

Education Law of Ukraine: Why is Article 7 Wrong?

*The viewpoint of the
Hungarian national
minority in Ukraine*



**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the law is
**contrary to the
Constitution of
Ukraine**


Part 5 of Article 53 of the Constitution of Ukraine:

- *“Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies.”*
- After the law coming into force, the part of the Constitution grants far less rights for members of national minorities :
- *“Citizens who belong to national minorities are guaranteed in accordance with the law the right ~~to receive instruction in their native language, or~~ to study their native language in ~~state and~~ communal educational establishments and through national cultural societies.”*

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Reducing minority
rights is
unconstitutional

Article 22 of Constitution of Ukraine:

- “Human and citizens' rights and freedoms affirmed by this Constitution are not exhaustive.
 - ***Constitutional rights and freedoms are guaranteed and shall not be abolished.***
 - ***The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.***”
- 

The decision of the Constitutional Court of Ukraine


№ 10-рп/1999 (December 14, 1999):

- 2. Based on the provisions of Article 10 of the Constitution of Ukraine and the laws of Ukraine on the guarantee of the use of languages in Ukraine, including in the educational process, the language of instruction in pre-school, general secondary, vocational and higher state and communal educational institutions of Ukraine is the Ukrainian language.
- In state and municipal educational institutions, in addition to the state language, in accordance with the provisions of the Constitution of Ukraine, in particular Part Five of Article 53, and laws of Ukraine, ***the languages of national minorities can be used and studied in the educational process.***

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the law was
**placed on the wrong
basis**

Concerning the External Independent Test: a significant proportion of Ukrainian native speakers have also reached weak results.

- In 2017, 24.32% of the students of the Petrovo Reformed High School did not reach the 4-point threshold at the scale of 12 on Ukrainian independent testing. This a school with Hungarian language of instruction.
 - In the Ukrainian language secondary school of Borzsavszke this rate was 69.23%, in Bukove's secondary school also with Ukrainian language of instruction this proportion was 52.38%.
 - In Mukachevo, in the Ferenc Rákóczi II Secondary School, 8,33% of the graduates, at the St. Stephen's Roman Catholic Lyceum 25% of the graduates did not reach this threshold. Both institutions are of Hungarian language of instruction.
 - At the same time, students of the Ukrainian secondary school of Kalnyk reached 60% failure rate at the same subject, and this rate was 63.64% in the Puznyakivci High School.
 - We can find dozens of examples like that.
- 

The results of independent testing do not justify the narrowing of the possibility of education in the language of national minorities.

- If we take the logic of high-ranking Ukrainian politicians, independent testing undoubtedly demonstrates that many Ukrainian citizens of Ukraine who are native speakers do not know Ukrainian.
- But they learned in Ukrainian, their mother tongue (first language).
- This is non-sense.

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the law
**does not offer
solutions** to the
problems of language
teaching

The right to learn the state language is an important linguistic human right.

- The Ukrainian state does not provide the conditions for the implementation of this important linguistic human right.
- If thousands of Hungarian children from Transcarpathia study the subject "Ukrainian language" for 11 years (from 1st to 11th grade) and are not able to learn to speak Ukrainian, then we can be sure that this education is wrong, and the money spent on it is being wasted.
- The education in the language of national minorities should not be restricted, but the efficiency of teaching Ukrainian language should be raised.

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the Act
**does not open the
doors, but closes
them** to the
representatives of
national minorities

The Ukrainian Ministry of Education also acknowledged that in the education system, with current methods, representatives of national minorities cannot be taught to speak Ukrainian in 11 years, and to successfully carry out the Independent Testing.

- After applying Article 7 of the Education Act, the Ukrainian language will be taught for children of national minorities only for 4 years, instead of 11.
- After grade 4 they should study Mathematics, Physics, Biology and History in Ukrainian.
- ***If former students have not been able to learn Ukrainian in 11 years, how can children now succeed in 4 years?***

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Ukraine is playing
unfair


„The new Ukrainian law on education: a major impediment to the teaching of national minorities' mother tongues”
The PACE Resolution 2189 (2017)

- „2. (...) The Assembly notes that the Ukrainian authorities have submitted the text of the Education Act to the European Commission for Democracy through Law (Venice Commission) for an opinion, which shall be delivered by the end of 2017; however, ***the Assembly expresses dissatisfaction that this step was not taken before the adoption of the Education Act.***”

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the law is
wrong, it contradicts
the laws, and **it does
not conform to
European standards**

„The new Ukrainian law on education: a major impediment to the teaching of national minorities' mother tongues” (The title of the PACE Resolution)

- „8. Based on the above-mentioned principles and the encompassing concept of “living together”, ***the new legislation does not appear to strike an appropriate balance between the official language and the languages of national minorities.***”
 - „9. In particular, **the new law entails a heavy reduction in the rights previously recognized to “national minorities” concerning their own language of education.** These national minorities, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, now find themselves in a situation where education in their own languages can be provided (along with education in Ukrainian) only until the end of primary education. **For the Assembly, this is not conducive to “living together”.**”
- 


**Why is Article 7 of
Ukraine's Education
Law Wrong?**

The text of the Law:

Article 7.

**The language of
education**


1. The language of the educational process in educational institutions is the state language.

- The state guarantees every citizen of Ukraine the right to receive formal education at all levels (pre-school, general secondary, vocational (professional), professional pre-higher and higher), as well as non-school and postgraduate education in the state language in state and communal institutions.
 - Persons belonging to national minorities of Ukraine are guaranteed the right to study in communal institutions of preschool education and primary education, along with the state language, in the language of the respective national minority. This right is exercised through separate classes (groups) with the language of the respective national minority in addition to the official language, created in accordance with the law, and does not apply to classes (groups) with instruction in the Ukrainian language.
 - Persons belonging to indigenous peoples of Ukraine are guaranteed the right to study in communal institutions of preschool and general secondary education along with the state language in the language of the respective indigenous people. This right is exercised through separate classes (groups) with the language of the respective indigenous people of Ukraine along with the state language, created in accordance with the legislation, and does not apply to classes (groups) with instruction in Ukrainian.
- 

Article 7 of the Ukraine's Law of Education:

- Persons belonging to indigenous peoples, national minorities of Ukraine, are guaranteed the right to study the language of the respective indigenous people or the relevant national minority in communal institutions of general secondary education or through national cultural societies.
- For persons with hearing impairment, the right to learn a sign language and to study the Ukrainian sign language is provided.
- 2. Educational institutions provide compulsory study of the state language, in particular, in vocational (professional), pre-higher and higher education institutions to the extent that allows them to carry out professional activities in the chosen field using the state language.
- For persons belonging to indigenous peoples, national minorities, foreigners and stateless persons, appropriate conditions for the study of the state language are created.

Article 7 of the Ukraine's Law of Education:

- 3. The state contributes to the study of languages of international communication, primarily English, in state and municipal educational institutions.
 - 4. In educational establishments one or more disciplines in two or more languages (in the official language, in English, in other official languages of the European Union) can be taught in accordance with the educational program.
 - 5. At the request of applicants for vocational and higher education, educational institutions create opportunities for studying the languages of indigenous people, national minorities as disciplines.
 - 6. The state promotes the creation and functioning of educational institutions abroad, where instruction is conducted in Ukrainian or the Ukrainian language is studied.
 - 7. Features of the use of languages in certain types and levels of education are determined by special laws.
- 

**Why is Article 7 of
Ukraine's Education
Law Wrong?**

Article 7 of the
Education Law
of Ukraine
must be amended!

Thank you for your attention!