rights. Article 36 of the 1977 Soviet Constitution states:

“Citizens of all races and nationalities of the USSR share equal rights. The exercise of these rights is ensured by the policy on the all-round development and rapprochement of all nations and nationalities of the USSR, the education of citizens in the spirit of Soviet patriotism and socialist internationalism, and

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<sup>27</sup> DEEN, Bob, William ROMANS: Introduction: Shaping Language Policies to Promote Stability. In: *Language Policy and Conflict Prevention*. Eds. Ulasiuk, Iryna, Laurențiu Hadîrcă, William Romans. Leiden–Boston: Brill Nijhoff. 2018. 3–22. DOI: 10.1163/9789004357754\_002.

<sup>28</sup> DE VARENNES, Fernand, Elżbieta KUZBORSKA: Minority Language Rights and Standards: Definitions and Applications at the Supranational Level. In: *The Palgrave Handbook of Minority Languages and Communities*. Eds. Hogan-Brun, Gabrielle, Bernadette O’Rourke. London: Palgrave Macmillan, 2019. 21–72.

<sup>29</sup> CSERNICKÓ, István, Viktória FERENC: Hegemonic, regional, minority and language policy in Subcarpathia: a historical overview and the present-day situation. *Nationalities Papers* 42(2014)/3: 399–425. DOI: 10.1080/00905992.2013.867933.

the opportunity to use the native language and the languages of other peoples of the USSR.”<sup>30</sup>

The USSR did not have a separate law on languages.<sup>31</sup> But the central government created conditions in the member republics, as a result of which the Russian language enjoyed an exceptional status for political, economic, ideological and, last but not least, military reasons.<sup>32</sup> However, Russification did not involve the full use of the Russian language.<sup>33</sup>

For example, Article 45 of the 1977 Soviet Constitution made education in the mother tongue possible.<sup>34</sup> School books, handbooks, literary works, newspapers, magazines were published in minority languages, regional television and radio programs were broadcast in several minority languages. According to Article 116 of the Federal Fundamental Law, the laws of the Soviet Union, the decisions, decrees and other documents of the Supreme Council (Parliament) of the Soviet Union had to be published in the language of each federal republic. Article 159 stipulated that court proceedings could be conducted in the language of the federal republics, as well as in the language of the autonomous republics, autonomous counties, autonomous districts, or in the language of the majority of the population of the given region. For those who did not know the language of the court proceedings, the quoted article of the Constitution made the use of an interpreter possible.<sup>35</sup>

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<sup>30</sup> Конституция СССР [Constitution of USSR]. <http://www.hist.msu.ru/ER/Etext/cnst1977.htm>. Last accessed on 25<sup>th</sup> January 2022.

<sup>31</sup> CSERNICKSKÓ, István: Hungarian in Ukraine. In: *Hungarian Language Contact Outside Hungary. Studies on Hungarian as a minority language*. Ed. Anna Fenyvesi. Amsterdam–Philadelphia: John Benjamins Publishing Company, 2005. 89–131.

<sup>32</sup> МОТЫЛ, Alexander J.: *Will the Non-Russians Rebel? State, Ethnicity and Stability in the USSR*. Ithaca, NY: Cornell University Press, 1987.; SOLCHANYK, Roman: Language Politics in the Ukraine. In: *Sociolinguistic Perspectives on Soviet National Languages. Their Past, Present and Future*. Ed. Kreindler T., Isabelle. Berlin–New York–Amsterdam: Mouton de Gruyter, 1985. 57–105.

<sup>33</sup> BRUBAKER, Rogers: *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge University Press, Cambridge, 1996. 37.; PAVLENKO, Aneta: Language rights versus speakers' rights: on the applicability of Western language rights approaches in Eastern European contexts. *Language Policy* 10(2011): 37–58. DOI: 10.1007/s10993-011-9194-7

<sup>34</sup> The paragraph referring to the right to education in the mother tongue is repeated also by Article 43 of the Constitution of the Ukrainian Soviet Socialist Republic. *Конституція УССР*. <http://gska2.rada.gov.ua/site/const/istoriya/1978.html>. Last accessed on 25<sup>th</sup> January 2022.

<sup>35</sup> Конституция СССР. <http://www.hist.msu.ru/ER/Etext/cnst1977.htm>. Last accessed on 25<sup>th</sup> January 2022.

However, all of these were only the surface layer of Lenin's nationality policy: on the one hand, it was supposed to symbolize Soviet democracy, on the other, it served the aims of the communist party-propaganda. The leading role of the Russian language could not be called into question despite the fact that it was not codified either by the Constitution or any other legal document.

In the beginning, the leading role of the Russian language was defined at the congresses of the Communist Party of the Soviet Union (CPSU) and at the meetings of the leading bodies of the party. Later, however, when the idea of the unification of peoples and nations in a new category, the Soviet people, was announced, the Russian language became "the language of contact between nations".<sup>36</sup> The XXII Congress of the CPSU took place on 17<sup>th</sup>–31<sup>st</sup> October 1961, where the new party program set out the policy of the "fusion of nations" that gave new impetus to Russification. In his speech, Nikita Khrushchev, General Secretary of the CPSU declared for the first time that in the process of building communism, all Soviet nations and nationalities were united in a new historical category, creating the Soviet people. This policy was consistently pursued by the Communist Party until the collapse of the Soviet Union.<sup>37</sup> At the XXVII Congress of the Communist Party of the Soviet Union, Mikhail Gorbachev, the last Soviet Communist Party General Secretary, who proclaimed the glasnost and perestroika ideology, still stated that the Soviet people appeared as a qualitatively new social and international unit, bound together by common economic interests, ideology and political goals.

Soviet identity, however – as opposed to, for example, Yugoslav or Czechoslovakian identity – did not constitute an optional, registrable nationality. It was a supra-national category under the umbrella of which there was also place for ethnic identities as well in the declaredly multi-ethnic Soviet Union.<sup>38</sup> Of course, the equality of the Soviet peoples was only a myth, there existed an implicit hierarchy of nationalities and peoples<sup>39</sup>, where in the eyes of the Russian-dominated, highly xenophobic Soviet party elite

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<sup>36</sup> In Russian: *язык межнационального общения*.

<sup>37</sup> GRENOBLE, Lenore A.: *Language Policy in the Soviet Union*. New York–Boston–Dordrecht–London–Moscow: Kluwer Academic Publishers, 2003.

<sup>38</sup> WOJNOWSKI, Zbigniew: The Soviet people: national and supranational identities in the USSR after 1945. *Nationalities Papers* 43(2015)/1: 1–7.

<sup>39</sup> YEKELCHYK, Serhy: The early 1960s as a cultural space: a microhistory of Ukraine's generation of cultural rebels. *Nationalities Papers* 43(2015)/1: 45–62.

the Ukrainians – as one of the Slavic peoples making up the empire – held a high place in the unofficial, hidden hierarchical order of the Soviet peoples.<sup>40</sup>

According to the central ideology, “in the process of building communism, all Soviet nations and nationalities have joined in a new historical category, setting up the Soviet people, whose most important tool of contact is the Russian language.”<sup>41</sup> The constitutionally guaranteed equality of languages meant in practice that all peoples and nationalities were guaranteed the right to use their mother tongue in private life. According to Hanazarov, a Soviet researcher, “The equality of languages does not mean that we would burden them mechanically with the same functional obligations”. In his opinion, “The equality of languages means guaranteeing for all national languages equal legal conditions for development.”<sup>42</sup>

Thus, the Soviet Union interpreted the concept of the equality of languages in such a way that the Russian language was first among the theoretically equal other languages, and that it enjoyed a special position. According to the explanation of the central authorities, due to the voluntary initiative of peoples, the Russian language was chosen as a means of communication between nations from the set of equal languages in the process of building and consolidating socialism. In the conditions of this very specific linguistic equality, the role of national languages was primarily limited to the delivery of central party decisions, announcements, and the arguments of Soviet ideology to all nationalities.<sup>43</sup>

Soviet researchers evaluated the phenomena of national–Russian bilingualism as the influence of the Russian language on the languages of the Soviet peoples as natural, necessary and desirable; they welcomed the almost complete disappearance of several small languages, the language-change of their speakers who became Russian-speaking, the so-called “natural assimilation”.<sup>44</sup>

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<sup>40</sup> WOJNOWSKI, 2015. 5–6.

<sup>41</sup> МАГОМЕТ, Исаев: *Социолингвистические проблемы языков народов СССР: Вопросы языкового планирования и языкового строительства*. [Sociolinguistic problems of the languages of the peoples of the USSR: Issues of language planning and language construction.] Москва: Высшая школа, 1982. 162.

<sup>42</sup> ХАНАЗАРОВ, Кучкар: *Решение национально-языковой проблемы в СССР*. [Solution of the national language problem in the USSR]. Москва: Издательство политической литературы, 1982. 111–112.

<sup>43</sup> GRENOBLE, 2003. 45.

<sup>44</sup> ДЕШЕРИЕВ, Юнус: *Закономерности развития и взаимодействия языков в советском обществе*. [Patterns of development and interaction of languages in Soviet society.] Москва: Наука, 1966. 362.

### **3. Linguistic (human) rights violations against the Hungarians in Transcarpathia in the time of the Soviet Union**

Linguistic rights violations against Hungarians in Transcarpathia already started before the end of the Second World War, at a time when the given region was not yet part of the Soviet Union.

The deportation of Hungarian men aged between 18 and 55 to Soviet internment camps clearly did not primarily violate language rights, but general human rights. In this situation of crisis, fearing deportation, a part of Hungarian men did not declare themselves to be Hungarian, but Ukrainian or Slovak, and thus many of them escaped death or long years of forced labor in the Gulag. In 1944, the inhabitants of Csepe (a village; Ukrainian: Чєпа / Chepa) made the authorities believe that there were no Hungarians living in the village, thus no one was taken to internment camps. Later, after the end of the Second World War, when Transcarpathia had become part of the Soviet Union, Hungarian-language education in primary schools restarted almost immediately in most settlements. However, under the given conditions, it would have been dangerous for people in Csepe to demand Hungarian schools, and thus there was no Hungarian language education in the village until the end of the 1980s. In 1989, in the last days of the Soviet empire, a conflict arose among the elderly and the youth of the village because the members of the younger generation questioned the elders as to why there had been no Hungarian-language school in the village for decades. Regional Hungarian-language media reported that the young pointed out to the old that when they served in the Soviet army, they could only write letters home to their loved ones by writing in Hungarian using the letters of the Russian Cyrillic alphabet given that they had no opportunity to go to Hungarian schools, and thus they could not learn to read and write in their own mother tongue. They also pointed out that many people did not consider them to be Hungarian given that they could not attend Hungarian-language schools.<sup>45</sup>

The case of the youth in Csepe is not a singular one. Thousands of Hungarians in Transcarpathia had their right to free choice of identity violated in the autumn of 1944, when they had to choose between declaring themselves to be Hungarian, and thus be deported, or renounce their national identity, and stay alive. After the Second World War, in dozens of villages

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<sup>45</sup> MILOVÁN, Sándor: Globális tesztelés. [Global testing.] *Kárpátalja* [Transcarpathia], 8<sup>th</sup> February 2008. <https://karpataljalap.net/2008/02/08/globalis-teszteles>. Last accessed on 25<sup>th</sup> January 2022.

inhabited by Hungarians, Hungarian-language education ceased, and thousands were forced to study in a language other than their mother tongue, without being able to learn the language of their community at least as a distinct school subject. International experts convincingly argue that if someone is forced to being educated in the majority language, their linguistic human rights are violated.<sup>46</sup>

As soon as the front passed through Transcarpathia, the Soviet authorities in the region immediately set about changing the names of the settlements.<sup>47</sup> For example, the Decree of the Supreme Council of the Ukrainian SSR issued on 25<sup>th</sup> June 1946 changed the names of nearly a hundred Transcarpathian villages and towns, approximately half of which were settlements inhabited by Hungarians.<sup>48</sup>

Traditional personal names were also Russified immediately. As a rule, traditional Hungarian first names (for example, *Ilona*, *Erzsébet*, *János*, *Sándor*, etc.) were not recorded in official documents, instead their Russian equivalents (*Елена*, *Елизавета*, *Иван*, *Александр* [Yelena, Yelyzaveta, Ivan, Aleksandr]) were. Also changed were the usual forms of name use and address in non-Slavic languages. The use of names with three elements is not traditional in the Hungarian language, while in the Russian language personal names have three elements: the given name, the so-called *отчество* “patronymic”, which is formed from the father’s name, and the family name.<sup>49</sup> After the Transcarpathians received Soviet identity cards in 1947, the names of local minorities were also registered with such three-element name forms. Thus, *Szabó Pál* (whose father’s name was *Péter*) and *Kovács Katalin* (whose father’s name was *István*) became *Павел Петрович Сабов*

<sup>46</sup> SKUTNABB-KANGAS, Tove, Robert DUNBAR: Indigenous Children’s Education as Linguistic Genocide and a Crime Against Humanity? A Global View. *Gáldu Čála, Journal of Indigenous Peoples Rights* 1(2010): 90.

<sup>47</sup> BEREGSZÁSZI, Anikó: Language Planning issues of Hungarian Place-names in Subcarpathia. *Acta Linguistica Hungarica* 43(1996): 1–8.

<sup>48</sup> Указ Президії Верховної Ради УРСР від 25.6.1946 «Про збереження історичних найменувань та уточнення і впорядкування назв населених пунктів Закарпатської області» [Decree of the Presidium of the Verkhovna Rada for the sake of the Ukrainian SSR dated 25.6.1946 “On the preservation of historical names and the clarification and ordering of the names of settlements in the Transcarpathian region”]. *Відомості Верховної Ради УРСР* 1947, № 7–8, 62–64.

<sup>49</sup> Note also that Hungarian last names go first, and first names go last, e.g., *Béla Bartók* in English is *Bartók Béla* in Hungarian.

[Pavel Petrovych Sabov] and *Катерина Степановна Ковач* [Kateryna Stepanovna Kovach]. Authorities demanded minorities to use these forms of names in public oral communication as well. Public officials, educators, leaders of party organizations were to be addressed as, for instance, *Павел Петрович* and *Катерина Степановна*, name forms unknown in the local non-Slavic languages (Hungarian, Romanian, German, Roma, and Slovak) not only when speaking in Russian, but also when speaking in different mother tongues.<sup>50</sup>

As a result of the new registration and name usage regulations, Transcarpathian Hungarian women could no longer take the form of name that was the most common traditional name variant of married women in the Hungarian language. In Hungary, the wife traditionally takes up her husband's full name by referring to being married by an attachment to the first name of the husband (with the suffix *-né*, which indicates the marital status). That is, if *Nagy Éva* married *Kovács Sándor*, after marriage she would use the name *Kovács Sándorné*. Soviet authorities, however, did not register this traditional form of name. Instead, the Transcarpathian Hungarian wife took up her husband's last name and attached it to her first name. Thus, if *Nagy Éva* married *Kovács Sándor*, upon marriage she would use the name *Kovács Éva*.<sup>51</sup>

According to international experts, the mandatory and forced change of names of settlements and people is a violation of linguistic human rights.<sup>52</sup>

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<sup>50</sup> CSERNICKSKÓ, István: „Imja otcsesztvo” (Az apai név használatáról a kárpátaljai magyarok körében) [„Imya otchestvo”. About the use of the father's name among the Hungarians in Transcarpathia.] In: *A magyar névtani kutatások legújabb eredményei*. I. kötet. [The latest results of Hungarian onomastic research. Volume I.] Eds: B. Gergely, Piroška, Mihály Hajdú. Miskolc University, Institute of Philology – Hungarian Linguistic Association. 1997. 162–167.; BEREGSZÁSZI, Anikó, István CSERNICKSKÓ: A kárpátaljai magyar személynevek átírásának és használatának kérdésköréről. [The problems of transliteration and use of personal names of Transcarpathian Hungarians.] *Magyar Nyelvőr* 135(2011)/4: 414–422.

<sup>51</sup> MÁTÉ, Réka, István CSERNICKSKÓ: The pluricentricity of Hungarian from a Transcarpathian point of view as demonstrated by family names. In: *Hungarian as a Pluricentric Language in Language and Literature*. Eds. Muhr, Rudolf, Ildikó Vančo, István Kozmács, Máté Huber. Bern: Peter Lang, 2020. 55–69.

<sup>52</sup> JERNUDD, Björn: Personal names and human rights. In: *Linguistic human rights: Overcoming linguistic discrimination*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Berlin–New York: Mouton de Gruyter, 1994. 121–132.

Due to ideological reasons, the Soviet Union also intervened in the regulation of Hungarian spelling. Rules of Hungarian spelling are valid for all those writing in the Hungarian language, regardless of geo-political borders. For a short period, however, there were differences between the rules of spelling of Hungarian in Hungary and in Transcarpathia. The 10<sup>th</sup> edition of the Rules of Hungarian Spelling was published in 1954. Despite this, at an academic meeting held in 1956, it was stated that Hungarians in Transcarpathia were to still use the Rules published in 1922.<sup>53</sup>

The 11<sup>th</sup> edition of the rulebook came into force in 1984. One of the introduced innovations provided for the *Nagy Októberi Szocialista Forradalom* ‘Great October Socialist Revolution’ (1917) and the *Nagy Honvédő Háború* ‘Great Patriotic War’ (1941–1945) to be no longer spelled with capital letters. The background of this modification was, of course, the softening of political pressure. The change was justified by the fact that, according to the traditions of Hungarian spelling, names of historical events were not written with capital letters. The spelling of the two above mentioned events, up to that point, constituted the exception on ideological grounds. In Transcarpathia, though, they stayed the exception for a while longer. The Transcarpathian County Party Committee could not allow the local Hungarian press to switch to using the new spelling rules for the names of the above-mentioned historical events. A committee of representatives of the Department of Hungarian Philology of the Uzhhorod (Ungvár) State University, the editorial offices of the Transcarpathian Hungarian newspapers and the regional committee of the Communist Party came together, and they decided that in Transcarpathia the *Great October Socialist Revolution*<sup>54</sup> and the *Great*

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<sup>53</sup> FEDINEC, Csilla: *Fejezetek a kárpátaljai magyar közoktatás történetéből (1938–1991)*. [Chapters from the history of Transcarpathian Hungarian public education (1938–1991)]. Budapest: Nemzetközi Hungarológiai Központ [International Center for Hungarology], 1999. 64.

<sup>54</sup> In Russian: *Великая Октябрьская социалистическая революция*. The “*Great October Socialist Revolution*” took place on the 7<sup>th</sup> November 1917 (according to the Julian calendar still in use in Russia at the time, on the 25<sup>th</sup> October) in the contemporary Russian capital, Petrograd, in the course of which the Bolsheviks seized power. The date became one of the major symbols of the Soviet empire and of communist power. On the 7<sup>th</sup> November, the anniversary of the revolution, festive parades were organized throughout the country.

*Patriotic War*<sup>55</sup> had been and were to be considered historical events of outstanding importance, thus deserving capitalization in Hungarian. This small discrepancy between the Hungarian and local spelling standards, however, soon disappeared unnoticed, without any decision by a committee, and unity was restored, due to the fact that by the end of the 1980s the power of the communist party also decreased in Transcarpathia.<sup>56</sup>

Soviet language policy and planning also wanted to distance the handwriting of Transcarpathian Hungarians from that of Hungarians living in Hungary. Children who had learnt to read and write before the annexation of the region to the Soviet Union had mastered the “linewriting” version of vertical writing.<sup>57</sup> Soviet educational policy, however, made tilted writing mandatory in the Hungarian-speaking Soviet schools as well.<sup>58</sup> This led to some children writing letters which were neither tilted nor vertical.<sup>59</sup> And given that in Hungary first graders were still taught to write vertically, while children in Transcarpathia were learning tilted writing, Hungarians living in different countries learnt different types of handwriting at school.

The purpose of increasing the differences between the Hungarian spelling and handwriting used in Hungary and Transcarpathia was to increase the differences and distance between Hungarians living on the two sides of the state border, and to facilitate assimilation.

In the period before the disintegration of the Soviet Union, on the territory of the country there were a total of 53 administrative units (Soviet Socialist Republics, Autonomous Soviet Socialist Republics, Autonomous Districts) whose primary organizing principle was ethnicity. Besides the 15

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<sup>55</sup> In Russian: *Великая Отечественная война*. In: Soviet historiographic writing the period between the 22<sup>nd</sup> June 1941 and the 9<sup>th</sup> May 1945 of the Second World War was called the “*Great Patriotic War*”. The starting date was justified by the fact that on the 22<sup>nd</sup> June the Nazi Germany attacked the Soviet Union. In the Soviet Union, the focus of historical memory was not the Second World War, but the Great Patriotic War. See: FEDINEC, Csilla and CSERNICKSKÓ, István: (Re)conceptualization of Memory in Ukraine after the Revolution of Dignity. *Central European Papers* V(2017)/1: 46–71.

<sup>56</sup> BALLA D., Károly: *Kis(ebbsegi) magyar skizofrénia*. [Minority Hungarian Schizophrenia.] Ungvár–Budapest: Galéria, 1993. 39.

<sup>57</sup> Linewriting means writing vertical, round letters linked to each other.

<sup>58</sup> Tilted writing is a type of handwriting with a slightly right-leaning, dynamic line.

<sup>59</sup> Based on archival sources quoted by FEDINEC, 1999. 73.

Soviet federal republics<sup>60</sup>, such were, for example, the Abkhaz, Bashkir, Buryat, Komi, Mari, Tatar, etc. Autonomous Soviet Federative Republics.<sup>61</sup> In addition, there also existed the concept of the so-called autonomous district<sup>62</sup>, such as, for example, the Nenets, Komi-Permyak, or Jewish Autonomous Districts. In administrative districts organized on the basis of ethnicity, the language of the local majority elite was in contest with the Russian language, and the minority languages of the individual republics had to compete not only with Russian but also with the language of the republic's eponymous nationality.<sup>63</sup> This was also the case in Transcarpathia, which belonged to the Ukrainian SSR, where the Hungarian language was placed at the bottom of the linguistic hierarchy behind Russian and Ukrainian.

This is proven by the fact that the languages of the eponymous nationalities of the member republics of the Soviet Union – alongside Russian – appeared in the public space. For example, Article 169 of the Constitution stipulated that the “*Proletarians of the world, unite!*” motto should appear in the Soviet coat of arms in all languages of the federal republics.<sup>64</sup> Similarly, the face value of the banknotes could be read in the languages of all 15 federal republics on Soviet paper money.<sup>65</sup>

In Transcarpathia, the Ukrainian language was also used on public signs and posters containing ideological slogans, even official documents (identity cards, school certificates), official forms, etc., alongside or below the Russian language.<sup>66</sup> Hungarian-language signs, however, were missing from public spaces. There was no Hungarian used on identity cards or in other documents, and it was not to be used even on certificates issued by Hungarian-speaking schools.

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<sup>60</sup> In Russian: *союзные социалистические республики*. Russian, Ukrainian, Belarusian, Estonian, Latvian, Lithuanian, Moldovan, Kazakh, Georgian, Armenian, Uzbek, Kyrgyz, Tajik, Azerbaijani and Turkmen.

<sup>61</sup> In Russian: *Автономная Советская Социалистическая Республика*; abbreviated: *АССР*.

<sup>62</sup> In Russian: *автономный округ*, abbreviated: *АО*.

<sup>63</sup> WIGGLESWORTH-BAKER, Teresa: Multilingual education reforms in Georgia in the post-Soviet period: discourses of ethnic minority integration. *Language Policy* 17(2018)/3: 285–306. DOI: <https://doi.org/10.1007/s10993-016-9426-y>

<sup>64</sup> *Конституция СССР*. <http://www.hist.msu.ru/ER/Etext/cnst1977.htm>. Last accessed on 25<sup>th</sup> January 2022.

<sup>65</sup> CSERNICKSKÓ, István, Anikó BEREGSZÁSZI: Different states, same practices: visual construction of language policy on banknotes in the territory of present-day Transcarpathia. *Language Policy* 18(2019)/2: 269–293. DOI: <https://doi.org/10.1007/s10993-018-9485-3>

<sup>66</sup> CSERNICKSKÓ, István: *Fények és árnyak: Kárpátalja nyelvi tájképéből*. [Lights and Shadows: About the linguistic landscape of Transcarpathia.] Ungvár: Autdor-Shark, 2019. 58–112.

#### **4. Linguistic Rights in Independent Ukraine**

Ukraine became an independent state after the collapse of the Soviet Union in 1991. Ukrainian nation-building was significantly facilitated by the federal structure of the empire that built communism. Within the Soviet Union, similarly to the other federal republics, the Ukrainian Soviet Socialist Republic was functioning as a quasi-state: its external and internal administrative borders were fixed; it had its own coat of arms, flag and anthem; it had its own government in the capital Kyiv where there were also the Parliament and different ministries; it had its own Constitution and its own legal system codified in laws; in addition to the legislature, the executive branch also had its own system; state administrative offices were set up and they were functioning with trained officials; the public administration – in addition to Russian – also operated in the Ukrainian language, laws were also published in the Ukrainian language; Ukraine was represented at the UN.

In the first years of sovereignty, the linguistic goals of the majority nation and the country's minorities coincided in many respects: after the collapse of the Soviet Union among both Ukrainians and Romanians, Hungarians, Poles, Crimean Tatars, etc. attention to their own culture and language increased, minorities demanded the expansion of the use of their own languages against the previously privileged position of the Russian language. But while in the Soviet Union the situation of the majority Ukrainians and that of the minorities was the same in many respects, after 1991 parallel efforts aimed at strengthening the positions of one's own language intersected: the Ukrainian state language policy insisted that Ukrainian should take over all the functions previously fulfilled by the Russian language, while national minorities wanted to use their mother tongue in as many language use arenas as possible.

After 1991, beside the shock caused by the deep economic crisis and the socio-political transformations, the formation of the modern Ukrainian nation was also made more difficult by the significant Russian community which – from a sociological perspective – was transposed into a minority position in the new independent Ukraine from one day to the other.<sup>67</sup> The multi-million Russian community living in Ukraine suddenly became a minority group, that is de jure in a subordinate status, though earlier it was part of the group of the Soviet empire that enjoyed a linguistically and

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<sup>67</sup> BRUBAKER, 1996, 17.

culturally privileged position. De facto, however, the Russian-speaking elite largely managed to save these favorable economic, political and cultural positions. Even after the change of state and even after almost three decades of independence, the Russian language is still widely used in most areas of social and public life, mainly in big cities, and in the Eastern and Southern regions of the country. However, this caused dissatisfaction among the Ukrainian elite, who envisioned the new state as their own nation-state. The ongoing discourse on the ways of building a new Ukrainian nation, as well as the struggle for political power, also took place through the debates that unfolded around the situation of the Ukrainian and Russian languages.

Since gaining independence, the most prominent goal of the language policy of the Ukrainian state has been to strengthen the status of Ukrainian as the state language and to continuously expand its range of use.<sup>68</sup>

The legislative steps that have taken place since 2014 indicate a language policy direction that strengthens the position of the Ukrainian language at the expense of other languages used in the country. In fact, after the “Revolution of Dignity”, Ukraine took a number of legislative steps that fundamentally reshaped the situation of minority languages and their speakers. In this sense, the most important legislative steps were the following: the adoption of the Civil Service Act (2015)<sup>69</sup>, the Law amending the regulation of the language of electronic press (2017)<sup>70</sup>, the new Education Framework Act (2017)<sup>71</sup>, the State Language Act (2019)<sup>72</sup>, the Law on

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<sup>68</sup> CSERNICKÓ, István: Language Policy in Ukraine: The Burdens of the Past and the Possibilities of the Future. In: *Future Research Directions for Applied Linguistics*. Eds. Pfenninger, Simone E., Judit Navracsecs. Bristol: Multilingual Matters, 2017. 120–148.

<sup>69</sup> Закон України «Про державну службу». [Law of Ukraine “On Civil Service”.] <https://zakon.rada.gov.ua/laws/show/889-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>70</sup> Закон України «Про внесення змін до деяких законів України щодо мови аудіовізуальних (електронних) засобів масової інформації». [Law of Ukraine “On Amendments to Some Laws of Ukraine on the Language of Audiovisual (Electronic) Media”]. <https://zakon.rada.gov.ua/laws/show/2054-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>71</sup> Закон України «Про освіту». [Law of Ukraine “On Education”]. <https://zakon.rada.gov.ua/laws/show/2145-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>72</sup> Закон України «Про забезпечення функціонування української мови як державної». [Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language”]. <https://zakon.rada.gov.ua/laws/show/2704-19#Text>. The text of the law in English translation: [https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-REF\(2019\)036-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-REF(2019)036-e). Last accessed on 25<sup>th</sup> January 2022.

general secondary public education (2020)<sup>73</sup>, and the Indigenous Peoples Act (2021)<sup>74</sup> as well as amendment of the Law on Higher Education (2019)<sup>75</sup> and the repeal of the 2012 Language Act (2018)<sup>76</sup>.

In what follows, we show through some concrete examples how

- (a) these legislative changes restrict the linguistic rights of the Transcarpathian Hungarian community,
- (b) the majority of these legislative changes are incompatible with Ukraine's international commitments.

## 5. Continuous restrictions of linguistic rights in Ukraine

The restrictions of the linguistic rights of minorities in Transcarpathia, among them those of Hungarians living in the Western part of Ukraine, affect all areas of public life.

### 5.1. *Mother-tongue-medium education for minorities*

Hungarian-language education has significant historical traditions on the territory of today's Transcarpathia. In the last 150 years this territory has belonged to different countries. However, the Kingdom of Hungary within the Austro-Hungarian Monarchy (1867–1918), the Czechoslovak Republic (1919–1938), Carpathian Ukraine (1939), the Kingdom of Hungary

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<sup>73</sup> Закон України «Про повну загальну середню освіту». [Law of Ukraine “On Complete General Secondary Education”]. <https://zakon.rada.gov.ua/laws/show/463-20#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>74</sup> Закон України «Про корінні народи України». [Law of Ukraine “On Indigenous Peoples of Ukraine”]. <https://zakon.rada.gov.ua/laws/show/1616-20#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>75</sup> Закон України «Про вищу освіту». [Law of Ukraine “On Higher Education”]. <https://zakon.rada.gov.ua/laws/show/1556-18/ed20140701>. Last accessed on 25<sup>th</sup> January 2022.

<sup>76</sup> 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-р/2018 [Decision of the Constitutional Court of Ukraine in the case of the constitutional petition of the 57 People's Deputies of Ukraine on compliance with the Constitution of Ukraine (constitutionality) of the Law of Ukraine “On Principles of the State Language Policy” of 28<sup>th</sup> February 2018, No. 2-p/2018]. <https://zakon.rada.gov.ua/laws/show/v002p710-18#Text>. Last accessed on 25<sup>th</sup> January 2022.

(1939–1944) and the Soviet Union (1945–1991) all ensured the minorities the right and possibility of mother-tongue-medium education.<sup>77</sup>

Ukraine, which became independent in 1991, also ensured for a long time the right to education in the mother tongue for the minorities living in its territory. Article 53 part 5 of the Ukrainian Constitution<sup>78</sup> states the following: “Citizens belonging to national minorities are guaranteed, in accordance with the law, the right to study in their mother tongue or to study their mother tongue in state and communal educational institutions or with the assistance of national cultural societies.” Article 6 of the National Minorities Act<sup>79</sup> contains provisions similar to those in the Constitution with reference to the education of minorities. The same is repeated in paragraph 3 of Article 19 of the law passed on the protection of childhood.<sup>80</sup>

Article 25 of the Language Act, in force between 1989 and 2012, codified broader rights than the above.<sup>81</sup> It defined as an inalienable right of citizens that parents freely choose the language of their children’s education, and guaranteed the right of all children to learn in their mother tongue. According to Article 20 of the 2012 Language Act, “the right to choose the language of education is an inalienable right of citizens, in addition to the mandatory mastery of the state language, which is sufficient for integration into Ukrainian society.” According to the quoted article of the law, citizens of Ukraine were guaranteed the right to study in regional or minority languages at all levels of education, from kindergarten to university.<sup>82</sup>

<sup>77</sup> CSERNICKÓ, István, Mihály TÓTH: *The right to education in minority languages: Central European traditions and the case of Transcarpathia*. Ungvár: Autdor-Shark, 2019. [http://hodinkaintezet.uz.ua/wp-content/uploads/2019/02/csi\\_tm\\_the\\_right\\_to\\_education\\_in\\_minority\\_languages.pdf](http://hodinkaintezet.uz.ua/wp-content/uploads/2019/02/csi_tm_the_right_to_education_in_minority_languages.pdf). Last accessed on 25<sup>th</sup> January 2022.

<sup>78</sup> *Конституція України*. [Constitution of Ukraine.] <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>. Last accessed on 25<sup>th</sup> January 2022.

<sup>79</sup> Закон України «Про національні меншини в Україні». [Law of Ukraine “On National Minorities in Ukraine”.] <http://zakon2.rada.gov.ua/laws/show/2494-12>. Last accessed on 25<sup>th</sup> January 2022.

<sup>80</sup> Закон України «Про охорону дитинства». [Law of Ukraine “On Protection of Childhood”]. <http://zakon2.rada.gov.ua/laws/show/2402-14>. Last accessed on 25<sup>th</sup> January 2022.

<sup>81</sup> Закон України «Про мови в Українській РСР». [Law of Ukraine “On Languages in the Ukrainian SSR”.] <https://zakon.rada.gov.ua/laws/show/8312-11>. Last accessed on 25<sup>th</sup> January 2022.

<sup>82</sup> Закон України «Про засади державної мовної політики». [Law of Ukraine “On Principles of the State Language Policy”]. <https://zakon.rada.gov.ua/laws/show/5029-17#Text>. Last accessed on 25<sup>th</sup> January 2022.

Article 7 of the new Law on Education<sup>83</sup> adopted in 2017, Article 5 of the Law on General Secondary Education<sup>84</sup> and Article 21 of the State Language Act<sup>85</sup>, however, have significantly changed norms with reference to the language of education. These three legislative acts divide the citizens of Ukraine on the bases of their rights with reference to the language of education. The first group is made up by the majority population (Ukrainians): they are not affected by the legislative changes given that they can continue studying in their mother tongue at all levels of education. Representatives of indigenous peoples can also continue studying in their mother tongues.<sup>86</sup> Representatives of national minorities using one of the official languages of the European Union as their mother tongue (e.g. Hungarians, Romanians) can study in their own language in elementary schools (grades 1–4), but from the 5<sup>th</sup> grade, a minimum of 20% of the annual number of classes is to be studied in the state language; by the 9<sup>th</sup> grade this percentage has to reach 40%; in the 10<sup>th</sup>–12<sup>th</sup> grades at least 60% of the annual number of classes has to be taught in Ukrainian. National minorities speaking a non-EU language (Russians, Belorussians) study at least 80% of the annual number of lessons in the state language from the 5<sup>th</sup> grade.<sup>87</sup> According to Part IX point 3 paragraph 1 of the State Language Act, Russian-language schools had to switch to this educational model as of 1<sup>st</sup> September 2020. Hungarian and Romanian language schools have to switch to this new educational norm as of 1<sup>st</sup> September 2023.

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<sup>83</sup> Закон України «Про освіту». [Law of Ukraine “On Education”.] <https://zakon.rada.gov.ua/laws/show/2145-19>. Last accessed on 25<sup>th</sup> January 2022.

<sup>84</sup> Закон України «Про повну загальну середню освіту». [Law of Ukraine “On Complete General Secondary Education”.] <https://zakon.rada.gov.ua/laws/show/463-20#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>85</sup> Закон України «Про забезпечення функціонування української мови як державної». [Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language”]. <https://zakon.rada.gov.ua/laws/show/2704-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>86</sup> The Law of Ukraine “On Indigenous Peoples in Ukraine” was voted by the Ukrainian Parliament on 1<sup>st</sup> July 2021. [Закон України «Про корінні народи України»] (<https://zakon.rada.gov.ua/laws/show/1616-20#Text>. Last accessed on 25<sup>th</sup> January 2022.). According to Article 1, point 2 of the Law, indigenous peoples in Ukraine are the Crimean Tatars, Karaims and Krymchaks living on the Crimean Peninsula.

<sup>87</sup> CSERNICKÓ, István et al.: *Ukrainian Language Policy Gone Astray: The Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language” (analytical overview)*. Törökbálint: Termini Association, 2020. [https://www.researchgate.net/publication/340902146\\_Ukrainian\\_language\\_policy\\_gone\\_astray](https://www.researchgate.net/publication/340902146_Ukrainian_language_policy_gone_astray). Last accessed on 25<sup>th</sup> January 2022.

If we consider that up to the 2017 adoption of the new Law on Education, all Ukrainian citizens had the right to study in their mother tongue at all levels of education, it becomes obvious how these new legislative acts restrict these rights.

In its opinion, the Venice Commission strongly condemned the discrimination of national minorities on the basis of whether their mother tongue is an official language in the EU or not.<sup>88</sup> This position was emphasized by the international legal body not only in relation to the Law on Education, but also in its opinion issued on 9<sup>th</sup> December 2019, which negatively evaluated the State Language Act.<sup>89</sup> In the meantime, on 16<sup>th</sup> January 2020, the Kyiv parliament also adopted the Law on General Secondary Education, which also divides the population of Ukraine into the groups defined above.<sup>90</sup> Article 7 of the Law on Education was also criticized by the Council of Europe (EC).<sup>91</sup>

On 6<sup>th</sup> October 2017, 48 members of the Parliament of Ukraine submitted a petition to the Constitutional Court of Ukraine<sup>92</sup> in which they requested the Law on Education to be declared unconstitutional. However,

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<sup>88</sup> CDL-AD (2017) 030. Opinion on the provisions of the Law on Education of 5<sup>th</sup> September 2017, which concern the use of the State language and minority and other languages in education. Opinion no. 902/2017. Strasbourg, 11<sup>th</sup> December 2017. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)030-e). Last accessed on 25<sup>th</sup> January 2022.

<sup>89</sup> 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<sup>th</sup> 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). Last accessed on 25<sup>th</sup> January 2022.

<sup>90</sup> Закон України «Про повну загальну середню освіту». [Law of Ukraine “On Complete General Secondary Education”.] <https://zakon.rada.gov.ua/laws/show/463-20#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>91</sup> Resolution 2189 (2017) of Parliamentary Assembly of the Council of Europe. The new Ukrainian law on education: a major impediment to the teaching of national minorities’ mother tongues. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?file-id=24218&lang=en>. Last accessed on 25<sup>th</sup> January 2022.

<sup>92</sup> Конституційне Подання щодо відповідності Конституції України (неконституційності) Закону України «Про освіту» від 05 вересня 2017 року № 2145-VIII [Constitutional Submission regarding compliance with the Constitution of Ukraine (unconstitutionality) of the Law of Ukraine “On Education” dated September 5, 2017 No. 2145-VIII]. [http://www.ccu.gov.ua/sites/default/files/3\\_4072.pdf](http://www.ccu.gov.ua/sites/default/files/3_4072.pdf). Last accessed on 25<sup>th</sup> January 2022.

the Constitutional Court issued its decision<sup>93</sup> on 16<sup>th</sup> July 2019, stating that the Law on Education was constitutional. Still, there is no word in the Constitutional Court's decision with reference to the resolution of the Venice Commission regarding this law, issued in December 2017, and the criticism and recommendations made therein. Despite the fact that point 15 of the decision of the Parliamentary Assembly of the Council of Europe issued on 12<sup>th</sup> October 2017 states that "The Assembly asks the Ukrainian authorities to fully implement the forthcoming recommendations and conclusions of the Venice Commission, and to amend the new Law on Education accordingly."<sup>94</sup>

The decision of the Committee of Ministers of the Council of Europe issued on the 8<sup>th</sup> December 2020 states the following: "Implement the recommendations contained in the Venice Commission Opinion on the Provisions of the Law on Education of 5<sup>th</sup> September 2017"<sup>95</sup>

On 1<sup>st</sup> July 2014 the Supreme Council of Ukraine adopted the Law on Higher Education.<sup>96</sup> Article 48 point 3 of the Law allows private higher education institutions to choose the language of education while guaranteeing the teaching of the state language as a separate subject. However, on the basis of Article 7 of the Law on Education adopted in 2017 and Article 21 of the State Language Act adopted in 2019, Article 48 of the Law on Higher Education was modified on the 25<sup>th</sup> April 2019. Through this modification, Ukraine abolished the right of private higher education institutions to choose the language of instruction.

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<sup>93</sup> Рішення Конституційного Суду України у справі за конституційним поданням 48 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України «Про освіту» № 10-р/2019. [Decision of the Constitutional Court of Ukraine in the case of the constitutional petition of 48 People's Deputies of Ukraine on compliance with the Constitution of Ukraine (constitutionality) of the Law of Ukraine "On Education", No. 10-r/2019.] [https://ccu.gov.ua/sites/default/files/docs/10\\_p\\_2019\\_0.pdf](https://ccu.gov.ua/sites/default/files/docs/10_p_2019_0.pdf). Last accessed on 25<sup>th</sup> January 2022.

<sup>94</sup> Resolution 2189 (2017) of the Parliamentary Assembly of the Council of Europe. The new Ukrainian Law of Education: a major impediment to the teaching of national minorities' mother tongues. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24218&lang=en>. Last accessed on 25<sup>th</sup> January 2022.

<sup>95</sup> Resolution CM/ResCMN(2020)13 on the implementation of the Framework Convention for the Protection of National Minorities by Ukraine. (Adopted by the Committee of Ministers on 8 December 2020 at the 1391<sup>st</sup> meeting of the Ministers' Deputies). [https://search.coe.int/cm/pages/result\\_details.aspx?ObjectId=0900001680a07742](https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a07742). Last accessed on 25<sup>th</sup> January 2022.

<sup>96</sup> Закон України «Про вищу освіту». [Law of Ukraine "On Higher Education".] <https://zakon.rada.gov.ua/laws/show/1556-18/ed20140701>. Last accessed on 25<sup>th</sup> January 2022.

The change in the right to mother tongue education affected many thousands of people in Ukraine.<sup>97</sup> Representatives of the Hungarian minority expressed their protest against the change of laws. Researchers emphasized that it is not necessary to change the language of education, but to reform the teaching of the Ukrainian language.<sup>98</sup>

### 5.2. *The justice system*

According to Article 13 of the State Language Act, in Ukraine, laws and decrees are adopted and published in the state language. The Law only allows for laws and decrees to be published in the Crimean Tatar language (citing that it is a native language in Ukraine). The Law does not mention the possibility of laws, decrees and other legal documents to be published in other minority languages.

According to Article 29 of the Criminal Code of Ukraine<sup>99</sup>, people who do not speak or do not know the state language at an adequate level may testify in their native language or in a language they know. However, Article 6, point 1 of the State Language Act requires all citizens of Ukraine to know Ukrainian as the state language. With reference to this, Ukraine may refuse to use regional or minority languages in court or legal proceedings because if it is a legal obligation to know the Ukrainian language, then not knowing it is against the law.

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<sup>97</sup> CSERNICKSKÓ, István, Ildikó OROSZ: *The Hungarian language in Education in Ukraine*. Leeuwarden: Mercator European Research Centre on Multilingualism and Language Learning, 2019.

<sup>98</sup> HUSZTI, Ilona, István CSERNICKSKÓ, Erzsébet BÁRÁNY: Bilingual education: the best solution for Hungarians in Ukraine? *Compare: A Journal of Comparative and International Education* 49 (2019)/6: 1002–1009. DOI: 10.1080/03057925.2019.1602968; CSERNICKSKÓ, István: Languages in Conflict Situations in the Context of the Law of Ukraine “On Education” (2017). In: *Language Politics, Language Situations and Conflicts in Multilingual Societies: Case Studies from Contemporary Russia, Ukraine and Belarus*. Eds. Müller, Daniel, Monika Wingender. Wiesbaden: Harrasowitz Verlag, 2021. 137–152. DOI: 10.13173/9783447392365.137

<sup>99</sup> Кримінальний процесуальний кодекс України. [Criminal Procedure Code of Ukraine]. <https://zakon.rada.gov.ua/laws/show/4651-17>. Last accessed on 25<sup>th</sup> January 2022.

*5.3. Language use in public administration and in the operation of local authorities*

The Language Acts of 1989 and 2012 permitted the use of minority languages in addition to the state language in public administration and the work of local governments if certain conditions were met.<sup>100</sup> However, according to Article 1, point 1 of the State Language Act, “The Ukrainian language shall be the only State (official) language in Ukraine.” Based on the text of the law, this may also mean that in Ukraine, no language other than Ukrainian can have the status of an official language, not even at regional level.

The State Language Act and the Civil Service Act<sup>101</sup> obligatorily stipulates that state officials must know the state language. This provision is natural and necessary. However, there is not a single word in these laws about the fact that in areas where minority languages are used, civil servants who speak these languages are to be appointed, despite the fact that by ratifying Article 10, point 4, paragraph c of the *Charter*, Ukraine undertook “compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used”.

Article 1, point 7 of the State Language Act mandates the use of the state language when performing the tasks of state and local authorities, as well as in other public situations defined by this Law. Thus, the Law basically makes it impossible for minority languages to be used in state and local authorities’ operations.

Articles 12 and 13 of the State Language Act stipulate that the working language of state bodies and local and regional authorities is the state language. Article 12, point 2 theoretically makes it possible for other languages to be used at the meeting of state organizations and regional and local authorities. For such cases, however, the Law stipulates that everything uttered in a language other than the state language should be translated into Ukrainian. This makes it impossible for local governments to hold their meetings in a minority language. Point 3 of Article 13 also requires that regional or local authorities publish their decisions and documents in the state language.

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<sup>100</sup> CSERNICKSKÓ, István, Csilla FEDINEC: Four Language Laws of Ukraine. *International Journal on Minority and Group Rights* 23(2016): 560–582. DOI: 10.1163/15718115-02401004

<sup>101</sup> Закон України «Про державну службу». [Law of Ukraine “On Civil Service”.] <https://zakon.rada.gov.ua/laws/show/889-19>. Last accessed on 25<sup>th</sup> January 2022.

However, by ratifying the *Charter*, Ukraine undertook to allow “the use of regional or minority languages within the framework of the regional or local authority”; to encourage “the publication by regional authorities of their official documents also in the relevant regional or minority languages” (Article 10 of the *Charter*). Through Article 10, paragraph 2 of the *Framework Convention*, Ukraine also undertook to ensure as far as possible the conditions that facilitate the use of a minority language between persons belonging to the minority and the public administrative authorities. Thus, the State Language Act clearly contradicts Ukraine’s international commitments.

The Venice Commission clearly states it in its opinion (point 46) issued in connection with the State Language Act that public officials are not to be forced to use only the state language in non-official oral or written communication among themselves. In point 60 of the opinion, referring to international precedents, the Venice Commission also draws attention to the fact that “a State has to accept that, when private individuals address the public authorities in a non-official language, civil servants may voluntarily answer in this language, if they are capable of doing so”.<sup>102</sup>

Article 39, part 3 of the State Language Act stipulates that nameplates, official documents, seals and stamps of state authorities, local government bodies, companies and institutions are made in the state language. Point 4 of the same Article allows English to be also used beside the state language in the case of these names and inscriptions. Theoretically, the Law also makes it possible for local authorities, companies and institutions to have their nameplates, official documents, seals and stamps in the Crimean Tatar languages and languages of national minorities, besides the state language.

However, Article 39 paragraph 2 point 4 of the Law stipulates that the use of minority languages in this domain is guaranteed by another legal act. Still, at the time of writing this study (September 2022) the law regulating the rights of indigenous peoples and national minorities does not yet exist.

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<sup>102</sup> European Commission for Democracy Through Law (Venice Commission). Ukraine. Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language. CDL-AD(2019)032. Opinion No. 960/2019. Strasbourg, 9<sup>th</sup> December 2019. 14-15. [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). Last accessed on 25<sup>th</sup> January 2022.

In Transcarpathia there exist historical traditions with reference to multi-lingual institution nameplates, seals, stamps, and official forms.<sup>103</sup> However, in the second half of 2021, these bilingual signs were gradually replaced by monolingual signs in several settlements. Figure 1 shows, for example, the villages of Mezőgecse and Macsola (Ukrainian: Геча, Мочола) in the Berehove (Beregszász) District, where the Ukrainian–Hungarian bilingual signs had been still there in 2020 and were changed to monolingual Ukrainian signs in the course of 2021.

According to data of the most recent (2001) census, in the former settlement, the proportion of Hungarian native speakers was 88.6%, and in the latter village 80.2%.

**Figure 1.**



Figure 2. shows how Ukrainian–German and Ukrainian–Romanian signs were also gradually changed to exclusively Ukrainian language signs. The photos were taken in the settlements called *Павшино* in Ukrainian,

<sup>103</sup> Черничко, Степан, Чілла ФЕДИНЕЦЬ: *Наш місцевий Вавилон. Історія мовної політики на території Закарпаття у першій половині ХХ століття (до 1944 року)*. [Our local Babylon. History of language policy in Transcarpathia in the first half of the 20<sup>th</sup> century (until 1944)]. Ужгород: Поліграфцентр «Ліра», 2014.

*Pausching* in German; and *Strâmtura* in Romanian, *Глибокий Потик* in Ukrainian, in 2016 and 2021, respectively. Based on the data of the most recent (2001) Ukrainian census, 34.3% of the inhabitants of Pausching (Павшино) were native speakers of German; while in the village of Strâmtura (Глибокий Потик) the proportion of native Romanian speakers was 98.4%.

Figure 2.



#### 5.4. The press

The law regulating the language use of the electronic press<sup>104</sup> and the State Language Act<sup>105</sup> significantly tighten language quotas for television and radio broadcasting. The latter law, for example, increases the minimum proportion of content appearing in the state language from 75% to 90%

<sup>104</sup> Закон України «Про внесення змін до деяких законів України щодо мови аудіовізуальних (електронних) засобів масової інформації». [Law of Ukraine “On Amendments to Some Laws of Ukraine on the Language of Audiovisual (Electronic) Media”]. <https://zakon.rada.gov.ua/laws/show/2054-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

<sup>105</sup> Закон України «Про забезпечення функціонування української мови як державної». [Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language”]. <https://zakon.rada.gov.ua/laws/show/2704-19#Text>. Last accessed on 25<sup>th</sup> January 2022.

for broadcasters with national coverage and for regional or local TV and radio companies from 60% to 80%. The law does not make an exception for private broadcasters either, including the television “Ungvár TV21”, which broadcasts part of its programs in Hungarian, and the radio station “Pulzus Rádió”, so these quotas also apply to them.

Article 27, point 6 of the State Language Act also stipulates that online press products registered in Ukraine (e.g., news portals) must have a version in Ukrainian. The page edited in the state language must be the primary one (the Ukrainian language page needs to be on the main page). The content, size, and structure of the page in Ukrainian cannot be smaller than the page in another language.

These provisions limit freedom of expression, and contradict Article 9, point 3 of the *Framework Convention*.<sup>106</sup>

#### 5.5. Geographical names

Article 41 point 1 of the State Language Act stipulates that in Ukraine geographical names, names of squares, avenues, streets and other public spaces, bridges, etc. need to be Ukrainian. This, however, contradicts Ukraine’s international commitments: see Article 10, part 2.g of the *Charter* and Article 11, paragraph 3 of the *Framework Convention*.

Article 41, point 2 of the State Language Act stipulates that geographic names are transcribed (transliterated) from Ukrainian into other languages. This means, for example, that in Hungarian-language textbooks used in Ukrainian schools, the Ukrainian name *Kyïv* (transliterated from Cyrillic as *Kyiv*) cannot be used in the traditional, centuries-old Hungarian form *Kijev*, only *Kyiv* must be used even in Hungarian-language texts.

Article 41 point 4 of the State Language Act stipulates that on signs containing geographical names (for example, on the name signs of settlements or signs showing street names), the inscriptions must be in Ukrainian. Below or on the right side of the inscription (in smaller fonts), the given geographic name can also be displayed in Latin transcription. This provision excludes the use of traditional forms of geographical names (names of towns, villages, names of streets, squares, names of rivers or mountains, etc.) in the languages of national minorities.

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<sup>106</sup> Analytical Note on the Law “On ensuring the functioning of Ukrainian as the State language” 05/09/2019.10. <https://ukraine.un.org/en/78513-analytical-note-law-ensuring-functioning-ukrainian-state-language>. Last accessed on 25<sup>th</sup> January 2022.

This provision of the Law means that the names of cities such as *Ungvár*, *Beregszász*, *Munkács*, *Nagyszőlős* (in Ukrainian *Ужгород*, *Берегове*, *Мукачево*, *Виноградів*) etc. that have been used for hundreds of years in Hungarian, can only be displayed on place name signs in the following forms: *Uzbborod*, *Berehove*, *Mukachevo*, *Vynobradiv*. This is a significant step back from previous and current practice since today (in January 2022) the nameplates of nearly a hundred settlements include the traditional Hungarian name of the settlement in addition to the Ukrainian inscription given that previously applicable laws made this possible.<sup>107</sup> In addition to Ukrainian–Hungarian place name signs, Ukrainian–Romanian and Ukrainian–German place name signs are also traditionally used in Transcarpathia (see Figure 3).

**Figure 3.**



However, in many settlements, the state authorities have already started replacing the previously bilingual place name signs with monolingual ones. According to the official data of the 2001 census, in the village of *Badaló* (Ukrainian: *Бадалово*), 98.2% of the residents and in the settlement of *Nagydobrony* (Ukrainian: *Велика Добронь*) 97.7% of the inhabitants were native speakers of Hungarian. At the border of both villages, a bilingual

<sup>107</sup> BEREGSZÁSZI, 1995/1996. 1–8.

place name sign indicated that Hungarians also lived in the village. In the course of 2021, however, the Ukrainian–Hungarian bilingual street name signs that had been used for decades, were replaced with Ukrainian monolingual signs, as shown in Figure 4. Similar changes were implemented in many other settlements as well.

In some settlements, even the previously bilingual street name signs have been replaced with Ukrainian monolingual inscriptions; for example, in the village of *Som* (Ukrainian: *Шом*) in the *Beregove* (*Beregszász*) District.

**Figure 4.**



#### *5.6. Participation in public affairs (language examination)*

Citizens belonging to national minorities are disadvantaged by the fact that Articles 9 and 10 of the State Language Act stipulate that certain positions and jobs can only be filled if the person applying for them takes a specific type of language test which assesses their level of Ukrainian language knowledge. It is shocking that the State Language Act does not require parliamentarians of Ukraine to prove their level of Ukrainian language knowledge with a language test but, for example, civil servants or managers of public and private educational institutions (kindergartens, schools, universities) must prove their level of Ukrainian language knowledge with a language test.

The State Language Act does not define what level of language knowledge is required, for example, from the manager of rural Hungarian-language kindergartens or schools. However, in its Decision No. 31 issued on 24<sup>th</sup> June 2021, the state office called *Національна комісія зі стандартів державної мови* (*National Commission on State Language Standards*) stipulates that the heads of educational institutions (regardless of the form of ownership of the institution, the language and level of education) must have C1 level, i.e., advanced level of Ukrainian language skills and the language certificate can only be obtained by taking an exam at this state office.<sup>108</sup>

The Ukrainian state does not provide any financial support for the operation of private educational institutions. Meanwhile, the central government expects the heads of private kindergartens and schools in small villages to take a higher-level language exam certifying Ukrainian language knowledge at level C1 based on the levels of the *Common European Framework of Reference for Languages: Learning, teaching, assessment* (CEFR).<sup>109</sup> Educational institutions whose heads do not obtain this language certificate do not receive license for operation or they have to choose another leader who does have a C1 level Ukrainian language certificate. This procedure is discriminatory against the leaders of educational and cultural institutions founded by national minority organizations and churches.

The mandatory language test also endangers the political representation of minorities. Representatives of regional and local governments are not required to obtain the centrally required Ukrainian language exam certificate if they learned the Ukrainian language during their school years. But those, who in the time of the Soviet Union (that is, before 1991) obtained their graduation in a school where the language of study was a minority language (for example, Hungarian or Romanian), did not study Ukrainian as a subject.<sup>110</sup> Thus, the State Language Act makes it very difficult for

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<sup>108</sup> Про затвердження класифікації рівнів володіння державною мовою та вимог до них. [On approval of the classification of levels of proficiency in the state language and requirements for them]. [http://search.ligazakon.ua/l\\_doc2.nsf/link1/RE36546.html](http://search.ligazakon.ua/l_doc2.nsf/link1/RE36546.html). Last accessed on 25<sup>th</sup> January 2022.

<sup>109</sup> <https://www.coe.int/en/web/common-european-framework-reference-languages>. Last accessed on 25<sup>th</sup> January 2022.

<sup>110</sup> BEREGSZÁSZI, Anikó, István CSERNICKSKÓ: Kidobott pénz vagy megtérülő befektetés? Az ukrán nyelv oktatása Kárpátalja magyar iskoláiban. [Waste of money or profitable investment? Teaching the Ukrainian language in Hungarian schools in Transcarpathia]. *Magyar Nyelvőr* 141(2017)/3: 292–309.

a large number of Transcarpathian Hungarians to take part in the local authority elections as candidates, given that it is a requirement for them to obtain the above mentioned language certificate.

However, language requirements for access to public offices cannot limit citizens' right to apply for such positions, nor the right of voters to freely choose their representatives. The restrictions introduced by Kyiv create an opportunity to push out from political or public life certain candidates or officials exclusively for not having taken the required Ukrainian language examination. Excluding candidates from the list of candidates in lack of a certificate on their knowledge of the state language is also an unjustified and discriminatory restriction. This is inconsistent with Article 25 of the *International Covenant on Civil and Political Rights* (ratified by Ukraine in 1973<sup>111</sup>) which states that the right to vote must be exercised without any discrimination.<sup>112</sup> This would also be a barrier to the participation of speakers of minority languages in public life. The same applies to non-elected positions (police, prosecutor's office, armed bodies, etc.), including government bodies, where the State Language Act also requires the acquisition of a language test certificate certifying an (advanced) level of Ukrainian language knowledge.<sup>113</sup>

## 6. Linguistic rights and security policy

The connection between minority rights and security policy is obvious. This is also proven by the document entitled Recommendations of the Forum on Minority Issues at its 14th session on the theme "Conflict prevention and the protection of the human rights of minorities": Report of the Special Rapporteur on Minority Issues, issued by the UN in 2021.<sup>114</sup>

According to Fiala-Butora, "Security conflicts and human rights conflicts affecting minorities often overlap, and in practice are difficult to

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<sup>111</sup> [https://zakon.rada.gov.ua/laws/show/995\\_043#Text](https://zakon.rada.gov.ua/laws/show/995_043#Text). Last accessed on 25<sup>th</sup> January 2022.

<sup>112</sup> International Covenant on Civil and Political Rights. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Last accessed on 25<sup>th</sup> January 2022.

<sup>113</sup> Analytical Note on the Law "On ensuring the functioning of Ukrainian as the State language" 05/09/2019. 6. <https://ukraine.un.org/en/78513-analytical-note-law-ensuring-functioning-ukrainian-state-language>. Last accessed on 25<sup>th</sup> January 2022.

<sup>114</sup> <https://digitallibrary.un.org/record/3955766>. Last accessed on 25<sup>th</sup> January 2022.

separate analytically.”<sup>115</sup> Deen and Romans draw our attention to the fact that “For states with diverse societies, a balanced language policy should be considered an essential element in maintaining internal cohesion and promoting regional security.”<sup>116</sup> The relationship between language policy, (linguistic) human rights and security policy is also often discussed in connection with Ukraine.<sup>117</sup> Two years before the Russian–Ukrainian war broke out, in February 2020, the organization Euro-Atlantic Security Leadership Group published a document entitled *Twelve Steps Toward Greater Security in Ukraine and the Euro-Atlantic Region*<sup>118</sup>, in which they state:

“The states of the Euro-Atlantic region have yet to define, agree, or implement an approach to security that can ensure peace, independence, and freedom from fear of violence for all. In the context of its five “guiding principles” about relations with Russia, the EU committed to “selective engagement” in 2016, yet a positive agenda for this engagement also remains elusive. Within Ukraine and between Ukrainians and their neighbors, social shifts are affecting the politics of historical memory and national identity and are raising difficult issues for governments regarding citizenship and language rights – with real effects on politics, economics, and security.”

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<sup>115</sup> FIALA-BUTORA, János: The Controversy Over Ukraine’s New Law on Education: Conflict Prevention and Minority Rights Protection as Divergent Objectives? *European Yearbook of Minority Issues* 17(2020): 233–261. DOI: [http://dx.doi.org/10.1163/22116117\\_01701011](http://dx.doi.org/10.1163/22116117_01701011); KONTRA, Miklós: (Linguistic) Human Rights and/or Security Policy. *Foreign Policy Review* 2021/2: 62–72. DOI: <http://dx.doi.org/10.47706/KKIFPR.2021.2.62-73>; CSERNICKÓ, István, Miklós KONTRA: The Linguistic Human Rights Plight of Hungarians in Ukraine. In: *The Handbook of Linguistic Human Rights*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Oxford Wiley Blackwell, 2022.

<sup>116</sup> DEEN, Bob, William ROMANS: Introduction: Shaping Language Policies to Promote Stability. In: *Language Policy and Conflict Prevention*. Eds. Ulasiuk, Iryna, Laurențiu Hadîrcă, William Romans. Leiden–Boston: Brill Nijhoff, 2018. 3–22. DOI: 10.1163/9789004357754\_002

<sup>117</sup> WINGENDER, Monika: From Contact and Conflict Linguistics towards Linguistic Conflict Research: Developing a Multifactorial Language Conflict Model. In: *Language Politics, Language Situations and Conflicts in Multilingual Societies: Case Studies from Contemporary Russia, Ukraine and Belarus*. Eds. Müller, Daniel, Monika Wingender. Wiesbaden: Harrasowitz Verlag, 2021. 137–152. DOI: 10.13173/9783447392365.015

<sup>118</sup> [https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/02/EASLG-Statement\\_Ukraine\\_FINAL\\_updated-021420.pdf](https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/02/EASLG-Statement_Ukraine_FINAL_updated-021420.pdf). Last accessed on 25<sup>th</sup> January 2022.

According to Deen and Romans:

“Language securitization is not an abstract concept or a matter of the distant past; it remains a matter for great concern across Europe today. The cancellation of the controversial 2012 Law ‘on Principles of the State Language Policy’ by the Ukrainian Parliament, in the days after the ousting of President Yanukovich in March 2014, contributed to the crisis in and around Ukraine because it was perceived and presented as a threat to the country’s minority Russian-speaking population.”<sup>119</sup>

The Constitutional Court of Ukraine came to the following conclusions in its resolution issued in connection with the law passed in 2019, on the support of the state language: “The legal status of the Ukrainian language as the state language is at the same time a fundamental constitutional value, a symbol and key factor of the unity (indivisibility) of the Ukrainian state, and an integral part of its constitutional identity.”<sup>120</sup>

According to the interpretative resolution of the Constitutional Court, a threat to the Ukrainian language is equivalent to threats to the national security of Ukraine, the Ukrainian nation and the state “given that language is the specific code of the nation, it is not merely a means of communication.”<sup>121</sup> According to constitutional judges,

“Without the full functioning of the Ukrainian language the Ukrainian nation would be threatened by the loss of its status and role as a titular and state-building nation in all spheres of public life which is equivalent to the threat of the Ukrainian state disappearing from the political map of the world. The Ukrainian language is a fatal condition (condition sine qua non) for the statehood and unity of Ukraine.”<sup>122</sup>

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<sup>119</sup> DEEN and ROMANS, 2018. 4–5.

<sup>120</sup> Рішення Конституційного Суду України у справі за конституційним поданням 51 народного депутата України щодо відповідності Конституції України (конституційності) Закону України «Про забезпечення функціонування української мови як державної» № 1-р/2021 від 14 липня 2021 р. [The decision of the Constitutional Court of Ukraine in the case based on the constitutional submission of 51 people’s deputies of Ukraine regarding the conformity with the Constitution of Ukraine (constitutionality) of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as a State Language” No. 1-r/2021 dated July 14, 2021.] [https://ccu.gov.ua/sites/default/files/docs/1\\_p2021.pdf](https://ccu.gov.ua/sites/default/files/docs/1_p2021.pdf). Last accessed on 25<sup>th</sup> January 2022.

<sup>121</sup> Ibidem.

<sup>122</sup> Ibidem.

According to the rather political or philosophic than legal statement, “any violation of the legal status of the Ukrainian language as a state language is unacceptable in Ukraine because it violates the constitutional order of the state, it endangers national security and Ukraine’s statehood.”<sup>123</sup> This is a typical example of the fact “that language can be and often is instrumentalized and even securitized”.<sup>124</sup>

Kymlicka draws attention to the fact that economic crises and national security threats can rapidly push into the background any discourse about human rights and the support of minority languages.<sup>125</sup> In such situations, the central government and majority society perceive the minorities and any of their real or perceived intentions and efforts of breaking the unity as a threat to the integrity of the state, while the minority elites are seen as a kind of fifth pillar. Security involves “a practice of making ‘enemy’ and ‘fear’ the integrative, energetic principle of politics displacing the democratic principles of freedom and justice.”<sup>126</sup> In times of intense social, political and economic crises, the image of the enemy based on historical experience in relation to national minorities is often intensified among the majority nations.<sup>127</sup> Unfortunately, Ukraine after 2014 constitutes a good example for all the above where the Kyiv elite that came to power through the “Revolution of Dignity” (2014) did everything to strengthen the position of the Ukrainian language and to push into the background minority languages exactly by referring to external dangers. In the discourse generated by the political elite, minorities are often classified as agents of external powers, as traitors, while their languages are viewed as factors endangering national unity. According to experts, “with a sense of geo-political instability growing in many places, it is likely that ‘enemy’ and ‘fear’ will become increasingly powerful elements in politics, policy and everyday institutional life,” often “displacing the democratic principles of freedom and justice” (...).<sup>128</sup> As we

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<sup>123</sup> Ibidem.

<sup>124</sup> DEEN and ROMANS, 2018. 4.

<sup>125</sup> KYMLICKA, Will: Multiculturalism and Minority Rights: West and East. *Journal on Ethnopolitics and Minority Issues in Europe* 14(2015)/4: 4–25.

<sup>126</sup> HUYSMANS, Jeff: Security unbound: Enacting democratic limits. New York: Routledge, 2014. 3.

<sup>127</sup> KYMLICKA, 2015. 21.

<sup>128</sup> HUYSMANS, 2014. 3.

have emphasized, the effects are unpredictable.<sup>129</sup> Minority rights, however, are not to be sacrificed on the altar of security policy.<sup>130</sup>

Kontra, however, considers that “A confrontation and clash between Linguistic Human Rights and security policy can only have devastating results. However, asserting the close linkage between Linguistic Human Rights and security policy seems to be the best way to deal with and avoid conflicts”.<sup>131</sup> Guarantees for the use of minority languages may be suitable for avoiding or eliminating conflicts.<sup>132</sup> Unfortunately, that is not what has happened in Ukraine.

Strong support for the Ukrainian language has intensified in Ukraine after 2014, events that took place at that time had a direct influence upon the language policy of the country. In Ukraine “in the context of its lack of effective control in Crimea (following the illegal annexation of Crimea by the Russian Federation in 2014) and self-proclaimed entities in the East – 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, particularly 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)”.<sup>133</sup> As argued by the experts, “the links between specialized norms on languages,

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<sup>129</sup> CHARALAMBOUS, Constadina, Panayiota CHARALAMBOUS, Kamran KHAN, Ben RAMPTON: Security & language policy. *Urban Language & Literacies* 194, 2016. 15.

<sup>130</sup> FIALA-BUTORA, János: The Controversy Over Ukraine’s New Law on Education: Conflict Prevention and Minority Rights Protection as Divergent Objectives? *European Yearbook of Minority Issues* 17(2020): 233–261. DOI: [http://dx.doi.org/10.1163/22116117\\_01701011](http://dx.doi.org/10.1163/22116117_01701011); KONTRA, Miklós: (Linguistic) Human Rights and/or Security Policy. *Foreign Policy Review* 2021/2: 62–72. DOI: <http://dx.doi.org/10.47706/KKIFPR.2021.2.62-73>; CSERNICKÓ, István, Miklós KONTRA: The Linguistic Human Rights Plight of Hungarians in Ukraine. In: *The Handbook of Linguistic Human Rights*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Oxford Wiley Blackwell, 2022.

<sup>131</sup> KONTRA, Miklós: (Linguistic) Human Rights and/or Security Policy. *Foreign Policy Review* 2021/2: 62–72. DOI: <http://dx.doi.org/10.47706/KKIFPR.2021.2.62-73>

<sup>132</sup> DEEN and ROMANS, 2018. 5.

<sup>133</sup> ROTER, Petra, Brigitta BUSCH: Language Rights in the Work of the Advisory Committee. In: *Language Policy and Conflict Prevention*. Eds. Ulasiuk, Iryna, Laurențiu Hadîrcă, William Romans. Leiden–Boston: Brill Nijhoff, 2018. 155–181.

education and minorities have (...), failed ‘to strike a fair balance’ between the use of Ukrainian and minority languages in education”.<sup>134</sup> Restrictions on linguistic rights by norm result in conflicts.<sup>135</sup>

It is important to emphasize that this study was mostly written before 24<sup>th</sup> February 2022, when Russia attacked Ukraine. For the time being we cannot even speculate on what the situation of linguistic rights will be in Ukraine after the war. But we do know that “linguistics is often a significant part of the security apparatus”.<sup>136</sup>

What is also certain is that during the Russian occupation of Crimea in 2014 and before the armed conflict that broke out in the Eastern regions of Ukraine in 2014, Russia already used the language issue as an excuse. Thus, the issues of language and that of security are closely linked in Ukraine, and according to a Russian expert’s opinion linguistic conflicts may even lead to acts of war.<sup>137</sup> “The situation in Ukraine today is an example of how a linguistic and cultural war may become the precondition and official basis of a real war campaign” – argued, for example, Drozda in 2014.<sup>138</sup> “Whatever perspective we may choose, the present Russian–Ukrainian war broke out because of language. This is an indisputable fact. Russia used the language factor as a reason for aggression – explaining that they had to protect the Russian-speaking citizens in Ukraine” – summed up the reasons of the conflict Osnach a year

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<sup>134</sup> RABINOVYCH, Maryna, Mikkel BERG-NORDLIE: Regulating Minority Languages in Ukraine’s Educational System: Debate, Legal Framework and Implementation. In: *The Accommodation of Regional and Ethno-cultural Diversity in Ukraine*. Eds. Aasland, Aadne, Sabine Kropp. Cham: Palgrave Macmillan, 2021. 83–110. DOI: [https://doi.org/10.1007/978-3-030-80971-3\\_4](https://doi.org/10.1007/978-3-030-80971-3_4)

<sup>135</sup> PAULSTON, Christina Bratt, Kai HEIDEMANN: Language Policies and the Education of Linguistic Minorities. In: *An Introduction to Language Policy: Theory and Method*. Ed. Ricento, Thomas. Blackwell Publishing Ltd., 2006. 292–310.

<sup>136</sup> CHARALAMBOUS, Constadina, Panayiota CHARALAMBOUS, Kamran KHAN, Ben RAMPTON: Sociolinguistics & security. *Urban Language & Literacies* 177, 2015. 19.

<sup>137</sup> КОНДРАШКИНА, Елена: Языковые конфликты. [Language Conflicts.] In: *Язык и общество: Энциклопедия*. Ed. В. Михальченко. Москва: Издательский центр «Азбуковник», 2016. 849–853.

<sup>138</sup> ДРОЗДА, Андрій: Розрубати мовний вузол. Скільки російськомовних українців готові наполягати на російськомовності своїх дітей і внуків? *Портал мовної політики* November 23, 2014. <http://language-policy.info/2014/11/rozrubaty-movnyj-vuzol-skilky-rosijskomovnyh-ukrajintsiv-hotovi-napolyahaty-na-rosijskomovnosti-svojih-ditej-i-vnukiv/>. Last accessed on 25<sup>th</sup> January 2022.

later.<sup>139</sup> Sakwa also considered that the issue of language was one of the reasons for the conflict that broke out in the Eastern part of Ukraine.<sup>140</sup>

In his Moscow speech during the ceremony for the annexation of the Crimean Peninsula to Russia on 18<sup>th</sup> March 2014, Russian President Vladimir Putin declared about the region he called “primarily Russian-speaking Crimea”:

“the residents of Crimea and Sevastopol turned to Russia for help in defending their rights and lives, in preventing the events that were unfolding and are still underway in Kyiv, Donetsk, Kharkov and other Ukrainian cities. Naturally, we could not leave this plea unheeded; we could not abandon Crimea and its residents in distress. This would have been betrayal on our part. (...) Millions of Russians and Russian-speaking people live in Ukraine and will continue to do so. Russia will always defend their interests using political, diplomatic and legal means. But it should be above all in Ukraine’s own interest to ensure that these people’s rights and interests are fully protected. This is the guarantee of Ukraine’s state stability and territorial integrity.”<sup>141</sup>

“We have been forced to protect the Russian-speaking people in the Donbas” – the Russian President said later.<sup>142</sup>

It is also significant that in Putin’s speech on 21<sup>st</sup> February 2022, right before the start of the war against Ukraine, the word *язык* i.e., “language” occurs five times.<sup>143</sup> All this means that the issue of linguistic rights cannot be ignored when speaking about Ukraine.

At the time of writing these lines<sup>144</sup> we cannot know what effect the Russian–Ukrainian war will have on the Ukrainian linguistic policy, and what

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<sup>139</sup> ОСНАЧ, Сергій: Мовна складова гібридної війни. *Портал мовної політики* 13<sup>th</sup> June 2015. <http://language-policy.info/2015/06/serhij-osnach-movna-skladova-hibrydnoji-vijny/>. Last accessed on 25<sup>th</sup> January 2022.

<sup>140</sup> SAKWA, Richard: *Frontline Ukraine: Crisis in the Borderlands*. London: I.B. Tauris, 2015.

<sup>141</sup> The speech on the official website of the Russian presidency: <http://en.kremlin.ru/events/president/news/20603>. Last accessed: 25<sup>th</sup> January 2022.

<sup>142</sup> Путин: Вынудили защищать русскоязычных на Донбассе. [Putin: We have been obliged to defend Russian speakers in the Donbas region]. <http://korrespondent.net/ukraine/politics/3756878-putyn-vynudyly-zaschyschat-russkoiazychnykh-na-donbasse>. Last accessed on 25<sup>th</sup> January 2022. See also: SAKWA, 2015. 173–175.

<sup>143</sup> <http://kremlin.ru/events/president/news/67828>. Last accessed on 25<sup>th</sup> January 2022.

<sup>144</sup> On 21<sup>st</sup> June 2022, while the war in Ukraine is still going on.

effect it will have on the linguistic rights of minorities. But we very well know that “Security and war have often been significant influences in language policy”.<sup>145</sup> Major political reorganizations always entail language policy changes as well<sup>146</sup>, and Russia’s war against Ukraine is undoubtedly a defining event.

## 7. Conclusions

Kymlicka points out that international law lags behind the language policy practices of many Western European states, given that no international document contains, for example, the right to recognize the official status of minority languages. International law continues to merely enlist vague minimum standards and that too in the form of recommendations.<sup>147</sup> Today, however, national minorities no longer demand rights for themselves by referring to the goodwill of the state and the majority society, but general human rights and the equality of people are the main argument.<sup>148</sup>

As we have shown at the beginning of this chapter, despite the fact that the legal codification of universal linguistic (human) rights has not happened yet, there are concepts through which language-based discrimination can be identified.

Linguistic genocide is a practice through which the use of a given language is prohibited in everyday life, and when they prevent the appearance of this language in school education. As a consequence, language change, linguistic assimilation and – in extreme cases – language death may occur.<sup>149</sup> Linguicism is a type of linguistic discrimination. It is a generic name for such ideologies, modes of action and structures that promote the unequal distribution of power between communities separated on the basis of language and its long-term maintenance.<sup>150</sup>

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<sup>145</sup> CHARALAMBOUS, Constadina, Panayiota CHARALAMBOUS, Kamran KHAN, Ben RAMPTON: Security & language policy. *Urban Language & Literacies* 194, 2016. 2.

<sup>146</sup> WRIGHT, Sue: Language policy, the nation and nationalism. In: *The Cambridge Handbook of Language Policy*. Ed. Spolsky, Bernard. New York: Cambridge University Press, 2012. 59–78.

<sup>147</sup> KYMLICKA, 2015. 9.

<sup>148</sup> KYMLICKA, 2015. 10.

<sup>149</sup> SKUTNABB-KANGAS, Tove: *Linguistic Genocide in Education – or Worldwide Diversity and Human Rights?* Mahwah, New Jersey, London: Lawrence Erlbaum Associates, 2000. 8–9.

<sup>150</sup> SKUTNABB-KANGAS, 2000. 63.

In this chapter, we have not only documented violations of the rights contained in the language laws. Most of the presented cases can be described using the conceptual framework of linguisticism.

In recent years Ukraine, which gained its independence in 1991, has adopted several laws that restrict rights on the use of minority languages. Through these new laws Kyiv has revoked rights which the minority communities, such as the Hungarians living in Transcarpathia, already had before the country's independence, during the Soviet Union. Article 22 part 3 of the Ukrainian Constitution stipulates that the restriction of rights is unconstitutional; when adopting new laws, narrowing the already existing rights is inadmissible. It is obvious that the total or partial revocation of earlier existing rights is inconsistent with Article 22 of the Constitution of Ukraine.

The Parliamentary Assembly of the Council of Europe<sup>151</sup> and the Venice Commission<sup>152</sup> expressed critical opinions regarding the 2017 Law on Education. The Venice Commission issued even more serious critical comments about the 2019 State Language Act.<sup>153</sup> With regards to this latter law, the United Nations Human Rights Monitoring Mission in Ukraine states that the law does “not ensure sufficient clarity, nor provide solid legal guarantees for the protection and the use of minority languages.”<sup>154</sup>

Analyses have also established that Ukraine had not entirely fulfilled its obligations undertaken by ratifying the *Framework Convention* and the *Charter*

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<sup>151</sup> Resolution 2189 (2017) of the Parliamentary Assembly. The new Ukrainian Law on Education: a major impediment to the teaching of national minorities' mother tongues. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24218&lang=en>. Last accessed on 25<sup>th</sup> January 2022.

<sup>152</sup> European Commission for Democracy Through Law (Venice Commission). 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. Adopted by the Venice Commission at its 113<sup>th</sup> Plenary Session (8<sup>th</sup>–9<sup>th</sup> December 2017). Strasbourg (Fr), Dec. 2017, 11. 25 p. Opinion no. 902/2017 CDL-AD(2017)030. [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). Last accessed on 25<sup>th</sup> January 2022.

<sup>153</sup> European Commission for Democracy Through Law (Venice Commission). Ukraine. Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language. CDL-AD(2019)032. 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). Last accessed on 25<sup>th</sup> January 2022.

<sup>154</sup> Analytical Note on the Law “On Ensuring the Functioning of Ukrainian as the State language” 05/09/2019, 16. <https://ukraine.un.org/sites/default/files/2020-07/2019.09.11%20-%20Analytical%20Note%20-%20Language%20Law%20ENG.pdf>. Last accessed on 25<sup>th</sup> January 2022.

even before the adoption of the 2017 Law on Education and the 2019 State Language Act.<sup>155</sup> The adoption of recent laws restricting the rights of minorities to use their languages indicates that Ukraine has no intention of fulfilling its international obligations. Of course, the example of Ukraine is not at all flamboyant or unusual: “Many states sign up for covenants and make no effort to implement them”.<sup>156</sup> For many years, Kyiv could ignore its international obligations in the field of ensuring the linguistic rights of minorities since no international body has seriously questioned the narrowing of rights.<sup>157</sup> Thus, unfortunately, international bodies contributed to Ukraine pursuing a linguistic and minority policy that has fully or partially revoked rights from minorities which they had traditionally had for a long time.<sup>158</sup> With their indecisiveness and inaction, international bodies have been standing on the sidelines and letting Russia use Ukraine’s language policy as an excuse to start a bloody, unfair war, unjustifiable under international law.

However, the pretext Putin created for starting the war does not change the fact that a balance must be found between security policy aspects and linguistic (human) rights. We emphasize that Hungarians living in Transcarpathia, which is part of Ukraine, do not demand special rights: they only wish to preserve the rights they have won for themselves in decades-long fights.

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<sup>155</sup> NAGY, Noémi: Language Rights of European Minorities in the Administration of Justice, Public Administration and Public Services. *International Developments in 2019. European Yearbook of Minority Issues* 18(2021)/1: 113–140. DOI: [https://doi.org/10.1163/22116117\\_01801006](https://doi.org/10.1163/22116117_01801006); CSERNICKSKÓ, István et al., 2020. 78–94.; CSERNICKSKÓ, István, Anita MÁRKU: Minority language rights in Ukraine from the point of view of application of the European Charter for Regional or Minority Languages. *Alkalmazott Nyelvtudomány* XX(2020)/2. DOI: <http://dx.doi.org/10.18460/ANY.2020.2.002>

<sup>156</sup> PHILLIPSON, Robert, Tove SKUTNABB-KANGAS: Introduction to Volume 4. *Language Rights: Challenges in Theory and Implementation*. In: *Language Rights*. Eds. Skutnabb-Kangas, Tove, Robert Phillipson. Volume 4, 1–13. London/New York: Routledge, 2017. 6.

<sup>157</sup> FIALA-BUTORA, János: The Controversy Over Ukraine’s New Law on Education: Conflict Prevention and Minority Rights Protection as Divergent Objectives? *European Yearbook of Minority Issues* 17(2020): 233–261. DOI: 10.1163/22116117\_01701011

<sup>158</sup> CSERNICKSKÓ, István et al.: *Ukrainian Language Policy Gone Astray: The Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language” (Analytical Overview)*. Törökbálint: Termini Egyesület, 2020.