

# The Implementation of Language Rights Provisions in Ukraine from a Practical Perspective



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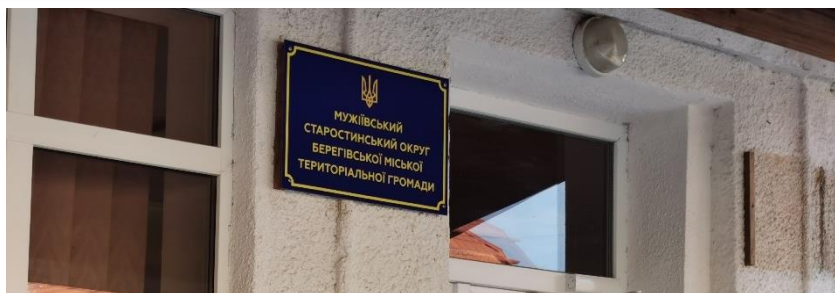
## The continuous restriction of language rights in Ukraine

After 2014 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” (2015).
- Laws changing the language of electronic media (2017).
- Law of Ukraine “On Education” (2017).
- Law of Ukraine “On Complete General Secondary Education” (2020).
- Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language” (2019).
- The annulment of the Language Law adopted in 2012 in 2018 also significantly reduced the rights of speakers of regional or minority languages (2018).



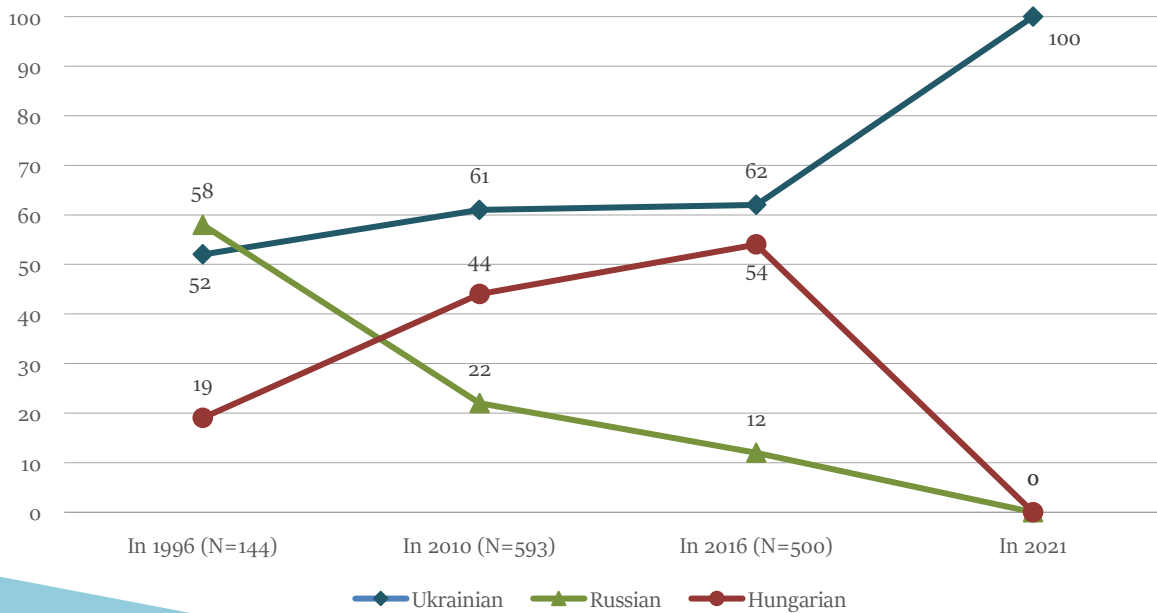
## Language Rights in Practice



## The language policy decisions of Ukraine have many consequences in everyday life

- In 1996, 2010 and 2016, we surveyed a sociologically representative sample of Hungarians living in Transcarpathia on the language or languages used in the administration of local governments. An informant could indicate more than one language.
- As we can see (Figure 1), in the first years after the collapse of the Soviet Union, very few people used the Hungarian language in this situation. It can also be seen that slightly more people used the Russian language than Ukrainian.
- In 2010 and 2016, the use of the Russian language decreased significantly and the choice of Hungarian and Ukrainian increased.
- However, after the adoption of the Law of Ukraine on Supporting the Functioning of the Ukrainian Language as the State Language, the use of the Hungarian language will be excluded from local governments.
- Article 12 of the law only allows the use of the state language in the work of local governments.

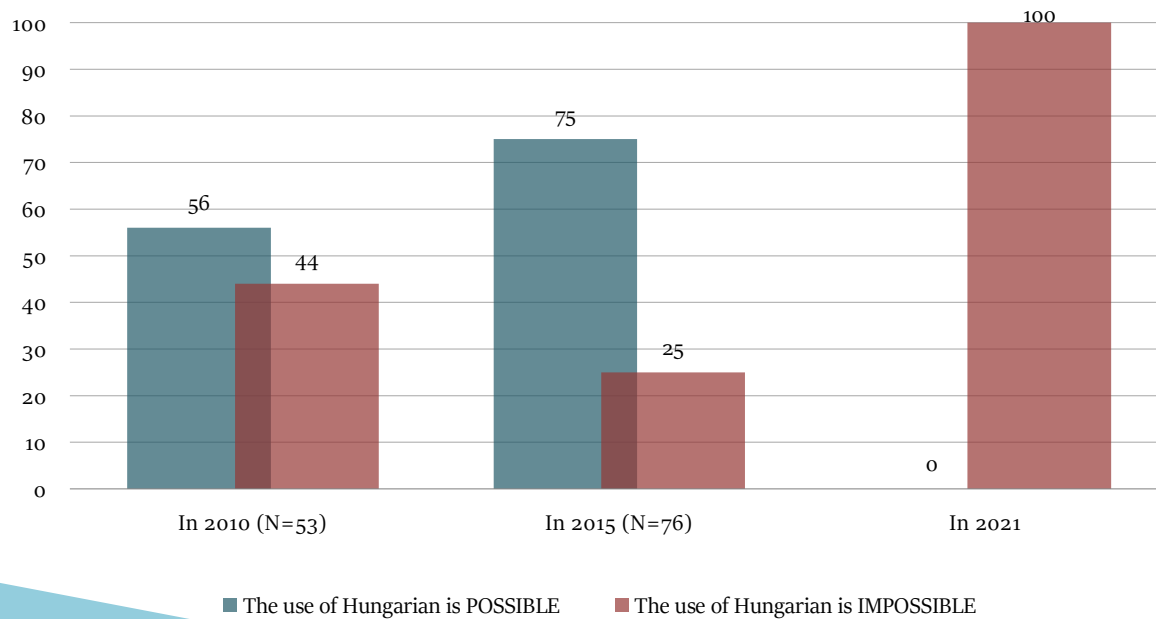
**Figure 1.** The language choice of Hungarians in Transcarpathia in local administrative authorities (%)



## Use of minority languages in public services

- The first Language Law of Ukraine (1989) permitted the use of minority languages in addition to the state language in the work of municipalities where the proportion of minority representatives exceeded 50 percent. The Language Law of 2012 allowed the use of minority languages in the work of local governments where minority language speakers reached 10 percent.
- In 2010, fifty-three, in 2015 seventy-six local governments were visited by us, where, according to the laws in force, it was possible to use the Hungarian language in the work of local governments. In each settlement, we asked local representatives whether citizens could submit applications in Hungarian to the mayor or the representative body.
- The results show that in 2010, 56%, 5 years later already 75% of the surveyed municipalities provided this opportunity to tax-paying citizens (Figure 2).
- However, the law on the protection of the state language adopted in 2019 no longer allows the use of minority languages in the work of local governments.

**Figure 2.** Local governments, where the Hungarian language appears in administration in Transcarpathia





See Article 12. of the State Language Law (2019): Working language in the operation of government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, State- and community-owned enterprises, institutions and organizations



## ЗАКОН УКРАЇНИ

### Про забезпечення функціонування української мови як державної

(Відомасть Верховної Ради (ВВР), 2019, № 21, ст.81)

*{Закон визнано таким, що відповідає [Конституції України](#) (є конституційним), згідно з Рішенням Конституційного Суду [№ 1-р/2021 від 14.07.2021](#)}*

*{З змінами, внесеними згідно із Законами  
[№ 113-IX від 19.09.2019](#), ВВР, 2019, № 42, ст.238  
[№ 114-IX від 19.09.2019](#), ВВР, 2019, № 45, ст.289*

*Кодексом*

*[№ 396-IX від 19.12.2019](#), ВВР, 2020, № 7, № 8, № 9, ст.48  
Законом*

*[№ 531-IX від 17.03.2020](#), ВВР, 2020, № 16, ст.101}*

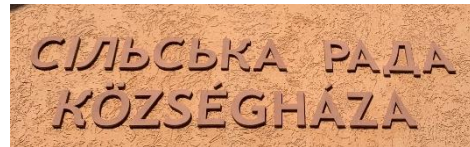
Верховна Рада України,

грунтуючись на [Декларції про державний суверенітет України](#) від 16 липня 1990 року та схваленому Всеукраїнським референдумом 1 грудня 1991 року [Акту проголошення незалежності України](#) від 24 серпня 1991 року, якими було відновлено незалежну національну державність України;

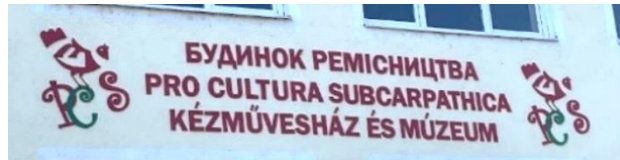
керуючись [Конституцією України](#), що визначає українську мову як єдину державну мову в Україні та покладає на державу обов'язок забезпечувати всебічний розвиток і функціонування української мови в усіх сферах суспільного життя на всій території України;

**Article 12. Working language in the operation of government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, State- and community-owned enterprises, institutions and organisations**

1. The working language in the operation of government authorities, authorities of the Autonomous Republic of Crimea, local self-government authorities, State- and communityowned enterprises, institutions and organisations, including the language of conferences, events, meetings and the day-to-day communication language, shall be the State language. The working language in the operation of foreign diplomatic institutions of Ukraine and other state missions abroad shall be the State language.
2. Where a language other than the State language is used during a conference, event or a meeting, translation into the State language must be provided.
3. The working language of international events, conferences and meetings shall be the State and/or other language specified by organisers or an international treaty. During conferences, meetings or day-to-day communication between a designated group of persons and foreigners or stateless persons, other language, acceptable to the parties, may be used.
4. The requirements laid down in this Article shall apply subject to the specifics set out in Articles 21–23 of this Law.



## The Use of Languages in Public Spaces



## What does the Framework Convention say on the use of geographical names?

- According to Article 11(3) of the Framework Convention for the Protection of National Minorities, "In areas traditionally inhabited by substantial numbers of persons belonging to a national minority ", states ratifying the document will endeavor to "the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications".
- Transcarpathia is undoubtedly a region of Ukraine with a traditionally significant number of national minorities and there is a sufficient demand for place-name signs, street-name signs, etc. to be displayed in Hungarian, German, Romanian.
- Thus, by replacing bilingual signs with monolingual ones, Ukraine is in clear violation of the quoted article of the Framework Convention.

Those who visit Transcarpathia today can see bilingual place name plates on the outskirts of many towns and villages. There are Ukrainian-Hungarian, Ukrainian-Romanian, but also Ukrainian-German signs

Ukrainian–Romanian



Ukrainian–Hungarian



Ukrainian–German

Unfortunately, however, Article 41 of the State Language Law only allows the use of the state language. Bilingual signs will disappear.

**Ukrainian**–Hungarian



**Ukrainian**–Romanian



**Ukrainian**–German





2020



2021



*Before* adopting the Law of Ukraine on Supporting the Functioning of the Ukrainian Language as the State Language





The names of the streets, squares according to Article 41 of the State Language Law:  
*only in Ukrainian*



**Article 41. Use of the State language in geographical names and names of toponymic sites**

1. Geographical names, as well as names of public gardens, boulevards, streets, lanes, descents, passages, avenues, squares, plazas, embankments, bridges and toponymic sites shall be made in the State language.
2. Names of toponymic sites shall not be translated into other languages and shall be conveyed in official documents, mass media, cartographic, reference, encyclopaedic, educational and other publications in the letters of a relevant alphabet according to pronunciation thereof in the State language.
3. When used in Ukraine, names of geographic sites and toponymic sites located within other states, as well as those of geographic sites and toponymic sites that are not under sovereignty or jurisdiction of any state, shall be conveyed in the State language in transcription from the original language, subject to the specifics of Ukrainian phonetics and spelling. Where the name of such geographic site or toponymic site has a Ukrainian origin, such name may be used instead of or along with its foreign-language version. Names of Ukrainian origin shall be given preference in official documents.
4. Within Ukraine, inscriptions on road signs, signboards and other directional signs of geographic and toponymic site names shall be conveyed in the State language. In addition to names in the State language, directional signs of geographic and toponymic site names may contain versions thereof in Latin alphabet. Inscriptions in Latin letters should be made smaller and located on the right-hand side or at the bottom.

- Article 39, Part 3 of the State Language Law provides that the name plates of state authorities, municipal bodies, state and municipal enterprises and institutions shall be in the state language. Para. 4 of the same Article allows that, in addition to the state language, these designations and inscriptions may also appear in English. The quoted part of the law also allows in principle for the name plates of local government bodies, enterprises and institutions to appear in Crimean Tatar and the languages of national minorities in addition to the state language.
- However, the second paragraph of Article 39(4) of the Law states that the use of minority languages in this area is provided for by a separate law. However, the law regulating the rights of indigenous peoples and national minorities has not yet been drafted as of today, 24 November 2021.
- It is worrying, however, that in several settlements of Transcarpathia, several formerly bilingual signs on the facades of state authorities, local government bodies, state and municipal enterprises and institutions have been replaced.
- The photos show, for example, that the former Ukrainian and Hungarian signs have been replaced by only Ukrainian. And the photos on the next page show that the signs in Ukrainian–German and Ukrainian–Romanian have been replaced by signs in Ukrainian.

2020 – Ukrainian and Hungarian



2021 – only in Ukrainian





2016 – Ukrainian  
and German

2021 – only  
in Ukrainian

2016 – Ukrainian and  
Romanian  
2021 – only in Ukrainian



The Venice Commission  
has been severely critical  
of this law.



Strasbourg, 18 November 2019

Opinion No. 960 / 2019

CDL-REF(2019)036

Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
(VENICE COMMISSION)

**UKRAINE**

**LAW (\*)**

**ON SUPPORTING**

**THE FUNCTIONING OF THE UKRAINIAN LANGUAGE**

**AS THE STATE LANGUAGE**

\_\_\_\_\_  
(\*) Unofficial translation

\_\_\_\_\_  
This document will not be distributed at the meeting. Please bring this copy.  
[www.venice.coe.int](http://www.venice.coe.int)

## The Committee of Experts on the European Charter for Regional or Minority Languages last examined in 2017 how Ukraine is meeting its commitments when ratifying the Charter (COMEX 2017)

The committee assessed the fulfillment of the commitments on a 4-point scale:

- (4) *Fulfilled*: policies, legislation and practice are in conformity with the Charter.
- (3) *Partly fulfilled*: policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.
- (2) *Formally fulfilled*: policies and legislation are in conformity with the Charter, but there is no implementation in practice.
- (1) *Not fulfilled*: no action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information on the implementation.
- ( ) *No conclusion*: the Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.



- Already in 2017, two years before the adoption of the Law on the State Language and Law on Education, the International Committee found that Ukraine had fulfilled its international obligations to the Council of Europe to a very small extent when it ratified the Charter.
- It is clear that after the entry into force of the State Language Law, the Ukrainian government will not be able and most likely will not want to comply with the Charter for the protection of minority languages.
- It is very important to underline that the report were drafted before the new measures of Ukraine's language policy, and so the report could not respond to this recent steps of legislation. The report which we have analysed evaluated the legislation and its application before 2017.



GIVING REGIONAL  
AND MINORITY  
LANGUAGES A SAY!





Compliance of Ukraine with its undertakings under the Charter, according to the independent evaluation of COMEX 2017. **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.
Belarusian	1	1	1	1	4	1	1	1	1	1
Bulgarian	1	3	3	1	4	4	1	3	1	4
Crimean Tatar	3	3	4	1	4	3	–	4	1	3
Gagauz	1	3	3	1	4	1	–	3	4	1
German	3	3	3	1	4	4	1	3	1	1
Greek	3	3	4	1	4	4	–	3	1	4
Hungarian	4	4	4	1	4	4	3	4	1	1
Moldovan	3	4	4	1	4	4	1	3	4	1
Polish	3	4	4	1	4	4	1	4	1	4
Romanian	3	3	3	1	4	4	1	4	1	1
Russian	4	4	4	4	4	4	–	4	1	4
Slovak	4	3	3	1	4	1	1	3	1	1
Yiddish	3	1	1	1	4	4	–	1	1	1

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

Compliance of Ukraine with its undertakings under the Charter, according to the independent evaluation of COMEX 2017. **Article 10: Administrative authorities and public services**

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

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



## Languages in Education



- When Transcarpathia became part of the Soviet Union after World War II, Ukrainian medium education continued uninterrupted, but Hungarian secondary schools could only open in 1953 after Stalin's death. From then on, however, Hungarians of Transcarpathia could study in their mother tongue, in Hungarian, from the first grade until graduation. Both Ukrainians and Hungarians had the right to choose the language of instruction in Soviet Ukraine.
- Ukraine became an independent state in 1991. The new state continued to guarantee the right to mother tongue medium education for minorities. From 1991 to the present day, the Hungarian-medium education system has been constantly evolving, and today there are a hundred schools with Hungarian as the language of instruction in Ukraine, where more than 17,000 children can study in their mother tongue.
- However, new laws passed after 2017 restrict the appearance of the Hungarian language in education. From 2021, Russian-language schools have been abolished, and from 2023, from the 5th grade onwards, more and more subjects will be required to be taught in Ukrainian in schools that still teach in Hungarian at the moment.

## The share of the mother tongue (Ukrainian and Hungarian) in the educational process (%)

	Ukrainian				Hungarian			
	1946–1952	1953–1990	1991–2022	since 2023	1946–1952	1953–1990	1991–2022	since 2023
1–4 classes	100	100	100	100	100	100	100	100
5th class	100	100	100	100	100	100	100	80
9th class	100	100	100	100	100	100	100	60
10–11 (12) classes	100	100	100	100	0	100	100	40

Law of Ukraine on Education (2017), Article 7  
 Law of Ukraine on Supporting the Functioning of the Ukrainian Language as the State Language (2019) Article 21  
 Law of Ukraine on Complete General Secondary Education (2020), Article 5

- It follows from Article 21 of the State Language Law, Article 7 of the new Law on Education of 2017, and Article 5 of the law on general secondary education that the Ukrainian State abolishes the institutional autonomy of educational establishments (kindergartens, schools) with regional or minority languages of instruction (since it only allows the functioning of classes in minority languages). This is an obvious case of discrimination.
- Thus, pursuant to the three above-mentioned laws, Ukrainian-medium groups and classes shall be opened in kindergartens and schools providing education in Russian, Hungarian, Romanian, Moldovan and Polish languages (whether or not parents wish so).
- In many municipalities, it is difficult to implement this provision in practice. For example, according to official census data from 2001, there are 44 municipalities in Transcarpathia where the proportion of Hungarian native speakers exceed 90 percent. In kindergartens and schools of these villages Ukrainian-medium groups and classes shall also be established.

- As most of these municipalities have small populations, there is no realistic possibility for setting up parallel – Ukrainian- and Hungarian-medium – groups and classes in kindergartens and schools. This, in turn, may lead to the closure of institutions and the dissolution of Hungarian-medium groups/classes, which endangers the survival of Hungarian as a regional or minority language.
- In those municipalities where parallel Ukrainian- and Hungarian-medium classes will be established, the use of regional or minority language will necessarily be reduced. In practice, it is inconceivable that every kindergarten and school ceremony and public event is conducted in both languages (for example, it is not possible to keep the attention of the children indefinitely by saying everything in Ukrainian as well as Hungarian). And if there is a need to choose from the languages (for example, pursuant to enforcement measures of State Language Law), the kindergarten or school management will most likely decide to use the State language.

**People need mother-tongue-medium education!**

In the 2020/21 school year, there were 874 schools in Ukraine where the language of instruction was a minority or regional language: 203 with one language, 670 with two languages and 1 with three languages.





The elimination of the autonomy of institutions providing education in regional or minority languages removes these languages from a very important sphere.



73 Hungarian  
69 Romanian  
55 Russian  
4 Polish  
1 Moldovan  
1 German

671

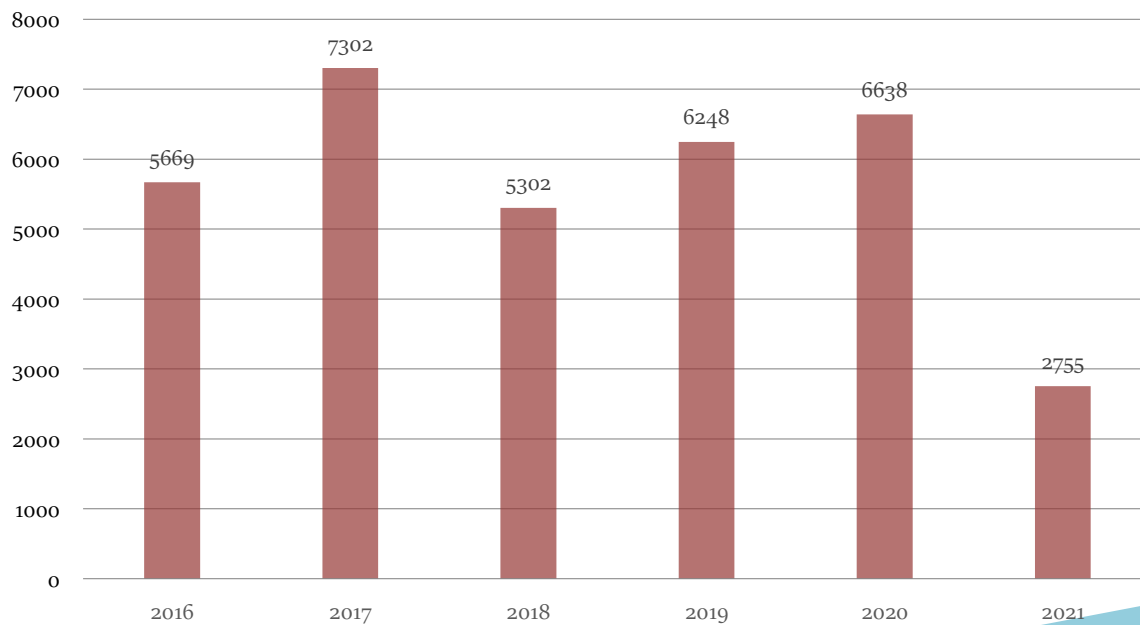


603 Russian and Ukrainian  
27 Hungarian and Ukrainian  
19 Romanian and Ukrainian  
16 Moldovan and Ukrainian  
2 Polish and Ukrainian  
1 Bulgarian and Ukrainian  
1 Crimean Tatar and Ukrainian  
1 Slovak and Ukrainian  
1 Russian, Crimean Tatar and Ukrainian

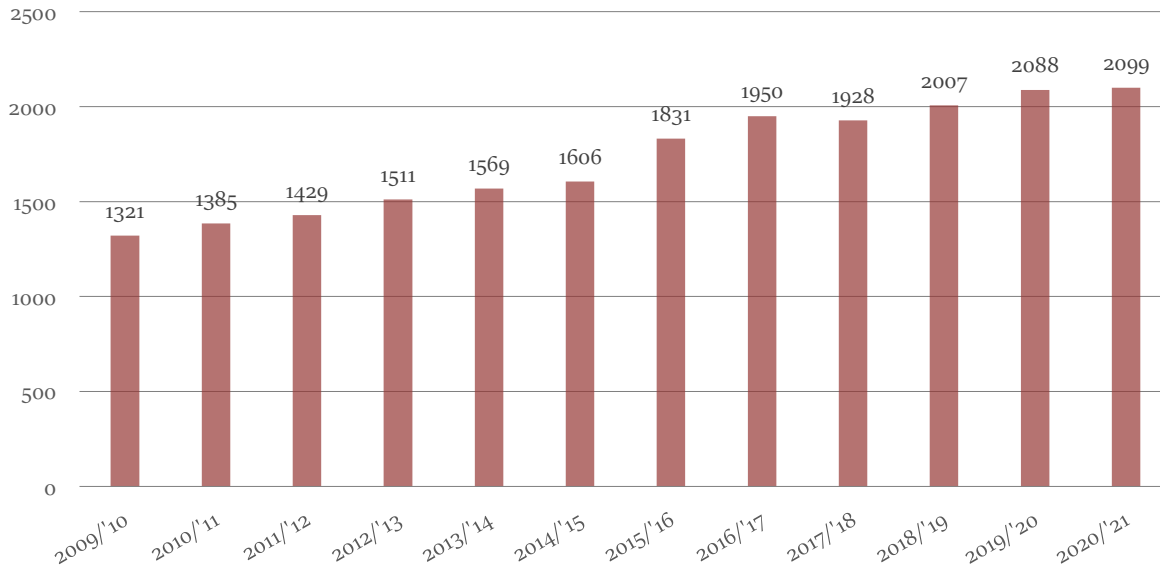
## **The Ukrainian language should not be spread by force!**

- While the Ukrainian government wants to push back the appearance of the Hungarian language in education, people are demanding education in the Hungarian language. In recent years, thousands of people have applied for our Hungarian as a foreign language courses in almost 50 settlements in Transcarpathia.
- The need for education in Hungarian is indicated by the fact that the Commissioner for the Protection of the State Language launched an investigation because the child of one of the Ukrainian-speaking parents was not admitted to a Hungarian-language kindergarten.
- However, the Commissioner did not complain about the lack of space in Hungarian kindergarten groups in Vinohradiv, but wanted to expose the alleged discrimination against Ukrainian native speakers.

**Figure 3.** Number of participants in 120-hour Hungarian as a foreign language courses (2016–2021)



**Figure 4.** The number of children enrolled in the first grade in schools with Hungarian language of instruction in the last 12 years



## Commissioner for the Protection of the State Language

- The post of Commissioner for the Protection of the State Language was created under the State Language Law. Currently, Taras Kremin holds this position, sometimes referred to in the press as “*Sprachenführer*”.
- Why? Let’s look at what he posted on April 16 on his public Facebook page: taking pride that Article 30 of the State Language Law has only been in force for 3 months, but there already has been more than a thousand complaints. The state language law wants to protect the state language by threatening citizens with severe fines if the provisions of the law are not complied with.
- In this connection, it is worth noting that one of the complaints received by the Commissioner is that in a Hungarian school in Berehove, the children's Christmas celebration was not organized in Ukrainian, but in Hungarian.

## The Commissioner for the Protection of the State Language: the «Шпрыхен-фюрер»



„In the first quarter of 2021, during the three months of Article 30 of the Language Law, the Commissioner for the Protection of the State Language **received 1,129 complaints** from citizens regarding violations of language legislation in various spheres of public life.”

## In contemporary Ukraine, the question of the Ukrainian language is a problem of ethics and loyalty



**Р** ЗАХИСТУ  
УКРАЇНСЬКОЇ  
МОВИ  
Код ЄДРПОУ 40604457

Українська мова є державною і має функціонувати у всіх сферах суспільного життя (ст. 10 Конституції України)

**ВІЙНА ТАМ, ДЕ НЕ БУЛО  
УКРАЇНСЬКОЇ ДЕРЖАВНОЇ МОВИ!**

**МИ ВЖЕ ВИВЧИЛИ УКРАЇНСЬКУ  
І РОЗМОВЛЯЄМО НЕЮ.  
А ВИ?**

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### *The text of the billboard:*

The war is where there was no Ukrainian state language!

We have already learned Ukrainian and we speak in Ukrainian. And you?

Our language is a weapon in the war with the aggressor!

The “patriots” suggest that all those who do not use the Ukrainian language are potential enemies and endanger the security of Ukraine.

“Human and citizens' rights and freedoms affirmed by this Constitution are not exhaustive.

**Constitutional rights and freedoms are guaranteed and shall not be abolished.**

*The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.”*

Article 22 of The Constitution of Ukraine





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

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

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