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## **THE IMPORTANCE OF MOTHER TONGUE EDUCATION IN EXERCISING MINORITY RIGHTS: THE CASE OF THE ETHNIC HUNGARIAN MINORITY OF UKRAINE IN TRANSCARPATHIA**

### **Introduction**

In 1999, the General Assembly of UNESCO designated 21 February as World Mother Language Day to highlight the linguistic diversity and cultural richness of our planet. Language is not only a medium of communication but also a cornerstone of cultural identity and a key pillar of community survival. For minority children, education in their mother tongue is essential for preserving their cultural distinctiveness, an imperative recognised by international norms, yet often inconsistently implemented at the national level. At the same time, proficiency in the majority language through education is a crucial pathway to social mobility within the territorial state.

The present study addresses this critical intersection of minority rights and educational policy by examining the legal trajectory of mother tongue education for the Hungarian national minority in Ukraine's Transcarpathian region. The analysis is particularly timely given the recent changes in Ukraine's legislative landscape since 2017, which have significantly curtailed the rights of national minorities in the field of education. These measures unfolded amid broader state-building efforts, geopolitical shifts, and Ukraine's path toward European integration, a process that paradoxically both promises greater minority protections and exposes political anxieties related to minority communities.

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The novelty of the study lies in its detailed legal analysis of how successive legislative reforms in Ukraine, particularly since 2017, have redefined, restricted, and in some cases restored these rights. Through this lens, the paper contributes new insights to the field of linguistic human rights by showing how legal ambiguities and administrative practices can effectively dismantle or jeopardise acquired rights.

To scrutinise the above subject matter, this article employs a doctrinal legal methodology, drawing on international treaties, domestic legal acts, case law, and expert interpretations to evaluate the legal and policy shifts affecting the Transcarpathian Hungarian community. By analysing primary legal texts and institutional responses, the paper evaluates the extent to which Ukraine's legal framework aligns with its commitments to protect the cultural and linguistic identity of its minorities. To provide the necessary political context, the paper also draws attention to relevant kin-state activism of Hungary to support the minority rights of ethnic Hungarians living beyond its borders, in line with its constitutional responsibilities.<sup>1</sup> This approach allows for a better understanding of how international principles on minority protection are filtered, reframed, politicised, or resisted at the national level in Ukraine.

To guide the reader, the paper is structured as follows: following this introduction, Section 1 sets out the general guarantees and multilevel safeguards related to mother tongue education in international and domestic law. Section 2 discusses the OSCE's Hague Recommendations as a normative benchmark. Section 3 delves into the case of Transcarpathia, with particular emphasis on the legal environment, interpretation challenges, and recent policy shifts. Finally, the conclusion synthesises the findings and reflects on the implications for minority protection in conflict-affected Ukraine.

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<sup>1</sup> See Article D of the Fundamental Law: „Bearing in mind that there is one single Hungarian nation that belongs together, Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, shall facilitate the survival and development of their communities, shall support their efforts to preserve their Hungarian identity, the assertion of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands [...]”

## 1. Guarantees of the Right to Mother Tongue Education

Ensuring mother tongue education always requires active engagement and targeted measures, if you like, efforts on the part of the territorial state. If the majority society merely provides national minorities with the „same“ conditions as the dominant population, this will inevitably lead to their assimilation.<sup>2</sup> For example, if 15 children are required to start a separate class at the age of six, and this rule is applied unchanged to minority classes, the community is unlikely to start mother-tongue classes. Therefore, apparently neutral provisions can negatively impact minority communities by making it impossible for them to use their mother tongue in education.

Safeguards for enforcing mother tongue education can encourage the territorial state to promote minority rights actively in various ways. The first and, in a sense, final level of protection is international law. This includes legally binding documents such as Article 27 of the International Covenant on Civil and Political Rights,<sup>3</sup> the European Convention on Human Rights,<sup>4</sup> and the European Charter for Regional or Minority Languages.<sup>5</sup> However, many international legal standards do not have (direct) binding force, so their application is often more indicative. It can only have a limited impact on national legislation and law enforcement.

The second level is national law, which must comply with international legal obligations. The fundamental principle of international law is that „no state may invoke its own domestic law against its inter-

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<sup>2</sup> See UN Human Rights Committee, General Comment No. 23 (1994) on Article 27 of the ICCPR: „Mere formal recognition of equal rights is not sufficient. Measures must be taken to ensure the effective enjoyment of minority rights.“ In the context of the Hungarian minority, this dynamic has been clearly observable across all minority communities in the states surrounding Hungary, see: Bárdi et al. 2011.

<sup>3</sup> UN General Assembly Resolution 2200A (XXI) of 16 December 1966 - International Covenant on Civil and Political Rights (promulgated by Decree-Law No 8 of 1976)

<sup>4</sup> Council of Europe, ETS No. 005 - Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950 (promulgated by Act XXXI of 1993)

<sup>5</sup> Council of Europe, ETS No. 148 - European Charter for Regional or Minority Languages, Strasbourg, 5 November 1992 (promulgated by Act XL of 1995)

national obligations”.<sup>6</sup> Accordingly, international law takes precedence over national law in the hierarchy of legal sources.

The third level of the safety net is necessarily an economic-financial level on the part of the state where the national minority resides. For a state to effectively and efficiently guarantee additional rights for minorities, it must also allocate financial resources to this end. Without this, even existing rights will become ineffective because it will be impossible to enforce individual minority rights.

The fourth level of the safety net is the kin-state. Article D of the Fundamental Law explicitly states that „Hungary shall bear responsibility for the fate of Hungarians living beyond its borders [...]”. This responsibility can be exercised in different ways:

Financially, for example, through foreign aid and programmes that have been implemented in various ways over the past decade and a half. Consider the numerous programmes for economic development, education, cultural development, and scholarships.

In political terms, on the other hand, this includes the institution of simplified naturalisation. Under this system, non-Hungarian citizens whose ancestors were Hungarian citizens and who demonstrate proficiency in the Hungarian language are eligible for preferential naturalisation even without moving to Hungary. This has opened the way to the possibility of the unification of the Hungarian ethnic nation under public law.<sup>7</sup> Conversely, it also encompasses Hungary’s efforts to facilitate the accession of neighbouring states to the European Union, as well as promoting and enforcing guarantees to protect minorities during the admission process.

Finally, in legal terms, this is achieved partly through legal forums where Hungary is present and represented, and partly through Hungarian NGOs.<sup>8</sup>

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<sup>6</sup> See, for example, Article 27 of the 1969 Vienna Treaty on the Law of Treaties (promulgated by Decree-Law No 12 of 1987)

<sup>7</sup> Act XLIV of 2010 amending Act LV of 1993 on Hungarian Citizenship

<sup>8</sup> See, for example, the Rákóczi Association or the Institute for the Protection of Minority Rights, whose main aim is to provide legal aid people suffering harm because of their Hungarian identity across the border.

The safety net is designed to protect minority groups, but it can only support those who are willing to take advantage of it. Therefore, it is particularly important that minority groups are aware of their rights and actively exercise them.

About the failure to provide mother tongue education, there are two main types of infringement:

The first case is when the territorial state openly refuses to guarantee the linguistic rights of minorities. In Transcarpathia, for example, such efforts by the Ukrainian state have been observed since 2017, although their intensity varies according to the current political situation. More commonly, violations take a „hidden” form, whereby the majority government omits to implement preferential measures that would support minority language education. In other words, instead of explicitly restricting minority language rights, it passively undermines them by failing to introduce the necessary provisions to promote mother tongue education for minorities. This is illustrated by the case of *Adam and Others v Romania*.<sup>9</sup> The key facts of the case are as follows. In Romania, the school-leaving exam places an additional burden on Hungarian students: if they want to take the exam in their mother tongue, they must take two additional subjects. However, the length of the exam period remains the same, meaning that they have to complete the requirements for several subjects in the same amount of time.

Unfortunately, in this case, the European Court of Human Rights (ECtHR) concluded that, as there was no significant difference in exam results between Hungarian and Romanian students, there was no real disadvantage. However, this argument only considers one side of the coin. The other side is represented by students who forego the Hungarian language baccalaureate because they do not want to risk their chances of further education. Consequently, this unlawful situation is gradually becoming commonplace and embedded in practice and public consciousness, despite international law setting out a number of standards for the minimum requirements in mother tongue education for minorities.

<sup>9</sup> *Ádám and others v Romania*, Nos 81114/17, 49716/18, 50913/18, 52370/18, 54444/18, 54475/18, 13 October 2020  
For more on the case, see Gyeney 2023, 284-286.

## **2. International Law in the Field of Minority Mother Tongue Education - the Organization for Security and Co-operation in Europe (OSCE) Hague Recommendations**

At the initiative of the first OSCE High Commissioner on Minorities (HCNM), Max van der Stoep, a committee of experts began addressing the specific issues of minority education. Their work resulted in the OSCE's 1996 „Hague Recommendations.”

The recommendations are divided into eight sub-chapters, which are based on the following main principles:

1. The spirit of the international legal instruments is based on the general prohibition of discrimination. It is important to note that it is equally prohibited to treat similar or comparable situations differently or to treat different situations in the same way, unless there are objective reasons for doing so.
2. States should proactively approach minority education rights.
3. States should organise minority education in a decentralised manner, involving local organisations of national minorities and parents.
4. Minorities should be given the opportunity to establish their own educational institutions, with state funding where appropriate.
5. In terms of content, mother tongue education should be provided in kindergartens, primary and secondary schools, with a gradual increase in the number of languages taught in the state language. A further condition, however, is that the state must also provide adequate teacher training to ensure that there are qualified teachers with adequate knowledge of the minority language and the ability to teach in that language.
6. Vocational training in the minority language should be made accessible in specific subjects when persons belonging to the national minority in question have expressed a desire for it, when they have demonstrated the need for it, and when their numerical strength justifies it.
7. Persons belonging to national minorities should have access to tertiary education in their own language, provided they can

demonstrate the need for it and their numbers justify it. This can be achieved either through their own higher education institutions or within the majority of institutions.

8. State educational authorities should ensure that the general compulsory curriculum includes teaching the histories, cultures, and traditions of their respective national minorities.<sup>10</sup>

Although these recommendations are not formally binding, they provide clear guidance on the conditions necessary for an autochthonous national minority to exercise its rights effectively. These include the right to education in one's mother tongue.<sup>11</sup>

### **3. The OSCE Recommendations (and the Right to Education for Minorities) in Practice - the Example of Transcarpathia**

The Transcarpathian region of Ukraine is a good example of the extent to which OSCE recommendations are implemented in practice. The situation in Transcarpathia demonstrates the importance of simultaneously implementing the various levels of the aforementioned safety net to restore the previously guaranteed right of the local Hungarian population to education in their mother tongue.

#### ***3.1 The Legal Environment***

In Ukraine, which became independent in 1991, the concept of „national minority” was introduced by the 1992 Law on National Minorities.<sup>12</sup> According to Article 3 of the Law, national minorities are citizens of Ukraine who are not Ukrainians by nationality and who express their

<sup>10</sup> The Hague Recommendations Regarding the Education Rights of National Minorities and Explanatory Note 1996, 199-213.

<sup>11</sup> Bowring 2008, 415-418.

<sup>12</sup> Law of Ukraine № 2494-XII of 25.06.1992 on national minorities. This law is no longer in force, currently the Law No. № 2827-IX of 13.12.2022 is in force.

national consciousness and sense of community in their relations. Article 1 of the Law included minority rights within the scope of human rights. The Constitution of Ukraine, adopted in 1996, basically divides the population of Ukraine into three groups: the Ukrainian nation, the indigenous peoples (which, since 2014, means the Crimean Tatars, the Krymchaks, and the Karaites), and national minorities.<sup>13</sup>

Despite Ukraine's independence in 1991, language use was long governed by the Soviet legacy. The issue of nationality and the closely related issue of language use enjoyed relative acceptance and legal guarantees in the Soviet Union, as they fitted well into the narrative of a multi-ethnic confederation based on friendship between peoples, bound together by Russian as the language of inter-ethnic communication.

This was also reflected in the region's main laws,<sup>14</sup> which enshrined the right to education in minority languages for nationalities living in the same block. This was achieved through the establishment of a network of kindergartens and schools teaching in the national languages, and sometimes by setting up special groups or classes in the language of the nationality concerned. The mechanism worked well, and Transcarpathia's Hungarian community used these rights, resulting in a well-developed network of Hungarian-language kindergartens and schools.<sup>15</sup>

The status of national minorities in multiethnic Ukraine has been a priority sociopolitical issue from the very beginning of its existence. The response at the legislative level has been the gradual dismantling of the post-Soviet legacy and the intensification of Ukrainianisation.<sup>16</sup>

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<sup>13</sup> For details see Fedinec 2024, 71-73.

<sup>14</sup> See, for example, Law of the Ukrainian Soviet Socialist Republic No. N 8312-11 of 28.10.1989 On the Languages of the Ukrainian Soviet Socialist Republic, Law of the Ukraine No. 1060-XII of 23.05.1991 On Education.

<sup>15</sup> It is worth noting that to strengthen the identity of the local Hungarian community, a targeted reform of mother-tongue education has been implemented, mainly with the help of the Ferenc Rákóczi II Transcarpathian Hungarian College and the Antal Hodinka Linguistic Research Centre operating within it. For more information see Beregszászi 2011, 59-62.

<sup>16</sup> For more information see Orosz 2010, 91-92.



As a clear proof of this, in September 2017, the Ukrainian Parliament adopted a new Ukrainian Framework Law on Education<sup>17</sup>, which introduced significant changes in minority language education. Article 7 of the law preserves the possibility of teaching in the national language at the kindergarten and lower primary school levels (grades 1-4). However, at the higher levels of education, pupils were divided into four groups:

- representatives of the majority Ukrainian nation, who can study in their mother tongue up to graduation;
- indigenous peoples can also study in their mother tongue (Ukrainian) and the state language. Although this category seems promising, in practice, it applies only to very few people,<sup>18</sup> as mentioned above.
- in the third group, national minorities whose mother tongue is one of the official languages of the EU (Bulgarian, Hungarian, Polish, Romanian, Slovakian) - in their case, the number of hours of teaching in the mother tongue gradually decreases from the 5th grade onwards, while the proportion of teaching in Ukrainian increases;
- the fourth group consists of non-EU-speaking national minorities—in practice, Russians—for whom 80 percent of lessons must be in Ukrainian from grade 5.

Several vital considerations from a legislative, national, political, and social perspective drove the adoption of the 2017 Education Framework Law. First and foremost, the law aimed to comprehensively reform the education system and strengthen the role of Ukrainian as the state language in education. In relation to the latter intention, Csilla Fedinec and Istvan Chernickó note that Ukrainian practice has consistently considered the issues of Ukrainianisation, Russification, and national minorities to be resolved by creating the possibility for everyone in

<sup>17</sup> Law of Ukraine No. 2145-VIII of 05.09.2017 On Education. The Hungarian translation of the Law was first prepared by Csernickó, Fedinec 2017, 278–300.

<sup>18</sup> Law of Ukraine № 1616-IX of 01.07.2021 on Indigenous Peoples.

Ukraine to speak Ukrainian.<sup>19</sup> The main argument in favour of Article 7 of the law mentioned above and the introduction of Ukrainian-language education, both by those in power and by the law's supporters, is that representatives of certain national minorities do not have an adequate command of the state language. The Hungarian population of Transcarpathia is regularly and fondly cited as an example by supporters of this argument. In justifying their position, however, they ignore not only the genetic and typological distance between the Ukrainian and Hungarian languages and the fundamental shortcomings in teaching the state language but also the historical specificities and traditions of the region where the Transcarpathian Hungarians live.<sup>20</sup>

National minorities in Ukraine had a very different view of the new legislation. The law severely limited the possibilities of mother-tongue education. Only kindergartens and state schools guarantee the possibility of learning in the mother tongue, in addition to the compulsory teaching of the state language. This was not in institutions teaching in the national language, but only in separate groups/classes.<sup>21</sup>

The adoption of the law, which raised significant concerns regarding its compliance with international standards, resulted in widespread discontent at the national level among national minorities, including the Hungarian community in Transcarpathia. One of the primary sources of contention was that the final version of the law diverged from the draft text that had previously been agreed upon with representatives of national minorities.<sup>22</sup> The Hungarian government formally expressed its objection to the restrictive provisions, a development that contributed to increasingly strained Ukrainian-Hungarian bilateral relations.

The problem has been further exacerbated by the adoption of the Language Law on 25 April 2019,<sup>23</sup> which transposes almost unchanged

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<sup>19</sup> Csernicskó, Fedinec 2017, 278–300.

<sup>20</sup> For a detailed analysis of the law see Csernicskó, Tóth 2018, 39–45.

<sup>21</sup> For more information, see Csernicskó 2016, 7.

<sup>22</sup> For more details on the circumstances of the adoption of the law, see Fedinec 2024, 69–71.

<sup>23</sup> Law of Ukraine No.2704-VIII of 25.04.2019 On ensuring the functioning of Ukrainian as a state language.

the norms prescribed by Article 7 of the Education Law and extends the primacy of the Ukrainian language to virtually all spheres of life, except private conversations and religious ceremonies.<sup>24</sup>

On the basis of the Framework Law on Education, the Law on General Secondary Education<sup>25</sup> was drafted and adopted, which clearly defines the framework for the education of national minorities in their mother tongue. Under the law, members of national minorities who use an official language of the European Union as their mother tongue can continue to study in their mother tongue in primary schools (grades 1-4). However, from grade 5 onwards, they have to complete at least 20% of their yearly instruction in Ukrainian, rising to at least 40% in grade 9 and at least 60% in grades 10-12.

### 3.2 Problems of Legal Interpretation

The real pitfall of the framework law, however, was not primarily the principle of gradualism - in theory, the approach of national minorities learning both their mother tongue and the state language could be acceptable. It would be in line with the OSCE's Hague recommendations. The real problem lies in the details:

On the one hand, the 2017 framework law provided that the right to mother tongue education could be implemented in the form of „separate classes” („шляхом створення окремих класів”), which, according to some interpretations - *argumentum a contrario* - means that explicitly national minority schools will be abolished, and that the law only allows for the possibility of national minority classes in Ukrainian-language schools. In the 2020/2021 school year, there were 73 Hun-

<sup>24</sup> After the adoption of the law, a significant group of MPs (51 of them) petitioned the Constitutional Court of Ukraine to declare the law unconstitutional. According to the petition, the provisions of the Language Law seriously discriminate against Russian-speaking Ukrainian citizens, which is contrary to the Fundamental Law of Ukraine on several points. However, the Constitutional Court of Ukraine, in a decision issued on 14.07.2021, recognized the Law on Ensuring the Functioning of Ukrainian as the State Language as constitutional.

<sup>25</sup> Law of Ukraine No. 463-IX of 16.01.2020 on complete general secondary education.

garian-language primary schools in Ukraine (all of them in Transcarpathia) and another 27 schools where both Ukrainian and Hungarian were taught.<sup>26</sup> If we accept this interpretation of the law as correct, it would be a serious step backwards for Hungarian-language education in Transcarpathia, including at the institutional level.<sup>27</sup>

Ukrainian policy in this regard has exhibited a degree of ambivalence. On the one hand, it has been announced that the rules should not be interpreted as Hungary claims. However, the Ombudsman for the Protection of the Ukrainian State Language identified shortcomings in the Berehove district during an audit in January 2023: Thirty-seven schools in the district did not offer Ukrainian language classes. This is only worth mentioning if Ukrainian language classes are to be provided in every school.<sup>28</sup>

On the other hand, the law does not specify ‚how’ the percentage benchmark for Ukrainian-language education is to be met: whether specific subjects are to be taught in Hungarian (or Ukrainian), or whether all subjects are to be taught in both languages, and whether the percentage is to be met within each subject.

The question is important because if all subjects are to be ‚split’, it will require either specially trained teachers or a multiplication of teachers (for which the Ukrainian state can hardly provide the resources).

But suppose not all subjects have to be split. In that case, the possibility of „tricking” in both directions opens up, so that, for example, physical education or art can be treated statistically as a subject in the same way as history or mathematics.

Finally, the law does not formally apply to „private schools”, i.e. if someone organises education with the support (*de facto* maintenance) of the „mother state”, e.g. example Hungary, then and only then can it be ensured (at least in international legal terms) that the rights of national minorities to education are not violated. At present, however,

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<sup>26</sup> Kuzma 2023, 26-27.

<sup>27</sup> For more on this see Csernicskó et al. 2020, 56-59.

<sup>28</sup> Ombudsman: some schools in Transcarpathia violate the law on the state language. Carpathian News, 19.01.2023.

there are only five ‚private schools’ in the Transcarpathian region: three Reformed, one Roman Catholic, and one Greek Catholic, and in addition to the above-mentioned religious lyceums, there is also the Transcarpathian Hungarian Lyceum in several locations (Berehovo, Vynohradiv, Pityerfolvo, Velyka Dobron’, Mali Heivtsi).<sup>29</sup>

### 3.3 *Current Situation*

The 2017 Framework Act stated that it would apply to students starting their studies on or after 1 September 2018. However, the Ukrainian legislator gradually postponed the law’s entry into force in several stages. Initially, it was planned to introduce the new provisions from 1 September 2020, but following international pressure, mainly from Hungary, the deadline for implementing the relevant provisions was temporarily extended to 1 September 2023.<sup>30</sup>

In June 2023, given the war that had broken out in the meantime,<sup>31</sup> a new legislative amendment was made to extend the possibility of learning in the mother tongue until 1 September 2024 for students belonging to national minorities who study in the official languages of the European Union,<sup>32</sup> including Hungarian. However, for other national minorities, such as the Russian community, the requirement that 80% of secondary education be provided in the official state language remains in force. All these changes also signalled that the Ukrainian state had not abandoned implementing the reform measures, but had

<sup>29</sup> Kuzma 2023, 27.

<sup>30</sup> For details see Csernicskó, Kontra 2023, 373-382.

<sup>31</sup> The war has of course had a significant impact on the functioning of the Ukrainian state and Ukrainian legislation. For an overview, see Fedinec 2022, 3-30. For more information see Csernicskó 2022., 3-30.

<sup>32</sup> It is interesting to note that the „positive discrimination” of minorities studying in the official languages of the European Union (which, of course, in another reading means the disenfranchisement of the Russian minority living in Ukraine) is based on the Venice Commission’s proposal. Five Minutes Europe blog, 17 October 2023, available at <https://www.ludovika.hu/blogok/ot-perc-europa-blog/2023/10/17/nemgefelelo-az-ukran-kisebbségi-torveny-modositasa/>.

simply postponed them temporarily, partly because of the war and partly for political reasons.

The change did not take place even in the school year 2024/2025 due to the adoption of the legislative amendment package<sup>33</sup> on 8 December 2023, which was adopted in connection with the expert assessment of the Council of Europe and its bodies on the rights of national minorities (communities).

It allows national minorities whose mother tongue is one of the official languages of the European Union to continue their studies in their mother tongue at the secondary school level, without being subject to a gradual change to the state language or to specific percentages (with the restriction that, in addition to Ukrainian language and Ukrainian literature, the subjects History of Ukraine and Defence of Ukraine must be taught in the state language, i.e. Ukrainian). This has essentially restored the rights of the Transcarpathian Hungarian community to be educated in their mother tongue, a significant achievement given the uncertainty and restriction of rights since 2017. However, stability and a change of political direction that respects the rights of national minorities in the long term remain a hope for the Hungarian community in Transcarpathia.

Nor is it entirely reassuring that the question of the organisation of education remains open and could be a potential target for attack. It is still not clear whether the right of national minorities, including the Hungarian community, to be educated in their mother tongue can be guaranteed by maintaining Hungarian-language schools or by providing only Hungarian-language education. According to the above-mentioned Law on Secondary Education, the language of general secondary education is the state language, but „in classes (groups) of pupils studying in the languages of national minorities, which are among the official languages of the European Union, the use of the lan-

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<sup>33</sup> Law of Ukraine No. № 3504-IX of 08.12.2023 „On Amendments to Certain Laws of Ukraine in Connection with the Expert Assessment of the Council of Europe and its Bodies on the Rights of National Minorities (Communities) in Different Areas”.

guage of the national minority concerned in the educational process is guaranteed in addition to the state language”.<sup>34</sup>

Therefore, the legislation only mentions special classes (groups) in which education can be provided in the language of the given national minority, but does not provide for the establishment or maintenance of entire educational institutions. This creates uncertainty about the future of Hungarian-language schools.

A further concern is that the law makes not only the subjects of Ukrainian language and literature compulsory in the state language but also the subject of „History of Ukraine.” This may cause particular difficulties for native Hungarian-speaking pupils who do not have sufficient knowledge of Ukrainian and may, therefore, be disadvantaged in the education system.

Although the subject „History of Ukraine” is not yet included in the compulsory school-leaving examinations, a possible change in the future could further increase the inequality of opportunities for pupils of Hungarian nationality studying in their mother tongue. This could adversely affect their performance in the school-leaving examinations.

Finally, it is worth mentioning that (despite the undoubted politicisation of the issue) the Antal Hodinka Centre for Linguistic Research has published a detailed professional analysis of the practical (language-education) difficulties of the introduction of the law in Transcarpathia: the main problem is that while the Ukrainian state is striving to make Ukrainian language education exclusive, it has hardly created the conditions for teaching the Ukrainian language in recent years.<sup>35</sup>

<sup>34</sup> Article 5, Part 1, Law of Ukraine No.463-IX of 16.01.2020 On Comprehensive General Secondary Education

<sup>35</sup> See for example *Miért nem jó az új ukránai oktatási törvény a kárpátaljai magyaroknak?* Hodinka Antal Nyelvészeti Kutatóközpont, Beregszász, 2017., available at <https://hodinkaintezet.uz.ua/hu/miert-nem-jo-az-uj-ukrainai-oktatasi-torveny-karpataljai-magyaroknak/>.

## Summary

Provisions of education in the mother tongue represent a fundamental aspect of minority rights and are explicitly supported by international legal standards. However, the implementation and interpretation of these standards are often influenced by both domestic political considerations and foreign policy interests. Consequently, the extent to which states regard themselves as bound by international minority rights norms and their willingness to adhere to them vary significantly. As a result, infringements of minority rights, whether perpetrated by state authorities or societal actors, remain a persistent challenge, both globally and, more acutely, in war-affected contexts such as Ukraine.

Issues relating to the rights of Hungarians abroad are constantly on the agenda of decision makers of the kin-state and the host countries, with the problem of mother tongue education being central to the rights of practically all the Hungarian-populated regions outside the current borders of Hungary.<sup>36</sup> In recent years, the situation of mother tongue education for the Hungarian minority in Transcarpathia has been critical in this respect, and the legal analysis of this issue illustrates the challenges facing Hungarian minority policy in 21st-century Europe.

The disintegration of the Soviet Union was preceded by years of social policy processes, the effects of which gradually spread to the legislation of the Member States. In Ukraine, this process culminated after independence in the pursuit of nation-state building, with a primary focus on reinforcing the status of Ukrainian as the official state language. This culminated in the legislation reform on language use and education, which ignored the constitutional and internationally guaranteed rights of national minorities, including the Hungarians of Transcarpathia.

The new legal framework marked a significant regression in the legal status of national minorities, falling short even of the protections that had been guaranteed during the Soviet era. In the field of educa-

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<sup>36</sup> For an overview see Tóth, Vizi 2024.



tion, this regression was evident in the limitation of full mother-tongue instruction to the nursery and primary school levels only. This regulation, which significantly curtailed previously guaranteed rights posed a serious threat to the continued operation of the Hungarian primary and secondary school network in Transcarpathia.

The Hungarian government's advocacy efforts for the rights of the Hungarian minority in Transcarpathia, coupled with its strategic engagement with the broader geopolitical processes shaping Ukraine's future, have contributed to a partial rollback of the initially more restrictive provisions of the Language Law. Notably, a recent amendment to the legislation now permits members of national minorities whose mother tongue is an official language of the European Union to receive secondary education in their native language. Despite this development, the broader question of ensuring and implementing minority rights in Ukraine remains deeply embedded in political dynamics. As such, it is likely to continue presenting significant challenges for the Hungarian community in Transcarpathia and for advocacy efforts aimed at protecting Hungarian minority rights more generally.

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