

333. Skutnabb-Kangas, Tove (2019). Afterword. In Csernicskó, István & Tóth, Mihály (2019). *The Right to Education in Minority Languages. Central European traditions and the case of Transcarpathia*. Ferenc Rákóczi II Transcarpathian Hungarian Institute, Antal Hodinka Linguistic Research Center. «Autdor-Shark» Uzhhorod, 68-71. [also in Hungarian and Ukrainian].

Afterword

This book demonstrates that for a century and a half, between 1867 and 2017, the right to mother-tongue-medium education in what is today Transcarpathia, Ukraine was guaranteed by all the six states to which the region was affiliated. However, with the adoption of the Law on Education in Ukraine in 2017, Ukrainian lawmakers in effect codified the use of Ukrainian only in the education of national minorities. (For national minorities, the right to mother-tongue-medium education is ensured only for pupils in grades 1 to 4.) Such drastic curtailment of education rights violates, in addition to international obligations, Article 22 of the Constitution of Ukraine, whereby “the content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws”.

If the Law on Education is implemented in its current form, mother-tongue-medium education for the 150 000 Hungarian citizens of Ukraine, more precisely for over 16 000 Hungarian school children, will change as follows:

	MTM schools in 2017	MTM schools from 2018
1 st to 4 th class	85	uncertain
5 th to 9 th class	75	0
10 th and 11 th class	34	0

(Ukraine’s law on education with regard to the Hungarian minority in Transcarpathia, p. 2, <http://kmf.uz.ua/en/ukraines-law-education-point-view-hungarian-minority-transcarpathia/> (2018.12.30.)

As can be seen, in 75 schools where pupils in grades 5 to 9 use their mother tongue (Hungarian) as the medium of instruction, teaching will obligatorily take place in Ukrainian and the same change will be affecting 10 and 11 graders in 34 schools.

If this law is to be implemented, it entails *linguicism*,¹ i.e. social discrimination between groups of citizens of Ukraine defined on the basis of language: Ukrainian-Ukrainians will be allowed to study through the medium of their mother tongue, but others such as Hungarian-Ukrainians or Romanian-Ukrainians will be denied the right to mother-tongue-medium public education.

If implemented, the law will certainly cause human trauma, forced language shift and massive *linguistic genocide in education*. When what became the *UN International Convention on the Prevention and Punishment of the Crime of Genocide* (E793, 1948, <http://www1.umn.edu/humanrts/instreet/x1cpcpg.htm>) was being prepared after the second World War, its final Draft had in Article III definitions of linguistic and cultural genocide; it also saw them as crimes against humanity. Article III was voted down by 16 states in the UN General Assembly in 1948, and *is thus not part of the final Convention*. But all states then members of the UN agreed about the definition of what should be considered linguistic genocide: “Prohibiting the use of the language of the group in daily intercourse or in schools,

or the printing and circulation of publications in the language of the group” (Skutnabb-Kangas (2000: 316).

The final Convention (**UN International Convention on the Prevention and Punishment of the Crime of Genocide**, E793, 1948, has five definitions of genocide in its Article 2 (<http://www1.umn.edu/humanrts/instree/x1cpcpg.htm>) :

In the present 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;
- (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.

Tove Skutnabb-Kangas and Robert Dunbar (a human rights lawyer) have in their 2010 book shown that teaching minority children through the medium of a dominant language, with no alternatives (i.e. no formal education in public schools which would teach them using their own language as the main medium of education – of course with the dominant language as a subject, taught by bilingual teachers) can be seen as genocide educationally, psychologically, linguistically and sociologically, according to the genocide definitions in Article 2 (b) and 2 (e) above.

Unfortunately, the Law on Education in Ukraine (2017) represents a blatant case of *linguistic genocide in education*. It discriminates hundreds of thousands of citizens of Ukraine in Transcarpathia by restricting their right to public education through the medium of the mother tongue. It breaks a 150-year-old commendable legal tradition in Transcarpathia, and introduces a language policy which is a great deal more discriminatory and exclusive than such policies in the neighbouring countries of Slovakia, Hungary and Romania. The earlier educational model in Ukraine was an example of education that follows what massive research all over the world has shown to be able to grant the best results of education, leading to both academic achievement, bi-or multilingualism, a positive self-confidence, and loyalty to the country where the minorities live.

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TSK is the author of hundreds of publications on language and education, including *Linguistic Genocide in Education – or Worldwide Diversity and Human Rights?* (Mahwah, N.J.: Lawrence Erlbaum, 2000) (for others, see www.Tove-Skutnabb-Kangas.org)

ⁱ Linguicism is “ideologies, structures and practices which are used to legitimate, effectuate, regulate and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language” (Skutnabb-Kangas 1988, 13. If an educational system is organised so that all teaching (except possibly ITMs’ mother tongues as subjects) happens through the medium of the dominant language and the teachers are monolingual in it, we have a submersion learning situation, and the school’s *structure* reflects linguicism.