


# **THE CONTINUOUS RESTRICTION OF LANGUAGE RIGHTS IN UKRAINE**

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Joint alternative report by Hungarian NGOs and researchers in Transcarpathia (Ukraine) on the Fourth Periodical Report of Ukraine on the implementation of the European Charter for Regional or Minority Languages, submitted to the Council of Europe's Committee of Experts

# The Charter in Ukraine

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- Ukraine ratified the European Charter for Regional or Minority Languages in 1999 for the first time.
  - However, the law on the ratification of the Charter was repealed by the Constitutional Court of Ukraine in 2000 for formal reasons.
  - When ratifying the Charter in 2003, Ukraine entered into much fewer commitments than in 1999.
  - With its obligations under the law on ratification, Kyiv made only minimal efforts to protect regional or minority languages.
  - Let's see, for example, what is the difference between the Laws on Ratification of Charter of 1999 and 2003 (based on Articles 8 and 9 of the Charter).
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# Undertakings of Ukraine under the European Charter for Regional or Minority Languages, based on the comparison of the ratification laws of 1999 and 2003.

	Law No. 1350-XIV, 1999	Law No. 802-IV, 2003
<b>Article 8 – Education</b>		
1.		
a) pre-school education	a (i), a (ii), a (iii)	a (iii)
b) primary education	b (i), b (ii), b (iii)	b (iv)
c) secondary education	c (i), c (ii), c (iii)	c (iv)
d) technical and vocational education	d (i), d (ii), d (iii)	d (iv)
e) higher education	e (i), e (ii)	e (iii)
f) adult and continuing education courses	f (i), f (ii)	f (iii)
g)	g	g
h)	h	h
i)	I	i
<b>Article 9 – Judicial authorities</b>		
1.		
a)	a (ii), a (iii)	a (iii)
b)	b (ii), b (iii)	b (iii)
c)	c (ii), c (iii)	c (iii)
d)	–	–
2.		
a)	–	–
b)	–	–
c)	c	c
3.	3.	3.

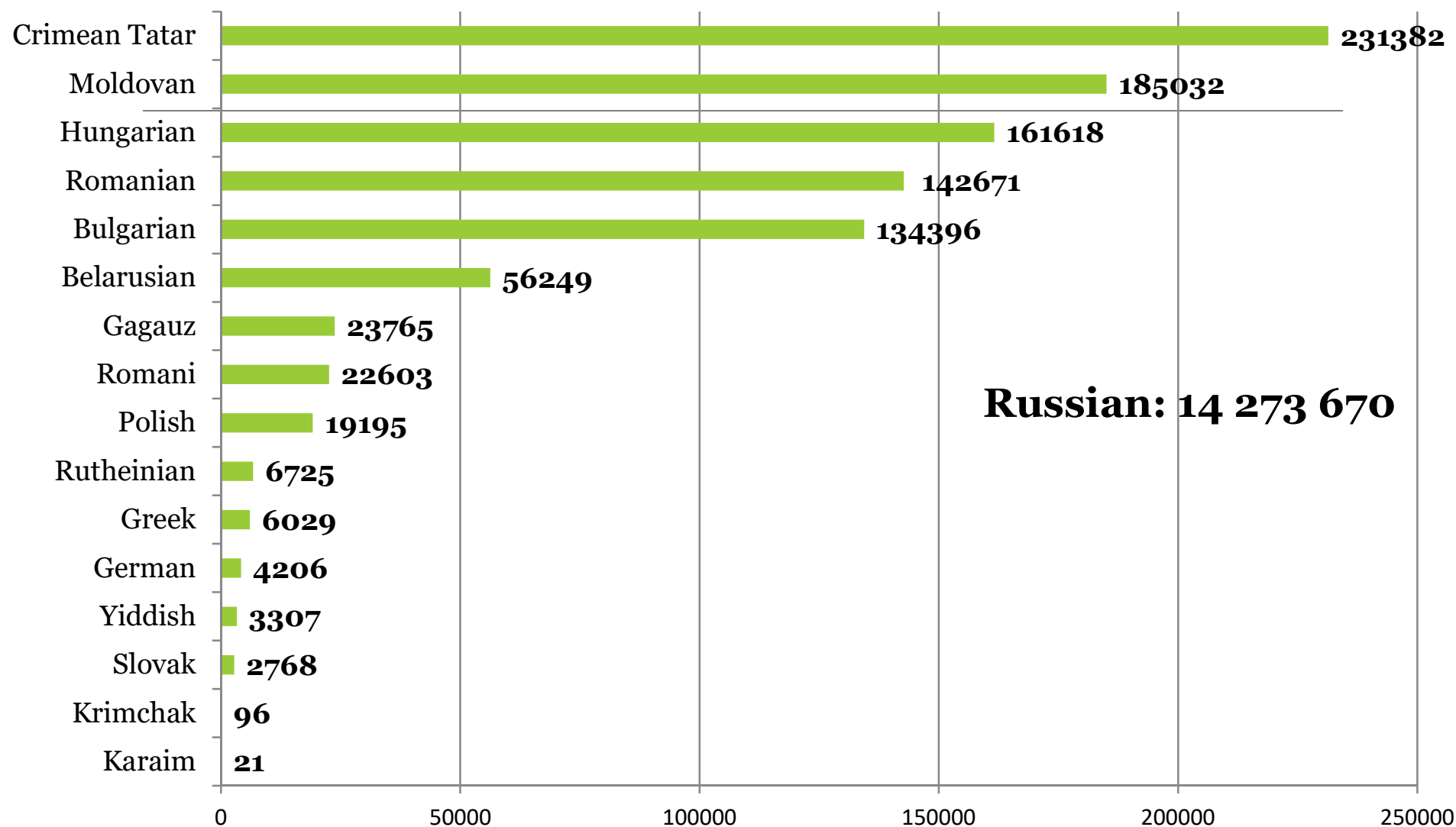
# Languages Covered by the ECRML in Ukraine

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- According to the 2003 law on ratification, 13 languages are protected under the Charter in Ukraine.
  - These 13 languages are equally treated by the law, despite the fact that some of them have millions of speakers (Russian), some have a significant number of speakers (such as Romanian or Hungarian) and some have only a few thousand speakers in the country (e.g. Slovak, German).
  - For 4 languages (Karaim, Krimchak, Romani, Ruthenian) Ukraine has extended only the protection of Article 7.
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# Languages Covered by the European Charter for Regional or Minority Languages in Ukraine

(numbers of native speakers in 2001)



Source: <https://rm.coe.int/states-parties-to-the-european-charter-for-regional-or-minority-langua/168077098c>

# THE CONTINUOUS RESTRICTION OF LANGUAGE RIGHTS IN UKRAINE

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- Since the previous (third) reporting period, the Kyiv government has adopted a number of new laws that significantly narrow the right and possibility to use regional or minority languages. For example:
  - Law of Ukraine “On Civil Service”.
  - Laws changing the language of electronic media.
  - Law of Ukraine “On Education”.
  - Law of Ukraine “On General Secondary Education”.
  - Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language”.
- The annulment of the Language Law adopted in 2012 in 2018 also significantly reduced the rights of speakers of regional or minority languages.

The Fourth periodical report submitted by Ukraine had been drafted *before* the adoption of these new laws and therefore these laws had not been addressed in this country report.



Strasbourg, 4 September 2019

MIN-LANG (2019) PR 7


EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Fourth periodical report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter

UKRAINE

# Education in the Hungarian language has a significant historical tradition in the territory of Transcarpathia.

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- Currently known as Transcarpathia, the region belonged to several different states in the past 150 years.
  - However, the Kingdom of Hungary within the Austro–Hungarian Monarchy (1867–1918), the Czechoslovak Republic (1919–1938), Carpatho-Ukraine (1939), the Kingdom of Hungary (1939–1944) and the Soviet Union alike granted minorities the right and opportunity to mother tongue education.
  - Ukraine, which became independent in 1991, also used to guarantee the right to mother tongue education to minorities living in its territory.
  - The new laws of Ukraine practically abolished the right of citizens to choose the language of education.
  - For example, Law of Ukraine “On General Secondary Education” (2020) restricts the right to use minority languages in education.
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# The share of the mother tongue in the educational process (%) in the Law of Ukraine “On General Secondary Education” (2020)

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

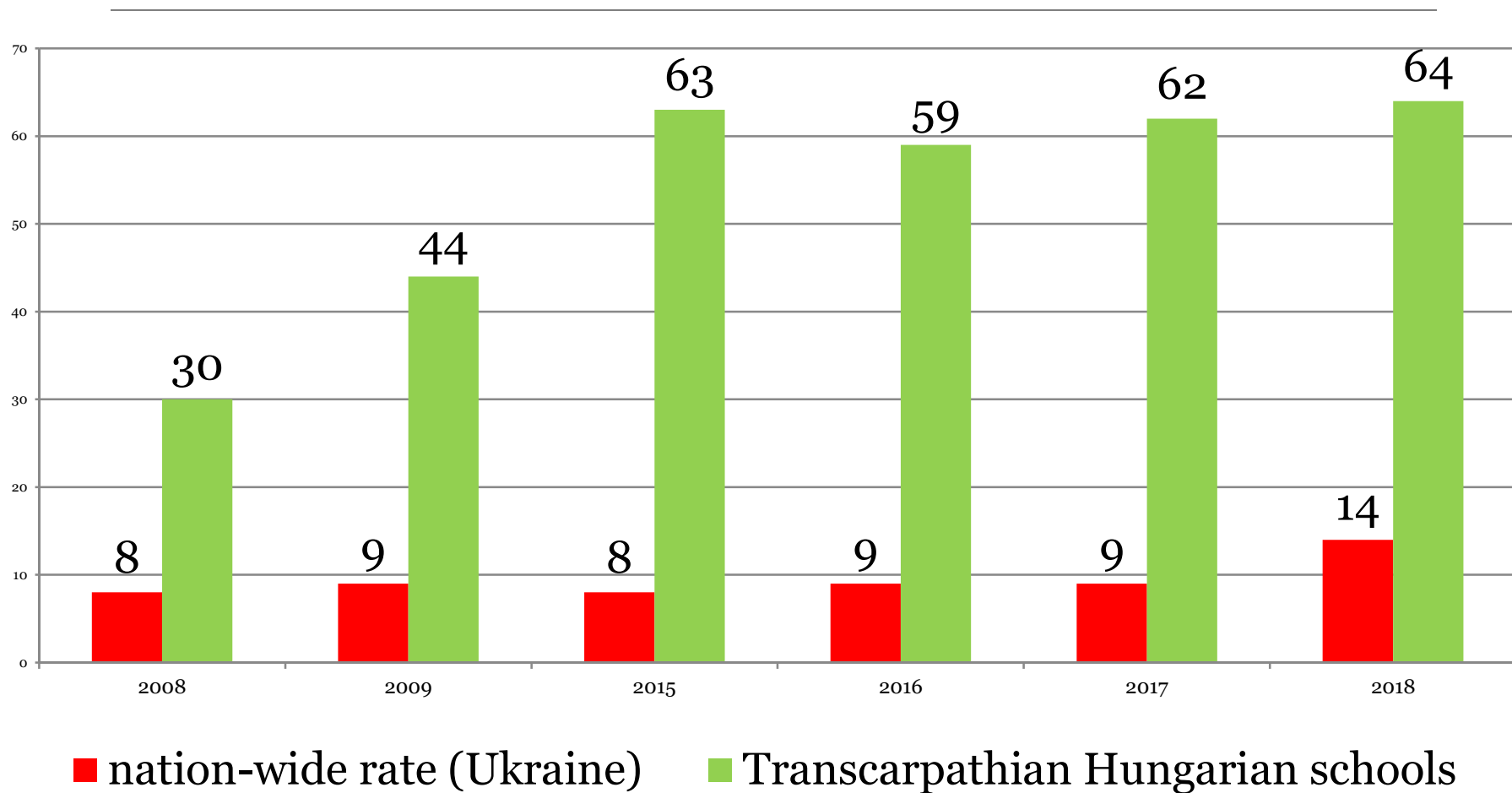
# Why is this restriction needed?

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

(i.e. did not obtain the minimum score needed to be admitted to tertiary education) in Ukraine (all schools) and in the Transcarpathian Hungarian schools (in %)



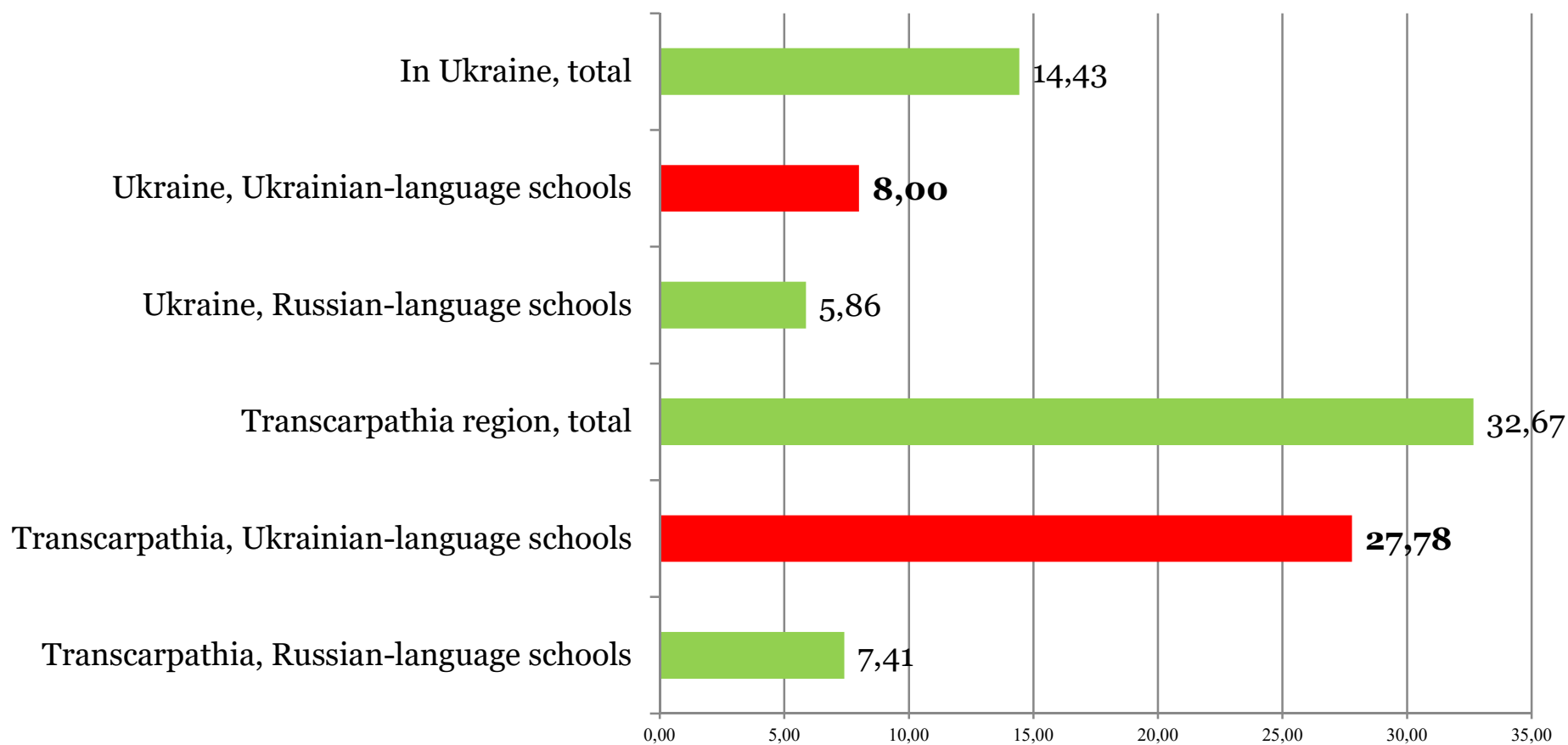
However, EIT on Ukrainian language and literature does not measure the level of proficiency in the language, but requires knowledge gained from studying two school subjects (Ukrainian language and Ukrainian literature).

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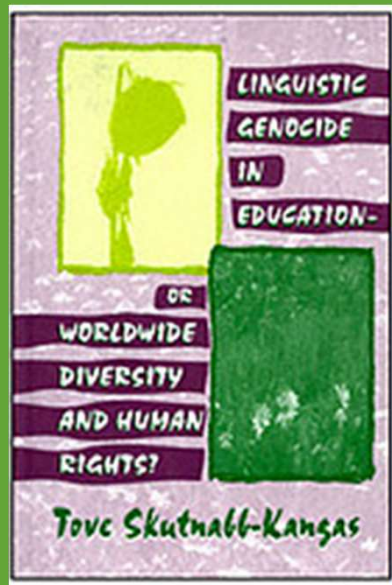
- If the argument of the Ukraine's Government that a poor result of graduates of Hungarian schools in independent testing is a proof that Hungarians in Transcarpathia do not know Ukrainian, would be true, then it should be concluded that thousands of graduates of schools with Ukrainian language of instruction also do not know the Ukrainian language.
  - The data on next page clearly shows that in 2018 among graduates of schools with the Ukrainian language of instruction at the national level, 8%, and in Transcarpathia, close to 28% received very low scores on the same tests on the Ukrainian language.
  - If we believe the words of the Ukraine's Government, one could conclude that all of them, despite the fact that they graduated from school with the Ukrainian language of instruction, do not speak Ukrainian, their native language.
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# The share of graduates who in 2018 did not overcome the threshold (did not reach the minimum number of points) in the External Independent Testing in the Ukrainian language and literature (Ukraine and Transcarpathia)

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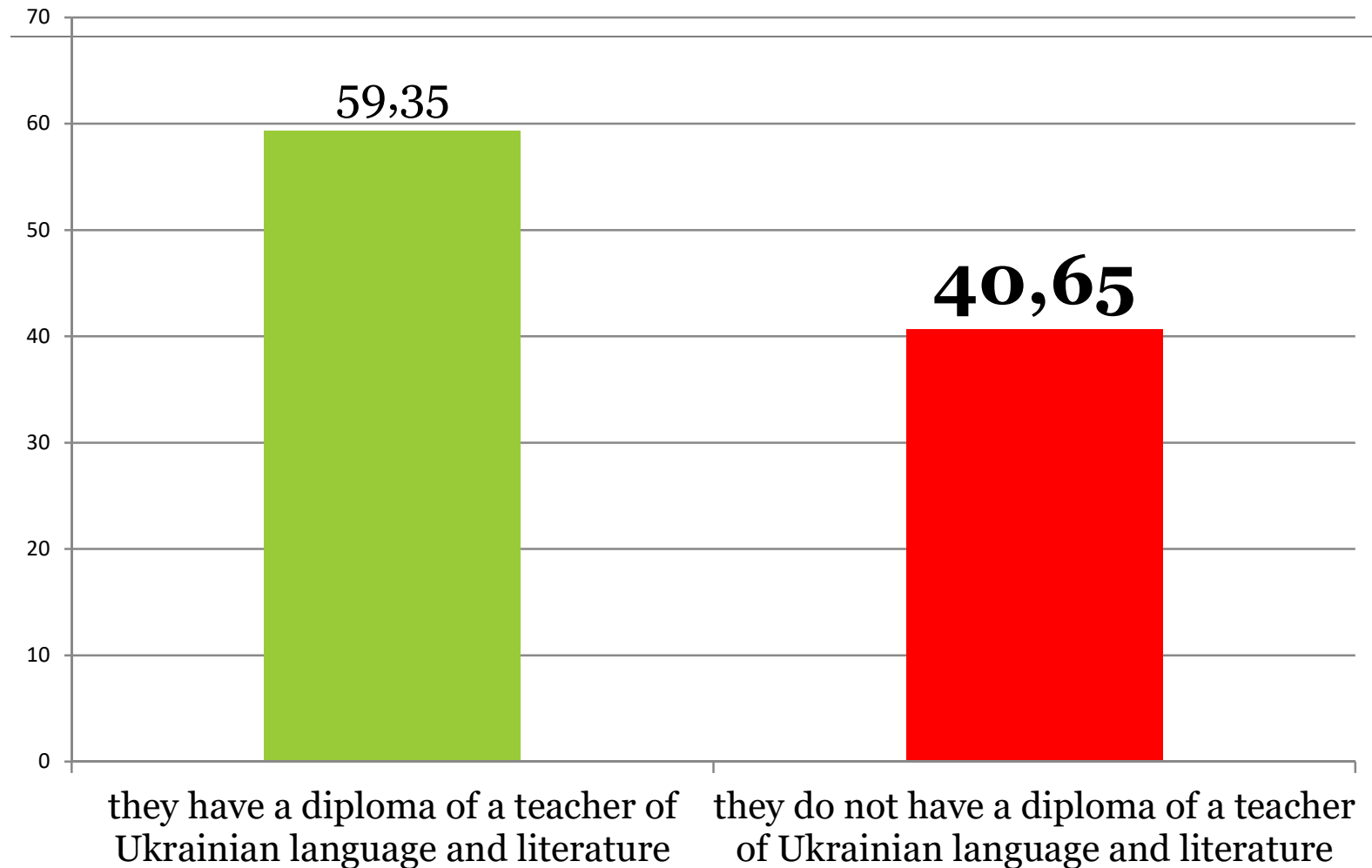


The problem is  
more  
complicated...



- An international expert of minority rights, Tove Skutnabb-Kangas says:
- It becomes abundantly clear from the analysis, that *‘which language should a child be instructed in, L1 or L2, in order to become bilingual?’* poses the question in a simplistic and misleading way. The question should rather be: *‘under which conditions does instruction in L1 or L2, respectively, lead to high levels of bilingualism?’* (Skutnabb-Kangas 1990: 17)
- The Ukrainian government has not created the conditions for effective language teaching.
- For example, on the next page we see that there are not enough teachers of the Ukrainian language and literature in schools with the Hungarian language of instruction.


# The diploma of teachers the Ukrainian language and literature in Hungarian schools in Transcarpathia (2016/2017 academic year)



Source: Association of Hungarian Teachers in Transcarpathia

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

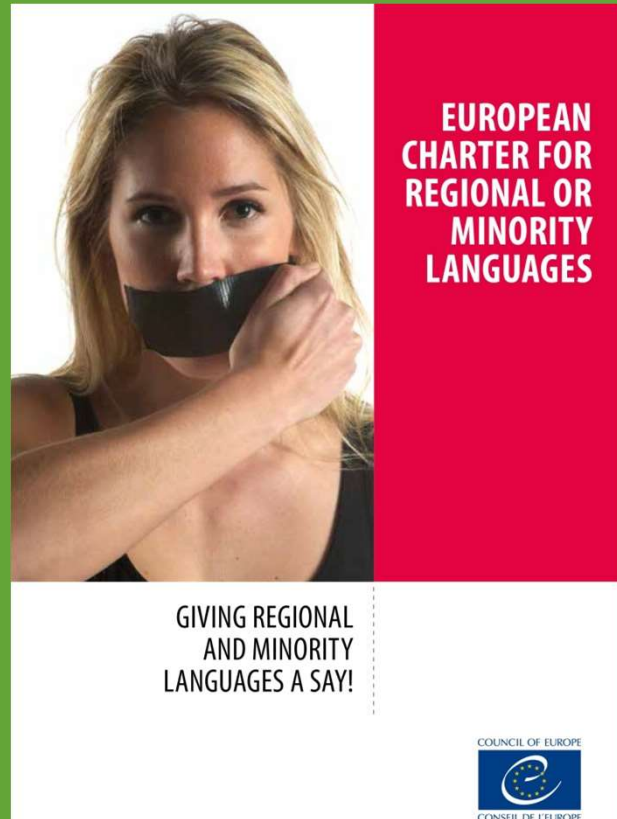
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- If we consider the degree of language assimilation among 6 national communities in Ukraine, we will find very important correlations.
  - In those communities that have a full-fledged network of schools with a native language of instruction (Hungarians, Rumanians), there is a high proportion of those who have retained their native language.
  - For those who have only some schools with a native language of instruction, or instruction in their native language is conducted only at a lower level of education (Belarusians, Polish), the proportion of those who have preserved the language of their ancestors is much lower.
  - And the communities that have no schools with the native language of instruction in Ukraine (Greeks, Jews) have stepped onto the path of assimilation and language shift.
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## Ethnicity, native language, and mother-tongue-medium instruction data for 6 communities in Ukraine (2001 census data)

	Number (by ethnicity)	Percentage within population of Ukraine	Native language and ethnicity the same	Do they have mother-tongue- medium education?
<b>Hungarians</b>	156 566	0,32	<b>95,44</b>	<b>Yes</b>
<b>Rumanians</b>	150 989	0,31	<b>91,74</b>	<b>Yes</b>
<b>Belarusians</b>	275 763	0,57	<b>19,79</b>	<b>Partly</b>
<b>Polish</b>	219 179	0,30	<b>12,95</b>	<b>Partly</b>
<b>Greeks</b>	98 594	0,19	<b>6,37</b>	<b>No</b>
<b>Jews</b>	486 326	0,21	<b>3,10</b>	<b>No</b>



- Reports of the Committee of Experts concluded that Ukraine had *not fulfilled* its commitments.
- The following pages we summarize how Ukraine has fulfilled its obligations based on the *Third report of the Committee of Experts in respect of Ukraine (2017)*

➤ Source:  
[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168073cdfa](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168073cdfa)

# Compliance of Ukraine with its undertakings under the European Charter for Regional or Minority Languages

(Based on the Third Report of the Committee of Experts of the ECRML)

Source: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=090000168073cdfa#\\_Toc481677933](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168073cdfa#_Toc481677933)

## Article 7. Objectives and principles

	1.a	1.b	1.c	1.d	1.e	1.f	1.g	1.h	1.i	2.	3.	4.
<b>Belarusian</b>	4	4	1	1		1	1	3	3	4	3	3
<b>Bulgarian</b>	4	4	3	3		3	1	3	3	4	3	3
<b>Crimean Tatar</b>	4	4		3		3	4	4		5	4	
<b>Gagauz</b>	4	4	3	3		3	1	4	1	4	3	3
<b>German</b>	4	4	1	3		3	4	3	3	4	3	3
<b>Greek</b>	4	4	1	3		3	4	3	3	4	3	3
<b>Hungarian</b>	4	3	3	3		3	3	4	3	4	3	3
<b>Moldovan</b>	4	4	1	3		3	4	3	3	4	3	3
<b>Polish</b>	4	4	3	3		3	4	3	3	4	3	3
<b>Romanian</b>	4	4	3	3		3	1	4	3	4	3	3
<b>Russian</b>	4	4	3	4		4	4	4	4	4	3	3
<b>Slovak</b>	4	4	1	3		3	1	3	3	4	3	3
<b>Yiddish</b>	4	4	1	1		3	1	3	1	4	3	3
<b>Karaim</b>	4											
<b>Krimchak</b>	4											
<b>Romani</b>	4	4	1	3		1	1	1	1	4	3	3
<b>Ruthenian</b>	3	4	1	1		1	1	1	1	4	3	1

**4: fulfilled; 3: partly fulfilled; 2: formally fulfilled; 1: not fulfilled; –: no conclusion**

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## Article 8. Education

	1.a.iii	1.b.iv	1.c.iv	1.d.iv	1.e.iii	1.f.iii	1.g	1.h	1.i	2.
<b>Belarusian</b>	1	1	1	1	4	1	1	1	1	1
<b>Bulgarian</b>	1	3	3	1	4	4	1	3	1	4
<b>Crimean Tatar</b>	3	3	4	1	4	3		4	1	3
<b>Gagauz</b>	1	3	3	1	4	1		3	4	1
<b>German</b>	3	3	3	1	4	4	1	3	1	1
<b>Greek</b>	3	3	4	1	4	4		3	1	4
<b>Hungarian</b>	4	4	4	1	4	4	3	4	1	1
<b>Moldovan</b>	3	4	4	1	4	4	1	3	4	1
<b>Polish</b>	3	4	4	1	4	4	1	4	1	4
<b>Romanian</b>	3	3	3	1	4	4	1	4	1	1
<b>Russian</b>	4	4	4	4	4	4		4	1	4
<b>Slovak</b>	4	3	3	1	4	1	1	3	1	1
<b>Yiddish</b>	3	1	1	1	4	4		1	1	1

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## Article 9. Judicial authorities

	1.a.iii	1.b.iii	1.c.iii	2.c	3.
<b>Belarusian</b>	1	1	1		1
<b>Bulgarian</b>	2	2	2		1
<b>Crimean Tatar</b>	2	2	2		3
<b>Gagauz</b>	2	2	2		1
<b>German</b>	1	1	1		1
<b>Greek</b>	1	1	1		1
<b>Hungarian</b>	3	3	2		1
<b>Moldovan</b>	1	1	1		1
<b>Polish</b>	2	2	2		1
<b>Romanian</b>	3	3	2		1
<b>Russian</b>	4	4	4	4	4
<b>Slovak</b>	2	2	2		1
<b>Yiddish</b>	1	1	1		1

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## Article 10. Administrative authorities and public services

	2.a	2.c	2.d	2.e	2.f	2.g	4.c
<b>Belarusian</b>	1	1	1	1	1	1	1
<b>Bulgarian</b>	2	1	1	1	1	1	1
<b>Crimean Tatar</b>	2	1	1	1	1	1	1
<b>Gagauz</b>	2	1	1	1	1	1	1
<b>German</b>	1	1	1	1	1	3	1
<b>Greek</b>	1	1	1	1	1	1	1
<b>Hungarian</b>	3	1	1	1	3	3	1
<b>Moldovan</b>	1	1	1	1	1	1	1
<b>Polish</b>	2	1	1	1	1	1	1
<b>Romanian</b>	3	1	1	1	1	3	1
<b>Russian</b>	4	4	4	4	4	3	
<b>Slovak</b>	3	1	1	1	1	1	1
<b>Yiddish</b>	1	1	1	1	1	1	1

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## Article 11. Media

	1.a.iii	1.b.ii	1.c.ii	1.d	1.e.i	1.g	2.	3.
<b>Belarusian</b>	1	1	1	1	1	1	4	1
<b>Bulgarian</b>	3	1	1	1	4	1	4	1
<b>Crimean Tatar</b>				1		1	4	1
<b>Gagauz</b>	3	1	1	1	1	1	4	1
<b>German</b>	3	1	1	1	1	1	4	1
<b>Greek</b>		1	1	1	1	1	4	1
<b>Hungarian</b>	3	4	4	1	4	3	4	1
<b>Moldovan</b>	3	1	1	1	4	1	1	1
<b>Polish</b>	3	4	1	4	4	1	4	1
<b>Romanian</b>	3	3	1	1	4	3	4	1
<b>Russian</b>	4	4	4	4	4	4	4	3
<b>Slovak</b>	3	3	1	1	1	1	4	1
<b>Yiddish</b>	1	1	1	1	1	1	1	1

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## Article 12. Cultural activities and facilities


	1.a	1.b	1.c	1d	1.f	1.g	2.	3.
<b>Belarusian</b>	4	3	1	4	3	3	1	1
<b>Bulgarian</b>	3	1	1	4	3	3	1	1
<b>Crimean Tatar</b>	4	1	1	4	3	1	4	3
<b>Gagauz</b>	3	1	1	1	3	1	1	1
<b>German</b>	3	1	1	4	4	1	1	
<b>Greek</b>	3	1	1	3	3	1		1
<b>Hungarian</b>	4	1	3	4	3	4	1	1
<b>Moldovan</b>	3	1	1	4	3	1	1	3
<b>Polish</b>	4	1	3	4	4	4	4	3
<b>Romanian</b>	4	1	1	4	3	3	1	3
<b>Russian</b>	4	4	4	4	4		4	
<b>Slovak</b>	4	1	1	4	3	1	1	1
<b>Yiddish</b>	3	1	1	1	4	1	1	1

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The Third report of the Committee of Experts in respect of Ukraine (2017) was prepared by an independent international body.

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- This Report was drafted **before** the adoption of new Ukrainian laws restricting minority language rights.
  - It can be seen that *Ukraine did not fulfill its international obligations.*
  - The Venice Commission in its opinions criticized the new Law on Education and the Law on Supporting the State Language.
  - It can be stated that the current laws governing language rights do not allow Ukraine to fulfill its commitments made when ratifying the Charter.
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# How to resolve this situation?

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- Ukraine should follow the recommendations of the Venice Commission's Opinions (on the Law of Ukraine „On Education”, Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language”).
  - Article 7 of the Law of Ukraine „On Education” should be changed.
  - The rights of citizens to choose the language of instruction shall be preserved.
  - The bilingual education model should be proposed as an additional model.
  - It's necessary to change the quality and effectiveness of teaching Ukrainian as a state language, and there is no need to change the language of instruction.
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# Conclusions

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- The rights of the speakers of national and regional minority languages should be respected.
  - The insurance of the minority rights, the maintenance and application of the existing rights contribute to the democratization and the strengthening of the rule of law. The compliance and consistent application of minority rights is the interest of every citizen of Ukraine, regardless of belonging to a minority or majority group.
  - The support and development of the Ukrainian language shall not lead to narrowing minority rights or restricting the use of minority or regional languages and the eradication of the education in minority languages.
  - It has been possible to maintain the education on minority languages even in the era of the Soviet communist dictatorship. The restriction of the education in the mother tongue is a serious violation of the linguistic human rights.
  - If Ukraine takes its intentions on European integration seriously, than the state should respect the rights of every citizen and must fulfill its international obligations.
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**THE CONTINUOUS  
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IN UKRAINE**

**We do not ask for special  
rights.**

**We only want to protect our  
acquired rights so far and  
to preserve our own  
language.**