

REPORT of the National Legal Defence Service
on the enforcement of individual and community rights of
Hungarians living in Sub-Carpathia (Zakarpattia oblast of Ukraine)

(Budapest, 26 January 2023)

Motto: "We cannot let the rights of Hungarians be violated, and the violation of the rights of a Hungarian person is an attack on the entire Hungarian community!"

1. Introduction, antecedents, objectives

The Foundation for Legal Defence of Hungarians' Rights (hereinafter: FLDHR) that has been operating since 2004 and the National Legal Defence Service (hereinafter: NLDS) that has been operating in collaboration therewith and as an individual organization since 2008 has committed in its mission to provide legal aid within the framework of its foundation charter not only to those Hungarians living in Hungary facing discrimination based on their nationality, but also to those who live in other parts of Carpathian Basin, detached from their mother land by peace treaties and who currently live in states neighbouring Hungary at various levels of disenfranchisement. In this spirit, we regularly carry out legal monitoring and research work in the regions located across the border with the aim of protecting minority rights of Hungarians. We regularly report on these activities on our website (www.njsz.hu).

We always seek to obtain a comprehensive and authentic picture of the life of the indigenous Hungarian community living beyond Hungary's borders, including the problems they face in the exercise of their fundamental rights, in particular linguistic, educational, cultural and all other rights that members of national communities are entitled to under relevant international, European Union (hereinafter "EU") and domestic law, and to cultivate the legal consciousness of the local communities with the intention of improvement. Our experiences will be publicized in the form of documentaries and reports and will be communicated not only to the Hungarian Government but also to the relevant neighbouring state concerned, as well as to the competent bodies of the Council of Europe (COE), United Nations (UN), Organization for Security and Co-operation in Europe (OSCE) and the EU.

It was apparent that the 200,000-strong Hungarian community living in Sub-Carpathia – now Zakarpattia oblast in the territory of Ukraine – has become increasingly oppressed in recent years, with anti-Hungarian atrocities being systematic and exacerbated by the Russian-Ukrainian armed conflict that broke out on 24 February 2022. In Hungarian this region is called Kárpátalja, which means the area below the Carpathians. The Ukrainian name is Transcarpathia, which means the area beyond the Carpathians.

Looking at the area from Kiev (Kiyv) this is true, while looking at the area from Hungary the same cannot be said. Since the Hungarian name is true from all points of view, we used Sub-Carpathia, which is the English translation of the Hungarian name.

The essence of these alarming and increasing human rights violations against the Hungarian community in Sub-Carpathia, which had already been experienced in previous years, can be summarized as follows:

- intimidation and harassment of the leaders of local Hungarian cultural and political organizations operating in Sub-Carpathia;
- violent actions, in certain cases involving detonations and demonstrative, threatening marches and actions by Ukrainian chauvinist organizations against the members of representative organizations and of the Hungarian community in Sub-Carpathia;
- Hungarians in Sub-Carpathia received provocative, anti-Hungarian text messages;
- unknown perpetrators have sent a fake call for tenders with provocative content falsely presenting themselves as representatives of the Cultural Alliance of Hungarians in Sub-Carpathia ¹and Bethlen Gábor Fund Management Ltd.², and sent these to local news outlets and to the state administration, but there were also posters of similar nature in Sub-Carpathia;
- intimidation and harassment of Sub-Carpathian civilians holding Hungarian passports and Hungarian official documents at the border and in Ukraine;
- the use of Hungarian language has declined in Sub-Carpathia due to the Ukrainian laws on education and language, and more and more reports were received according to which a significant number of newly arrived Ukrainian displaced persons do not tolerate the everyday use of Hungarian language in shops, cafés, workplaces or simply at gatherings;
- freedom of the press and freedom of expression is severely restricted, and one has to be careful with sharing news, pictures and videos in Ukraine; whereas there have been arbitrary and intimidating prosecutions launched on the basis of so called “anti-Ukrainian” statements,

¹ The most significant organization of the Hungarians living in Sub-Carpathia (Hungarian name: Kárpátaljai Magyar Kulturális Szövetség). The basic purpose of this organization is the implementation and protection of the rights and freedoms of the Sub-Carpathian Hungarians, including the promotion of their economic, social, cultural, educational, ecological and other interests; fostering the preservation of traditions and the mother tongue, and formation of national consciousness of the Hungarians living in Sub-Carpathia. (source: <https://kmksz.com.ua/statute/>)

² The assets of the Bethlen Gábor Fund are managed by the Bethlen Gábor Fund Management Ltd., a non-profit company established in April 2011. The Bethlen Gábor Fund is a separate state fund, the purpose of which is to promote the realisation of the objectives of the Hungarian Government's national policy strategy. Its main task is to promote the individual and communal well-being, material and spiritual prosperity of Hungarians living abroad in their homeland and to provide support for the preservation of their culture.

– the misrepresentation of Sub-Carpathian Hungarians in the Ukrainian media.

The documentary film „Magyarellenes megnyilvánulások Ukrajnában (Kárpátalján) [Anti-Hungarian acts in Ukraine (Sub-Carpathia)] 2014-2018” gives an illustrative summary of this phenomenon³, during which period 426 anti-Hungarian atrocities were registered.

Following the outbreak of the Russian-Ukrainian armed conflict, we have published a detailed – and unfortunately still timely – statement⁴ on the armed conflict, the legal assessment of refugee’s situation and the negative impact of these events on the members of the Hungarian community in Sub-Carpathia.

The lives of Sub-Carpathian Hungarians have become extremely difficult due to the war; in this situation which is gravely endangering the individual and communal rights of minorities we submitted an application – that was granted – to implement our project described in the tender that received funding from National Cooperation Fund with regard to the Sub-Carpathian Hungarian community, adequately adopting it to the challenges posed by the war situation. On this basis, the NLDS carried out its monitoring mission dealing with the individual and community rights of the Hungarian community in Sub-Carpathia between 15-18 September 2022 with the support of the National Cooperation Fund managed by Bethlen Gábor Fund Management Ltd, but our monitoring has been continued until this report was finalised.

In this project we produced the present Report and the documentary entitled “Hungarians under pressure in Sub-Carpathia”. The film was produced in collaboration with PestiSrácok⁵ (our media partner) and the National Association of Filmmakers, directed by: Angéla Füßy). The Report and documentary had their public debut on 15 December 2022 in Budapest (Hazatérés Temploma-Church of Home-coming)⁶. Our aim is to promote and protect the Hungarian national communities living beyond our current borders, that is also a state task as stipulated by Article ‘D’ of the Fundamental Law of Hungary.⁷

³The film entitled “Magyarellenes megnyilvánulások Ukrajnában (Kárpátalján)” [Anti-Hungarian actions in Ukraine, Sub-Carpathia] 2014-2018 (https://www.youtube.com/watch?v=kx2Sfj_TJsc)

⁴Statement of the National Legal Defence Service on the Russian-Ukrainian armed conflict and its impact on the Hungarian population in Sub-Carpathia (<http://njsz.hu/a-nemzeti-jogvedo-szolgalat-nyilatkozata-az-orosz-ukran-fegyveres-konfliktusrol-es-annak-a-karpataljai-magyarsagra-gyakorolt-hatasairol/>) (15 March 2022)

⁵ A freelancing investigative news portal based in Budapest, Hungary.

⁶ The film (<https://www.youtube.com/watch?v=k00JApGRhmE>) had 360 thousand viewers in one month, English subtitled version is also available: <https://www.youtube.com/watch?v=wTID6Supx1Y>. Since its presentation, the Report has been updated with the latest anti-Hungarian developments in Sub-Carpathia.

⁷Article ‘D’ of the Fundamental Law of Hungary – this law fulfills the role of the Constitution in Hungary: “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 effective use of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and shall promote their cooperation with each other and with Hungary.”

This wasn't our first legal monitoring visit: we carried out both in 2008⁸, and in 2017 similar legal monitoring⁹ in Sub-Carpathia. In 2016 we visited Transylvania in 2016¹⁰ and Hungarian Highlands and Rye Island (Slovakia)¹¹, and Vojvodina in "Délvidék" translated to Southern Land, a historical area of Hungary (Serbia) in 2017¹² and in 2022.

Unfortunately, due to the Ukrainian-Russian armed conflict and the increasing anti-Hungarian attitude of the Ukrainian government the monitoring could not be carried out on the actual territory of Sub-Carpathia. Due to this unfortunate situation the NLDS's delegation of attorneys, lawyers, journalists and filmmakers decided that crossing the border would have presented obstacles, diplomatic and risks, anomalies not only for the members of the delegation, but also for our interviewees. We therefore conducted our data collection, research and analysis activities primarily in the settlements of Szabolcs-Szatmár-Bereg County adjacent to the Ukrainian border in Hungary, and among the large number of Sub-Carpathian Hungarians residing there or crossing through the border crossings, to monitor the implementation of the international legal documents assumed and ratified by Ukraine (to be detailed later in this Report, Chapter 3.), and to assess the situation of Hungarians as an indigenous national community in Sub-Carpathia in the light of these documents, but also to collect information from both sides of the border on the discrimination suffered by the residents of Sub-Carpathia, focusing on the following topics:

⁸ Ágnes FRIGYESY: "Hol vagy magyarok tündöklő csillaga?" – *Summary of the human rights monitoring visitation carried out by the members and friends of the National Legal Defence Foundation and Service in Sub-Carpathia* (30 September - 3 October 2008) (<http://njsz.hu/frigyesy-agneshol-vagy-magyarok-tundoklo-csillaga-osszefoglalo-a-nemzeti-jogvedo-alapitvany-es-szolgalat-www-nja-hu-tagjainak-es-barati-korenek-karpataljai-emberi-jogi-megfigyelo-korutjarol-20/>)

⁹In the words of Mr. GAUDI-NAGY who was banned from Sub-Carpathia for 5 years, on Ukrainian violations and autonomy (<http://njsz.hu/a-karpataljarol-5-evre-kitiltott-gaudi-az-ukran-jogtiprasokrol-es-az-autonomiarol/>). Ébresztő, Erdély! – *Wake up, Transylvania!* - interview about the National Legal Defence Service trip to Transylvania, on Hungarian self-determination and rights protection (<http://njsz.hu/ebreszto-erdely-interju-a-barikad-c-hetilapban-gaudi-val-a-nemzeti-jogvedok-erdelyi-jogi-monitorozo-utjarol-a-magyarok-onrendelkezeserol-es-jogvedelmerol/>) and <http://njsz.hu/milyen-ma-erdelyi-magyarkent-elni-videoval/>

¹⁰ Ébresztő, Erdély! – *Wake up, Transylvania!* - interview about the National Legal Defence Service trip to Transylvania, on Hungarian self-determination and rights protection (<http://njsz.hu/ebreszto-erdely-interju-a-barikad-c-hetilapban-gaudi-val-a-nemzeti-jogvedok-erdelyi-jogi-monitorozo-utjarol-a-magyarok-onrendelkezeserol-es-jogvedelmerol/>) and <http://njsz.hu/milyen-ma-erdelyi-magyarkent-elni-videoval/>

¹¹ Report on the monitoring visit carried out by the National Legal Defence Service and Dr. Krisztina MORVAI, member of the European Parliament (16-20 November 2016) with Christmas and New Year's greetings and foreword (<http://njsz.hu/beszamolo-a-nemzeti-jogvedo-szolgalat-es-dr-morvai-krisztina-ep-kepvisele-felvideki-jogi-monitorozo-utjarol-2016-november-16-20-karacsonyi-es-ujevi-jokivansagokkal-eloszoval-3/>)

¹² Trianon mérge ma is hat: jogfosztott magyarok a Délvidéken [The poison of the Trianon Treaty still works: disenfranchised Hungarians in the Southern Land - Mrs. Morvai and Mr. Gaudi at the Police Station of Zenta (documentary) (<http://njsz.hu/trianon-merge-ma-is-hat-jogfosztott-magyarok-a-delvideken-morvai-es-gaudi-a-zentai-rendorsegen-dokumentumfilm/>)

- constantly tightening restrictions on everyday use of the Hungarian language;
- problems of the use of their mother tongue in administrative, judicial and educational proceedings;
- the operational anomalies of dual citizenship;
- anti-Hungarian atrocities, hate speech and hate crimes, anti-Hungarian activity in public, in the press and in political life;
- the effects of the war (internal displaced persons, the disproportionate conscription of Hungarians, measures and phenomena adversely affecting the property and other rights of Hungarians, adverse effects on everyday life: shortage of goods and services, delay in state payments and pensions, problems of family reunification, etc.).

The aim of the audit was to investigate human rights and fundamental rights violations committed against Hungarians in Sub-Carpathia in order to obtain a real, up-to-date picture of the legal situation of Hungarians and thus provide supportive assistance in the enforcement of the national minority rights of Hungarians living in the detached parts of Hungary.

Our proven cardinal method had to be adapted accordingly. In essence, we checked the enforcement of individual and communal rights of Hungarians living in the detached regions during unexpected and unannounced observations focusing on the most essential spheres of existence, such as contact with the state, trade, language use in health care and education facilities, the possibilities of asserting legal claims at various levels of the court system, in official and police proceedings in their mother tongue. It was also necessary to explore the manner in which legal certainty and existential certainty are manifested – or whether it is provided at all – which is crucial for national communities living as minorities.

It is important to note that a large part of the territory of the present Ukrainian state was created in the 20th century from territories of other states previously affected by a series of historical conflicts between peoples including Sub-Carpathia. – Before the Treaty of Trianon Sub-Carpathia was a part of the Kingdom of Hungary for over a thousand years, with the respect for the fundamental rights of to all nations. After Hungary lost 72 % of its territory in 1920 guarantees were made that the rights of the Hungarian communities would be respected by the new countries. These guarantees have never been executed, and the Hungarians living there never enjoyed the right to self-determination except rare cases where it has been imposed by force (e.g. referendum in 1921 on the city of Sopron and its neighbourhood by which this 355 km² area returned to Hungary or revisions under international arbitration).

It is for this reason that we share the view of Ferenc KALMÁR, Ministerial Commissioner for the development of Hungary's neighbourhood policy, that "the issue of national minorities has been one of the pillars of Hungarian foreign policy for the past hundred years, since the Trianon Treaty."¹³ But we also agree with him on the following: "As a starting point, everyone should accept that the issue of national minorities is not an internal affair of any country but rather a European issue. When we talk about the protection of national minorities, we mean the protection of identity. Indeed, these communities are only able to survive if they preserve their identities. At the same time, individual and collective rights are necessary to preserve this identity."¹⁴

This beautiful area, rich in mountains, forests and water, inhabited by a majority of Hungarians and Ruthenians (Ruthenians to this date are still not recognized by Ukraine as a separate nationality) – was awarded to the Soviet Union by the Paris Peace Treaty in 1947. After the break-up of the Soviet Union, it became part of the newly formed Ukraine, which was not a party to any of the peace treaties.

As a result, Ukraine in its present form, which was created in 1991, has become a multi-ethnic state, with roughly thirty percent of its population (about 11.5 million people) of non-Ukrainian ethnicity. Nevertheless, the nationalities living there (in particular the more than 8 million Russians, Poles, Hungarians, Ruthenians, Romanians, Bulgarians, Armenians, etc.) were not granted autonomy or external self-determination which also means the right to opt for belonging to a different state; neither did they choose the federal solution, nor was territorial autonomy granted that would guarantee the possibility for actual self-governance ensuring remaining as a national community. Moreover, especially under the pro-Western governments, but especially since 2014, the nationalities living in Ukraine, including the Hungarians in Sub-Carpathia, who numbered 200,000 at that time, have become increasingly vulnerable and disenfranchised.

Subsequent to the 'Euromaidan' coup in 2014, a corrupt, ethno-nationalist, authoritarian regime was established in Ukraine that sees the Russians as the enemy and has made Ukrainianization a state agenda.

¹³ Ferenc Kalmár: "A kisebbségek kérdése európai ügy" [The issue of minorities is a European issue] (Interview with Magyar Nemzet daily newspaper) <https://magyarnemzet.hu/kulfold/2021/06/kalmar-ferenc-a-kisebbsegek-kerdes-europai-ugy>

¹⁴ Ferenc KALMÁR: "A kisebbségek kérdése európai ügy" [The issue of minorities is a European issue] (Interview with Magyar Nemzet daily newspaper) <https://magyarnemzet.hu/kulfold/2021/06/kalmar-ferenc-a-kisebbsegek-kerdes-europai-ugy>

The victims of this policy of increasing oppression of national minorities are amongst others Sub-Carpathian Hungarians who provided no reason for such treatment. Still, this state – that cannot be deemed as democratic in all actuality – is considered as a partner that is entitled to unconditional support by the United States of America (hereinafter: USA) and its allies and including the EU – in contrast with Hungary that has been subjected to constant, unjustified and concealed cross-fire of criticism pertaining to the rule of law for years.

It is particularly displeasing that a few days after the effective date of the Association Agreement with the EU in 2017, Ukraine adopted an education law that essentially excluded the possibility for children of national minorities to learn the subjects in school in their native language beyond 5th grade.

The Government of Hungary has strongly protested against this and does not support Ukraine's accession to NATO because of the adoption of this disenfranchising law.¹⁵ The subsequent language law, which also served Ukrainianization purposes, and the steadily increasing and escalating anti-Hungarian attacks (e.g. the detonation attack against the headquarters of the Cultural Alliance of Hungarians in Sub-Carpathia (in Hungarian: Kárpátaljai Magyar Kulturális Szövetség abbreviated 'KMKSZ', the largest Hungarian cultural organization) did not trigger any objections on the merits or measures on the part of the EU, despite the fact that Ukraine assumed to guarantee the rights of national minorities in accordance with international law and European practices in the Association Agreement.

In addition, Ukraine became a candidate country for EU membership on 23 June 2022, together with the Republic of Moldova, based on the decision of the European Council. It seems that Ukraine is largely failing to meet its obligations in relation to the Association Agreement and the national minority rights commitments it assumed due to becoming an EU candidate country, and the EU is largely failing to meet its obligation to hold the country accountable.

As national human right defenders we have gathered upsetting experiences in terms of the activities carried out by Ukrainian authorities towards hindering the fact-finding activities carried out by human rights defenders. In the autumn of 2017, the Ukrainian state tried to obstruct the National Legal Defence Service's human rights monitoring campaign to investigate

¹⁵ "In general, the law drastically reduces the level of minority rights already acquired in education and language use, rather than securing and extending them in accordance with European values and international standards. It is an unprecedented legal regression, reminiscent of the Soviet era." <https://kijev.mfa.gov.hu/news/tiltakozas-az-uj-ukran-oktatasi-toervenye-ellen>

the legal situation of the Hungarian community in Sub-Carpathia with bans from the country¹⁶ and intimidation by national security, nevertheless, without success. Dr. Krisztina MORVAI then independent member of the European Parliament and Dr. Tamás GAUDI-NAGY, the managing director of the NLDS were denied entry into the country, with reference to bans ordered for a 5-years term based on political grounds in 2014, communicated with them right at the border. In the case of Dr. Krisztina MORVAI, it was falsely claimed that she had visited the eastern Ukrainian provinces of Donetsk and Luhansk in 2014 and “assured Russian separatists of her support”, even though she had never visited those provinces. In the case of Dr. Tamás GAUDI-NAGY they gave justification for the ban by falsely referencing his speech given at the Parliamentary Assembly of the Council of Europe that was deemed anti-Ukrainian.

We did not surrender to autocracy; they still could not obstruct our legal monitoring campaign organized for the freedom and unalienable national community rights of Hungarians. They could not prevent us from exchanging views with Sub-Carpathian Hungarians, who were invited by us to a public forum in Makkosjánosi (Yanoshi), a predominantly Hungarian village near the town of Beregszász (Berehovo), on human rights, autonomy and the right to take action against violations of rights. Then, the delegation of NLDS could pass the border and it continued its monitoring mission in Sub-Carpathia, this time - after a successful monitoring mission in Ungvár (Uzhhorod), where Hungarians working in the field of education appealed to our colleagues with a desperate plea for help - our colleagues visited the court and the local government in the predominantly Hungarian town of Beregszász (Berehovo). They found at the court that all the information signs were in Ukrainian only, there were no Hungarian forms, and no proceedings were conducted in Hungarian, despite the fact that most of the judges are Hungarian and Hungarian is the regional language, so bilingualism should be ensured to full extent. Although there were Hungarian signs in the building where the local government is seated, but the situation there does not fully meet the requirement for bilingualism, as it does in Friesland, South Tyrol or the Basque Country. Moreover, our colleagues patently noticed the inquisitive presence of the Ukrainian national security service. Even then, we had to conclude that the situation in an associated member state of the EU State was nonsensical. In a state where democratic rule of law should prevail instead of the current dictatorial, intimidating practices of autocracy and oppression.

¹⁶ Harcos jogvédelmet Kárpátaljának! [Struggle for rights protection of Sub-Carpathia!] Speakers from Transylvania, Upper Hungary and delegates of the European Commission at our banned forum in Sub-Carpathia <http://njsz.hu/harcos-jogvedelmet-karpataljanak-betiltott-karpataljai-forumunk-erdelyi-felvideki-es-europai-bizottsagi-felszolalo/>)

Finally, despite the prior threats and verbal, unlawful and intimidating “bans” of the Ukrainian secret service which was communicated in a way not suitable for triggering a legal consequence, we held our second Sub-Carpathian forum where we disseminated information in Mezőkaszony (Koson) in Sub-Carpathia, where those affected by the ban were registered via video conference. Even then, the Ukrainian state did not respect the principles of the rule of law, democracy and the protection of human rights, in particular the rights of national ‘minorities’, as prescribed by Articles 2, 4 and 14 of the EU-Ukraine Association Agreement. The ban we were subjected to was further evidence of this discriminative practice.

The Ukrainian Foreign Minister demanded the demonstration held on 13 October 2017 in front of the Ukrainian Embassy in Budapest as a reaction to the discriminatory Ukrainian education law and the disenfranchisement of Sub-Carpathian Hungarians to be banned¹⁷, also to no avail. The Hungarian Government was right to stand up to all these actions and blocked the expansion of relations between Ukraine and the North Atlantic Treaty Organization (hereinafter “NATO”) until the restrictive laws would be repealed, but the Ukrainian state refused to do so. On the other hand, Ukraine was already cooperating with the Western military alliance at that time, receiving arms shipments from the USA and other NATO member states, concurrently Western military instructors and advisers were/are operating in the country.

Despite the deprivation of rights suffered by Hungarians, the Hungarian state, in accordance with its obligation under Article ‘D’ of the Hungarian Fundamental Law, has for many years been implementing strategic health and education improvements – in lieu of the Ukrainian state – to improve the living conditions of the residents of Sub-Carpathia, using substantial domestic resources; these endeavours were “repaid” by Ukraine: they expelled István GREZSA, the Hungarian government commissioner, responsible for these issues, who played a crucial role in the renovation of several health care, educational and religious institutions in Sub-Carpathia, moreover these institutions are not only for Hungarians.

Dr. Attila TILKI, member of the Hungarian Parliament who has supported Sub-Carpathian Hungarians for a long time in many ways met with the same fate.

¹⁷The Ukrainian Foreign Minister calls for a ban on our demonstration on Friday - but: this is not Soviet Union and not Ukraine, the protest shall be held !
https://www.gaudinagytamás.hu/az_ukr%C3%A1n_k%C3%BCI%C3%BCgyminiszter_p%C3%A9nteki_t%C3%BCntet%C3%A9s%C3%BCnk_betilt%C3%A1s%C3%A1t_k%C3%B6veteli_-de_ez_itt_nem_szovjetuni%C3%B3_%C3%A9s_nem

Loránt HEGEDŰS Jr. a Reformed pastor who stood up many times for Sub-Carpathian Hungarians but also commemorated the Holodomor, a tragedy suffered by the Ukrainian nation – was also subjected to the same treatment. All these circumstances have had a very negative impact on the Sub-Carpathian Hungarians, but despite this, their numbers have not decreased significantly. This situation has been exacerbated by the war, in which, as in 2014, the Ukrainian government is enlisting Hungarian men who are also Hungarian citizens to participate in the war against the Russians as conscripts, resulting in an increasing number of Hungarian victims. Ukraine does not even comply with its own laws. It is stipulated by law that dual citizens may not work in the state apparatus. Now they disregard this rule, as dual citizens are taken away to serve in the military – despite the fact that it is one of the largest parts of the State apparatus.

The protracted war has a drastically negative impact on the basic living conditions of all people living in Ukraine, and this in itself makes life extremely difficult for the Sub-Carpathian Hungarians – although actual military action, rocket attacks have only once affected the territory of Sub-Carpathia –, and severely reduces their willingness and ability to stay in their homeland. At the same time, in addition to the effects of this factor, a systematic series of deprivation of rights, restriction of rights, violations of personal security and legal certainty on the part of the Ukrainian state authorities is also of particular importance, and this is strongly compounded by the negative impact of tensions caused by the large number of internal displaced persons of Ukraine being housed in districts inhabited by Hungarians.

Our aim was therefore to promote the protection of the rights of the Sub-Carpathian Hungarians, and in this context to ensure that Ukraine terminates the restrictions and deprivations of rights that affect the Sub-Carpathian Hungarians, and guarantees them the individual and communal rights that members of national minorities are entitled to, the degree of self-determination needed by them, self-governance and the unhindered acquisition and exercise of Hungarian citizenship and the living conditions for Sub-Carpathian Hungarians to prosper in their homeland.

2. Criteria and methods of the observation

During our legal monitoring trips, we always strive for balance and objectivity, and we regularly examine the issue of rights and language use especially in education, public administration and the justice system, and with this aim we've been visiting local government, educational institutions, courts, various authorities, police stations and we also organize

informative forums where we can get direct insights from members of the local Hungarian community on the situation relevant to the exercise of their rights.

The aim of these types of inspections was to obtain a real, up-to-date picture of the legal situation of the Hungarian community in Sub-Carpathia by assessing human rights and fundamental rights violations committed against the Hungarian community in Sub-Carpathia, and thereby to provide supportive assistance in the enforcement of the rights of Hungarians living in the detached regions and in improving their fate. The cardinal element of legal monitoring is checking the enforcement of individual and communal rights of Hungarians living in the detached regions during unexpected and unannounced observations focusing on the most essential spheres of existence, such as contact keeping with the state, trade, language use in the fields of health care and education, the possibilities of asserting legal claims at various levels of court, in official and police proceedings. It was also necessary to explore the manner in which legal certainty and existential certainty is provided – or whether it is provided at all – which is crucial for national communities.

In developing the methodology of the investigation, the NLDS wanted to have a general and comprehensive picture of the trends, volume and dynamics of violations, i.e. how these violations have developed in terms of numbers, in addition to the specific and individual violations reported to the organization. While there was a wealth of material available in articles, reports and media coverage on the Internet, the NLDS felt that a field visit could not be omitted as far as possible, as it would allow a more accurate picture to be made of the impressions and the NLDS believes that immediacy should be the basic method of dealing with legal actions. Since the investigation was not essentially social, humanitarian or political in nature, but aimed at unveiling violations, on-site interviews could not be omitted. We also used data collection forms that ensured anonymity, along which we asked questions and collected data in a targeted manner on the types of violations affecting each sphere of society.

During the fieldwork, we conducted interviews with Sub-Carpathian Hungarians and Hungarian state and civil authorities (staff of various border agencies) who are in official contact with the Hungarian community in Sub-Carpathia. Due to the risks already mentioned in the introduction, we used three basic methods of data collection, which required different solutions than usual. On the one hand we carried out in-depth interviews with persons residing in the borderland, and on the other hand with Sub-Carpathian Hungarian refugees arriving from Sub-Carpathia and residing at the Hungarian-Ukrainian borderland or in Budapest, with appropriate discretion, ensuring anonymity for those who asked for it, thereby assessing the level at which their individual and community rights are enforced.

The other such data collection method constituted of monitoring on-line sources, meaning the overview of the web sites of local governments in Sub-Carpathia and those located in areas inhabited by Hungarians, the web sites of authorities, service providers economic operators and NGOs and evaluating them from the perspective of minority rights enforcement. The third data collection option was to contact members of the Hungarian community currently residing in Sub-Carpathia, as well as rights defenders, and to conduct interviews, while ensuring appropriate anonymity and discretion.

Unfortunately, the subjects of the interviews were afraid to go on record for fear of *harsh Ukrainian state reprisals*, or for fear of their family members who had remained on Ukrainian territory, but there were also those who feared that they would never be able to return to Sub-Carpathia.

3. Legal framework

The documents and legislation relevant to the present Report, as well as those ratified by Ukraine and those governing the daily life of national minorities¹⁸, *mutatis mutandis* are:

- Framework Convention for the Protection of National Minorities (1995)
- European Charter for Regional or Minority Languages (1992)
- European Convention on Human Rights (1950) and Protocol Nr. 12. thereto
- Basic Treaty on the basis of good neighbourliness and cooperation between the Republic of Hungary and Ukraine (1991)
- The Constitution of Ukraine (1996)
- Ukraine’s Law on state service (2015)
- Laws changing the language of the electronic press (2017)
- EU-Ukraine Association Agreement (2014)
- Ukraine’s Law on Education (2017)
- Ukraine’s Law on General Secondary Education (2020)
- Ukraine’s Law on ensuring the functioning of Ukrainian as a state language (2019)

¹⁸The Law on National Minorities adopted by the Verkhovna Rada on 13 December 2022 did not bring a breakthrough, and unfortunately it is a step backwards and a measure taken for the sake of keeping up appearances, as we will discuss at the end of our report.

Respect for democratic principles, human rights and fundamental freedoms, and respect for the principle of the rule of law shall form the basis of the domestic and external policies of the Parties and constitute essential elements of this Agreement, as stated in Article 2¹⁹ of the EU-Ukraine Association Agreement.

According to Paragraph 2(e) of Article 4, the aims of political dialogue shall be: “to strengthen respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to national minorities, non-discrimination of persons belonging to minorities and respect for diversity, and to contribute to consolidating domestic political reforms”. Article 14 further sets out that respect for human rights and fundamental freedoms will guide all cooperation on justice, freedom and security.

4. Previous proposals and criticisms relevant to Ukraine’s policy on national minorities.

According to the opinions of the Council of Europe’s advisory body, the Venice Commission, on Ukraine²⁰, Ukraine should urgently repeal or at least amend its laws that affect the system of language use “” and the provisions thereof shall be in conformity with the Charter and with the Framework Convention for the Protection of National Minorities (hereinafter: Framework Convention). The Venice Commission also proposed in its Opinion on the State Language Law²¹ for Ukraine to: “revise the State Language Law in order to ensure, in the light of the specific recommendations made in the present opinion, its compliance with Ukraine’s international commitments, especially those stemming from the Framework Convention, the Language Charter, and the European Convention on Human Rights (ECHR) and its Protocol No. 12. In the legislative process, the legislator should consult all interested parties, especially representatives of national minorities and indigenous peoples as they are and will be directly affected by the implementation of these two pieces of legislation.”

¹⁹ http://publications.europa.eu/resource/cellar/4589a50c-e6e3-11e3-8cd4-01aa75ed71a1.0011.03/DOC_1

²⁰ CDL-AD(2004)013: Opinion on Two Draft Laws amending the Law on National Minorities in Ukraine, §9. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2004\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2004)013-e) ; CDL-AD(2004)022, Opinion on the latest version of the Draft Law amending the Law on National Minorities, §6. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2004\)022-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2004)022-e)

²¹ European Commission for Democracy Through Law (Venice Commission). Ukraine. Opinion on the Law on Supporting the Functioning of the Ukrainian Language as the State Language. CDL-AD(2019)032. Opinion No. 960/2019. Strasbourg, 9 December 2019. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)032-e) . Para. 139.

It has already been mentioned above that in May 1991 Ukraine concluded the first bilateral agreement²² on the protection of the rights of national minorities with the Republic of Hungary, the implementation of which (and the Protocol thereto) was assumed by the parties based on Article 17 of the Treaty on the Relations of Good Neighbourliness and Cooperation between Hungary and Ukraine, pursuant to which the Parties shall make unilateral and joint steps in order to promote the implementation of these obligations in line with the document signed on 31 May 1991 entitled ‘Declaration on the Principles of Cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic to Ensure Respect for the Rights of National Minorities’ and the Protocol thereof. The Parties shall act individually and jointly in their international relations to implement international documents concerning national minorities. The last meeting took place on 19-20 December 2011, which ended without the conclusion of the Protocol, as the Ukrainian party refused to include in the Protocol the Hungarian request pertaining to the consideration of a new territorial unit (district) with Hungarian majority within the framework of administrative reforms (decentralization).

As regards education, Section 7 of the new Framework law on education was criticized by the Council of Europe²³ and the Venice Commission of the Council of Europe²⁴, in conjunction with which in October 2017 forty-eight Ukrainian members of the parliament submitted a petition to the Constitutional Court of Ukraine to declare the Education Law unconstitutional. However, the Constitutional Court did not declare the affected Section of the Law on education unconstitutional. Despite the fact that in Paragraph 15 of the Resolution of the Parliamentary Assembly of the Council of Europe of 12 October 2017, the Assembly called on the Ukrainian authorities to fully implement the forthcoming recommendations and conclusions of the Venice Commission and to amend the new Education Act accordingly.²⁵

²²Joint declaration on the Principles of Co-operation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic Guaranteeing the Rights of the National Minorities. Budapest, 31 May 1991. In: Magyar Külpolitikai Évkönyv [Almanac of the Hungarian Foreign Policy] 1991. pp. 212–218 <http://old.regione.taa.it/biblioteca/normativa/bilaterali/Ungheria%20Ucraina1.pdf>

²³Resolution 2189 (2017) of Parliamentary Assembly. The new Ukrainian law on education: a major impediment to the teaching of national minorities’ mother tongues. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=24218&lang=en>. Hereinafter: Resolution 2017.

²⁴Opinion on the Provisions of the Law on Education of 5 September 2017 which Concern the use of the State Language and Minority and other languages in education. Adopted by the Venice Commission at its 113th Plenary Session (8-9 December 2017). Strasbourg (Fr), Dec. 2017, 11. 25 p. Opinion no. 902/2017 CDL-AD (2017) 030. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)030-e)

²⁵Resolution 2189 (2017) of Parliamentary Assembly. The new Ukrainian law on education: a major impediment to the teaching of national minorities’ mother tongues. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=24218&lang=en>

Ukraine is also a party to almost all relevant international conventions prohibiting discrimination, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the International Labour Organisation's Convention No. 111 concerning Discrimination (Employment and Occupation) the UNESCO Convention against Discrimination in Education, and the European Convention on Human Rights and its Protocol No. 12. Despite this, the phenomenon of discrimination on the basis of nationality and language has become *de facto* systematic, with the most blatant and publicly accessible cases being chronologically documented in the periodic reports and the recommendations of the Office of the High Commissioner for Human Rights of the UN on the situation of human rights in Ukraine²⁶.

According to the report on the implementation of the European Charter for Regional or Minority Languages²⁷ prepared by the Committee of Experts²⁸ on 27 March 2017, the commitments have not been implemented in practice; no action has been taken by the authorities in the fields of policy, law and in practice to honor the commitments, or the Committee of Experts has not received any information on their implementation over several monitoring cycles. There are also a significant number of cases where the Committee of Experts has not been able to establish that the commitment has been fulfilled because the authorities have not provided sufficient information.

5. Legal irregularities that can be identified on the basis of the investigation

In some respects, the mechanisms governing the ethnic policies in the Lenin-era and the indoctrinations of Soviet “internationalist” policy still prevail, but this is reinforced by the growing intolerance and readiness of the Ukrainian leadership to assimilate other state-forming peoples other than the Ukrainian people, and the legal restrictions in the sphere of legislation and legal practice to this end. While the main targets of this are the Russians living in Ukraine in large numbers, the Hungarian population of Sub-Carpathia has also been increasingly targeted, despite the selfless assistance of the Hungarian state and the Hungarian people of Sub-Carpathia to the millions of ethnic Ukrainian war refugees – a significant number of internal

²⁶ See for example the recommendations of the report (2018) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/000/33/PDF/G1800033.pdf?OpenElement>

²⁷ Committee of Experts of the European Charter for Regional or Minority Languages. <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/committee-of-experts>

²⁸ Third report of the Committee of Experts in respect of Ukraine. https://search.coe.int/cm/Pages/result_details.aspx?-ObjectID=090000168073cdfa

displaced persons included. Furthermore, there have been no attempts at secession on the part of the Sub-Carpathian Hungarians. However, due to the war situation, the situation has become drastic, an atmosphere of fear and dread practically prevails in Sub-Carpathia, the pressure of war has upset the normal course of life, and the most basic elements of human rights norms are not enforced and are even violated in many cases.

The violations against Hungarians are mostly related to the use of the Hungarian language and Hungarian citizenship, which are the two areas where violations of Hungarians' rights are evident and systemic.

However, in addition to the negative effects here, there is the intolerant behaviour of internally displaced persons, arbitrary occupation of housing, retaliation for taking up Hungarian citizenship, the increasing threat of death due to compulsory military service for Hungarian men, and the cumulative effect of the increasingly anti-Hungarian atmosphere. Formented by the government, high level politicians and the state-controlled media, this is seeing the erosion of the right to personal security, the loss of legal certainty, increasing problems of decreased access to basic utilities, and high inflation. The resulting existential crisis is undeniably causing severe psychological trauma and forcing people to leave their homeland.

Sadly, these circumstances are apt to raise the possibility of the perpetration of genocide or the attempt thereof as defined in the Convention on the Prevention and Punishment of the Crime of Genocide dated 09 December 1948 (Genocide Convention)²⁹, a legal instrument that is incorporated into the legal order of each UN Member State by any means, the necessity for conducting a discussion in light of the facts is raised. While it is within the competence of national and international criminal courts to decide whether acts or attempts to commit genocide, which fall within the category of genocide under international law and are punishable under the criminal law of all UN Member States, were committed or attempted against Sub-Carpathian Hungarians, it is important to highlight what exactly the Genocide Convention considers genocide. Article II states that in the Convention genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

29 The Convention on the Prevention and Punishment of the Crime of Genocide, signed on 9 December 1948 (incorporated into Hungarian law by Legislative Decree No. 16 of 1955 (<https://net.jogtar.hu/jogszabaly?docid=95500016.TVR>))

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

According to Paragraph (b) causing serious bodily or mental harm to ethnic groups with the aim of their total or partial destruction is prohibited. According to Paragraph (c), it is also genocide to deliberately inflict on an ethnic group conditions of life calculated to bring about its physical destruction in whole or in part. According to Article 1 of the Convention, the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish. In our view the specialized bodies of the UN are needed to examine, whether the phenomena causing severe psychological trauma to Sub-Carpathian Hungarians summarized in the present Report and the Ukrainian state measures resulting in deaths due to obliging a high number of Hungarian men to serve in the military at the Russian front line without appropriate training qualify for the forbidden act of genocide or the attempt thereof.

The issue of linguistic (human) rights is complex, but it is professionally established that “language is a fundamental human right, or at least a human right whose loss or denial may negatively affect the enforcement of other rights”.³⁰ Linguistic genocide³¹ is the practice of banning the use of a language in everyday life or preventing its use in school education, which may result in language shift, language assimilation or, in extreme cases, language extinction. The situation related to the use of language for Sub-Carpathian Hungarians in Ukraine is rather close to this phenomenon. Article 15 of Treaty on the Relations of Good Neighbourliness and Cooperation between Hungary and Ukraine (hereinafter: Good Neighbourliness Treaty) prescribes that both parties shall guarantee for its citizens, *inter alia* broad access to the culture, mass communication means of the other party and that they promote all state launched, social and individual initiatives aimed at this.

³⁰ DAVIES, WILLIAM—DUBINSKY, STANLEY 2018. *Language Conflict and Language Rights: Ethnolinguistic Perspectives on Human Conflict*. Cambridge, Cambridge University Press, 161–183. p.

³¹ SKUTNABB-KANGAS, TOVE—PHILLIPSON, ROBER EDS. 1994. *Linguistic human rights: Overcoming linguistic discrimination*. Berlin–New York, Mouton de Gruyter.

Moreover, they are obliged to facilitate and encourage the learning of the language of the other Party, obligations which are also provided for in the Ukrainian Constitution³², namely under Article 53, which states that “citizens belonging to national minorities shall be guaranteed the right to education in their native language in accordance with the law, and the right to learn their native language in state and community educational institutions or through national cultural societies.” In comparison, “the legislative measures taken since 2014, which fundamentally reshape the situation of minority languages and their speakers, indicate a linguistic policy direction that strengthens the position of the Ukrainian language at the expense of other languages used in the country.”³³

The new laws adopted after 2017 restrict the introduction of Hungarian language in education. For instance, the law on Protecting the functioning of the Ukrainian language as the State language adopted in 2019 does not make it possible to use minority languages in the administrative work of Local governments, and from 2023 an increasing number of subjects must be taught in Ukrainian starting with grade 5 in schools where there is currently Hungarian education. In Article 5 of the Framework Convention, the Parties undertook to support the preservation and development of the culture of persons belonging to national minorities and the conditions for the preservation of their identity, namely their religion, language, traditions and cultural heritage. As for the current education, a teacher from Sub-Carpathia said, with regard to the education of children, that education is online and only schools with a basement are open, so that if the siren warns of an air raid, they can go down. *“At this point the parents do not care about the fact that their children are missing school”* - she said.

The regression is so drastic that persons of Hungarian nationality dare not to utter Hungarian sentences when they go into a shop, in state owned institutions and self-governments in areas inhabited almost exclusively by Hungarians – which in no way serves the preservation of the identity of Hungarians as a national minority and thus their language and cultural heritage. A Sub-Carpathian Hungarian woman reported for instance that especially now, during the war, many Ukrainians have settled in Sub-Carpathia, and when Hungarians speak Hungarian, Ukrainians find it injurious – while they are living in Sub-Carpathia, a region that has been inhabited also by Hungarians for more than 1000 years.

32 <https://zakon.rada.gov.ua/laws/show/en/254k/96-bp#Text>

33 István Csernicskó: Nyelvi (emberi) jogok, jogsértések és biztonságpolitika összefüggései Oroszország Ukrajna elleni háborúja tükrében
<https://forumszemle.eu/2022/08/09/nyelvi-emberi-jogok-jogsertesek-es-biztonsagpolitika-osszefuggesei-oroszország-ukrajna-elleni-haboruja-tukreben/>

She also told us that although most of the people in Sub-Carpathia speak Hungarian, they do not tolerate it with a good heart, but rather provoke Hungarians to speak Ukrainian instead of Hungarian. *"Besides, they don't speak Ukrainian either, they speak Russian. This also applies to small villages, because the towns are full of refugees. They come to the pubs and restaurants in luxury cars worth 20-30 million Hungarian forints (50-75 thousand Euros). They literally look down on the Sub-Carpathian Hungarians. They often engage in brawls, damage everything, break the benches and tables, vandalize things. They ask Hungarian families to let them live in their houses or they look for rent. There is no official accommodation established for them. There are schools and larger rooms for refugees, but as they are more affluent, they don't go there. There have been examples of them moving into abandoned or unfinished houses, which has been confirmed by several sources"* she said. According to the lady, it is compulsory to speak Ukrainian in all offices and schools and the employees resent it when clients speak Hungarian, while there are many people who cannot write Ukrainian, only Hungarian. *"We also had to switch to Ukrainian even in a linguistic environment where everyone is Hungarian. There were such cases in which Hungarians went to the office to fulfil administrative tasks, yet they hardly spoke Ukrainian language. They knew that the administrator spoke Hungarian, but this person only addressed the clients in Ukrainian. These mistreatments can be attributed to the language law. Those who went to Hungarian schools cannot read or write Ukrainian. I don't know how they deal with them. (The interests are violated during administrative procedures.) Forms used to have multilingual versions, although Ukrainian used to dominate. But you could ask questions in Hungarian and the clerks helped you, but not anymore,"* - she said.

The main problem, therefore, is the practical prohibition of the use of Hungarian language, and even the sanctioning of the use of Hungarian as a result of the practical application of the language law. It is reported that local Ukrainian authorities and service providers; are banning and sanctioning Hungarian speech which is an overreach beyond the already discriminatory and disenfranchising provisions of the Ukrainian Language Law. In commercial outlets, salespersons are not allowed to address the consumer in Hungarian even if the consumer is a Hungarian person known to them. According to reports, there is no such provision in the Language Law, that would theoretically allow the salesperson to serve the Hungarian customer in Hungarian. In addition, there are also non-statutory "additional conditions", such that if there is a Ukrainian in the shop who does not speak Hungarian, it is not allowed to speak Hungarian at all, even in the cases mentioned. One interviewee also confirmed this during the monitoring visit of NLDS.

The gentleman reported that – in his view – those Ukrainians who are of a more nationalist persuasion want to apply all new legislative acts adopted by the Ukrainian leadership: “why do you speak Hungarian, why do you speak Russian?”. “*A couple of weeks ago, in a supermarket near Beregszász (Berehovo), the shop assistants were exchanging words among themselves in Hungarian – some of them were allegedly reported to the police.*” My son was also rebuked in the store today for speaking Hungarian. He has to declare: *I am a Hungarian citizen, please speak to me in Hungarian. The employees there are not allowed to speak Hungarian to the customers either. It is enshrined in the language law that if two parties agree on a common language, I can use it,*” he said, as he waited at the border for his children and wife to finally meet them. The informant was forced to flee to Hungary because he is on the death list of the Myrotvorets (an Ukrainian chauvinist organization) and refuses to sacrifice his life on the Russian front for Ukrainian interests – or rather: American interests.

All this is *expressis verbis* contrary to the principles of the Framework Convention for the Protection of National Minorities. In Article 10 of the Framework Convention, the Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing. Moreover, in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities. All these stipulations are neglected obviously. It is apparent that the enforcement of the disputed language law is being enthusiastically pursued by the Ukrainian-identified population, and the Ukrainian authorities are doing nothing to prevent over-enforcement.

The Ukrainian side often tends to argue that the official language is Ukrainian and therefore they do not allow the use of the native language, but these are two separate concepts; the state will conduct proceedings in its official language – *ad absurdum* the Ukrainian judge conducts the trial in Ukrainian – but regardless of this, the parties and clients have the right to use their native language, and the State must ensure that it is translated into the official language of the state.

This is also supported by Article 9 of the European Charter for Regional or Minority Languages (hereinafter: Charter), based on which The Parties undertake in criminal proceedings: to produce, on request, documents connected with legal proceedings (criminal, civil and administrative procedures) in the relevant regional or minority language, if necessary

by the use of interpreters and translations involving no extra expense for the persons concerned. However, this is not reported to be the case in Ukrainian jurisprudence. According to an older lady: *“One goes to the local office, the staff can speak Hungarian and handle the documents, nevertheless only Ukrainian may be used for carrying out administrative tasks.” Such is the administration at courts. They hardly offer interpreters to us. They have this attitude: you may be entitled to an interpreter, but you are obliged to know Ukrainian, even if you just stammer we’ll talk to you in Ukrainian.”*

In the meantime, the Ukrainian media is using Sub-Carpathian Hungarians to fuel the nationalism of the Ukrainian people; as a result of these defamatory actions, the Ukrainian internal displaced persons are impatient and aggressive towards the Hungarians in Sub-Carpathia. And they have this attitude despite the fact that more than a million people from in Ukraine have already fled through Hungary because of the war, the vast majority of whom are of Ukrainian ethnicity, to whom the Hungarian state and numerous Hungarian charitable NGOs have given and are giving all the help they can. We were able to see this for ourselves in the region adjacent to the border, where we met with officials, municipal leaders and NGOs working with refugees who were in the possession of excellent facilities and characterised by impressive attitude.

A woman commuting between Hungary and Ukraine told our delegation that the city of Csap (Csop) was flooded with internal displaced persons. The territorial defence armed units are patrolling the streets, and there have been several incidents where Hungarians were told off for speaking Hungarian in the streets and in shops. She has no option for using her native language, but she said *“it has always been like this”*. Hungarians – mostly the men - had almost disappeared from her town, most of them having fled when the war broke out.

Many refugees were housed, most of them in the local Hungarian school. On the other hand, the other school in town, the Ukrainian-language institution is still operating without any interruption. The internal displaced persons are often problematic, as they don’t register with the authorities, so men are not registered in the military registry, hence cannot be called up for military service in their country’s war effort. *“Then they get drunk, they pick on people. There was also a regulation banning the sales of alcohol, but what do you do? They find it for themselves,”* she said. There are several Hungarian victims of the war from her city: *“There are more [victims] than they report, they hold burials every week, but they don’t announce it. They announce once a month that someone has died. In my street alone, three people were buried, so how come there is only one victim per month? They don’t tell you, they don’t tell you,”* she said.

She pointed out that even if the internally displaced men apply to the registry, they are only assigned to the territorial defence units, so they can stay in the region, while the Sub-Carpathians are sent to the front line. *“I foresee that the inhabitants of Donetsk will move here and we will die”* she said. She also referred to the rumours about the so called “death trains”. She said she had worked for the railways, spoke to her former colleagues, and that she has knowledge of the fact that refrigerated wagons carrying corpses were indeed travelling in the area, but she did not know how many bodies were in them. *“All we know is that they are ours”* she said.

Several people told me that the military draft is the passport to the front. Those who received the first draft were obliged to undergo a medical examination within a short time. If someone is declared fit for service, then he may receive the second summons to the training camp or straight to the front line. According to our lawyer informant *“If you fail to appear there, it constitutes an offence and a case will be launched against you. One may receive 55 years of imprisonment for this. Usually, if you don’t show up, you get suspended punishment. I’ve had such cases – in fact several cases since 2014. And people have the attitude that it is better to receive a sentence than to die at the front line.”* Our sources living in and around Beregszász (Berehovo), a predominantly Hungarian region, reported the tragic phenomenon that when the war broke out, Hungarian men applied for service in territorial defence units, but after a while, unexpectedly, despite inadequate training, nearly 2,000 Hungarian men were sent to the front line, and to the most dangerous zones, where many died and many are still forced to serve in inhumane conditions. Such phenomena were also reported by the correspondents of our media partner, PestiSrácok.³⁴

The minimum age for military service is eighteen, the maximum is sixty, and a male Ukrainian citizen falls within this age limit can only be exempted if he is disabled, has three children under eighteen, is a single parent, or is granted a temporary exemption if a child was born to him or his wife is pregnant and is expected to give birth soon. Previously, anyone studying at a foreign university, carrying aid consignments to the country as part of an aid organization, or who had a permanent registered address abroad before the outbreak of the war, could also be exempted from military service. Several changes were made at the end of the summer - officially. On a voluntary basis, men over 60 can now enlist, and women too. Among the restrictive measures adopted in mid-September 2022, fathers with at least three children can now cross the border only without their children.

³⁴ <https://pestisracok.hu/hatezer-dollar-az-elet-avagy-magyar-nak-lenni-ma-ukrajnaban/>

This is essentially a way of keeping fathers in check with their children, so that they will be forced to return if the situation deteriorates further and they are needed at the front. With the escalation of the war, Ukraine is also seeking to increase its combat capabilities. Which means that it is increasingly difficult to avoid the military draft.

The scope of exceptions is constantly being narrowed. Even 16-year-olds are being registered and the registration rules are becoming stricter. Under a recently adopted regulation, no one can be admitted to university if they do not have a document proving they are registered. Workplaces and municipalities must also keep a register and register all conscripts. Under a new draft bill, in future, marriage or divorce would only be possible with the permission of the military headquarters. This is to be introduced because there have been cases of people divorcing because fathers raising their children alone are not allowed to do so.

According to the latest news³⁵, hundreds of Ukrainian soldiers and policemen have invaded Sub-Carpathia in recent days since the Russian seizure of the town of Soledar in mid-January. They have been rounding up, drafting and collecting men: on the streets, in the market, on the bus, at the kindergarten, at the bars. And now they even enter houses. They say the Ukrainian state wants to form a new brigade - after the biggest brigade of professional, trained soldiers, also known as the 128th brigade of Munkács (Mukachevo), suffered a huge loss in Soledar.

In the biggest battle of the war so far, at least half of the 128th Mountaineer Brigade of Munkács (Mukachevo), the elite unit of the Ukrainian army, may have fallen on the battlefield. Many Hungarians served in it, and recently 20 truckloads of dead bodies were sent home from the front line. It is common knowledge in Sub-Carpathia that the bodies of the deceased persons are conveyed to families incrementally, with a certain delay to prevent panic, and many of the fallen are simply listed as missing in action.

According to information from locals, they want to recruit 10,000 men from Sub-Carpathia by spring, and this will also affect a large number of Hungarians.

³⁵ "If this goes on, there will really be no Hungarians left in Sub-Carpathia" - Angéla Füssy's on-the-spot report on the brutal forced oppression and repression

<https://pestisracok.hu/ha-ez-egy-megy-tovabb-tenyleg-nem-marad-magyar-karpataljan-fussy-angela-helyszini-riportja-a-brutalis-kenyszersorozasokrol-es-elnyomasrol/>

„Men are being rounded up like cattle in Sub-Carpathia” - Angéla Füssy's on-the-spot report

<https://pestisracok.hu/mint-a-barmokat-ugy-fogdoszak-ossze-a-ferfiakat-karpataljan-nezze-meg-helyszini-videoriportunkat/>

The conscription quota was 90 people in the Csap (Csop) district: they say that those who are conscripted either meet the quota or are taken to the front. In the Beregszász (Berehovo) district, in Nagyszőlős (Vinogradiv), the market was surrounded on 22 January. From there, 70 people were taken away, but a similar thing happened recently in the market of the city of Munkács (Mukachevo). Both cities are home to a significant number of Hungarians.

In many cases, the only way to avoid military draft is to hide, to escape, but the latter now seems hopeless. Except if you have the resources to redeem your freedom and your life. Indeed, the information got around that military aged persons have to pay several thousands of dollars in order to be let across the border.

Therefore, while the Ukrainian media use *de jure* hate speech, *inter alia*, to incite and mobilize “Ukrainian patriots”, they are making it impossible for the Hungarian press organs in Sub-Carpathia to exercise the freedom of the press and their right to freedom of expression, because they are allowed to share news, pictures and videos only in a very deliberate and meticulous manner, in compliance with the state power and the majority nation. The local secret services engage in action without any well-founded reason if they deem certain news or pictures shared on online platforms “out of line”, they start house searches by surprise and then launch criminal proceedings against Sub-Carpathian Hungarians – as multiple interviewees, victims themselves, reported about this.

The anti-Hungarian agitation is therefore ongoing, and centrally directed, and its impact on inciting conflicts against Hungarians is undeniable.

Recently, the chairman of the Foreign Affairs Committee of the Ukrainian legislature, Oleksandr MEREZHKO, Head of the Committee on Foreign Policy and Interparliamentary Cooperation, said that “if Hungary continues to systematically undermine the North Atlantic solidarity, it should be excluded from NATO.³⁶” Ukrainian Deputy Prime Minister Irina VERESCHUK said the following: “The difference between the official rhetoric of Budapest and an openly pro-Russian standpoint is very small”, then added: “Do they want discount Russian gas? Or do they still secretly dream about our Sub-Carpathia (...)? Do they want to be the ones who stab us in the back when we are in a predicament? Why? For some Russian small change?”³⁷.

³⁶https://mandiner.hu/cikk/20221213_kulfold_newsweek_nato_magyarország_kizaras_oleksandr_merezko_ukrajna_haboru_oroszország

³⁷<https://ma7.sk/tollhegyen/magyarellenes-ukran-uszitasok-es-fenyegetesek>

The recent threatening and insulting anti-Hungarian outburst of Ukrainian member of Parliament, Viktor Baloga³⁸, who claimed that he would erase the memory of Hungary from Sub-Carpathia, has caused a huge outcry among Hungarians around the world and at the same time induced justified fear among Sub-Carpathian Hungarians. The MP in question called Hungarians “little bastards” in conjunction with the photograph published in which Hungarian Prime Minister Viktor Orbán wore a scarf depicting historic Hungary at a national football match. “It is obvious that Hungarian fascists have not had enough during the Second World War if they still believe that they can become a mighty state by occupying territories of other countries”, scoffed the Ukrainian MP.

This MP, who is at the same time the president of the United Centre party has been undermining Ukrainian-Hungarian relationships – which could definitely be better – for years. In 2018, there was a huge scandal when he had anti-Hungarian billboards depicting three prominent leaders of the Sub-Carpathian Hungarian community placed in several districts of Sub-Carpathia. Later, he made specific proposals to buy up Hungarian properties in Sub-Carpathia and “solve the Hungarian problem” through settlement. It was this MP who was the most outspoken in his attack on the institution of dual citizenship. He demanded that officials who had taken up the Hungarian citizenship be banned from Ukraine and deprived of their Ukrainian citizenship.

It is also this politician who is connected to the company that removed the *Turul bird* statue, an embodiment of Hungarian lore that was originally erected for the Millennium year (1896) held for commemorating the foundation of Hungary thousand years ago (torn down after the Czechoslovak occupation and re-installed in 2008 sponsored by a Hungarian businessman)) from the Castle of Munkács (Mukachevo) that was built hundreds of years ago in the Hungarian times. When he was informed on the indignation of Hungarians, his reaction was: “the Hungarians can stick their indignation where the Sun doesn’t shine”. He also made it clear that there was no place for symbols and monuments reminding of Hungary’s historical past on “Ukrainian land”.

Fortunately, the Ruthenians, who live in Sub-Carpathia in significant numbers and who, according to some, form a majority but are not recognised by the Ukrainian state, are perhaps not yet partners in boosting anti-Hungarian sentiments, but the Ukrainians who have moved to Sub-Carpathia are projecting their negative sentiments onto the Hungarian community in Sub-

³⁸ <https://pestisracok.hu/magyarorszag-emleket-is-kitorolne-karpataljarol-a-magyarokat-apro-korcsoknak-titulalo-ukran-kepvisele/>

Carpathia, promoting a narrative, reinforced by the Ukrainian state leadership, namely that Hungary is an ally of the Russian Federation and that the Sub-Carpathian Hungarians are practically its agents in the front line. No wonder, then, that under the incitement of Ukrainian politicians, Sub-Carpathian Hungarians are receiving such threatening messages from extremist nationalists in multitudes: “Ukraine for Ukrainians. Glory to the nation! Death to the enemy! Put Hungarians to the knife!”

Although the Parties have also assumed under the Framework Convention to refrain from any policy or practice of assimilation of persons belonging to national minorities against their will and to protect them from any action aimed at their assimilation, yet on several occasions the delegation of the NLDS received information about cases where Ukrainian displaced persons were placed in the properties of Hungarian-speaking residents who had been drafted or had fled, thereby carrying out a form of silent ethnic cleansing of Hungarians, which is a textbook example of the assimilation of a national minority. Another phenomenon reported by interviewees is that the owners of Hungarian houses arbitrarily occupied by internal displaced persons are sometimes denied official, police assistance to protect their property.

It is also a serious legal problem when a state refuses to accept an official travel document issued by another state if a member of a certain ethnicity intends to use it for travel. This phenomenon led to mass anomalies at the very time when the monitoring was carried out, indeed it is still ongoing. We’ve heard multiple cases where the people crossing the border were frisked and the officers were searching for Hungarian documents – measures more stringent than the antecedent practice, and they took these away on many occasions if they found them – despite the fact that those documents are owned by the Hungary. A lawyer living in Sub-Carpathia reported that the Ukrainian border guards have a very hostile attitude vis-à-vis Hungarians. If people do not hire an attorney, it is almost certain that the court will punish those dual citizens who try to cross the border without presenting their Ukrainian passports. They may be fined – the fine may range from HUF 34,000 (circa 84 Euros) to HUF 81,000 (circa 200 Euros) – or subjected to custodial arrest.

An elderly man from Sub-Carpathia, who commutes across the border, says his father crosses the border daily, but can only use his Ukrainian passport. The Ukrainian authorities do not allow him to cross the border if they find a Hungarian passport on him, even though he can officially leave the country. His son has been living in Hungary for several years, but he is no longer able to visit him, he can enter Ukraine, but despite having a registered job and address, he is not allowed to leave the country. Cars with Hungarian registration numbers are also halted if the owner was born in Ukraine.

"My son could come home for Christmas, but not for Easter. His family is at home (in Sub-Carpathia), his wife and two children could go visit him, they were with my son for two days and then they had to come home" he said.

A young lady with her mother-in-law also told us near the border that she deals in the transport of goods replacing her husband who had fled to Hungary to evade military draft. The young girl only travels with a Ukrainian passport, but she said that the Ukrainian authorities check whether she has her Hungarian passport, and if they find it, they can detain her at the border, which is why she does not carry it. The girl's mother-in-law said that there is visible discrimination between Hungarians with dual citizenship and the internal displaced persons. The latter are more easily let through at the border, even though they are not officially allowed to leave the country. *"They only let sick people pass if they go to the 'vojenkomat' (replacement camp headquarters) and they need to submit themselves to the 'gruppa' procedure (application for disability), and then they are free to go. But once they're in, who knows what they'll have to sign"* – she said. They have not had any personal encounters with internal displaced persons, but they have heard stories of them breaking into unoccupied houses in other settlements.

So far, more than 5 million refugees from Ukraine have registered under temporary protection or similar schemes in the EU³⁹, and there are regular crossings and attempts to cross the green border, mostly by military aged, partly ethnic Hungarian men with Ukrainian citizenship. The NLDS received news from various sources on the drafting of several Sub-Carpathian Hungarians who were taken to the front line, others, who are dual Ukrainian-Hungarian dual citizens tried to cross into Hungary using their Hungarian passports. For example, a young woman told the delegation of the NLDS that there was a case of a mother waiting for her family with her two-month-old child, but *"she went back to Ukraine because it turned out that her father and mother had been killed in the war. She went back to bury her family. People in Sub-Carpathia have resigned themselves to the situation,"* she said. In a similarly shocking interview, a waitress who moved to Hungary revealed that she had moved with her children from Ukraine and that her son and daughter both attend school in Hungary.

She rarely travels home, using only a Ukrainian passport when she does, but now fears that if she goes back she will be drafted because she has a health care vocational qualification.

³⁹Refugee influx from Ukraine (source: UNHCR, 17 January 2023) (<https://www.consilium.europa.eu/en/policies/eu-migration-policy/refugee-inflow-from-ukraine/>)

“There are rumours that they are already taking women – you know how it is, it is not certain – but I have a qualification as a nurse, if they take women they’ll take me first, now the children are here, if I go over, they send me to the front line, what will happen to them here in Hungary, I won’t even be able to say I am not coming back” – she said. According to her, the losses are much greater than what is officially reported. *“My neighbour, a young man, had two children, they took him away, brought him home in a coffin. They said it was suicide, there was no hero’s burial, no compensation was granted to the family. This is always the case”* she said, stressing that many of the deceased are recorded in a similar way: they are entered in the databases as suicides or deserters, so that the slain persons’ families do not receive the compensation due to them. *“There was the ‘death train’, six hundred people were on it at Bányú (Batiovo). They say this at least, I don’t know what is true and what is not, but I believe it. I don’t visit home, because of this situation, but I frequently talk with people who stayed home, who don’t know where to look for their son or husband. Then sometimes they announce that two persons have deceased. There are more, there must be more”* she said.

A Sub-Carpathian young lady with her mother-in-law reported off the record (as they are afraid of Ukrainian authorities) that check-points are installed in the cities at major intersections where they would hand out military drafts to be filled out on the spot for the person they were checking. The locals know that officially everyone can only receive the military draft at home or, because of a new regulation, at work, so the procedure is not in line with the law, but they have no one to turn to if the officers issue a draft on the street and they have no option but to receive it. *“They chase after the boys, it’s not right, it’s not legal, but there are cases like this. For instance, a man who went to the gas station to fill his car was approached by a soldier, he wrote his name on the draft document, and on the next day he had to go [to military service], or someone stopped at the border crossing and the draft was handed over to him and he could not leave anymore. The talon is complete – only a name has to be written on it”* – they said.

Let us note at this point that Article 13 of the Good Neighbourliness Treaty prescribes for the Parties to enhance cooperation in order to guarantee the unobstructed passing of persons and goods travelling or carried through each other’s territories, and as regards the development of traffic in the borderland in conformity with European standards and internal laws, and furthermore to take measures for the simplification and expedition of clearance and boundary crossing serving the flow of goods and passengers. However, there has also been a drastic arbitrary change in practice with regard to the institution of dual citizenship, as Hungarian passports are no longer accepted as valid passports by the Ukrainian authorities.

This practice is also due to the fact that Ukraine does not recognise the Hungarian (dual) citizenship of Ukrainian citizens, considering them as only Ukrainian citizens, so the Hungarian passport cannot be used for border crossing on the Ukrainian side for those who are also Ukrainian citizens. In this way, Ukraine – and other countries that do not recognise dual citizenship – are deliberately excluding their ethnic Hungarian citizens from the benefits that Hungary and the EU would offer them.

According to a woman living in a settlement adjacent to the border, Sub-Carpathians often stuff their Hungarian passports into socks at the border to avoid having them confiscated. *“My son’s 18th birthday approaches, if he becomes of legal age, he will be taken away to military service. The point is that they can come and go in a Mercedes with Ukrainian registration number. My husband has been residing in a town in western part of Hungary, he has not come back since then. I have 2 children. The little one is 10 years old. He also travels with Hungarian passport as my mother is able to carry him with her this way, she cannot do it with a Ukrainian passport as there is no authorisation by the father. They fine you for 80-90 thousand forints if you have two passports on you. But if you pay 100 euros or 100 dollars during border-crossing– everything is fine. It is illegal because there is no law against dual citizenship. We are not Russians, we are Hungarians, we live 5 kilometres away from the border”* – she told us.

With regard to cross-border contacts, Article 17 of the Framework Convention provides that the Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

In comparison, in cases where Ukrainian border guards perceive that persons wishing to cross the border are of Sub-Carpathian origin and thus presumably dual citizens, they automatically subject these persons to coercive measures (frisking) when crossing the border with a Ukrainian passport, looking for a Hungarian passport. However, the measures taken in this context usually vary from refusing entry or exit to Ukrainian residents who present a Hungarian passport, to the frequent case of a full-scope check of luggage and clothing in order to find a Hungarian passport. If the Hungarian passport is found, the person is often arrested and subjected to other forms of harassment.

This adverse situation leads to the dramatic life situation model in which a part of Hungarian families lives in Sub-Carpathia and the other part is stuck in Hungary, and they are only able to meet their family members near the Hungarian border in parking lots or directly on the roads along the border, thus many Hungarian families are broken apart. It was shocking to see such family reunions at the borderland. Of course, this is not aimed specifically against the Hungarian population, and the flight from the border is a voluntary absence, but Hungarian families are constantly on the move, having to cross the border several times a week, which means a constant struggle with the problems described above, living in fear and being subjected to the harassment by the authorities at each border crossing. All these circumstances take a toll on the psyche of Hungarians who have been already subjected to several hardships. Regardless of this, the right of Hungarian children in Ukraine to be brought up in a family is violated by the practice whereby the male population typically stay and work in Hungary – to evade the military draft –, while the mothers and children (girls and younger boys) stay at home and visit Hungary on weekends in an attempt to keep the family together. One interviewee, for example, explained that her husband is at home taking care of her mother, so she is the breadwinner, her husband cannot go to work because the authorities are continuously looking for him with the military draft and therefore has to go into hiding. *“Many families split up, half of them stay here and half go over there. They cannot meet”* – she said.

A Hungarian man from Sub-Carpathia, who is an admitted dual citizen, said that he was heartbroken that he could not go home because he is of military age and had left Ukraine two months ago. He has received several military drafts and he cannot go home even with a Hungarian passport, because he claims that the Ukrainians are tracking him through a database, and they can see in his passport that his place of birth is in Sub-Carpathia as his birth place so they know that he also has Ukrainian citizenship. *“They halt people everywhere they can. There’s no name on it, there’s the summons, they fill it in, you can’t do anything. I have my povestka (military draft) anyway, I could come over like that, and I could still get out, but if I were at home now, I would not only be conscripted, but get a beating as well”* – he said about the forced conscription. He received his military draft during a street profiling when he refused to give his personal particulars. He cited the law that he could only get the order at home, but he was laughed at and threatened with jail, so he received it under the influence of intimidation and threats and later fled across the border. On the fact that Hungarians are singled out during the conscription process, he said:

“They are the ones who are taken away most frequently. I don’t have an accent, I speak Ukrainian well, but they see that I was born in a Hungarian village and ask for my papers. There are also threats that those who have fled, those who have come over to Hungary will be punished. They said five years in prison, but that is not official.”

As a low point of the above described trends, even iconic, cultural, ancient Hungarian monuments have been fallen victim to Ukrainian chauvinism, because on 13 October 2022, the Executive Committee of the City Council of Munkács (Mukachevo) – infringing its own rules –, with an overwhelming Ukrainian majority, unexpectedly decided to remove the *Turul bird* in the Castle of Munkács (Mukachevo), which is the jewel of Sub-Carpathia, and to install a Ukrainian coat of arms in its place, which unfortunately happened within a short time. Originally erected in 1896, the *Turul bird* statue, (which was one of the ancient Hungarian symbols of Munkács (Mukachevo) after its earlier removal), was returned to its original location in 2008 at the initiative of the city’s administration, thanks to the Hungarian Imre PÁKH, in the spirit of a common historical past and peaceful coexistence of nationalities. Still in the same year, our organization also laid a wreath at the iconic national symbol. Although there were broad-based objections against this barbaric act [Mr. Péter SZIJJÁRTÓ, Hungarian Foreign Minister expressed his opposition to the Ukrainian ambassador⁴⁰, the Cultural Alliance of Hungarians in Sub-Carpathia (KMKSZ) and the organizations of the Hungarian Democratic Alliance in Ukraine (Ukrajnai Magyar Demokratikus Szövetség, abbreviated UMDSZ) also objected the act in declarations along with several other organizations] – so far these seem to be in vain.

According to Article 15 of the Treaty on the Relations of Good Neighbourliness and Cooperation between Hungary and Ukraine, the Parties are obliged to promote the protection of historical and cultural monuments on the basis of reciprocity, and according to Article 17 they express their conviction that friendly relations between their peoples, peace, justice, stability and democracy require that the ethnic, cultural, linguistic and religious identities of national minorities be mutually protected and that all necessary conditions be created to ensure this.

⁴⁰ <https://www.washingtonpost.com/world/2022/12/26/ukraine-hungary-tension-border-war/>

However, in order not to refer only to the various international documents, it is worth mentioning here that Article 11 of the Constitution of Ukraine provides that: “the State promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.”

This contrast shows that they do not honor their obligations assumed on the international stage, do not comply with their own laws, or even their obligations under the Constitution.

The hurling down of the *Turul statue* in Munkács (Mukachevo) is also a harmful, vile and offending attack against Hungarians, it reflects an occupying attitude and unfortunately coherently adds to the ever growing number of measures that have been taken by the state to oppress Sub-Carpathian Hungarians.

In the same vein, in recent days Hungarian national flags have been removed from public institutions in the city of Munkács (Mukachevo) and several neighbouring Hungarian villages in the Municipal District of Mukachevo in Sub-Carpathia⁴¹. There have been Hungarian settlements where the police have been called in to take these seriously illegal measures, including in Dercen (Dercen) and Fornos (Fornos). According to local media reports, in these villages, the heads of educational institutions were instructed by their superiors in Municipalities of Munkács (Mukachevo) to remove the Hungarian national flag from the buildings of their institutions. They argued that a new decree states that only the Ukrainian flag may now be flown on facilities, but no such a legislation is known.

In these municipalities, the authorities have ordered the owners and operators of local shops to remove Hungarian signs from their premises within a short time. According to locals, police are constantly checking whether the Hungarian symbols have been re-installed. And the authorities have removed all the flags from the buildings during the night from which they were not taken down voluntarily.

The football academy in Dercen (Dercen), near Munkács (Mukachevo), built and run with substantial Hungarian state funding, has been the victim of the latest anti-Hungarian action, during which all Hungarian signs and symbols removed.

⁴¹ <https://www.hungarianconservative.com/articles/current/schools-forced-to-remove-hungarian-flags-in-transcarpathia/>
<https://hungarytoday.hu/new-anti-hungarian-measures-in-ukraine/>

The Munkács Football Academy was completed by December 2020 at a cost of HUF 2.6 billion. In that year, 300 children, most of them Sub-Carpathian Hungarians, started to be trained, but nowadays the number of Hungarian children has now been significantly reduced.

At the same time, several Hungarian heads of institutions who were maintaining close relations with the Hungarian Cultural Association of Carpathians (KMKSZ) were unexpectedly dismissed⁴² without legal justification, including the director of the cultural centre in Dercen and the director of the Rákóczi Ferenc II Secondary School in Munkács (Mukachevo). Moreover, these are institutions maintained by the Hungarian state.

The KMKSZ issued a statement⁴³ on the unjustified removal of István Schink, the director of the Rákóczi Ferenc II Secondary School in Munkács, who has been working for 17 years to the public satisfaction.

In it, they wrote that "in the current situation, they believe that the dismissal of the director does not serve the smooth running of the Hungarian school and peaceful coexistence between nationalities, and therefore they call for an immediate review of the decision".

Most recently, on 21 January, 2023, the management of the Castle of Munkács (Mukachevo) refused without any reason to allow Katalin SZILI, the Hungarian Prime Minister's envoy for autonomy affairs, to place the Hungarian wreath on the occasion of the Hungarian Culture Day. Katalin SZILI said⁴⁴ that "the pressure for assimilation is palpable" and said that in Ukraine "the Hungarian people of Sub-Carpathia have simply been taken hostage."

Several Hungarian state leaders have raised their voices against these damaging, unlawful actions, which seriously endanger Hungarian-Ukrainian relations:

Hungarian President Katalin NOVÁK said⁴⁵: "What is happening in Sub-Carpathia is unacceptable, regardless of the war. We cannot tolerate without saying that Hungarian flags, which were there before, are being removed from various buildings or that people are being dismissed from their jobs suddenly overnight, who have not been found to be a problem so far."

⁴² <https://index.hu/kulfold/2023/01/19/karpatalja-oktatas-intezmenyvezeto-munkacs-ukrajna-magyarorszag/>

⁴³ <https://karpataljalap.net/2023/01/17/kmksz-munkacsi-alapszervezetenek-nyilatkozata>

⁴⁴ <https://magyarnemzet.hu/belfold/2023/01/szili-katalin-ukrajnaban-tuszul-ejtettek-a-karpataljai-magyarsagot>

⁴⁵ <https://www.origo.hu/itthon/20230120-novak-katalin-zoran-milanovic-allamfoi-csucsstalalkozo-tajekoztato.html>

Hungarian Minister of Foreign Affairs and Trade Péter SZIJJÁRTÓ said⁴⁶ at the EU Foreign Ministers' Council meeting in Brussels on 23 January 2023 that "decisions that diminish the rights of the Hungarian national community will make it more difficult to make decisions in support of Ukraine demanding sacrifices of Hungary in the coming period".

He sharply protested against the sudden dismissal of a large number of school principals and teachers of Hungarian nationality without any justification, and the obligation imposed upon institutions to remove Hungarian national symbols." These are all signs of a serious, concentrated anti-Hungarian attack," he warned.

"All this is unacceptable, and not only we Hungarians, but also the European Union, must be prepared to react. It is unacceptable for anyone to portray this as a bilateral issue," he added. He pointed out: "Ukraine, as a candidate for EU membership, must respect the rules of the community, and guaranteeing the rights of national minorities is a common value and obligation."

The authors of this report broadly agree with these positions.

However, minority national communities are also entitled under Community law to maintain, preserve and enrich their identity and to enjoy enhanced rights and greater legal protection in their own territory where they are in the majority, even if they are not in majority in the state; such as territorial autonomy, which is a good and proven European model and has provided a solution to the resolution of tensions between nations in many European states, and has resulted in peace and mutual enrichment.

6. Autonomy models in Europe that can be used as reference

The last national census in Ukraine was held in 2001, at that time 151.5 thousand people in Sub-Carpathia declared themselves to be of Hungarian ethnicity and 158.7 thousand people declared themselves to be native speakers of Hungarian. For the period 2001-2010, which was free of major exoduses, a decrease of 9 thousand people was estimated, i.e. only 142 thousand Hungarians remained in Sub-Carpathia, while based on immigration statistics from Hungary, a decrease of 15-20 thousand was estimated.⁴⁷ However, also due to statistical distortions, the actual number of people could have been 200,000.

⁴⁶ <https://www.origo.hu/nagyvilag/20230123-szijjarto-peter-ukrajna-magyar-kisebbségi-jogok.html>

⁴⁷ JÓZSEF MOLNÁR – ISTVÁN MOLNÁR D.: Kárpátalja népessége és magyarsága a népszámlálási és népmozgalmi adatok tükrében. [The population and the number of ethnic Hungarians in Sub-Carpathia reflected by vital events

This trend, which seems permanent from a demographic point of view – can be observed naturally in multiple aspects (natural reproduction, assimilation, “hidden migration”), but can be interpreted in only one way: we are in the final hours which we have to make the most of in order to facilitate the survival and thriving of the indigenous Hungarian people living beyond Hungary’s borders in Sub-Carpathia and to provide the conditions for their right to self-determination.

More than thirty years have passed since the regime changes relevant mostly in the Central and Eastern European states, but still no effective solution has been found to the fate of the detached former Hungarian territories and the millions of Hungarians living there. In view of the massive depopulation of Hungarian-speaking people living in the detached territories, there is now only one guarantee for the well-being and survival of those remaining beyond the borders: full autonomy. Autonomy solutions are also part of international law, most notably in the Council of Europe’s *acquis*. “*What is due to others is due to us.*” – said Hungarian Deputy Prime Minister Zsolt SEMJÉN in his opening speech at a conference in 2015.

The Hungarians living beyond Hungary’s borders in the detached regions of pre-Trianon Treaty Hungary want nothing more and nothing less than what is provided to minorities by existing autonomy models applied in many European countries beyond the Lajta River and north of the Carpathians.

The territorial autonomy of South Tyrol, for example, is guaranteed by an Austro-Italian treaty, which with its 13,000 square kilometres and population of 550,000 is located in Italy, close to the Austrian border. Its annexation to Italy was the result of the unjust peace treaties concluded in the precinct of Paris at the end of the First World War, which disregarded the right to self-determination of peoples and amongst them the self-determination of 3,5 million of Hungarians detached from their country. At the time, the majority of the population (92%) in the region was German-speaking, but Italian policy sought to change the ethnic balance in favour of the Italians. However, after the Second World War, the foreign ministers of the two countries signed the Gruber-De Gasperi Convention on South Tyrol in September 1946, as a result of which the Italian constitution granted autonomy to the German-majority province, but merged it into a region with the Italian-majority Trentino.

data.] Sub-Carpathian Hungarian Pedagogues’ Association: Beregszász, 2005.; KARÁCSONYI, DÁVID – KINCSES, ÁRON: *The effect on migration on the situation of Sub-Carpathian Hungarians*. Földrajzi Közlemények, 2010. 134 (1). 31–44.

After decades of diplomatic rows and conflicts related to South Tyrol – as the region's minority inhabitants and Austria refused to accept the *status quo* – the Italian parliament voted in favour of the Autonomy Statute, which created de facto autonomy. This made South Tyrol an administrative unit, allowing, *inter alia*, the extensive use of German and Latin, its independence in cultural and economic matters, and thus has become a model area for resolving the national minority question.

In Spain, for example, the constitution guarantees the autonomy of individual regions. Catalonia's autonomy was decided by referendum in 1978 and confirmed by the Constitution of 1987. The new constitution divides the country into 17 autonomous federations in which minorities have official status. Catalonia, with its 32,000 square kilometres and 8 million inhabitants, is considered one of the richest regions in Spain, but the Basque Country also has a privileged self-government, where the Basque language has key role.

In Belgium, in addition to the territorial autonomy of the Flemish and the Walloons, the Germans living there have their own ministries. In the Belgian view, this ethnic group of nearly 70,000 people is not considered a minority, but a constituent community with constitutional rights. The German community also has its own parliament, a four-member government and has an established independent justice unit. This almost seems to dwarf the fact that German is the third official language of the country after Flemish and French, and the German community has its own radio, television and newspaper. A similarly successful model is in place for Swedes in Finland, but especially on the Åland Islands, where the Swedish community there has a very high level of self-government.

The Parliamentary Assembly of the Council of Europe (PACE) has taken a stand in favour of the benefits of granting different forms of autonomy through resolutions 1334/2003 and 1832/2011. This path that was paved by these resolutions reached its peak point by the report⁴⁸ of Ferenc KALMÁR on the national minorities that was adopted through resolution by the Parliamentary Assembly of the Council of Europe (PACE) in 2014. In this report, the PACE calls, among other things, for the introduction of territorial autonomy agreements in a form agreed by all parties concerned, respecting the general principles of international law, in the field of territorial arrangements and conflict prevention.

⁴⁸ Report on the situation and rights of national minorities in Europe and Resolution Nr. 1985/2014 of the Parliamentary Assembly of the Council of Europe (<https://pace.coe.int/en/files/20772>)

7. Summary of violations detected

During its legal monitoring mission, the NLDS observed violations of Hungarians' rights living in Sub-Carpathia in the following areas:

1. the grave restriction imposed upon the indigenous Sub-Carpathian Hungarians regarding the use of their native language – bearing the marks of linguistic genocide, the ban and sanctioning of the Hungarian language in state-administered institutions, local government, educational institutions. The Hungarian language is only permitted to be used sporadically in areas traditionally inhabited by Hungarians or which have a Hungarian majority;
2. discrimination against and harassment of Hungarians with dual Hungarian-Ukrainian citizenship;
3. provocative anti-Hungarian actions and hate speech have become commonplace, often directed or committed by the Ukrainian central leadership, influential politicians and reflected in the Ukrainian media in the form of incitement and hate speech against Hungarians belonging to indigenous national minorities, especially those from Sub-Carpathia; the Ukrainian authorities are not taking effective action against the perpetrators of these phenomena and actions;
4. ongoing practices exist that seriously violate the freedom of expression and freedom of the press among members of the Hungarian community;
5. the protection of the personal safety and property of members of the Hungarian community is compromised by internally displaced persons from Ukraine; the Ukrainian authorities are not taking effective action against the perpetrators of these phenomena and actions;
6. one could observe an increasing number and intensity of harassment and fining of members of the Hungarian community under the title of compulsory military service, subjecting them to actual military service in the war against Russia in which Hungarians are not involved otherwise, and ordering them to serve at the Russian front line instead of taking part in territorial defence units; leading to the death, injury and flight from their homeland of a large number of Hungarian men,
7. the right of Sub-Carpathian Hungarians to maintain contact with Hungary and their relatives, friends living in Hungary is gravely restricted;

8. the desecration of Hungarian historical and cultural monuments is an ongoing process, one that reached its most extreme form when the statue of the ‘Turul’ bird, the embodiment of ancient Hungarian culture that was erected in the Castle of Munkács (Mukachevo), the jewel of Sub-Carpathia, was torn down in the most vandalistic manner;
9. arbitrarily removal of Hungarian symbols, flags and Hungarian inscriptions from Hungarian community institutions;
10. arbitrarily dismissal of Hungarian leaders from Hungarian community and educational institutions.

8. Conclusion

The *conditio sine qua non* of the survival and thriving of Hungarians living on the detached territories – including the Sub-Carpathian Hungarians – is to guarantee them the unrestricted use of their native language, the provision of quality education in their native language and preservation of their personal freedom and security. In contrast, the freedom and personal security of Hungarians are under threat, the general right of Sub-Carpathian Hungarians to use their native language is not respected at all, and it is not possible to communicate with officials in Hungarian in the sphere of administration, even though the use of the mother tongue is a generally accepted fundamental right, especially in the EU, which Ukraine is seeking to join. Other conditions include respect for national culture, equal citizenship, financial and economic independence. In short, the principle of subsidiarity must be followed, because, like other communities (Catalan, Flemish, Swedish in Finland, German in Belgium, South Tyrolean in Italy), Hungarian national communities have a civil right to self-determination in the successor states, it is not just a favour that the majority nation may or may not grant depending on its will. The problems and abuses in connection with dual citizenship can therefore only be resolved through diplomatic channels, and therefore Ukraine must be led to a position to accept Hungarian citizenship for Hungarians with Ukrainian citizenship.

It is indispensable to strengthen the rights of Hungarians living in the regions detached from the historical Hungary which are their current homelands. Although, for the first time in the period subsequent to the collapse of communism, demands for autonomy were formulated last year, the relevant drafts were created, concurrently this issue was placed in the spotlight surrounded by internal discussions, it can be witnessed that in most cases Ukraine’s attitude is rather negative, although positive recommendations were formulated on the international stage,

but there are only few binding documents relevant to this sphere, or their enforcement (see the ratified documents in Chapter 3.) is rather problematic or not enforceable at all.

The conclusion can therefore be drawn that although Ukraine is an associate member of the EU and now a candidate country, it has assumed to comply with the binding human rights documents of the Council of Europe and the UN, it does not comply with the European standards of minority protection that it assumed by ratifying the Framework Convention and the Charter when it joined the Council of Europe, and even fails to guarantee particular ones of the most elementary human rights norms for indigenous nationalities, including Sub-Carpathian Hungarians. It can also be established that Ukraine does not intend to implement, *mutatis mutandis*, the obligations it has assumed in the Framework Convention and in a number of international treaties to protect the rights of national and linguistic minorities, nor even to fulfil the responsibilities it has assumed in its own Constitution, in which *inter alia* Article 10 stipulates that the free development, use and protection of the languages of the national minorities of Ukraine is guaranteed. In this case, however, the legitimation of autonomy cannot be called into question, as it is the only way to ensure the reproduction of minorities.

One can eminently agree with the declaration made by Hungarian Prime Minister Viktor Orbán in his inaugural speech in 2014⁴⁹: *‘The Hungarian cause has been unresolved since the Second World War, and we regard the Hungarian cause as a European cause. Hungarians in the Carpathian Basin are entitled to dual citizenship, they are entitled to community rights, and they are also entitled to autonomy. This is our position, which we will represent in international politics. All of this has a close relevance to the situation of the 200 thousand Hungarians living in Ukraine, who must be granted dual citizenship, must be granted the full spectrum of community rights and must also be given the opportunity for self-government. This is our clear expectation for the new Ukraine that is in its formative state...’*

Regardless of the fact that Ukraine is currently an associate member of the EU – despite previous warnings without any conditions from the Hungarian side – and is now a candidate member and has received broad support for this status and for obtaining visa-free travel; we have seen several alarming signs that the living conditions and rights of the Hungarian community in Sub-Carpathia are being severely violated: international human rights standards, which are also binding for Ukraine, are not being properly enforced in relation to the Hungarian national community in Sub-Carpathia.

⁴⁹ <https://2010-2014.kormany.hu/hu/miniszterelnokseg/miniszterelnok/beszedek-publikaciok-interjuk/orban-viktor-beszede-a-miniszterelnoki-eskutetelet-kovetoen>

This is why it is extremely important for decision-makers to have a clear picture, and this is why we have carried out this kind of legal monitoring and prepared the Report and our documentary film, so that we can help the Hungarian community in Sub-Carpathia as factually and effectively as possible.

We must also point out that those who invoke the right to self-determination in accordance with Article 1.2 of the UN Charter and Article 1 of the International Covenant on Civil and Political Rights do not necessarily want territorial secession (so-called external self-determination), but rather self-government within a certain region, i.e. territorial autonomy, in accordance with Resolutions 1334/2033, 1832/2011 and 1985/2014 of the Parliamentary Assembly of the Council of Europe, which is composed of forty-seven member states (Ukraine is also a member thereto).⁵⁰

The observation carried out by the National Legal Defence Service in terms of the enforcement of human rights showed that Ukraine has failed the test. This state severely violates the rights of indigenous Hungarians living in Sub-Carpathia both in regard their ethnic minority rights and their personal and communal rights. Moreover, it must be said, unfortunately, that a kind of linguistic genocide, population exchange and ethnic cleansing are taking place, phenomena which are close to genocide or an attempt at genocide, which is expressly prohibited by international law. It is also a dramatic fact that, according to the information available, at least half of the 200,000 Hungarians who lived in Sub-Carpathia – which was previously part of Hungary for more than a thousand years – and at least two thirds of the men of military age, have fled their homeland under the threat of coercive and threatening circumstances and are currently forced to reside in Hungary or in another European state. Unfortunately the Hungarian nation that has been living as communities torn apart from each other since the Treaty of Trianon had to experience similar turmoil during the 20th century. We cannot watch these events unfold passively. We, who remained in the mother land have the obligation to protect our compatriots, wherever in the world they may live, as “each Hungarian is responsible for all the Hungarians”.

⁵⁰ Clause 7 of Resolution 1832/2011 of the Parliamentary Assembly of the Council of Europe states: „The right to self-determination should first and foremost be implemented by way of the protection of minority rights as foreseen in the Council of Europe Framework Convention for the Protection of National Minorities (ETS No. 157) and Assembly Resolution 1334 (2003) on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, as well as in other relevant instruments of international law.”
(<https://pace.coe.int/en/files/18024/html>)

Recommendations:

1. The rights of Hungarian-speaking indigenous Hungarians in Sub-Carpathia must be guaranteed and respected in accordance with proven and good European models and relevant international laws.
2. The individual and communal rights of the Hungarian national minority should be guaranteed in accordance with proven European models, including territorial autonomy for the Hungarian majority area of the Bereg (Berehovo) region and the establishment of the Hungarian National Council of Sub-Carpathia as a body for self-governance.
3. Ukraine must implement the recommendations of the Venice Commission and change the oppressive, discriminatory language law and the education law in line with relevant international conventions and proven European models without delay.
4. Ukraine must accept and respect the citizenship of Hungarians of Ukrainian nationality in Sub-Carpathia, and the sanctions previously imposed in this regard this must be terminated.
5. Ukraine should refrain from any arbitrary restrictions on the cross-border contacts of the Sub-Carpathian Hungarians, and should ensure their undelayed border-crossing without any unnecessary hindrance.
6. Ukraine must refrain from obliging Sub-Carpathian Hungarians to serve on the Russian front line, and the sanctions previously imposed in this regard this should be terminated.
7. The public service media – including its local outlets – should be subject to stricter regulation, excluding government interference.
8. The adequate representation of indigenous national minorities in the Ukrainian Parliament must be ensured, including representatives of Sub-Carpathian Hungarians.
9. The Joint Intergovernmental Committee for the Safeguarding of the Rights of National Minorities should continue its meetings twice a year.
10. It should also be considered that during the Hungarian naturalisation procedure, legislation should allow for the possibility of recording a fictitious Hungarian place of birth (or a specific district of Budapest) in the Hungarian passport, in order to prevent the Ukrainian authorities from identifying people born in Sub-Carpathia on the basis of their Hungarian passports should there be any harassing procedures or abuses of rights.

This would – in addition to the above long-term objectives – provide temporary relief for Hungarians returning to their home country from Sub-Carpathia without fear of being identified as Ukrainian by the Ukrainian authorities.

11. The *Turul* statue [mythical bird figure in Hungarian lore] needs to be replaced at its original place in the Castle of Munkács (Mukachevo) and all attacks against Hungarians and Hungarian monuments must be seized, the anti-Hungarian propaganda must be stopped, including the elimination of the Myrotvorets “death list”. Those who are responsible for this must be held accountable.
12. The arbitrary deprivation of Hungarian community institutions of Hungarian symbols, flags and inscriptions must be stopped immediately, and the original state of the sites of violations must be restored.
13. The removal of Hungarian leaders of Hungarian community and educational institutions must be immediately stopped, and the status of those dismissed must be reinstated.
14. In our view, it is essential that the specialised bodies of the UN examine the phenomena causing severe psychological trauma to Sub-Carpathian Hungarians summarised in the present Report, and the Ukrainian state measures resulting in deaths due to obliging a high number of Hungarian men to serve in the military at the Russian front line without appropriate training, and determine whether these qualify for the forbidden act of genocide or the attempt thereof, and whether these acts violate other stipulations of international law.
15. The conditions for a speedy return to the homeland of the displaced Sub-Carpathian Hungarians must be implemented, with appropriate guarantees.
16. Should Ukraine fail to meet the above conditions, its accession to NATO and the EU shall further be vetoed – just as its provision with financial resources.

Regardless of the background, however, it is important to emphasize that the earliest possible end of the increasingly bloody Russian-Ukrainian armed conflict, which has unfortunately been going on for ten months now, and the early start of genuine negotiations aimed at settling the disputed issues through diplomatic means, are in the interest of all peoples living in the region, including Hungarians, especially the increasingly distressed Sub-Carpathians, who have been persevering despite the detachment of the region for a hundred and two years, but whose population is increasingly shrinking.

This is also a joint Hungarian interest, because the conditions for the earliest possible return of our compatriots to their homeland need to be established – the majority of whom also have also Hungarian citizenship, despite the fact that the Ukrainian state has been trying to prevent them from acquiring Hungarian citizenship for years. Unfortunately the risk exists, and it was supported by reports, that – just as it happened in Vojvodina in the Southern Land during the Yugoslav wars – the place of fleeing Hungarians will be occupied by internal displaced Ukrainians. Should this situation become final, it is unacceptable and also contrary to international law. At this point it can be established that due to the armed conflict that broke out in Ukraine the exodus of civilians (mostly women and children) into the first safe neighbouring countries, such as Hungary, our neighbouring country, affecting unfortunately multiple millions of persons justifies the application of rules set forth by international and domestic refugee law.

It can be ascertained and it is commendable that the Hungarian Government and state authorities, together with numerous non-governmental and religious charitable organizations and tens of thousands of Hungarians who have given selfless help, are providing the refugees with all the necessary assistance.

Almost immediately after the outbreak of the armed conflict, we, along with others, provided financial support for the rapid delivery of food and clothing aid to the Hungarian community of Mezőkaszony (Koson) in Sub-Carpathia with civilian assistance. Following the principle “Each Hungarian is responsible for all Hungarians” we hereby encourage all well-meaning Hungarian citizen and NGOs to take similar actions, highlighting that especially in this situation we mustn’t leave our Sub-Carpathian Hungarian brothers and sisters on their own – who remained in their homeland and who risk their lives and personal security, and to whom we wish strength and perseverance on this occasion. We can only hope that those Ukrainians who experience the humane help and hospitality of Hungarians will exert pressure on their leadership after they return home in order to support the Sub-Carpathian Hungarians and Ruthenians in exercising the individual and communal rights they are entitled to and necessary for their survival. In this context, it would be appropriate to provide them with targeted information so that they can learn about the real history of Sub-Carpathia, which was part of the Kingdom of Hungary for a thousand years and was detached by the peace dictate concluded in Trianon in 1920, and the peoples living there, and also about the guiding European models of autonomy that can provide solutions to the problems between the nationalities.

Therefore, Ukraine must honour and implement the binding European norms guaranteeing the individual and communal rights of the indigenous national communities living on its territory, which it violates not only through the injurious laws on education and language, but also through the systematic and assimilationist oppression of nationalities, including Sub-Carpathian Hungarians moreover enforcing them to military service in the bloody war. In our view, it cannot be a member of the EU and the civilised European community of nations until it guarantees the self-determination of all ethnical minorities living on its territory, including Sub-Carpathian Hungarians, who live as indigenous national community on their ancient homeland for more than 1100 years.

9. Closing remarks

The Ukrainian Parliament adopted a new law on ethnic minorities on 13 December 2022 that in theory guarantees the social, economic, cultural, linguistic and freedom rights enshrined in the Constitution to all citizens of Ukraine, irrespective of their ethnic background and whether they are members of national minorities or not. The law sets forth the concept of “national minorities (communities)”, the rights and obligations of persons who are part of ethnic minorities, the rights of their representatives and the special characteristics of state policies serving the enforcement thereof, and the competences of the central executive organ within the sphere of the protection of persons who are part of ethnic minorities. Education in minority languages may be provided only in private institutions.

However, according to László ZUBÁNICS, President of the Hungarian Democratic Alliance in Ukraine (UMDSZ), the law has not induced any substantial progress in the field of minority language use. *“It is definitely a step backwards. The previous law was based on actual facts, so it fully specified the rights that national minorities were entitled to. The current law, on the other hand, is declarative, practically void. We have been involved in the debate on the law for two years, but unfortunately we have found that none of our proposals were incorporated into the law. National minorities shall be entitled to the same rights as all other citizens, with no distinction in the use of languages or education”* he said.⁵¹

⁵¹ <https://infostart.hu/kulfold/2022/12/15/toltelekszovegekkel-gazdagodott-csak-az-ukrajnai-kisebbségi-torveny-magyar-allaspont#>

The bill was also criticised earlier by the Cultural Alliance of Hungarians in Sub-Carpathia, the largest Hungarian organisation of Hungarians living in Sub-Carpathia⁵². According to them, “the adoption of the draft would lead to a further deterioration of the legal situation of minorities. The Cultural Alliance of Hungarians in Sub-Carpathia and the Hungarian Democratic Alliance of Ukraine have issued a joint declaration on 14 December 2022 in connection with the Act entitled “On National Minorities (Communities) of Ukraine” in which they presented the following facts: *“The legislators completely neglect the constructive recommendations formulated by Hungarian and other minority organizations. The legislation practically confirms the restrictions on rights previously codified in the acts on education and language, indeed it introduces new ones. For example, it does not guarantee the preservation of compact nationality settlement areas or the use of symbols used by nationalities. The law interprets minority rights as rights that can only be exercised individually by persons belonging to minorities, which deprives national minorities (their communities and organizations) of the possibility of exercising any institutional political, educational or linguistic rights and thus of influencing their own destiny. In our view, the law in its present form is not suitable as an adequate instrument in Ukraine’s legislation to implement the provisions of the Constitution and Ukraine’s relevant international legal obligations pertaining to the protection of the rights of national minorities. The adopted law does not provide adequate institutional basis and legal mechanisms for the enforcement and protection of the rights of national minorities.”*⁵³

Following a joint Hungarian-Romanian initiative, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE) unanimously decided⁵⁴ on 26 January 2023 to request the Constitutional Advisory Body of the PACE, the Venice Commission, to examine whether the Ukrainian law on the protection of minorities is in line with international standards.

Considering that the adoption of the law protecting ethnic minorities by guarantee rules is one of the prerequisites for Ukraine to start negotiations on joining the EU, the law in its present form seems to be inadequate.

⁵² <https://kmkszs.com.ua/2022/07/26/a-kmkszs-nyilatkozata-az-ukrajna-nemzeti-kozossegeirol-szolo-torvenytervezettel-kapcsolatban/>

⁵³ <https://politic.karpat.in.ua/?p=65261&lang=hu>

⁵⁴ „Hungary and Romania join forces to challenge the Ukrainian minority protection law” – an article on a news portal based on the information from MTI (Hungarian News Agency) (<https://telex.hu/english/2023/01/27/hungary-and-romania-join-forces-to-challenge-the-ukrainian-minority-protection-law>)

There are reasons to fear that – as had happened in the past – the EU will be deceived by this pseudo-solution and will consider the issue of national minorities as resolved, which could be fatal for the Sub-Carpathian Hungarians. Indeed, in the current situation, the accession procedure gives a proper context for persuading Ukraine to ensure conditions for the survival and prosperity of the decent and indigenous Hungarian community in Sub-Carpathia. In bilateral relations, despite all the efforts of the Hungarian state, this was inconclusive. It is even worth considering withdrawing the EU candidate status if there is no substantial improvement in the realisation of the individual and communal rights of the Sub-Carpathian Hungarians.

It is justified to suggest as a potential solution the referendum held in 1991 in Sub-Carpathia which proposed by a large majority to introduce broad territorial autonomy for the Sub-Carpathian Hungarian community and within it in the Bereg region. Unfortunately not even a separate electoral district was established for the borderland inhabited by a Hungarian majority to be considered at various elections. International law, however, also allows ethnic Hungarian and Ruthenian people who are living as oppressed and second-class citizens in Sub-Carpathia, one of the poorest regions of Ukraine, to decide in a referendum – which shall also, of course, be supervised by the UN and attended by Ukrainians as well – on the framework in which they wish to live.

In the context of the desirable early end to the Russian-Ukrainian armed conflict, therefore, only one solution can be accepted from the Hungarian point of view – that which provides adequate guarantees for the indigenous Hungarian community, that is in a numerical minority in Sub-Carpathia, a part of Ukraine, and also for all non-Ukrainian national communities living in Ukraine, to prosper in their homeland and to enjoy self-determination with adequate guarantees.

Let us stand up, defend and assert the individual and communal rights of the Sub-Carpathian Hungarians!

For the sake of peace, stability and security in Europe, we ask this of the Hungarian Government, but also of the Ukrainian Government, as well as of the EU, the Council of Europe, the Organization for Security and Co-operation in Europe and the relevant UN bodies and of the authoritative NGOs dealing with human rights without double standards.

Not only the Ukrainian people, but also the Hungarian people living in their ancient homeland, in Sub-Carpathia, are entitled to the full enjoyment of human rights and a form of self-determination supported by all the people who are concerned.