

## RESUME

Mihály TÓTH

### **The Legal Situation of Minorities in Ukraine: Legislation and Practice in the Face of Minority Protection Requirements**

In this study, the author continues to present and analyse the policy of Ukraine in the field of ensuring the rights of ethnic minorities published in the 2017, 2018 and 2019 yearbooks of The Institute for the Protection of Minority Rights, entitled: Protection of Hungarians in the Carpathian Basin (*Magyarok jogvédelme a Kárpát-medencében*). Examining the laws adopted over the past three years, official legal interpretative documents, as well as ongoing law enforcement practices and draft legislation submitted to the legislature, the paper notes that during the three decades of Ukraine's independence, the protection of national minorities is systematically undermined by discrimination based on nationality and language despite numerous democratising attempts. The early concept of a multi-ethnic, multilingual state gradually gave room to the idea of a Ukrainian-speaking State for ethnic Ukrainians. While in the first years following the political transition, the Hungarian community was rightfully characterised as one of the biggest "winners" of Ukraine's democratic nationality policy, today we can undoubtedly assert that with the radical change of this policy, Transcarpathian Hungarians have been losing the most. In addition to the continuous violation of minority rights, the combined effect of mass foreign employment and deteriorating living conditions caused by the

general socio-economic crisis in the country is generating an increased outflow of persons belonging to the Hungarian minority.

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**Attila DABIS**

**Effective Participation vs Sovereignty: Analysis of Romanian Topoi on Regional Power-sharing**

The paper presents a doctrinal legal analysis, complemented by comparative perspectives, to provide an analytical framework for evaluating the Romanian doctrinal arguments - and possible counterarguments against these - regarding the legitimacy and constitutionality of the territorial autonomy aspirations of Szeklerland in Romania. The paper claims that the autonomy of Szeklerland does not contradict the constitutional order of Romania. There are merely political obstacles, which are conceptualised as legal ones to avoid dialogue on the effective participation of the Szekler minority in public life due to its links to contested notions of sovereignty and territorial integrity. Despite these political obstacles, the study concludes that a more pluralistic interpretation of the constitution that considers the aspirations of minorities for regional power-sharing is possible. Contrary to the prevailing view of anti-constitutionalism, this alternative interpretation can be supported by the relevant academic literature, the recommendations, and documents of various international fora, as well as the experience of functioning autonomies and their relations with their respective territorial states.

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**Noémi NAGY**

**Is the Latvian Education Reform in Conformity with EU Law?  
- Comments on the Boriss Cilevičs Case**

Latvia, which gained its independence after half a century of Soviet rule, has (like the other two Baltic states and Ukraine, among others) placed particular emphasis on strengthening the position of the state language as part of its national identity. At the same time, the use of minority languages (in particular Russian, the mother tongue of a third of the population) is becoming increasingly restricted, in violation of Latvia's international legal obligations. Language policy efforts have, from the outset, treated education as a privileged arena, but 2018 has seen an acceleration of the reform process, which has not escaped the attention of the international community. One element of a package of laws affecting all levels of education has been taken to the Court of Justice of the European Union (CJEU). The amendment in question extended the language restrictions on public higher education institutions to private institutions, meaning that private universities and colleges can now only provide education in Latvian or, under certain conditions, in one of the official languages of the European Union. The Latvian Constitutional Court, which sanctioned the reforms of the preschool, primary and secondary education systems, had doubts about the "EU conformity" of this part of the legislation and referred the matter to the CJEU for a preliminary ruling. The Advocate General's Opinion, adopted on 8 March 2022, contains elements favourable to minority (linguistic) rights but follows the pragmatic approach of the Court. According to this approach, the protection of the official language of a Member State may justify a restriction of fundamental freedoms in the internal market, and national measures adopted for this purpose only infringe EU law if they are considered disproportionate to the objective pursued. The Court of Justice has not yet ruled on this case, but in the light of the relevant case law, this study attempts to draw up the possible outcome of the judicial procedure.

**Mátyás HORVÁTH-KOVÁCS**

**Comparative Analysis of Minority Language Rights and their Application in South Tyrol and Romania**

This paper provides a comparative analysis of the legal frameworks protecting minority linguistic rights in Transylvania-Romania and South Tyrol-Italy. The hypothesis posits that if Romania, like Italy, would fulfil its international commitments on the linguistic rights of minorities, this change in practice would help to guarantee the equal participation of these minorities in education, public administration, and judicial procedures. The legal analysis compares the constitutions of Romania and Italy, the educational, administrative, and judicial laws in force in the two countries, and their application. The paper thus aims to identify the differences that need improvement in Transylvania relative to the South Tyrolean model, often praised as one of the best practice examples for a complex minority protection system.

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**Rebeka SASI**

**Kurdish independence aspirations and the US response  
- A case study of the Kurdish minority**

This study aims to present the Kurdish minority's aspirations for autonomy, especially in the context of the 2017 Iraqi referendum, with a special focus on the attitude of the United States of America towards the issue. Over the past decades, it has become clear to actors on the global political stage that the Kurds, the world's largest stateless minority, are seeking as much independence as possible in governing their own affairs. This has become even more apparent in the last few years, among other things, through the aforementioned referendum in Iraq. The author seeks to answer the question of why the United States of America, as one of the world's leading powers, does not support

Kurds in their self-determination aspirations. We conclude that the state department focuses on actors that can contribute to the security of the United States. In this sense, the Kurdish case arguably shows that elements of the cold war-era Nixon doctrine are still traceable in the foreign policy of the USA.