

Council of Europe

Human Rights Commissioner

Attn Ms. Dunja Mijatovic (dunja.mijatovic@coe.int)

Dear Ms Mijatovic,

As the elected Human Rights Commissioner of the COE you expressed on the website of COE the following thoughts related to your mission:

"My role as Commissioner for Human Rights is to keep states alert to the problems that may restrict people's ability to enjoy their rights, and to help them find solutions to improve human rights protection and implementation. To achieve this goal, I intend to work closely with all those who can make a difference -governments, national authorities, **human rights defenders, journalists, NGOs, and educators. Human rights are not only a matter of states' compliance with law and standards: they also require the support of society as a whole. Each of us must engage in the everyday implementation of human rights."**

As a former member of the PACE (I was a full member of the Hungarian delegation between 2010-2014, participating in 16 sessions) and a human right defender I have to I regret to have to bring to your attention an extremely serious human rights crisis involving Ukraine (full member of COE), not caused by the Russians, but by the Ukrainian central and local authorities that seriously effects some of its own citizens who live as indigenous Hungarian people in Subcarpathia and whose human rights situation is untenable and needs to be resolved as soon as possible before it is too late.

Please permit me to draw your kind attention to a Human Rights Monitoring Report. This is in English and entitled "**Report on the implementation of the individual and community rights of the Hungarians of Sub-Carpathia**". **Sub-Carpathia**, also known as Zakarpattia Oblast, as an administrative region of Ukraine.

The Report was prepared by a Hungarian human rights watchdog NGO, the National Legal Defence Service (NLDS, in Hungarian: Nemzeti Jogvédő Szolgálat, www.njsz.hu) with the media support of a Hungarian investigative news portal, Pesti Srácok (PS, www.pestisracok.hu) in line with relevant human rights standards.

The English version of our human rights Report is enclosed and accessible on our website.

http://njsz.hu/wp-content/uploads/2023/02/NJSZ_Sub_Carpathia_report_20230126_EN.pdf

For your kind information let me give you the internet access of Hungarian version of the Report:

<http://njsz.hu/a-nemzeti-jogvedo-szolgalat-emberi-jogi-jelentese-a-karpataljai-magyarok-elleni-jogsertesekrol-magyarul-es-angolul/>

In our Report we conclude that Ukraine has failed the test in terms of human rights. Ukraine severely violates the rights of indigenous Hungarians living in Sub-Carpathia; both with regard to their ethnic minority rights and their personal and community rights in many ways. Moreover, as the survey has shown, there is an ongoing linguistic and, in some aspects, physical genocide by enforced conscription for military service, a certain population exchange is in progress and ethnical cleansing is perpetrated in Sub-Carpathia against Hungarians.

(In Hungarian this multi-ethnic 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 (Kyiv) 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.)

Before the Treaty of Trianon (1920) Sub-Carpathia was a part of the Kingdom of Hungary for over a thousand years, during which the fundamental rights of all nations were respected. After Hungary lost 72 % of its territory, guarantees were made that the rights of the Hungarian communities should be respected by the new countries. These guarantees have never been executed. The territory was ceded to Czechoslovakia, but in 1939 fully returned to Hungary, when a full scale of autonomy including bilingualism was granted to the Ruthenian population living in the North-eastern part of the area. In 1945 Sub-Carpathia was ceded to the Soviet Union, and after its dissolution it became the part of Ukraine in 1991. Ukraine was never a contracting party of any peace treaties.

The until recently 200,000-strong Hungarian community living in Sub-Carpathia has become increasingly oppressed in the last few years, with anti-Hungarian atrocities being systematic and exacerbated by the Russian-Ukrainian armed conflict that broke out on 24 February 2022.

At least the 50 % of Hungarians of living in Sub-Carpathia have Hungarian citizenship, therefore they should be treated as European Citizens, since EU citizenship is granted automatically to anyone who holds the nationality of an EU country.

The aim of our human rights 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. We try to raise awareness of their unacceptable human rights situation and to find means for providing assistance for the enforcement of the national minority rights of Hungarians living in Sub-Carpathia.

The 46-page Report describes in detail, supported by evidence, testimonies and indicating the relevant legal provisions, a number of serious, systematic violations committed by Ukrainian central and local authorities, as well as politicians, against the indigenous Hungarians living in Sub-Carpathia. These have the effect of linguistic and even physical genocide, population exchange and ethnic cleansing, the combined impact of which poses a fatal threat to them and fundamentally jeopardises their survival as a national community.

All of these phenomena seem to be rather close to genocide, or an attempt to commit genocide, which is prohibited by international law, and could ultimately lead to the destruction of the Hungarian population of Sub-Carpathia and their exodus from their homeland.

The Report also makes recommendations for changing the intolerable situation of the Hungarians in Sub-Carpathia in a reassuring way, with appropriate guarantees and a **proper settlement of their fate, in line with proven, good European autonomy models** and the right to self-determination.

According to the Report, **Ukraine must respect and implement the binding European laws and standards guaranteeing the individual and community rights of the indigenous national communities (especially Hungarians) living on its territory**, which are violated not only through the oppressive law on education and language, but also through the systematic and assimilationist repression of Hungarians of Sub-Carpathia, and the mass and aggressive conscription of Hungarians into military service in the bloody war.

In addition, as a result of our monitoring, a video documentary invoking concerns under the title [“Hungarians under pressure in Sub-Carpathia” with English subtitles](#) was also made by us and our monitoring partners.

This documentary is a collection of items of evidence referred to in our monitoring Report on the serious human rights violations perpetrated against indigenous Hungarians living in Sub- Carpathia. [The film in Hungarian](#) has been viewed by almost 400 thousand people. The English subtitled version of the documentary has been made accessible via Pesti Srácok’s YouTube channel, website and via njsz.hu. The first public screening of the film and the presentation of the first version of the Report took place on 15 December 2022.

Since then, the persecution of the Sub-Carpathian Hungarians has not ceased, and their situation has unfortunately worsened. Some leaders of Hungarian institutions have been dismissed, Hungarian national symbols are being removed, death threats and aggressive verbal attacks are being made against Hungarian politicians and forced conscription is on the increase. **The fate of the Hungarians is becoming more difficult every day in the shadow of war, the situation is untenable and needs to be resolved as soon as possible.**

Our aim is to raise awareness of the persecution of Hungarians in Sub-Carpathia not only in Hungary, but also among the international public, foreign governments and major international organisations. We are therefore circulating the English versions of our Report and the documentary film with English subtitles all over the world. The Report and the film is being sent to the Government of Hungary, the Government of Ukraine, to the Council of Europe, to the organs of the European Union (Commission, European Parliament), to the Organization for Security and Co-operation in Europe and to the competent organs of the UN.

The aim with this Report and documentary is to promote the protection of the rights of the Sub- Carpathian Hungarians, and to press Ukraine to end immediately the restrictions and deprivations of rights that effect the Sub-Carpathian Hungarians, and guarantee them the individual and communal rights to which members of national minorities are entitled, 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 ancient homeland.

The updated Hungarian and English texts of our human rights Report and the documentary film on the mass human rights violations perpetrated against Hungarians living in Sub-Carpathia was presented on 2nd February at an [international press conference](#) in Budapest. This was broadcast live via internet (pestisracok.hu) and was supported by English consecutive interpretation as well. [The Hungarian](#) and [English versions of the NLDS's human rights Report](#) was made simultaneously accessible on our website.

Coincidentally, on the day of our press conference, last Thursday the EU Commission's analytical report on Ukraine was released, clearly stating that the Ukraine is still unfit for EU accession. Last Friday, the EU's top leadership (Ursula von der Leyen and Charles Michel) visited Kiev, and praised Ukraine for its maturity for EU accession, but which is in fact completely lacking.

The current Commission report does not contain a single substantive addition or finding on the situation of the fundamental human rights compared to the Commission's assessment last June.

Thus, for the time being, the **serious, increasing and systemic violations and persecutions threatening the existence of the Sub-Carpathian Hungarians have not yet reached the threshold of the EU Commission's and fully the COE's concern.**

However on 26 January 2023 following a joint Hungarian-Romanian initiative, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe unanimously decided 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.

It is clear in light of the serious human rights violations committed by Ukraine that a full scale comprehensive human rights monitoring and intervention is also unavoidable.

In view of this, the Report of the National Legal Defence Service on the violations against Hungarians in Sub-Carpathia can be seen as a human rights annex or shadow report to the current report of the EU Commission on Ukraine, and as a Monitoring Report related to Ukraine, which is a full member of the COE, notwithstanding breaches many provisions of the COE legislation.

That is reason why this Report will now be circulated to all COE leaders and all relevant COE bodies, together with the English subtitled documentary.

According to the rules the Commissioner assists member states in fulfilling their obligations in this regard by providing advice and recommendations.

Let us stand up, defend and assert the individual and community rights of the Sub-Carpathian Hungarians and please help to stop human rights violations against them in order to save them before it is too late!

Sincerely yours: dr. Tamás GAUDI-NAGY lawyer

managing director, National Legal Defence Service (www.njsz.hu)