

Written Comments
by Hungarian Researchers and NGOs in Transcarpathia (Ukraine)
on the Third Periodic Report of Ukraine on the implementation
of the European Charter for Regional or Minority Languages,
submitted for consideration by the Council of Europe's
Committee of Experts on the Charter

Berehovo – Beregszász, 11 July 2016

Questions and comments are welcome on the address hodinka@kmf.uz.ua and/or csernicosko.istvan@kmf.uz.ua; csernicosko.istvan@gmail.com.

This alternative report is submitted by Hungarian researchers and non-governmental organizations representing the Hungarian community living in Transcarpathia county of Ukraine. The report is prepared with the cooperation of members of the Transcarpathian Hungarian Cultural Association, the Transcarpathian Association of Hungarian Pedagogues, the Democratic Alliance of Hungarians in Ukraine, the A. Hodinka Linguistic Research Centre, and the T. Lehoczky Research Centre. It focuses on issues of implementation of the European Charter in Transcarpathia, and aims to complement the government's periodic report by shedding light on the perspective of the users of regional and minority languages and point out some problematic issues, which remain unsolved despite the ratification of the Charter.

The authors of this shadow report welcome the Ukrainian Government's Third Periodic Report on the implementation of the European Charter for Regional and Minority Languages submitted to the Secretary General of the Council of Europe in September 2015.

The authors welcome the opportunity to submit their comments on the Government's report, and will be happy to provide clarifications and answers to any questions. We are also looking forward to meet the Committee of Experts' delegation during their visit to Ukraine in order to provide additional feedback on the implementation of the Charter in Transcarpathia.

The following comments address issues raised in the Ukrainian Government's report. They are structured according to the Articles of the Charter. These comments are in no way comprehensive,

and a lack of response to some of the Government's statements should not indicate their acceptance or endorsements. Simply for the sake of brevity we concentrated on questions that seemed to be the most important, or where the most relevant recent developments have taken place.

Ukraine, which became independent in 1991, is undergoing its most serious crisis. Besides the political and economic troubles it has to deal with a military conflict as well. In this tense situation our aims cannot be to sharpen the linguistic and ethnic conflicts, but to achieve consolidation and societal peace. We are convinced that preserving ethnic, cultural and linguistic diversity, the creation of mutual respect will bring us closer to peace. Respecting laws guaranteeing the use of regional and minority languages is a common interest of the state, the majority society and minority communities: compliance with laws is an important step towards the rule of law and a functional democracy. This was our main goal with preparing this alternative report.

Yours sincerely,

Beregovo/Берегово/Beregszász, July 11, 2016.

László Brenzovics

Head of the Transcarpathian Hungarian
Cultural Association
Member of the Supreme Council of Ukraine
root@kmksz.uzhgorod.ua
Tel. +380312612998

László Zubánics

Head of Democratic Alliance
of Hungarians in Ukraine
90202 Beregovo, Széchenyi st. 59. UA
titkarsag.umdsz@gmail.com
Tel. +3803141 42815

István Csernicskó

Head of A. Hodinka
Linguistic Research Centre
90202 Beregovo, Kossuth sq. 6. UA
hodinka@kmf.uz.ua
Tel. +3803141 42968

Ildikó Orosz

Head of the Transcarpathian Association
of Hungarian Pedagogues
90202 Beregovo, O. Kobilianska st. 17. UA
<http://kmpsz.uz.ua>
Tel. +3803141 43259

Mihály Tóth

Honorary Head of Democratic Alliance
of Hungarians in Ukraine
90202 Beregovo, Széchenyi st. 59. UA
tothmihaly@meta.ua
Tel. +3803141 24343

Karolina Darcsi

Researcher of T. Lehoczky
Research Centre
90202 Beregovo, Kossuth sq. 6. UA
lti@kmf.uz.ua
Tel. +3803141 24343

Table of contents

Executive summary	4
I. Part I – Ukraine’s undertakings under the Charter.....	5
II. Part I – General provisions – Confusing and contradictory legislative provisions.....	8
III. Part I – General provisions – Information	9
IV. Article 7 – Objectives and principles – Paragraph 1 b) – administrative division	10
V. Article 7 – Objectives and principles – Paragraph 1 g) – enabling non-speakers to learn regional and minority languages.....	11
VI. Article 7 – Objectives and principles – Paragraph 3 – mutual understanding and respect	12
VII. Article 7 – Objectives and principles – Paragraph 2 – discrimination against speakers of regional and minority languages.....	13
VIII. Article 8 – Education.....	18
IX. Article 9 – Judicial authorities – Paragraph 1 – civil and criminal proceedings	22
X. Article 9 – Judicial authorities – Paragraph 3 – translation of laws.....	23
XI. Article 10 – Administrative authorities and public services – Paragraph 2 a. – the use of minority languages by regional and local authorities	23
XII. Article 10, Paragraph 2 c. and d. – publication of official documents	25
XIII. Article 10, Paragraph 2 e. and f. – use of minority languages in debates in local and regional assemblies.....	26
XIV. Article 10, Paragraph 2 g. – place names in regional and minority languages	26
XV. Article 10, paragraph 4 c. – appointment of civil servants speaking the relevant regional and minority languages.....	28
XVI. Article 12 – Cultural activities and facilities	28
XVII. Article 13 – Economic and social life	29

Executive summary

Ukraine ratified the European Charter for Regional and Minority Languages in 2003, but the Charter's application was surrounded by a negative campaign. Ukraine undertook fewer obligations under the Charter than it would be justified by the situation of regional and minority languages or by the existing legislative framework.

The Charter's implementation is impeded by several factors.

Laws on the use of languages are contradictory. In addition, the Ukrainian state neglects its obligation to inform citizens and civil servants about the applicable laws. It is common that citizens and civil servants applying the law are unaware of their rights and obligations.

The central government does not consult representatives of the minority communities during the preparation of the administrative reform. It is hostile to proposals to create a Tisa district, put forward by representatives of the Hungarian community, even though such a district is in line with the administrative reform's general aim of decentralization.

The central government has ignored requests to introduce a subject on "the history of national minorities" in the curriculum. Since 2008 it has rejected the requests to allow high school students pass school leaving exams from the language and literature of their mother tongue.

The government has failed to improve the teaching of Ukrainian in schools with a regional or minority language as the language of instruction. This hinders the integration of students of these schools. In these circumstances, it is discriminatory to require everybody to pass an exam from Ukrainian language and literature as a condition for university admissions.

The state does not specify how many student and parent requests are needed for opening a new school or class teaching in a regional or minority language, which hinders the development of the minority language educational system. The state budget does not support non-state childcare facilities, schools, and colleges.

Public administration bodies use regional and minority languages in a limited way. Our research shows that in the majority of bilingual municipalities it is possible to use regional and minority languages orally, but only on the local and district, not county level. In Transcarpathia county, neither the county council nor the county public administration bodies are willing to apply the Charter or the 2012 Language Law.

Regional and minority languages are used rarely in writing before public administration bodies. Neither the central government, nor Transcarpathian county, district or local public administration bodies publish their resolutions in regional or minority languages. The state does not promote but rather impedes the use of regional and minority languages in the public sphere.

The use of regional and minority languages in public administration is also hindered by the fact that the vast majority of Ukrainian-speakers do not speak any regional or minority languages. In bilingual municipalities the sessions and discussions in public administration bodies are typically taking place in Ukrainian. The state does not create the conditions for Ukrainians to learn regional and minority languages spoken in the region where they live.

Geographical names in regional and minority languages are used practically only on signs displaying the names of municipalities. Other geographical names (railway stations, rivers), are written only in Ukrainian. Members of local self-governments explained that due to lack of funds they are unable to create bilingual street signs, forms, stamps, and other public signs. Improvement could be achieved if the central government provided funding for bilingualism.

The lack of bilingual signs is especially dangerous in the case of signs informing about danger and the labelling of pharmaceuticals and dangerous goods. According to the census, 6,5

million citizens of Ukraine do not speak the state language, and the absence of inscriptions in regional and minority languages endangers their life and health.

I. Part I – Ukraine’s undertakings under the Charter

1. Ukraine ratified the Charter by a law adopted in 2003. This law was considered by many a disappointment. Ukraine undertook only minimal obligations under the Charter. Already at the time of ratification, the domestic legislation provided more rights to users of regional and minority languages in some areas than the 2003 law. This is especially evident in the case of education or use of languages in public administration. It was clear that Ukraine is not taking the opportunity provided by the ratification to promote the use of regional and minority languages.
2. The 2003 law is a step back compared to earlier attempts to ratify the Charter. Ukraine first adopted a law to ratify the Charter in 1999, but it was declared unconstitutional by the Constitutional Court for procedural reasons. The 1999 law contained a much wider set of undertakings than the 2003 law.

Table 1. The European Charter for Regional or Minority Languages, by Ukraine ratification Bill of 1999 and 2003

	Bill N 1350-XIV, 1999 (20% threshold)	ECRML/UA, N 802-IV, 2003 (without exact ratio)
Part I: General provisions	In all	In all
Part II: Objectives and principles pursued in accordance with Article 2, paragraph 1	In all	In all, without point 5 of Article 7
Part III: Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2		
8. Education		
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
2.	2.	2.
9. Judicial authorities		
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.
10. Administrative authorities and public services		
1.		
a)	a (i), a (ii), a (iii)	–
b)	–	–
c)	c	–
2.		
a)	a	a
b)	b	–
c)	–	c

d)	d	d
e)	e	e
f)	f	f
g)	–	g
3.		
a)	a	–
b)	b	–
c)	c	–
4.		
a)	–	–
b)	–	–
c)	c	c
Point 5	In all	–
11. Media		
1.		
a)	a (ii), a (iii)	a (iii)
b)	b (ii)	b (ii)
c)	c (ii)	c (ii)
d)	d	d
e)	e (i), e (ii)	e (i)
f)	–	–
g)	g	g
2.	2.	2.
3.	3.	3.
12. Cultural activities and facilities		
1.		
a)	a	a
b)	b	b
c)	c	c
d)	d	d
e)	–	–
f)	f	f
g)	g	g
h)	–	–
2.	2.	2.
3.	3.	3.
13. Economic and social life		
1.		
a)	a	–
b)	b	b
c)	c	c
d)	d	–
2.		
a)	–	–
b)	b	–
c)	c	–
d)	–	–
e)	–	–
14. Trans-frontier exchanges		
a)	a	a
b)	b	b
Part IV: Application of the Charter	In all	In all
Part V: Final provisions	In all	In all

3. The 2003 law also did not specify to which geographical areas the charter would apply. It treats all languages equally, regardless of whether they are spoken by almost 30% of the country' population or a few thousand speakers. This might constitute an improvement for some languages, but for others it is a step back compared to the 1989 language law applicable at the time of ratification.

4. The 2012 Language Law is more favourable to regional and minority languages than the 2003 law. However, it seems that Ukraine still considers the 2003 law as defining its obligations under the Charter. This is evident from the Governments Third Periodical Report, where they dispute the existence of the Rusyn language (p. 8). This is despite the fact that the 2012 Language Law recognized Rusyn as a regional or minority language, and during the 2001 census 10.813 persons declared themselves to have Rusyn ethnicity, and 6.725 Rusyn mother tongue.
5. The ratification of the Charter in Ukraine was also surrounded by negative propaganda aimed against the Charter and the use of regional and minority languages. Several leading Ukrainian politicians, academics, researchers and civil servants have criticised the Charter.
6. One type of criticism argues that Russian should not be a protected language, that rather Ukrainian should be protected against the Russian language (see, for example, Larysa Masenko's position;¹ this opinion also appears in university textbooks).² Some commentators go even further, and argue that all languages that are state languages in other countries should not be protected languages in Ukraine. This opinion appeared in the 10 March 2006 issue of Kyiv newspapers *Дзеркало тижня* [Mirror of the week] and its online version,³ but also in the academic publication of Ukrainian linguists *Мовна ситуація в Україні: між конфліктом і консенсусом* [Language situation in Ukraine: between conflict and consensus].⁴ They argue that the Charter's incorrect translation mislead members of Parliament, who thought they are adopting a law protecting only endangered languages. The Ministry of Justice also adopted an official position according to which the Charter's faulty translation led to legal, political and economic problems in Ukraine,⁵ and proposed to prepare a new translation which would better reflect the Charter's aims.
7. President Viktor Yushenko in his decree *Концепція державної мовної політики* [Conception of the state's language policy]⁶ also suggested that the law ratifying the Charter in Ukraine should be modified to reflect the Charter's authentic goals. President Yatsenyuk ordered the Ministry of Culture to submit a bill amending the law ratifying the Charter until the end of 2016, and to prepare a new language law.
8. The negative image of the Charter is strengthened by the education system. One university textbook approved by the Ministry of Science and Education⁷ claims that ratifying the Charter created problems in Ukraine, and that the Charter reflects a Western-European viewpoint. According to the author the Charter is unconstitutional and should not be applied in Ukraine.⁸

¹ Масенко Лариса: *(У)мовна (У)країна*. Київ: ТОВ Темпора, 2007, pp. 38–40.

² Мацюк Галина: *Прикладна соціолінгвістика. Питання мовної політики*. [Applied sociolinguistics. The question of language policy] Львів: Видавничий центр ЛНУ імені Івана Франка, 2009.

³ <http://www.zn.ua/newspaper/articles/46241#article>

⁴ http://www.ipiend.gov.ua/img/monograph/file/movna_sit_49.pdf

⁵ Юридичний висновок Міністерства юстиції щодо рішень деяких органів місцевого самоврядування (Харківської міської ради, Севастопольської міської ради і Луганської обласної ради) стосовно статусу та порядку застосування російської мови в межах міста Харкова, міста Севастополя і Луганської області від 10 травня 2006 року. <http://old.minjust.gov.ua/7477>

⁶ Концепція державної мовної політики. Схвалено Указом Президента України від 15 лютого 2010 року № 161/2010. <http://zakon5.rada.gov.ua/laws/show/161/2010>

⁷ Мацюк Галина: *Прикладна соціолінгвістика. Питання мовної політики*. [Applied sociolinguistics. The question of language policy] Львів: Видавничий центр ЛНУ імені Івана Франка, 2009.

⁸ *Id.*, pages 167-168.

9. These steps underline that the state does not consider it its goal to implement the Charter. Rather, public officials vilify the Charter before the public. The 13 years that have passed since ratification should have been enough to prepare a new translation, but none has been forthcoming to date.
10. Attacks against the Charter have affected the 2012 Language Law as well. On 23 February 2014, the new parliamentary majority adopted a law to cancel the 2012 Language Law. However, Oleksandr Turchynov, Chairman of the Ukrainian Parliament (Verkhovna Rada) and the interim president of the country, refused to sign the bill on 27 February, possibly having taken into consideration the objections of several countries and the military intervention in the Autonomous Republic of Crimea. Consequently, it did not enter into force. The 2012 Language Law is presently in force.
11. We consider that there is considerable scope for expanding Ukraine's obligation under the Charter and we would encourage the Ukrainian government to do so. However, based on the central government's position towards the Charter we can conclude that Ukraine is failing to implement in good faith even those narrow set of obligations which it undertook in 2013.

II. Part I – General provisions – Confusing and contradictory legislative provisions

12. The use of regional and minority languages in Ukraine is regulated mainly by two laws: the 2003 Law on the ratification of the Charter, and the 2012 Language Law. The 2012 Language Law guarantees wider rights to use regional and minority languages. However, According to the Law on International Treaties of Ukraine,⁹ international treaties ratified by Ukraine supersede domestic legislation. Therefore the more favourable provisions of the 2012 Language Law are superseded by the less favourable provisions of the Charter as ratified by Ukraine in the 2003 Law.
13. To complicate matters further, the 2012 Language Law itself contains a provision, Article 4, according to which international treaties supersede the Language Law only if they establish rules more favourable to human rights.
14. The correct interpretation and the relationship between the 2003 Law ratifying the Charter and the 2012 Language Law is unclear. This is further complicated by discrepancies between these language laws and other laws. For example, according to the 2012 Language Law ballot papers for elections can be prepared in regional and minority languages. However, according to Article 74(9) of the Law on the elections of members of local self-government,¹⁰ ballot papers are printed only in Ukrainian, which is currently the practice.
15. Discrepancies among different laws complicate the implementation of language rights.¹¹ We consider it essential that Ukraine consolidates its language laws and related legislation to make it easier for citizens and civil servants alike to understand and follow the law.

⁹ Закон України «Про міжнародні договори України». <http://zakon5.rada.gov.ua/laws/show/1906-15>

¹⁰ Закон України «Про місцеві вибори» <http://zakon3.rada.gov.ua/laws/show/595-19/page6>

¹¹ One detailed analysis about the contradictions in the language laws: <http://real.mtak.hu/30037/>

III. Part I – General provisions – Information

Part I – General provisions

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

16. The Ukrainian state neglects to inform its citizens and civil servants applying the law about the legislation on the use of languages. The laws are published in Ukrainian on the Parliament's website¹² and the official gazettes: *Голос України, Урядовий кур'єр, Офіційний вісник*. Publishing the laws, however, is insufficient. Citizens should also be informed about them, but the state fails to fulfil this duty. The state also failed to translate the language laws and the Charter to regional and minority languages.
17. Civil organizations in Transcarpathia consider it important to inform the public about the language laws. They prepared several publications explaining the 2012 Language Laws.¹³ These publications, however, have not been supported by the state.
18. Despite the information campaigns of civil society, the majority of citizens and a significant part of civil servants working in state and self-government bodies are unaware of their linguistic rights and obligations. This has been confirmed by several studies.¹⁴ Lack of knowledge about the Charter and the 2012 Language Law hinders their implementation, and impedes the use of regional and minority languages.
19. We consider it important that the state takes an active role disseminating information about the language laws to the general public and particularly to civil servants responsible for implementing language rights.

¹² <http://zakon5.rada.gov.ua/laws>

¹³ Beregszászi Anikó – Cserniczkó István – Ferenc Viktória: *Nyelvi jogaink és lehetőségeink. Útmutató és tájékoztató a nyelvtörvény gyakorlati alkalmazásához kárpátaljai magyaroknak* [Our language rights and possibilities. Guidelines and information about the practical application of the language law for Transcarpathian Hungarians], Budapest: Bethlen Gábor Alapkezelő Zrt., 2014, http://bgazrt.hu/dbfiles/htmltext_files/1/0000000151/karpatalja_nyelvhaznalati.pdf; Tóth Mihály – Cserniczkó István: *Tudományos-gyakorlati kommentár Ukrainának az állami nyelvpolitika alapjairól szóló törvényéhez*. [Scientific-practical commentary on Ukraine's Law on the Principles of State Language Policy] Ungvár–Budapest: Intermix Kiadó, 2014, <http://real.mtak.hu/23321/1/13589.pdf>; In Russian: Товт М. – Черничко С.: *Научно-практический комментарий Закона Украины об основах государственной языковой политики (с приложениями)*. [Scientific-practical commentary on Ukraine's Law on the Principles of State Language Policy] Киев: ВОО Правозащитное общественное движение «Русскоязычная Украина», 2013, <http://real.mtak.hu/23322/1/komment.pdf>; the Kárpátalja.Ma (<http://www.karpatalja.ma/>) news portal and the website of civil organization „Itt magyarul is” (IMI) (<http://ittmagyarulis.eu/>) also publish articles in the serious “Our language rights”.

¹⁴ For example: http://bgazrt.hu/dbfiles/blog_files/7/0000011577/Kisebbségkutatás_2015-3.7-24.pdf; <http://www.prominoritate.hu/folyoiratok/2015/ProMino-1503-04-Ferenc.pdf>; http://real.mtak.hu/32662/1/Toth_Eniko_2015_Hatarhelyzetek_VIII_u.pdf

IV. Article 7 – Objectives and principles – Paragraph 1 b) – administrative division

Part II, Article 7 – Objectives and principles

1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

20. Ukraine became an independent country in 1991 with the same internal administrative division as the Ukrainian Soviet Socialist Republic. The Ukrainian government tried to change this soviet administrative division a number of times, without much success. However, since the beginning, the Ukrainian government has failed to consult political and civil organisations representing users of regional and minority languages about the administrative reform.
21. The current administrative division is not advantageous for the use of the Hungarian language. The vast majority of Hungarian-speakers in the country are concentrated in a narrow strip of land along the Ukrainian-Hungarian border in Transcarpathia. Hungarian speakers constitute more than 10% of the population in 79 municipalities in the region. However, these municipalities are divided into 4 districts, which makes it difficult to use Hungarian on the district level. Hungarians constitute a majority in only 1 district, the Berehovo-Beregszász district.
22. The Hungarian community has developed a proposal to create a district (район) with Hungarian majority called the Tisa district (*Tisza-menti járás*).¹⁵ During the 2014 presidential elections, candidate Petro Porosenko signed an agreement with the Transcarpathian Hungarian Cultural Association (KMKSZ) and pledged to create a Hungarian-majority district. (The agreement and the proposal for the Tisa district is on file with us, we will share it with the Committee of Experts during their on-the-spot visit).
23. Despite these developments, none of the administrative reform proposals include the Tisa district. On the contrary, several proposals suggest abolishing the independent Transcarpathia county by joining it with Lviv-Lemberg county. This would change the ethnic and language proportions in the new region, adversely affecting users of regional and minority languages. Some of the administrative reform proposals also suggest abolishing the Berehovo-Beregszász district, which has a Hungarian majority. These proposal are clearly contrary to the spirit and Part II Article 7(1)b. of the Charter, and also to several Ukrainian laws:

¹⁵ The media and several Ukrainian politicians consider the proposal to create a Tisa district as separatism, as an attack on the territorial integrity of Ukraine. We have on file a document in which the professors of the Uzhgorod National University considered a PhD dissertation unconstitutional, because its author considered the possibility of creating a Hungarian autonomous region and the Tisa district. Evaluating scientific work on the basis of political stance is directly contrary to scientific principles. We have the dissertation and the opinion on file, we will share it with the Committee of Experts during their on-the-spot visit.

Article 2 of declaration of minority rights in Ukraine;¹⁶
Article 10 of the Law on national minorities in Ukraine;¹⁷
Article 5(2)8 of the 2012 Language Law.¹⁸

V. Article 7 – Objectives and principles – Paragraph 1 g) – enabling non-speakers to learn regional and minority languages

Part II, Article 7 – Objectives and principles

1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

24. Besides the Charter, Article 20(7) of the 2012 Language Law also states that regional and minority languages can be learned in the regions where they are used. In Transcarpathia, the proportion of residents with Hungarian mother tongue is higher than 10%. Hungarian linguists in the region have developed the curriculum for teaching Hungarian as a (second) foreign language, which was approved by the Ministry of Education and Science of Ukraine (decree no. 750 of 24 June 2014).¹⁹ The curriculum was not published by the state, its authors did not receive a honorarium for their work. The state also did not take steps, did not call for tenders to create textbooks and teaching materials necessary for teaching Hungarian as a (second) foreign language. Textbooks and teaching materials are provided by Hungary, which are now used in some Ukrainian schools in the region, as it was reported by the media.²⁰
25. Despite the fact that residents with Romanian mother tongue constitute more than 10% of the population in two districts in Transcarpathia, and it would be possible to teach Romanian as a regional or minority language in these districts, Romanian is currently nowhere taught in Transcarpathia as a regional or minority language.

¹⁶ Декларація прав національностей України <http://zakon5.rada.gov.ua/laws/show/1771-12>

¹⁷ Закон України «Про національні меншини в Україні» <http://zakon3.rada.gov.ua/laws/show/2494-12>

¹⁸ Закон України «Про засади державної мовної політики» <http://zakon5.rada.gov.ua/laws/show/5029-17>

¹⁹ <http://zakon.golovbukh.ua/regulations/1521/8456/8457/468749/>

²⁰ For example: <http://www.kmf.uz.ua/ua114/index.php/section-blog/36-2010-08-03-09-19-17/320-2015-11-23-08-59-26.html>; <http://www.zakinppo.org.ua/kafedri/kafedra-menedzhmentu-ta-innovacijnogo-rozvitku-osviti/3439-ugorska-mova-jak-druga-inozemna>; <http://strichka.com/article/35329462>; <http://www.karpataljalap.net/?q=2015/11/06/magyar-nyelvet-oktato-ukran-iskolakat-keresett-fel-grezsa-istvan-karpataljan>; <http://www.karpatalja.ma/karpatalja/oktatas/magyar-tankonyvcsomag-a-magyar-nyelvet-oktato-ukran-tannyelvu-iskolaknak/>; <http://www.karpatalja.ma/karpatalja/oktatas/a-magyar-nyelv-masodik-idegen-nyelvkent-valo-oktatasa-karpataljan/>

VI. Article 7 – Objectives and principles – Paragraph 3 – mutual understanding and respect

Part II, Article 7 – Objectives and principles

3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

i) Lack of teaching about national minorities' history

26. The Ukrainian state does not ensure that school textbooks portray an objective picture about the users of regional and minority languages, the national minority communities. The subject “history of national minorities” is not part of the curriculum, even though representatives of the Hungarian community have asked the authorities a number of times to introduce the subject “the history of the Hungarian people”. (We will share the documents related to this issue during the on-the-spot visit.)

ii) Ethnic profiling in the media

27. The media is often responsible for spreading racism and ethnic intolerance. In Transcarpathia, for example, it is common for newspapers to emphasize if persons suspected of crimes are Roma. If the suspects are of different ethnicity, for example Ukrainians, that is never emphasized by the news.

28. For example, there are two news next to each other on the Zakarpattya online news portal (<http://zakarpattya.net.ua>). In one of the titles they emphasize that a Roma woman was stealing (<http://zakarpattya.net.ua/News/156251-Pid-pryvodom-prodazhu-medu-tsyhanka-vkrala-v-zakarpatskoho-pensionera-63-tys-hrn>). The next news informs about the arrest of a cigarette smuggler (<http://zakarpattya.net.ua/News/156250-Syharetnyi-kontrabandyst-zatrymanyi-SBU-na-kordoni-vyiavyvsia-dyplomatom-FOTO-VIDEO>), where the suspect is in all likelihood, according to the video, not Roma; accordingly, the title does not mention his ethnicity. Similar news, emphasizing in their title the perpetrators' Roma ethnicity are common on other news portals as well, for example:

<http://www.mukachevo.net/ua/News/view/59960>;

<http://www.mukachevo.net/ua/News/view/52626>;

<http://www.mukachevo.net/ua/News/view/98865>;

<http://www.mukachevo.net/ua/News/view/22136>.

VII. Article 7 – Objectives and principles – Paragraph 2 – discrimination against speakers of regional and minority languages

Part II, Article 7 – Objectives and principles

2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

29. Since 2008, Ukraine systematically discriminates against speakers of regional and minority languages, and undermines the prestige of education in regional and minority languages. The issues are most serious in two areas: the teaching of the Ukrainian language in minority language schools, and in admission to higher education.

i) Inadequate teaching of Ukrainian in minority language schools

30. The Ukrainian state does not create the conditions necessary for mastering the Ukrainian language in schools with a regional and minority language as the language of instruction. This was accepted by the Ukrainian Minister of Education, Ivan Vakarchuk. In his speech given on 4 March 2008, he talked about the effectiveness of teaching the state language in minority schools: ‘It has turned out that instead of teaching the Ukrainian language, very often they just imitate doing so. Nevertheless, the best of marks appear in the certificates.’²¹

31. According to the action plan for the years 2008–2011,²² which focuses on the improvement of teaching Ukrainian, the Ukrainian skills of minority school-leavers are bad, not enabling them to participate in the competition for higher education places and preventing their successful integration into the Ukrainian society.

32. The reasons for the low quality of teaching Ukrainian in minority language schools are complex:

1) Lack of adequately qualified teachers

33. More than 60% of Ukrainian teachers in minority schools in Transcarpathia in the 1997/1998 academic year²³ and more than 40% of such teachers in the 2008/2009 academic year were not qualified to teach Ukrainian.²⁴ Even President Viktor Yushchenko considered it a disgrace that in a certain number of minority schools there were no well-qualified Ukrainian teachers.²⁵ The president ordered the heads of local oblast administrations to survey how many tutors of ‘Ukrainian language and literature’ the country was short of and required to

²¹ http://www.mon.gov.ua/newstmp/2008/05_03/doc.doc (15-05-2010).

²² http://search.ligazakon.ua/l_doc2.nsf/link1/MUS7832.html (27-06-2015).

²³ http://www.kmf.uz.ua/hun114/images/konyvek/Nyelv_oktatas_politika.pdf, p. 57.

²⁴ Motilchak, M.: Шляхи поліпшення вивчення української мови як державної у загальноосвітніх навчальних закладах області з навчанням мовами національних меншин [Ways of improvement of learning Ukrainian as a state language in schools with Hungarian language of instruction in the region]. In *Державотворча й об’єднувальна функції української мови: реалії, здобутки, перспективи* [State-forming and uniting functions of the Ukrainian language: realia, achievements, perspectives], ed. Ю. Герцог, 36–44. Ужгород, Поліграфцентр Ліра, 2009. p. 42.

²⁵ <http://www.reporter.com.ua/news/40461/> (17-06-2015).

ensure the presence of the necessary number of Ukrainian teachers in every school by 1 September 2009.²⁶

34. However, the presidential order was not fully implemented. In 2011, altogether 22 tutors taught Ukrainian in the Hungarian schools in the town of Berehovo-Beregszász. Ten of them had qualifications in Russian language and literature, six were elementary school teachers, and only six of them were qualified teachers of Ukrainian with a degree.²⁷ In the 2014/2015 academic year, seven out of the 15 tutors teaching Ukrainian in the Hungarian schools of the town were qualified teachers of Russian and only eight were Ukrainian teachers. Until the academic year of 2003/2004, no teachers were trained in Ukraine to teach Ukrainian as a second language (state language) to non-native Ukrainian learners. In those schools where the minority language is the language of instruction, Ukrainian is taught either by teachers who were trained to teach the language to native speakers as their first language, or by teachers with qualifications other than Ukrainian and attended a brief retraining course to be able to teach the language. Furthermore, in many small village schools, Ukrainian is taught by university or college graduates who “just” have a good command of the state language, but are not qualified teachers.
35. Some of these teachers do not know the language and culture of the nationality to whom they teach Ukrainian, even though the Hague Recommendations²⁸ on the educational rights of minorities as well as language right experts (e.g. Tove Skutnabb-Kangas) claim that the state language should be taught by bilingual teachers.

2) *Lack of appropriate textbooks*

36. After introducing the Ukrainian language as a compulsory school subject, no syllabi and textbooks necessary for teaching this subject were developed for some time. When they did appear, they were criticised by teachers working in minority schools. The primary criticism was that the syllabi and the textbooks were compiled by teachers and research fellows who did not know the situation, the language and the culture of the minorities in question. The textbooks were justly criticized for being too grammar-focused, for concentrating too much on the theoretical teaching of grammar and not being communication-oriented.²⁹
37. The syllabus and the textbooks do not correspond to the already acquired languages of the children either: the expectations exceed the possibilities. The Ukrainian syllabus does not adequately rely on the already existing foreign and native language skills acquired at and outside school. It drills children in several grammatical categories that they have already

²⁶ <http://tsn.ua/ukrayina/yushchenko-vimagaye-znaiti-po-vchitelyu-ukrayinskoyi-movi-dlya-kozhnoyi-shkoli.html> (17-06-2015). <http://zakarpattya.net.ua/News/41630-Viktor-Iushchenko-doruchyv-zabezpechyty-shkoly-natsmenschyn-vchyteliamy-ukrainskoi-movy> (17-06-2015).

²⁷ Bárány, E., I. Huszti, and M. Fábíán: Második és idegen nyelv oktatása a beregszászi magyar iskolák 5. osztályában: a motiváció és nyelvi készség összefüggése az oktatáspolitikai tényezőkkel [Teaching a second language and a foreign language in Grade 5 of the Beregszasz Hungarian schools: Connexion between motivation and language skill and educational policy factors.]. In *Nyelvi mítoszok, ideológiák, nyelvpolitika és nyelvi emberi jogok Közép-Európában elméletben és gyakorlatban: a 16. Élőnyelvi Konferencia előadásai* [Language myths, ideologies, language policy and language human rights in Central Europe in theory and practice: Proceedings of the 16th Modern Language Conference], eds. K. Hires-László, Z. Karmacs and A. Márku, 145–54. Budapest–Beregszász: Tinta Könyvkiadó–II. Rákóczi Ferenc Kárpátaljai Magyar Főiskola Hodinka Antal Intézete, 2011. p. 146.

²⁸ “The official State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background.” The Hague Recommendations, pp. 6–7.

²⁹ http://real.mtak.hu/24226/1/CsI_Zbornik_anglicky_u.pdf

become familiar with in their native language classes. For example, children already know the basic parts of speech (they already know what the verb, the noun, the adjective, the numeral, the pronoun, etc. are from their Hungarian classes), but they should also know the definitions in Ukrainian taught in their Ukrainian classes as early as lower primary school, instead of placing the emphasis on developing the pupils' oral language skills. After examining the textbooks, one may have the impression that education experts consider it more important to learn the Ukrainian grammar system rather than learning the Ukrainian language itself. Schools do not facilitate the acquisition of the Ukrainian language but deliver theoretical, grammatical knowledge about it. According to the curriculum,³⁰ in grade 5-9, approximately a quarter of the total hours can be devoted to language and speech practice during the academic year; the rest of the hours are used almost exclusively to teach grammar (see Table 2).

Table 2. Number of hours according to the curriculum that can be devoted to language use in Grades 5-9 of schools with Hungarian as the language of instruction

<i>Grade</i>	<i>Number of hours during the academic year</i>	<i>Number of hours devoted to language skills development (listening, speaking, reading and writing)</i>	<i>In percentage (%)</i>
5.	105	23	21.9
6.	105	20	19.0
7.	70	18	25.7
8.	70	20	28.6
9.	70	18	25.7

38. Although Ukrainian has been a compulsory school subject in schools with Hungarian as the means of instruction since 1991, the methodological aids that would supplement textbooks have not been completed to this day: there are no teacher manuals, school dictionaries, or video or audio materials. The Ukrainian budget does not support the publication of educational aids.

3) Homogenization: universal curricula, textbooks and methods

39. The Ukrainian educational policy homogenizes the image of language learners. It approves universal curricula and textbooks, while we know that a child living on a housing estate in the city and another child living in a small village in the countryside start acquiring Ukrainian in different language contexts and situations. Also, in foreign language teaching, it is natural nowadays to divide learners into beginner, intermediate, etc. groups with a small class size only, and they follow syllabi corresponding to their levels, and they are then provided with the differentiated teaching materials they need.

40. In Ukraine, it was Decree No. 461 issued in 2008 by the Ministry of Education that allowed minority language schools to divide classes with a large number of learners into smaller groups in Ukrainian classes. This was not possible between 1991 and 2008; instead, it was frequent to have 25 to 30 pupils in a language class. But not even this decree specifies according to what principles the children should be divided into groups. Nor does it indicate

³⁰ Danysh, H., P. Chuchka, and Y. Herczog: *Українська мова: Програма для 5–9 класів загальноосвітніх навчальних закладів з угорською мовою навчання* [Ukrainian language: Curriculum for Forms 5-9 of schools with Hungarian language of instruction]. Чернівці: Букрек, 2005.

that the state would provide different curricula and textbooks for children who enter the school with various levels of Ukrainian, and there are no assessments regarding the level of Ukrainian skills of children starting school.

4) Different number of hours for teaching Ukrainian

41. We have mentioned that the subject ‘Ukrainian language’ means quite different things in Ukrainian and in schools with regional or minority languages of instructions. This is also reflected in the number of hours spent teaching the subject. If we examine the data in Table 3, we can see that there was a significant difference between the numbers of weekly hours spent teaching Ukrainian in the academic year 2015/2016 in the two types of schools.
42. Letter No 1/9-253 issued on 22 May 2015³¹ defines the number of hours for the school year 2015/16. Decree No 855 issued by the same ministry on 7 August 2015 made modifications³² regarding the above-mentioned subjects.

Table 3. Weekly hours of the language and literature courses in schools with Ukrainian and schools with Hungarian as the language of instruction in the 2015/2016 academic year

Schools with Ukrainian as the language of instruction												
Subjects	hours per forms weekly											Total
	1	2	3	4	5	6	7	8	9	10	11	
Ukrainian language (first language + state language)	7	7	7	7	3,5	4	3	2	2	2	2	46,5
Ukrainian (national) literature					2	2	2	2	2	2	2	14
Foreign language	1	2	2	2	3	3	3	3	2	3,5	3,5	28
World literature					2	2	2	2	2	2	2	14
Total	8	9	9	9	10,5	11	10	9	8	9,5	9,5	102,5
Schools with regional or minority as the languages of instruction												
Ukrainian language (state language)	3	3	4	4	3,5	4	3	2	2	2	2	32,5
Ukrainian literature (literature of the majority nation)					2	2	2	2	2	2	2	14
Foreign language	1	2	2	2	3	2	2	2	2	3	3	24
First language (Regional or Minority Language)	6	6	5	5	3	4	3	2	2	1	1	38
Integrated literature (national + world literature)					2	2	2	2	2	2	2	14
Total	10	11	11	11	13,5	14	12	10	10	10	10	122,5

Table 4. Difference between the number of language and literature hours in schools with Ukrainian and schools with regional or minority as the languages of instruction in the academic year 2015/2016 (language and literature section)

	Traditional school		
	Ukrainian as the language of instruction (majority=MA)	Regional or minority language as the language of instruction (MI)	Difference (MA-MI)
First language	46,5	38	8,5
State language	46,5	32,5	14
Foreign language	28	24	4

³¹ http://osvita.ua/legislation/Ser_osv/46996/

³² <http://www.mon.gov.ua/usi-novivni/novini/2015/08/07/zbilsheno-godini-na-vivchennya-inozemnoyi-movi-v-shkoli/>

43. The less number of hours allocated to teaching Ukrainian in minority schools could be objectively justified by the fact that the purpose of these classes is different in minority language- than in Ukrainian schools. They complement grammar and literature classes that pupils take in their mother tongue. However, since the curriculum and the textbooks are not adapted to the needs of minority language speakers, it cannot be said that the different purpose of teaching Ukrainian in different types of schools is recognized by the state. The state requires teaching students with a regional or minority languages their mother tongue the same way as students whose mother tongue is Ukrainian, and in less total hours. It is no wonder that many students fail to learn Ukrainian properly, and suffer as a result. The ineffective teaching of Ukrainian in minority schools is a very serious issue reducing the prestige of education in regional and minority languages, and seriously discriminating against students studying in minority language schools.

ii) Consequences of low-efficiency language teaching: discrimination in access to higher education

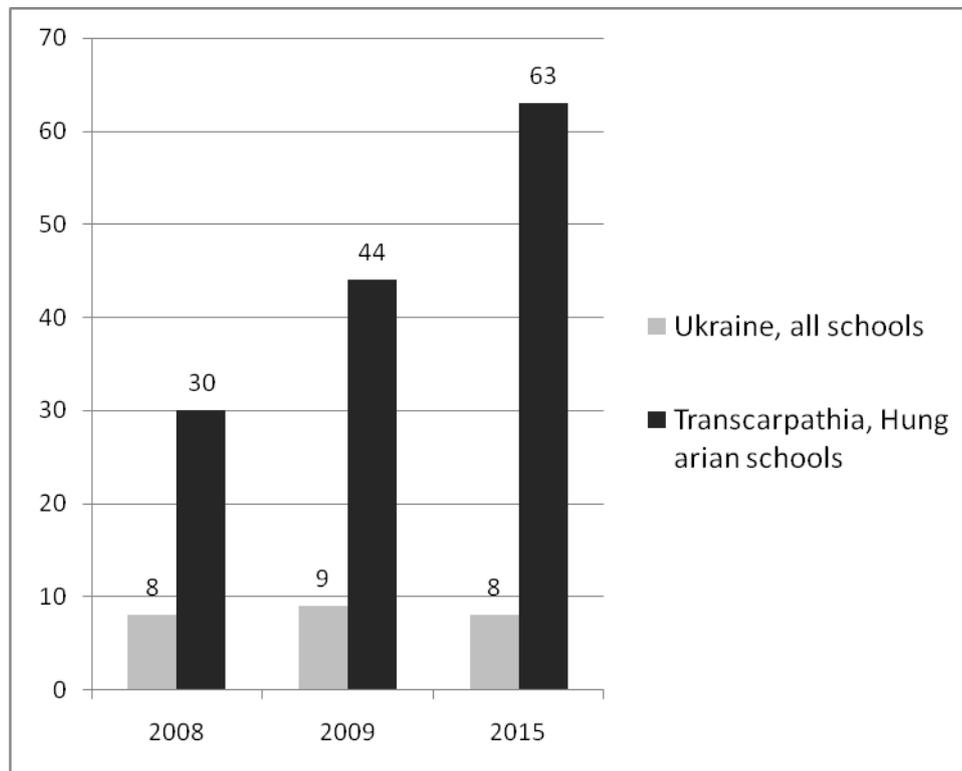
44. The educational policy in Ukraine interprets the concept of ‘similar chances’ in a peculiar way. Though it is evident that in schools with Ukrainian and in schools with Regional or Minority Language of instruction the aim of teaching the subject ‘Ukrainian language’ is different and the weekly hours allocated to teaching the language are also different, the requirements towards the learners’ language knowledge differ in no way. The same requirements must be met by everybody at the independent testing in Ukrainian language and literature that was launched compulsorily in 2008.

45. This has severe consequences for students. In accordance with Decree No 1171 of the Minister of Education issued on 25 December 2008, applicants to tertiary education (applying for any majors) must pass the very same central examination in ‘Ukrainian language and literature’ in the whole country.³³ In 2008, 8.38% of all applicants did not pass the Ukrainian exam and thus did not achieve the minimum score required for admission to tertiary education. This ratio was 9% in 2009. In Transcarpathian Hungarian schools, the ratios of students not passing the Ukrainian exam were 29.58% and 44% in the two years respectively.³⁴ In 2015, the ‘Ukrainian language and literature’ exam was compulsory not only for those who wished to get admitted to tertiary education but for every single school-leaver. In the whole of Ukraine, 8% of school-leavers failed the exam. In Transcarpathia, the ratio of failures among school-leavers in Hungarian schools was 63%.

³³ <http://zakon1.rada.gov.ua/laws/show/z0005-08>

³⁴ [https://www.academia.edu/18890628/Education as an ideal means of achieving a Nation State in Ukraine](https://www.academia.edu/18890628/Education_as_an_ideal_means_of_achieving_a_Nation_State_in_Ukraine), pp. 334–335.

Ratio (in percentage) of examinees who failed the Independent Testing in ‘Ukrainian language and literature’ (i.e. did not obtain the minimum score needed to be admitted to tertiary education) in Ukraine and in the Transcarpathian Hungarian schools (2008, 2009, 2015)³⁵



46. There is no reasonable justification for subjecting students of minority language schools to the same requirements in Ukrainian exams as Ukrainian students. Holding everybody accountable to the same standard in this case amounts to denial of reasonable accommodation, which constitutes discrimination, especially since the state is responsible for the inadequate teaching of Ukrainian in minority schools. By maintaining a policy which keeps the vast majority of students from Hungarian schools out of tertiary education, the state severely punishes Hungarian students and other students attending minority language schools for the state’s own failure.

VIII. Article 8 – Education

47. Ukraine’s undertaking under Article 8 of the Charter were insufficient to meet the needs of speakers of regional and minority languages already at the time of the Charter’s ratification. Education in regional and minority languages was more comprehensive and developed already at the time of ratification than what Ukraine committed itself to. The state therefore does not intend to develop education in regional and minority languages. There are also several problems with the current state of education in regional and minority languages in Ukraine.

³⁵ https://www.academia.edu/18890628/Education_as_an_ideal_means_of_achieving_a_Nation_State_in_Ukraine and “A 2015-ös érettségi/felvételi eredményekről a tanév közepén bevezetett új eljárási rendszer függvényében” [About the 2015 school leaving exam / entrance exam results in accordance with the new procedures launched in the middle of the academic year]. <http://www.kmf.uz.ua/hun114/index.php/component/content/article/48-friss-hirek/2071-a-2015-oes-eretsegifelveteli-eredmenyekrol-a-tanev-koezepen-bevezetett-uj-eljarasi-rendszer-fuggvenyeben.html>

i) The lack of definition of sufficient demand

48. One of the most serious problems is that the Ukrainian state does not clearly establish what the sufficient number of children is to organize education in regional and minority languages.
49. According to the 2012 Language Law, the Ukrainian Constitution and the 1991 Law on Education, citizens have a right to be educated in the language of their choice. The state ensures the realization of this right by establishing childcare facilities, schools, vocational schools and universities teaching in minority languages, or by establishing separate classes or departments teaching in other languages in Ukrainian-teaching educational institutions.
50. The demand for institutions teaching in minority languages is established based on applications by students or their parents. However, no law specifies how many applications are necessary to open a school or class teaching in a minority language. According to the practice of the Ministry of Education and Science of Ukraine, 8 pupils are necessary to open a class in an urban environment, and 5 in a rural environment. These numbers could serve as a guideline, but they are not set in the law nor enforced. This allows the competent authorities, or persons having power over this issue, to decide subjectively, based on their own consideration, how many applications will be necessary for them to approve the opening of an educational establishment teaching in a regional and minority language. This allows abuse to take place, by empowering regional public administration bodies to reject requests asking for education in regional and minority languages. It happens frequently that parents' requests are denied without specifying how many requests of the same type were submitted and why their number was deemed insufficient, even in places where according to the informal statistics of Transcarpathian Association of Hungarian Pedagogues several parents requested Hungarian classes.
51. This legal uncertainty is coupled with the fact that the state does not systematically survey parents' demand for education. Once applications asking for minority language schools or classes reach the schools or the district or county educational authorities, authorities decide whether to approve opening of such schools or classes taking into account the advocacy and political power of the community speaking the regional or minority language.
52. The above explains why the Government could claim in page 78 of its Third Periodical Report that no applications for vocational education in the Hungarian or Romanian language have been received by the authorities. In fact the Transcarpathian Association of Hungarian Pedagogues has asked on a number of forums the establishment of vocational education in Hungarian in Transcarpathia. We will share documents relating to this issue during the on-the-spot visit.
53. We would like to call attention to the Committee of Experts' established opinion, according to which "Article 8 require the authorities to make available regional or minority language education at the different levels of education. This implies that the offer needs to precede the demand, i.e. that the education has to be planned and organised, in co-operation with the speakers".³⁶ We ask the Committee of Experts to state in its report that the current practice of Ukrainian authorities regarding organizing education in minority languages does not meet the requirements of the Charter.

³⁶ See for example 4th Report of the Committee of Experts on the Slovak Republic, ECRML(2016)2, paragraph 319.

ii) Segregation of Roma pupils

54. The Ukrainian government states on page 14 of its Third Periodical Report that „[a]s for segregation issues, it is hereby informed that the Romani children are educated and study in pre-school and general educational establishments together with children of other nationalities.”
55. In reality, however, Roma children suffer from significant segregation. In the town of Berehovo-Beregszász, the vast majority of Roma live in a segregated area, in horrible infrastructural conditions. The town erected a 2,5 meters high wall to separate the Roma area from the neighbouring town districts.³⁷ The municipal self-government established a nursery and a school in the Roma area. Nursery no. 7 and School no. 7 is called “Gypsy nursery” and “Gypsy school” by the town’s residents, even by civil servants at the educational authority. Both institutions are attended exclusively by Roma children. The language of instruction is Hungarian (the mother tongue of most Roma living in the town is Hungarian).
56. A similar school, School no. 14, attended exclusively by Roma children, exists in Mukacheve-Munkács (with Hungarian as the language of instruction), and Schools no. 13. and 14. in Uzhgorod-Ungvár, where the language of instruction is Ukrainian. The curriculum of these schools is the same as in other schools with instruction in Hungarian language. Roma culture or history are not part of the curriculum. Teachers are not trained even in the basics of Roma culture or language. Teachers working in schools with exclusively Roma students lack basic knowledge about the Roma community. According to one study,³⁸ 80% of Transcarpathian Roma parents would like their children to learn the Roma language in school, and to learn the history and culture of Roma as a separate subject. But these subjects are lacking from the curriculum of even those schools whose students are entirely coming from the Roma community.
57. The historical churches that have an important role in Transcarpathia (the Reformed, the Roman Catholic and the Greek Catholic Church) are gradually establishing more and more classes that work similarly to the “gypsy schools” of Berehovo-Beregszász, Mukacheve-Munkács and Uzhgorod-Ungvár. In these classes, Roma children with disadvantaged social background and learning difficulties are studying separately from the other students, often in separate buildings. These so-called “gypsy schools” established by or with the support of churches were typically created in municipalities with a high proportion of Roma, in the parts of villages where they live. They exist as classes for children with special needs or day-care centres attached to state schools. Such classes for Roma children with Hungarian language of instruction exist in Mala Dobron-Kisdobrony, Velika Dobron-Nagydobrony, Siurte-Szurte, Tisaahtelek-Tiszaágtelek (Uzhgorod-Ungvár district), Barkasove-Barkaszó, Serne-Szernye (Mukacheve-Munkács district), Pidvynohradiv-Szólósvégárdó (Vynohradiv-Nagyszólós district), and with Ukrainian language of instruction in Ruski Komarivci-Oroszkomoróc, Seredne-Szerednye (Uzhgorod-Ungvár district), Veliki Lucki-Nagylucska (Mukacheve-Munkács district), and others. We can only presume and hope that the goal of

³⁷ A beregszászi romák életkörülményeiről számos videófelvételről tájékozódhatnak. Például: <https://www.youtube.com/watch?v=WuriDXSAblY>; <https://www.youtube.com/watch?v=DijfM0kXID8>

³⁸ Федорова Олена: Питання реалізації державної мовної політики у поліетнічному середовищі (з досвіду роботи Концівської ЗОШ I–III ст. Ужгородського району). In: Белей Любомир ред., *Реалізація в Закарпатській області державної мовної політики та основних положень Європейської хартії регіональних мов або мов меншин. Матеріали міжнародного круглого столу*, pp. 272–278. Ужгород: Ліра, 2006.

the separate education organized by the churches is not segregation but catching up and integration.

58. The integration of Roma in education is hindered by the fact that their exact number is not known by the state. Experts suggest that their real number is 32 thousand instead of the official 14 thousand found by the 2001 census. However, some Roma have no identity documents (as some Roma advocates stated in the media,³⁹ and the Parliamentary Ombudsman for the rights of women and children also dealt with the issue⁴⁰), therefore it is impossible to know what proportion of school-age Roma are receiving education.

iii) State universities

59. The Parliament adopted the new Law on Higher Education after the 2012 Language Law.⁴¹ Article 48 of the Law discriminates against regional and minority languages by allowing only non-state universities to choose their language of instruction. Also, in state universities only foreign nationals and students financing their own education can receive instruction in a language other than Ukrainian. We see no objective reason for such restrictions.

iv) Discrimination in entrance exams

60. We already mentioned above under Article 7(2) that the state discriminates against students of schools with a regional or minority language as a language of instruction in university entrance exams by requiring every student to take the same exam from Ukrainian language and literature. This seriously hinders these students' prospects to pursue higher education. Ukrainian students take the exam about their mother tongue, while others about a language which is not their mother tongue, and which they studied in fewer hours, and according to different curriculum and textbooks than those who attended Ukrainian language schools.

v) School leaving exams in high schools

61. Representatives of the Hungarian and Romanian community have asked a number of times that the subjects Hungarian language and Romanian language would be available for students graduating from high schools to choose as one of their optional subject for the school leaving exam (A levels exam). The Ministry of Education and Science, however, continues to refuse this proposal. The II. Rákóczi Ferenc Transcarpathian Hungarian Institute and the Transcarpathian Association of Hungarian Pedagogues have turned to the Ministry with their request a number of times, as reported by the press.⁴² The Transcarpathian County Council also addressed the Ministry with a similar petition with their letter no. 144 of 5 January 2016. The Deputy Minister of Education rejected their request in his answer no. N1/11-2350 of 25 February 2015.

³⁹ <http://zakarpattia.net.ua/News/95095-Myroslav-Horvat-Na-Zakarpatti-5-tysiach-romiv-ne-maiut-pasportiv>

⁴⁰ <http://karpatnews.in.ua/news/63253-oksana-filipishyna-vid-imeni-ombudsmena-ukrainy-stala-na-zakhyst-tsyhan-zakarpattia-foto.htm>

⁴¹ Закон України «Про вищу освіту» <http://zakon5.rada.gov.ua/laws/show/1556-18/page4?text=%EC%EE%E2>

⁴² For example: <http://www.karpatalja.ma/karpatalja/oktatas/a-kulso-fuggetlen-teszteles-felulvizsgalatat-kerik-a-karpataljai-nemzetisegi-szervezetek/>.

vi) Lack of textbooks and teaching materials

62. A fundamental problem for schools teaching in regional and minority languages is that they have to use textbooks which are translations of Ukrainian textbooks. Not all textbooks are translated, and if they are, they often reach the schools only with several months of delay after the school year started. This is a recurring problem, discussed in the media every year.⁴³
63. Schools teaching in regional and minority languages are also not supplied with other teaching materials in the language of instruction, such as maps, atlases, workbooks, supplementary materials. For example, in the 2015/2016 school year Transcarpathian schools teaching in Hungarian and Romanian were all using geographical and historical maps in Ukrainian language for geography and history classes.

IX. Article 9 – Judicial authorities – Paragraph 1 – civil and criminal proceedings

i) Discrepancies between the Language Law and the Criminal Code

64. The 2012 Language Law allows for a wider use of minority languages in judicial proceedings than the 2003 law ratifying the Charter. Article 14-17 of the 2012 Language Law regulates the use of minority languages in judicial proceedings. A number of laws containing provisions on the use of languages in the administration of justice have been amended to comply with the 2012 Language Law.⁴⁴ That is, however, not true with regard to the Criminal Code (Кримінальний процесуальний кодекс України⁴⁵), which has different provisions on the use of regional and minority languages than the 2012 Language Law. See, for example, articles 29, 42, 52, 56, 64, 208, 376, 548, and 557 of the Criminal Code.

ii) The practise of bearing translation costs

65. The Constitutional Court of Ukraine held in its opinion № 17-рп/2011⁴⁶ that Article 12 of the Law on Courts and Judges is not unconstitutional⁴⁷ (that is, the provision is constitutional). This article guarantees to citizens the use of their mother tongue or other known language in judicial proceedings. The Constitutional Court in its reasoning relied on, among others, the provisions of the Charter, and opined that the cost of the use of interpreters in judicial proceedings has to borne by the state.
66. Contrary to the Constitutional Court's opinion, on 28 May 2015, M. Havroniuk, representative of the Supreme Court of Ukraine, stated to representatives of the Committee of Experts that the involvement of interpreters in the proceedings, and the translation of documents to regional and minority languages prolongs the proceedings. Therefore judges do

⁴³ For example: <http://www.karpataljalap.net/?q=2007/08/24/komoly-problema-lehet-jovore-az-erettsegi>; <http://www.karpataljalap.net/?q=2011/02/18/miert-megoldatlan-ukrajnaban-az-iskolak-tankonyvelltasa>; <http://kisebbszegkutato.tk.mta.hu/uploads/files/archive/1001.pdf>; <http://karpathir.com/2015/08/19/megszunhet-a-karpataljai-magyar-iskolak-tankonyvelltasa/>

⁴⁴ Цивільний процесуальний кодекс України (<http://zakon5.rada.gov.ua/laws/show/1618-15>); Господарський процесуальний кодекс України (<http://zakon5.rada.gov.ua/laws/show/1798-12>); Кодекс адміністративного судочинства України (<http://zakon5.rada.gov.ua/laws/show/2747-15>); Закон України «Про нотаріат» (<http://zakon5.rada.gov.ua/laws/show/3425-12>); Закон України «Про адвокатуру» (<http://zakon5.rada.gov.ua/laws/show/2887-12>).

⁴⁵ <http://zakon4.rada.gov.ua/laws/show/4651-17/page>

⁴⁶ <http://zakon5.rada.gov.ua/laws/show/v017p710-11>

⁴⁷ Закон України „Про судоустрій і статус суддів” <http://zakon3.rada.gov.ua/laws/show/2453-17>

not like to use regional and minority languages during the proceedings, because they have to comply with strict time limits. The Supreme Court's representative also stated that the involvement of translators and interpreters is also not possible due to the financial burden this creates. It has to be noted that since 1 September 2015 the cost of judicial proceedings in Ukraine have been significantly increased.

67. Regional and minority languages are used in practice in some of the administrative units of Transcarpathia. However, contrary to the Constitutional Court's above cited opinion, judges instruct parties to the proceedings to submit court applications, minutes and other documents bilingually. The parties have to translate the documents in minority languages to Ukrainian, or, if one of the parties does not understand Ukrainian, they also have to translate Ukrainian documents to the regional or minority language. The costs of translation in these situations are born by the parties, not by the state.

iii) Lack of qualification of interpreters

68. In Transcarpathia, the involvement of interpreters during the judicial proceedings takes place in compliance with the law. If one of the parties does not speak the state language, the judges at the Court of the Berehovo-Beregszász District and the Vynohradiv-Nagyszőlős District decide on the involvement of interpreters. It has to be noted, however, that despite the fact that laws on the administration of justice have been recently adopted or amended, they do not regulate the requirements (command of language, education, expertise) towards interpreters involved in judicial proceedings.

X. Article 9 – Judicial authorities – Paragraph 3 – translation of laws

Article 9 – Judicial authorities

3. The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

69. As we noted above, the state does not make available translations of laws, governmental and presidential decrees in regional and minority languages. Neither the Law on the Ratification of the Charter, nor the 2012 Language Law has an official translation in any of the regional and minority languages.

XI. Article 10 – Administrative authorities and public services – Paragraph 2 a. – the use of minority languages by regional and local authorities

Article 10 – Administrative authorities and public services

2. In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

a. the use of regional or minority languages within the framework of the regional or local authority;

70. The 2012 Language Law provides for much wider rights to use regional and minority languages in public administration than what Ukraine undertook when ratifying the Charter. However, unfortunately Ukrainian state- and self-government bodies use minority languages in public administration so narrowly that it falls even beyond their Charter undertakings.

i) No use of Hungarian on the regional level

71. In Transcarpathia county, the proportion of residents with Hungarian mother tongue is 12,6%. According to the 2012 Language Law, it should be possible to use Hungarian in the county's public administration offices. This is, however, not possible, neither orally nor in writing. Since 2012, the county assembly has been refusing to put on its agenda the question of implementation of the 2012 Language Law.

ii) Incomplete use of Hungarian on the local level in writing

72. The proportion of residents with Hungarian mother tongue is 80,2% in the Berehovo-Beregszász district, and 54,5% in the town of Berehovo-Beregszász. However, Hungarian can only be used orally before the local public administration offices. The use of Hungarian in writing is exceptional in the municipalities of the region. We confirmed this with our research.⁴⁸

73. Between January and April of 2015, three researchers called 53 Transcarpathian municipality offices located in municipalities where the proportion of Hungarians was at least 10%. The 2012 Language Law mandates the use of Hungarian in oral and written communication with customers in these public administration bodies.

74. From the 53 contacted municipalities, employees in 48 were able to respond in Hungarian. From the remaining 5, in 2 cases the person picking up the telephone directed the callers to a colleague who spoke Hungarian. In 3 cases, the municipality's employee insisted on speaking in Ukrainian. It can be concluded that in 50 out of 53 cases (94,3%) it was possible to communicate orally in Hungarian with local public administration bodies.

75. The situation was worse with regard to written communication. From the 53 contacted municipalities, 40 (75,5%) responded that residents can submit petitions to the local administration in Hungarian. 13 municipalities accept submissions only in Ukrainian. 1 municipality, where the proportion of Hungarian residents is 18,4%, responded that in principle they should accept Hungarian submissions, but at present the local public administration bodies have no employees who could read them.

76. From the municipalities insisting on Ukrainian-only submissions, 1 from the Berehovo and 1 from the Vynohradiv district, justified their position simply by saying that "we live in Ukraine". One public servant added that the mayor also speaks only Ukrainian, and "this is not Hungary anyway". Another 2 municipalities responded that submissions have to be written in Ukrainian, but if somebody does not speak Ukrainian they would help them. To our question why is it not possible to submit petitions in Hungarian if the law allows it, we received the (incorrect) answer that "that law has not been adopted yet". This shows that the state does not inform employees of public administration bodies about laws guaranteeing citizens' language rights.

77. It has to be added that even in municipalities which in principle do accept submissions in Hungarian, this is often just a theoretical possibility which is hindered by the lack of

⁴⁸ http://bgazrt.hu/dbfiles/blog_files/7/0000011577/Kisebbsegkutatas_2015-3.7-24.pdf

bilingual documents and forms. Bilingual forms have not been distributed by the ministries, and local self-government do not have funds to create these on their own.

XII. Article 10, Paragraph 2 c. and d. – publication of official documents

c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;

d. the publication by local authorities of their official documents also in the relevant regional or minority languages;

i) Publication of official documents

78. According to the 2012 Language Law, the undertakings under the Charter and other laws, regional and local public administration bodies (both state bodies and self-government bodies) should publish their decisions in regional and minority languages. However, similarly to central public administration bodies, neither regional nor local bodies do so.

79. The Government's Third Periodic Report on page 188 claims that '[i]n local bilingual public newspapers "Berehove" and "Visnyk Berehivshchyny" official documents of executive authorities and local self-government bodies and other materials are published in the state and Hungarian languages.'

80. By listing through the 2014, 2015 and 2016 (until 20th May) issues of the mentioned newspapers we can state that the Hungarian versions only notify about the work of the district and municipality bodies, but they do not publish their decisions, announcements or other documents.

ii) Information in minority languages on websites

81. The Law on Access to Information⁴⁹ specifies what information state bodies and self-government bodies have to make accessible to citizens, among others on their websites. This includes their decisions, the list of proposed decisions for their next meeting, the meetings' agendas, the mayors' property declaration, the self-government's contact information, etc. The Kyiv-based Center for Policy Studies and Analysis⁵⁰ gathers information about official websites all across Ukraine, evaluating whether they meet the law's requirements. Concerning websites of Transcarpathian towns, they found that only the websites of Uzhgorod-Ungvár and Khust-Huszt comply with the law.⁵¹

82. We conducted a research on the websites of the municipalities of the Berehovo-Beregszász district where the proportion of Hungarians was at least 10%. We also checked the language the websites use to convey information of public relevance. As the results of our research in Table 5 show, very few of the 29 municipalities have information in Hungarian on their websites.

⁴⁹ Закон України «Про доступ до публічної інформації» <http://zakon4.rada.gov.ua/laws/show/2939-17>

⁵⁰ In Ukrainian: Центру політичних студій та аналітики. See their website: <http://www.cpsa.org.ua/analitika/>.

⁵¹ <http://access->

[info.org.ua/news/na_skilki_miski_radi_chernivetskoji_ta_zakarpatskoji_oblastej_projshli_perevirku_na_dostupnist_gromadjanam/](http://access-info.org.ua/news/na_skilki_miski_radi_chernivetskoji_ta_zakarpatskoji_oblastej_projshli_perevirku_na_dostupnist_gromadjanam/)

Table 5. Language of information on the websites of 29 regional and local self-government bodies in the Berehovo-Beregszász district (January 2016)

Type of information	In Ukrainian	In Hungarian	In Ukrainian and Hungarian
Presenting the municipality	15	7	2
The self-government's leadership	13	-	-
Standing committees	24	-	-
List of members of the local assembly	29	-	-
Members of the executive committee	29	-	-
The self-government's decisions and resolutions	24	-	-
Presenting the self-government's institutions	8	3	-
Office hours and procedures	15	-	2
Documents on regulation	12	-	-
Social-economic development plans	1	-	-
Touristic information	6	-	-
In total	183	10	4

XIII. Article 10, Paragraph 2 e. and f. – use of minority languages in debates in local and regional assemblies

e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

83. We interviewed several members of county-, district- and local self-government assemblies and mayors. They uniformly stated that it is very difficult to use regional and minority languages in the work and deliberations of regional and local self-government bodies and state bodies. The members and employees of these bodies with Hungarian mother tongue all speak the Ukrainian and/or the Russian language. In contrast, there are very few members and employees with Ukrainian or Russian mother tongue who understand a regional or minority language.

XIV. Article 10, Paragraph 2 g. – place names in regional and minority languages

g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

84. According to the 2012 Language Law, signs with all local geographic information such as municipality names, railway stations, street names, etc. have to be displayed both in regional and minority languages in municipalities where the speakers of these languages constitute at least 10% of the local population.

i) Names of municipalities

85. In Transcarpathia, in most municipalities where members of the Hungarian, Romanian and German community live, the official signs displaying the municipalities' name are bilingual. This is not the case with municipalities which should display municipality names in Slovak,

Russian, Romani and Rusyn languages. The village of Storozhnytsa (Сторожниця) has a sign in Slovak, but this was not displayed by the state administration but a civil association.

86. In some cases, the municipality has a bilingual sign in one place and a Ukrainian-only in another. These pictures show the four signs at the entrances to the town of Berehovo-Beregszász.



87. Only two of the four signs display the town's Hungarian name: Beregszász. The other two contain the town's Ukrainian name only, with Cyrillic and Latin transcription.

88. In the last three years it happened several times that signs in regional and minority languages were vandalized. The media reported, for example, that in the spring of 2015, several Hungarian municipality name signs were sprayed over by unknown perpetrators.⁵² A year later a similar incident took place in different municipalities.⁵³ Despite criminal complaints, the police have to date not found the perpetrators.⁵⁴

ii) Railway stations

89. With the exception of Berehovo-Beregszász, no other municipality has bilingual signs on railway stations in Transcarpathia.

⁵² <http://zakarpattia.net.ua/News/138891-Provokatory-zamaliuvaly-uhorski-nadpysy-na-vkazivnykakh-deiakikh-uhorskykh-sil-Zakarpattia>; <http://karpathir.com/2015/04/20/provokacio-magyar-falunevtablakat-tettek-tonkre/>; <http://tiszaneews.org.ua/?module=news&&target=get&id=7874>

⁵³ <http://karpathir.com/2016/04/18/magyarelles-megnyilvanulas-bustyahazan/>;

<https://www.facebook.com/media/set/?set=a.982526975117076.1073741845.664198040283306&type=3>

⁵⁴ <http://karpathir.com/2015/04/20/falunevtabla-rongalas-a-rendorseg-hallgat/>

iii) Signs with other topographical information

90. Article 27 of the 2012 Language Law should apply to all geographical names which are considered as such by Article 1 of the Law on Geographical Names.⁵⁵ This includes names of mountains and valleys, lakes, dams, rivers, channels, names of administrative units (counties, districts, towns, municipalities, villages), names of economic-social establishments (railway stations, harbours, airports), areas under environmental protection, and others.
91. These names are, however, seldom displayed in regional and minority languages. Only a few municipalities display bilingual street names. Berehovo-Beregszász and Vynohradiv-Nagszölös are positive examples. According to our interviews with representatives of several other municipalities (for example: Чоп, Косино, Геча, Велика Бийгань etc.) the cost of bilingual signs have to be borne by the local self-government. The local self-government, however, does not have funds for bilingual signs. Similarly, they usually do not have funds for bilingual official forms, stamps, etc.

XV. Article 10, paragraph 4 c. – appointment of civil servants speaking the relevant regional and minority languages

*4. With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures: (...)
c. 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.*

92. We showed above that according to our research, several self-government bodies do not use regional and minority languages because their employees do not speak these languages. The mayor of the town of Berehovo-Beregszász, with a 58% Hungarian population, reported in the media that the implementation of the 2012 Language Law is problematic because of lack of civil servants speaking Hungarian.⁵⁶

XVI. Article 12 – Cultural activities and facilities

93. The Ukrainian Government states in page 81 of their Third Periodic Report that „Within the framework of the “Maroi” programme the libraries of the Vynohradiv, Berehove and Uzhhorod District Central Library Systems and the Regional General-Purpose Library have received books in the Hungarian language for the amount of UAH 140.0 thousand. Regional publishing houses also publish books in the Hungarian language.”
94. The State report implies as if the libraries received these books with the support of the Ukrainian government. In fact the Márai programme is a programme of the Hungarian state, funded from the state budget of Hungary, as shown on the website of the agency supplying books to libraries in Hungary.⁵⁷

⁵⁵ Закон України "Про географічні назви" <http://zakon2.rada.gov.ua/laws/show/2604-15>

⁵⁶ <http://zakarpattya.net.ua/News/100838-Na-Zakarpatti-zakon-pro-movy-zabuksuvav-%E2%80%94-ne-vystachaie-chynovnykiv-iaki-znaiut-uhorsku>

⁵⁷ <https://marai.kello.hu/>

XVII. Article 13 – Economic and social life

i) Public services

95. The county-, district- and local units of state bodies such as tax offices, police, fire service, railways, and public utilities (electricity, gas) do not communicate at all in regional and minority languages with their customers.

ii) Signs informing about danger

96. The above bodies neglect the use of regional and minority languages even in situations where it could save lives. Signs informing about danger in transportation (on trains, railway stations, bus stations), about the presence of high voltage, are only in Ukrainian, sometimes in Russian, but never in Hungarian, Romanian or Slovak. Exit routes in public buildings are also only displayed in Ukrainian, sometimes in Russian. Not even schools and childcare facilities with Hungarian or Romanian language of instruction have signs of this type in Hungarian or Romanian.

97. The following pictures were taken at various municipalities of the Berehovo-Beregszász district. They all inform about some kind of danger. According to the 2001 census Hungarian speakers constitute 80,2% of district's population. Yet the signs are unilingual: either Ukrainian (first row) or Russian (second row).



98. Since Ukraine became independent only in 1991, and the teaching of the Ukrainian language became mandatory in schools only from this year, several generations have missed out on the institutional learning of the language. We can presume that there are several thousands of persons who cannot read Ukrainian. According to the 2001 census, 13,42% of Ukraine's population (6 472 794 persons) did not speak Ukrainian. These persons are directly endangered by signs which portray essential information only in a language they do not understand.

iii) Product labels

99. Labels on commercial merchandise are also almost entirely only in Ukrainian. On 23 May 2016 we examined 50 grocery products both at two Berehovo-Beregszász supermarkets. We found only 5 that had basic information on them in other language besides Ukrainian. It is especially dangerous if pharmaceutical products do not contain information in regional and minority languages.

iv) Communication in healthcare facilities and emergency services

100. The state does not hinder the use of regional and minority languages in communication between doctors and patients, but also does not promote the use of these languages in any way. It also does not promote the accessibility of emergency services (ambulance, fire service, police) in regional and minority languages. These services can be reached besides the state language only in Russian.