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THE PROTECTION OF NATIONAL MINORITIES**

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INTRODUCTION

On 1 February 1995, Hungary was one of the first countries to sign the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter referred to as "the framework Convention"). Hungary ratified the document, which specifies the framework for the European minority protection system, with Parliament Resolution 81/1995 (VII. 6.) OGY and requested the President of the Republic to issue a document of confirmation.

In accordance with the provisions of the framework Convention, Hungary has prepared a report concerning the legislative practice intended to implement the principles that are stipulated in the document on the protection of minorities and the measures that have been taken in the interest of the minorities living in Hungary. The Hungarian country report was finalized in the course of discussions with the national-level self-government bodies of the national and ethnic minorities in Hungary.

The information provided for the evaluation of the various Articles of the framework Convention for the Protection of National Minorities reveals that Hungary's internal legal system contains regulations that ensure broader rights in numerous areas than the framework Convention itself.

Hungary is submitting its report on the implementation of the framework Convention (hereinafter referred to as "the report") to the Committee of Ministers of the Council of Europe.

PART I

Basic Information about the Country

Hungary has an area of 93,030 square kilometers and a population of somewhat more than 10 million people. It is located in Central Europe and has borders with Austria, Slovakia, Ukraine, Romania, Yugoslavia, Croatia, and Slovenia. Its capital is Budapest, which has nearly two million inhabitants and is located in north-central Hungary on the two banks of the Danube. The country's administration is divided into 19 counties in addition to the capital.

Hungary's population was 10,135,000 people on 1 January 1998. At that time, the country had 3,131 settlements, 2,913 of which were villages and 218 towns. 7.8% of the country's population lives in villages that have less than 1,000 inhabitants, while 30% of the population lives in towns with more than 100,000 inhabitants. The number of deaths has exceeded the number of births for many years, which has resulted in population decline over the past few decades.

Hungary bears the signs of a democracy with a secure institutional background. These ensure the rule of law, human rights, and the respect and protection of minorities.

Hungary is a parliamentary republic. Members of Parliament are elected for four years, and the Government is appointed for a term of four years as well. The latest parliamentary elections were held in May 1998. Hungary's Constitution (Act XX of 1949, the Constitution of the Republic of Hungary) grants limited presidential powers to the President of the Republic, who is elected by Parliament for five years.

Hungary has been marked by cultural diversity for centuries. There are very few Hungarian families in the country whose ancestry does not include three or four ancestors from a different national or ethnic community. This is an enormous, centuries-old advantage, the conscious care of which is not only an obligation imposed by international norms but a long-term national interest. There is a law in Hungary that sets forth the national and ethnic minorities that have coexisted with Hungarians for at least 100 years. These are the following, listed alphabetically according to the Hungarian alphabet: *Bulgarians, Gypsies, Greeks, Croatians, Poles, Germans, Armenians, Romanians, Ruthenians, Serbians, Slovaks, Slovenians, and Ukrainians.*

The basis of a market economy has been established in Hungary. In 1997, 59% of Hungarian workers were employed in the service sectors, while only 33% were employed in industry and 7.9% in the agricultural sectors. The rate of employment among workers was 82%. The unemployment rate in 1997 was 8.7%. In the same year, the average gross income of employees was HUF 57,270. The per capita GDP was HUF 841,000 in 1997 (increasing by 4.6% compared to the previous year). The current balance of payments deficit was USD 981 million, while the country's net foreign debt amounted to 25% of GDP in 1997. The inflation rate was 28.2% in 1995, 23.6% in 1996, and 18.3% in 1997. The inflation rate was only 14.6% between January and November 1998 (these figures were obtained from the Central Statistical Office).

According to the data that was available at the time this report was being prepared, the inflation rate in Hungary was approximately 11% at the end of 1998. The Hungarian Government is determined to reduce the inflation rate over the course of the next few years and to push it below 10% by 2000.

The economic and social integration of the Hungarian minorities can be considered complete - with the exception of the Gypsy minority. The educational, employment, and income indices for minorities are generally no different than those of the majority population living in similar conditions in the same regions.

The situation of the largest minority in Hungary, the Roma communities, is different from that of the other minorities in Hungary in several respects. Their problems are not primarily linguistic or cultural. Social, job training, and educational problems are considerable in the case of the Gypsy minority. However, the self-organization of the Gypsy communities has become significantly stronger and a Gypsy middle-class is developing. Nevertheless, society will have to pay closer attention in order to increase the Gypsy community's opportunities for integration.

Basic Historical Information

Various people have inhabited in the Carpathian basin in the heart of Europe since the age of the great migrations. The Hungarian tribes that arrived in the region 1,100 years ago (or 1,300 years ago according to another academic analysis) found Avar, Slavic, and Celtic populations settled here. Saint Steven, the founder of the Hungarian state, invited German knights and Italian and French monks into the country in order to help spread Christianity and West European social norms.

The Ottoman wars began in the fifteenth century, and the country's population decreased drastically in the central part of the country during the 150 years of Turkish occupation. Meanwhile, massive immigration of Romanians and Serbians began along the Eastern and Southern borders. After the Turks were driven out of the country, the rulers of Hungary, which

had become one of the member countries in the Hapsburg empire, populated the previously Hungarian-occupied areas primarily with German and Slovakian settlers. As a result of this, the total number of national and ethnic minorities living in Hungary at the end of the eighteenth century was higher than the number of Hungarians. Only 41%-48% of the population was Hungarian in the middle of the nineteenth century.

The Treaty of Trianon of 1920, which concluded World War I, however, radically altered the political and ethnic map of the Carpathian basin. Hungary lost two thirds of its previous territories, and the number of national and ethnic minorities in the 93,000-square kilometer country has decreased to a small fraction because of the new national borders.

In the following we provide a brief summary of the history of the minorities living in the current territory of Hungary as they pertain to the history of the Hungarians. The recent and current situation of the individual minorities is discussed in detail in connection with the individual Articles of the framework Convention.

The **Bulgarians** settled in the Carpathian basin in several waves. The predecessors of the Bulgarians who currently live in Hungary came to the country as gardeners and merchants. The Association of Bulgarians in Hungary was established in Budapest in 1914. The Bulgarian minority used its own resources to build schools and chapels in several towns around the country and a Bulgarian Orthodox church in Budapest. The Bulgarian Cultural Center was built in Budapest with public donations.

The **Gypsies**, who arrived in Hungary in the 14th-15th centuries and pursued a nomadic, wandering lifestyle, started to settle down in the 18th century. The industrial mass-production of the 20th century rendered their traditional occupations in commerce and crafts (adobe brick-making, trough-making, and trade) superfluous. As a consequence, a great many of them undertook unskilled labor in large factories during the socialist industrialization and became commuting residents of workers hostels. They were the first to lose their jobs and their modest livelihoods after the change of regime in the 1990s. The Gypsy minority that lives in Hungary can be divided into three large groups according to tribal origin and native language. The Romungros, whose mother tongue is Hungarian, constitute the majority of the Gypsies. The Olah Gypsies, whose native language is Gypsy, constitute approximately 20%-22%, while the Bea Gypsies, who speak an archaic version of Romanian, constitute 8%-10% of the Gypsies in Hungary.

Greek merchants arrived in Hungary in the 16th century and had churches and chapels in 19 towns by the end of the 18th century. Several Greek schools and a teacher training school in Pest operated in Hungary. A new wave of Greeks arrived in Hungary between 1948 and 1950 as refugees from the Greek civil war and settled in Budapest, Pécs, Tatabánya, Miskolc, and Beloiannisiz.

The predecessors of the **Croatians** living in modern Hungary arrived at their current locations as a result of a "continuous" immigration, due mostly to flight from the Turks. The joint Hungarian-Croatian state, which existed for eight centuries and ceased after World War I, greatly influenced their special position. The Croatian minority lives scattered throughout the country and is a collection of groups with no significant differences between each other in terms of their dialects and folk traditions. Most of the Croatians live in the area near the Hungarian-Croatian national border, but significant Croatian communities can also be found in the central part of the country. All of the Croatian ethnic groups are Roman Catholics.

The communities of the **Polish** minority in Hungary were the most populous in the middle of the last century. The first permanent Sunday school was founded in 1922. During World War II, there were 27 Polish primary schools in Hungary and - unique in Europe - a Polish High School and Lyceum operated in Balatonboglár. The Polish people live in various areas of Hungary.

The **Germans** who immigrated to Hungary in the Middle Ages came from the northern and central regions of the Holy Roman Empire. Those who came in the 18th century arrived from the southern and western areas of Germany. There are six large German communities in Hungary. The position of the German minority living in modern Hungary was fundamentally changed by the events that followed World War II. The enforcement of collective responsibility resulted in the complete transformation of the economic and social structures of their communities. Of those who declared themselves ethnic Germans in the 1941 census, approximately 135,000 people were sent to the American occupation zone in Germany in January 1946, and it is estimated that approximately 50,000-60,000 people were sent to the Soviet occupation zone. The German communities in Hungary have become stronger recently.

Most of the **Armenians** migrated to Hungary in the 17th century. The members of their communities have merged with the Hungarians as a result of natural assimilation. It is only their religious distinction (Armenian Catholic) that lingers as a reminder of their origins. The Armenians who still preserve their language and culture settled in Hungary after World War I and World War II.

During their known history, the **Romanians** who live in the present territory of Hungary have always lived within the Hungarian state outside the territorial frontiers of the Romanian state. Over the centuries, these communities have created institutions, schools, and societies and associations for representing their interests and carrying out cultural programs primarily within the scope of the native-speaking Romanian Orthodox Church. The most significant Romanian cultural foundation was operated until the end of the 19th century in the Hungarian capital. As a consequence of the Treaty of Trianon (1920), these communities were isolated from the millions of Transylvanian Romanians and left on their own as a small ethnic group. Most of the Romanian minority that currently lives in Hungary can be found along the Hungarian-Romanian border.

The **Ruthenian** communities in Hungary were most populous in the pre-1920 historical territories. Ruthenian communities now live in Hungary especially in the northeast, in the small communities in the Zemplén Mountains inhabited by Greek Catholics.

The **Serbians** who live in Hungary have lived alongside the Hungarians for 1,000 years. Serbians settled in Hungary on a massive scale in the 15th to 17th centuries as a result of the Ottoman occupation of the Balkan peninsula and their later penetration into the Danube basin. On the basis of the privileges that were granted by the Hapsburg emperor, the Serbians acquired personal, religious, and related national autonomy in the 18th and 19th centuries. In addition to its own autonomous operation, the national (Serbian Orthodox) church had its own national assembly with jurisdiction in matters of autonomy. The Serbians established a religious primary school system at the end of the 18th century and later established a teacher training school and a seminary. At this time, the centers of Serbian cultural life were in Buda, Pest, and Szentendre. This is where the first Serbian cultural institutions were established. The Serbian population of Hungary has played a fundamental role in joining all of the Serbian people in the contemporary European civilization processes. After the Treaty of Trianon, which concluded World War I,

most of the Serbians who lived scattered about in the country's current territory moved to Yugoslavia in the 1920s.

The **Slovakian** minority's presence in Hungary is connected to the large migrations of the 17th and 18th centuries and the linguistic islands that were created by the waves of immigrants. The Slovakian minority was most populous in the historical territory. As a result of the bilateral Czechoslovakian-Hungarian population exchange that followed World War II, approximately 73,000 Slovaks resettled from Hungary to Slovakia. The intelligentsia and the most sophisticated elements of the Slovakian community took advantage of the opportunity to resettle. As a consequence of this, the relatively closed ethnic communities, which had existed for more than 200 years and ensured the preservation of the language, customs, and culture of the Hungarian Slovaks, have broken up.

The Hungarian **Slovenians** live in seven neighboring settlements in a geographically isolated area sandwiched in the corner of the Slovenian and Austrian border. The Slovenian community, which has preserved its language, cultural traditions, and ethnic identity, is one of the indigenous national minorities in Hungary that has been living alongside the Hungarians for the longest period of time.

The more significant **Ukrainian** communities in Hungary live in Budapest and in the larger towns around the country. In order to nurture their cultural inheritance and enforce their interests, the Ukrainians founded the Cultural Association of Ukrainians in Hungary in 1991.

The Hungarian Parliament dealt with the use of native minority languages as long ago as the last century. In 1868, Hungary's parliament was the first in Europe to pass a *National and Ethnic (Minority) Law*, which it did on the basis of the 1849 legislation.

It is worth emphasizing from Hungary's modern history in connection with minorities that the self-organization of society started to develop with the change of regime in 1990. As a result of this, the national identity of the national and ethnic minorities in Hungary has grown stronger. Hungary considers the preservation of the cultures of the national and ethnic minorities that live in Hungary to be one of its national interests. Hungary is aware of the fact that the harmonious coexistence of the national and ethnic minorities with the majority nation is a basic component of international security. Hungary has declared several times that it considers the right to national and ethnic identity to be a universal human right. The characteristic individual and community rights of the national and ethnic minorities are fundamental civil liberties, which are respected and enforced for all people in the Republic of Hungary. In order to preserve and develop the cultural identities of the minorities, the Government considers it its responsibility to provide the appropriate legal framework and the necessary budget funds for implementing it.

Demographic Characteristics

On the basis of the available census figures, the following table provides information on Hungary's population according to native language.

	1910	1930	1949	1970
Hungarian	6,730,299	8,000,335	9,076,041	10,166,237
Slovakian	165,317	104,786	25,988	21,176
Romanian	28,491	16,221	14,713	12,624
Croatian	62,018	47,332	20,423	21,855
Serbian	26,248	7,031	5,158	7,989
Slovenian, Wend	6,915	5,464	4,473	4,205
German	553,179	477,153	22,455	35,594
Gypsy	9,799	7,841	21,387	34,957
Other	29,848	18,946	14,161	17,462
Total	7,612,114,	8,685,109	9,204,799	10,322,099

Source: MAPSTAT Central Statistical Office software, Budapest, 1992

The following table provides information on the nationality of Hungary's population on the basis of the available census figures.

	1941	1960
Hungarian	8,918,868	9,837,275
Slovakian	16,677	14,340
Romanian	7,565	12,326
Croatian	4,177	14,710
Serbian	3,629	3,888
Slovenian, Wend	2,058	".."
German	302,198	8,640
Gypsy	27,033	56,121
Other	33,869	13,744
Total	9,316,074	9,961,044

Source: MAPSTAT Central Statistical Office software, Budapest, 1992

Hungary's population:

10,709,463 in 1980

10,374,823 in 1990

The following figures were recorded in the 1980 and 1990 censuses according to the "*native language*" and "*nationality*" of the national and ethnic minorities in Hungary.

<i>According to Native Language</i>			
Minorities	Number of People		Percentage of the Population in 1990
	1980	1990	
Slovakian	16 054	12 745	0.1228
Romanian	10,141	8,730	0.0841
Croatian	20,484	17,577	0.1694
Serbian	3,426	2,953	0.0285
Slovenian, Wend	3,142	2,627	0.0253
German	31,231	37,511	0.3616
Gypsy	27,915	48,072	0.4634
Armenian	".."	37	0.0004
Greek	".."	1,640	0.0158
Bulgarian	"::"	1,370	0.0132
Polish	".."	3,788	0.0365
Ukrainian, Ruthenian	".."	674	0.0065
Total	112,393	137,724	1.3275

Source: MAPSTAT Central Statistical Office software, Budapest, 1992

<i>According to Nationality</i>			
Minorities	Number of People		Percentage of the Population in 1990
	1980	1990	
Slovakian	9,101	10,459	0.1008
Romanian	8,874	10,740	0.1035
Croatian	13,895	13,570	0.1308
Serbian	2,805	2,905	0.0280
Slovenian, Wend	1,731	1,930	0.0186
German	11,310	30,824	0.2971
Gypsy	6,404	142,683	1.3753
Other minorities	16,369	19,640	0.1893
Total	70,489	232,751	2.2434

Source: MAPSTAT Central Statistical Office software, Budapest, 1992

The figures of the 1990 census indicate an interesting duality compared to those of 1980. While the number of native-speaking minorities continued to decrease (with the exception of the Germans and Gypsies), the number of people who declared themselves as non-Hungarians increased (with the exception of the Croats).

When reviewing the age distribution, we can see a steady decline in several minorities (the Slovenians and Croats, for example) as we move towards the younger generations. The lack of young people is reflected primarily in the native language figures. The earlier multi-children families have been replaced by aging households.

Full and natural integration, the freedom to choose identity, and the large number of mixed marriages might decrease the chance of determining one's identity as a minority. Some 40%-60% of the adult minority population live in ethnically mixed marriages - the percentage is the highest in the Slovakian minority. Obviously, many of the children born of such marriages "are lost" to their ethnic minorities, thus reducing the minority's already weakened ability to reproduce itself. In 1990, 20.5% of the total Hungarian population were children and 18.9% were over the age of 60. In the German minority, the percentage of children under the age of 15 decreased from 25.6% in 1941 to 12.1%, while the percentage of people over the age of 60 increased from 13.2% to 27.8%. The percentage of children in the Slovakian minority is 6.8%, and the figure is 9.1% in the Serbian minority.

The 1990 figures based on the estimates of the minority organizations show a significant difference from the official statistics.

Minorities	Estimated Number
Gypsy	400,000-600,000
German	200,000-220,000
Slovakian	100,000-110,000
Croatian	80,000-90,000
Romanian	25,000
Polish	10,000
Serbian	5,000-10,000
Slovenian	5,000
Bulgarian	3,000-3,500
Greek	4,000-4,500
Armenian	3,500-10,000
Ukrainian	2000
Ruthenian	6000,
Total:	835,000,-,1,083,955

Source: minority organizations

Communities of national and ethnic minorities exist in approximately 1,500 settlements in Hungary. This situation is unique, because they are geographically scattered, usually as a minority even within the settlement, and they form the community of the given settlement along with the Hungarian and other minorities. For example, Slovaks, most of whom have dual identities, live in 105 settlements in 11 counties. Only the Ruthenians, who live in northeastern Hungary, and the Slovenians, who live in seven adjacent settlements in western Hungary, live in the same sub-region in a block. Although most of the Hungarian Romanians live along the Hungarian-Romanian border, they also have centuries-old communities in Budapest as well.

The actual population with minority identity and commitment is somewhere between the census figures and the estimated figures. The difference between the estimated and declared figures can best be explained with the historical, social, and socio-psychological features of minority issues in Central and Eastern Europe. The next census in Hungary, which will be in 2001, will be widely coordinated with the minorities in the course of the current preparations, in order to make the demographic survey more accurate.

Minority Policy

Act XX of 1949, the Constitution of the Republic of Hungary (hereinafter referred to as "the Constitution"), stipulates the position of national and ethnic minorities in Hungarian society. Paragraph (1) of Article 68 of the Constitution stipulates that the national and ethnic minorities living in Hungary share the people's power and are part of the state. The Constitution guarantees minorities' collective participation in public life, the establishment of organs of local and national self-government, the nurturing of their own cultures, the use of their native languages, education in their native languages, and the right to use their names in their own languages.

The programs of the governments that followed one another since the change of regime in 1990 have clearly undertaken to fully ensure the rights of minorities in accordance with European norms.

Hungary is trying to develop a social atmosphere in which none of the minorities have to suffer any discrimination. In the course of implementing our minorities policy, Hungary relies on the active cooperation of the national and ethnic minorities and the activities of their legitimate and elected bodies.

Accordingly, the Hungarian Government, with the involvement and cooperation of the minorities, proposed Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereinafter referred to as "the Minorities Act") to Parliament. Parliament passed the law in 1993.

The Minorities Act, which Parliament passed with a 96% majority, ensured the minorities that are native to Hungary individual and collective minority rights, the right to personal autonomy and the right to establish self-government bodies.

In connection with this, there is an independent chapter in Act LXV of 1990 on Local Governments (hereinafter referred to as "the Local Governments Act") concerning local self-government bodies of minorities. The legal framework for electing minority self-government representatives was stipulated in the course of amending Act LXIV of 1990 on the Election of Local Government Representatives and Mayors (hereinafter referred to as "the Election of Local Government Representatives and Mayors Act").

The financial and economic autonomy of local self-government bodies for minority groups was legally ensured with the amendment of Act XXXVIII of 1992 on the State Budget (hereinafter referred to as "the State Budget Act").

Paragraph (2) of Article 32/B of the Constitution created the institution of Parliamentary commissioner for national and ethnic minority rights. The Parliamentary commissioner for the rights of national and ethnic minorities (hereinafter referred to as "the minorities ombudsman") is responsible for investigating any kind of abuse that comes to his or her attention and initiating general and individual measures in order to remedy them. Act LIXX of 1993 on Parliamentary Guarantee of Civil Rights stipulates the detailed tasks of the minorities ombudsman. The citizens are able to turn to the minorities ombudsman in those cases in which, in their judgment, they have suffered injury due to the infringement of their constitutional rights as a result of the proceedings or measures of some authority or public service organization or their failure to take measures as well as in those cases in which there is a danger that their constitutional rights may

be violated. The minorities ombudsman reports to Parliament annually in connection with his or her work. Issues related to the minorities ombudsman will be discussed in several places in the present report.

In accordance with the Constitution, Parliament enacted Act LXIII of 1992 on the Protection of Personal Data and the Public Disclosure of Public Data (hereinafter referred to as "the Data Protection Act"), which contains the fundamental regulations for enforcing the right to protect personal data and access public data.

The most fundamental measures necessary for creating consonance with the Minorities Act were taken with the enactment of Act LXXIX of 1993 On Public Education (hereinafter referred to as "the Public Education Act") and its amendment in 1996. The Government issued the National Master Curriculum (hereinafter referred to as "the National Master Curriculum") with Government Decree 130/1995 (X. 26.) in order to modernize the public education system. The special basic principles of minority education are part of the National Master Curriculum. Providing supplementary standard funding for minority education is an important part of government public education funding.

With the amendment of Act IV of 1978 on the Criminal Code (hereinafter referred to as "the Criminal Code") by Act XVII of 1996, the Republic of Hungary complied with the requirements stipulated in the *International Convention On Fighting and Punishing the Crimes of Apartheid*, which was adopted by the United Nations General Assembly on 30 November 1973. The amendment creates the potential for fighting criminal forms of racial discrimination. It introduces a new criminal concept so that violent criminal acts against national, ethnic, racial, or religious groups can be condemned if the crimes are committed against persons because they belong to such a group.

Act I of 1996 on Radio and Television Broadcasting (hereinafter referred to as "the Broadcasting Act") made the preparation of programs that depict the culture and lives of minorities a compulsory responsibility of the public service media. Public service programs are obliged to provide information in native languages. Act CXXVII of 1996 on the National News Agency (hereinafter referred to as "the National News Agency Act") contains provisions that ensure equal opportunity for national and ethnic minorities.

Of course, other laws also contain provisions pertaining to the rights of minorities, and these will be discussed in connection with the various individual Articles of the framework Convention.

The system of minority self-government, which is gradually developing in Hungary on the basis of the appropriate legal regulation and is in fact already functioning, fulfills an increasingly important role in helping minorities to organize their own affairs.

Given the guarantee of complete legal equality and the appropriate emphasis on the objective disadvantages of existence as a minority, the responsibility of the self-government bodies for minority groups and their social organizations for preserving national identity is increasing within the actual limits of minority autonomy.

The Government is responsible for informing people that coexistence with national and ethnic minorities is natural and has been going on for many centuries. It also the task of making people conscious of the ways in which the various national and ethnic groups enrich the common

culture. In this respect, the Government does not view minorities as groups engaged in struggle against the majority for their rights. Rather, it conceives of minorities as aggregates of individuals who, together with the majority, bear responsibility for common virtues and faults and share the same destiny as the majority.

The Government supports the minorities in strengthening their identities, and it is trying to make people aware of common interests in the past and a sense of joint responsibility for the future. The Government would like to improve the minority self-government system and expand the cultural autonomy of minorities.

The Hungarian minority policy of the past decade has attracted international attention. Our immediate neighbors pay close attention to any developments in the situation of minorities in Hungary. West European democracies as well as international organizations are continuously evaluating our measures in connection with minorities and their impact.

The 1997 report (country report) prepared by the European Commission concerning Hungary's application to the European Union determines, among other things, that minority rights are secured and protected in Hungary. At the same time, the report draws the Government's attention to the fact that further measures are necessary in order to enforce the rights of the Gypsies. The report states that some progress can be seen in the protection of Gypsies as a result of measures that have been introduced by the Government and that Gypsies are also provided with conditions for fair treatment. However, the Gypsies will only be able to change their living conditions and achieve integration with joint social cooperation and as a result of long-term, decades-long efforts that will require considerable financial assistance from the European Union.

Key laws that guarantee the rights of national and ethnic minorities in Hungary and are continuously being harmonized serve as the background for the findings of the European Union, the Council of Europe and other international organizations concerning Hungarian minority policy.

Budget Funding for Minorities

Ensuring the democratic, transparent, and verifiable distribution and use of the budget funding for minority purposes is crucial for both the minorities and the majority. The Public Foundation for National and Ethnic Minorities in Hungary (hereinafter referred to as "the Public Foundation for Minorities") and the Public Foundation for Hungarian Gypsies (hereinafter referred to as "the Public Foundation for Gypsies") are important institutions in this support system. By creating these foundations, the government not only included minority representatives in the decision-making process, but it also made it possible to implement funding that takes into consideration the different conditions and requirements of the minority communities.

Making the multi-channel support system, which rests on new principles and bases, fully comprehensive has greatly contributed to achieving the objectives of the government program in connection with supporting the self-organization and the legal and cultural autonomy of the minorities in Hungary. The inspection of the use of funds allocated for minority purposes, however, is still unsatisfactory in several areas.

The funds allocated for the annual operating costs of the national self-governments of minorities have been included in Parliament's chapter as an independent allocation since 1997. The annual law on the budget of the Republic of Hungary (hereinafter referred to as "the Budget Act") regulates the overall budget for the annual operating expenses of the local self-government bodies for minorities.

The subsidies allocated for minority associations are also determined on the basis of the proposal made by the Parliamentary Committee on Human Rights, Minorities, and Religious Affairs.

The annual Budget Act contains the annual allocations for the Public Foundation for Minorities and the Public Foundation for Gypsies. The boards of trustees of the public foundations are responsible for determining the manner in which allocated funds are used.

The Public Foundation for Minorities supports programs that provide for the preservation of minority identities, the development of native language cultures, and the protection of minority interests. This Public Foundation provides important financial resources for events, programs, and the publication of books and periodicals in connection with the minorities' religious lives, traditions, and arts as well as their various holidays and celebrations. It also provides scholarships for minority high school, college, and university students. The Public Foundation for Gypsies primarily supports the development of small enterprises and employment and health care programs that help to sustain the livelihood of minority families and small communities.

The Minority Coordination and Intervention Budget is used for solving crisis situations concerning minorities that require urgent resolution. Upon the recommendation of the Minority Office, the undersecretary of state for political affairs at the Ministry of Justice is responsible for determining the manner in which this funding is used.

A Government decree stipulates that tender applicants should receive extra allowances in those cases in which the development of local infrastructure or economic development concerning the Gypsy community.

The Budget Act includes the annual allocation for the Gandhi Foundation in accordance with the recommendation of the Ministry of Education. The Gandhi Foundation's allocation is used for the operation and development of the Gandhi Secondary School, the Gypsy minority's educational institution. The purpose of the Gandhi Foundation is to operate a boarding school primarily for talented young Gypsies. The Ministry of Education also finances activities in connection with the development of minority education, pedagogical programs, and minority research from the allocations that are managed by its chapter.

The Ministry of National Cultural Heritage finances minority cultural programs and tasks that concern support for minority literature.

Through the Ministry of Internal Affairs, the government provides extra subsidies to all local governments that operate pre-schools, primary schools, or high schools that provide for the education of minorities or other educational institutions that provide native language instruction on the basis of the standards stipulated in the Budget Act.

It should be pointed out that the largest budget item for the minority purposes mentioned above is used to support the education of minorities. The 1999 Budget Act provided a total of HUF

4,599,100,000 for pre-schools, schools, and dormitories for national and ethnic minorities and for additional subsidies, which are distributed in normative manner, for non-minority bilingual educational institutions.

The following table summarizes some more of the relevant items of the budget support provided for the minorities in 1997, 1998, and 1999.

	1997 (million HUF)	1998 (million HUF)	1999 (million HUF)
National self-governments for minorities			
Gypsy	96.0	120.0	138.0
German	63.0	81.8	99.0
Slovakian	32.0	42.6	51.5
Croatian	32.0	41.7	51.0
Romanian	16.0	20.8	27.0
Serbian	15.0	20.3	25.0
Slovenian	12.0	16.3	20.0
Bulgarian	10.0	13.8	17.5
Greek	10.0	13.8	17.0
Polish	10.0	13.8	17.0
Armenian	10.0	13.8	17.0
Ruthenian	-	-	13.0
Ukrainian	-	-	13.0
Local self-governments for minorities	300.0	350.0	730.0
Minority civil organizations	70.0	79.1	87.8
Public Foundation for National and Ethnic Minorities in Hungary	395.0	474.0	530.0
Public Foundation for Hungarian Gypsies	170.0	250.0	280.0
Minority coordination and intervention budget	50.0	55.0	44.0
Ministry of Education, for minority tasks	274.9	290.0	250.0
Gandhi Foundation	325.0	230.0	210.0
Minority theaters	62.0	67.0	74.0

Ministry of National Cultural Heritage, support for minority cultural tasks	-	-	100.0
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Source: Official Hungarian Gazette

It should be noted that the amounts indicated in this table as allocated for Ministry of Education tasks concerning minorities in 1997 and 1998 provided for the minority tasks of the ministry that operated as the Ministry of Culture and Public Education. At the same time, it should also be noted that the budget items that are included in the above table as the minority coordination and intervention budget jointly constituted the support provided for such purposes to national and ethnic minorities in Hungary and Hungarians outside Hungary in 1997 and 1998.

In the course of preparing the national budget, the appropriate government institutions consult with the national self-governments for minorities regarding budget issues that concern minorities.

Government Structures Concerned with Minority Affairs

The Republic of Hungary had the following ministries after the current government took office in 1998: Ministry of Internal Affairs; Ministry of Foreign Affairs; Ministry of Finance; Ministry of Education; Ministry of National Cultural Heritage; Ministry of Defense; Ministry of Economic Affairs; Ministry of Justice; Ministry of Environmental Protection; Ministry of Agriculture and Regional Development; Ministry of Transportation, Telecommunications, and Water Management; Ministry of Social and Family Affairs; Ministry of Health; and Ministry of Youth and Sports.

It should be emphasized that minority affairs appear in the government structure in connection with more than one ministry. Activities and actions that are of particular concern to minority affairs are also regulated by statute.

Since the Civic Relations Division of the Prime Minister's Office deals with non-government organizations, it is also in charge of maintaining relations with non-profit minority associations.

The National and Ethnic Minorities Office operates under the supervision of the Ministry of Justice. The professional background of the Ministry of Justice ensures the appropriate quality of legal regulation and legislation in connection with Hungarian minorities.

Minority affairs fall within the concern of the Public Education and Minority Relations Division in the Ministry of Education, the National and Ethnic Affairs Division in the Ministry of National Cultural Heritage, and the Division of Labor Market Programs and the Institutional and Social Services Division in the Ministry of Social and Family Affairs.

A separate division was created at the Ministry of Foreign Affairs under the name of the Human and Minority Rights Division. The Ministry of Foreign Affairs supervises the Office of Hungarians Living Abroad, which performs government tasks in connection with Hungarian minorities living outside of Hungary.

The Church Relations Secretariat in the Ministry of National Cultural Heritage coordinates government tasks in connection with religious life. The Secretariat, which is directed by an

official with the rank of assistant undersecretary of state, maintains close relations with the minorities' religious communities.

In 1995, the Government established an inter-ministerial committee in which every concerned ministry is represented by a responsible official in order to make the attempts to improve conditions and opportunities for the Gypsy minority more effective. The committee prepares laws and measures, inspects the performance of programs, and coordinates matters in progress.

National and Ethnic Minorities Office

The Government established the National and Ethnic Minorities Office (hereinafter referred to as "the Minorities Office") with Government Decree 34/1990 (VIII. 30.) for coordinating government tasks in connection with the national and ethnic minorities living in Hungary.

The Minorities Office is an independent government organization with national jurisdiction that operates under the supervision of the Minister of Justice. The Minorities Office is headed by a director, who is appointed and removed from office by the Prime Minister on the basis of the recommendation of the Minister of Justice.

The Minorities Office is in charge of preparing the Government's minorities policy decisions and to develop its minorities policy program. The Minorities Office continuously evaluates the enforcement of the rights of the national and ethnic minorities and the situation of the minorities. It also prepares analyses in order to make government decisions in connection with minorities. The Minorities Office coordinates the implementation of government programs concerning minorities.

The Minorities Office cooperates in developing the government program for implementing the Minorities Act. It ensures coordination in connection with the amendment of the act, and it monitors the implementation of minority tasks that fall within the jurisdiction of government agencies.

The Minorities Office participates in evaluating and coordinating government decisions and resolutions that concern minorities in order to prepare Government decisions, resolutions, and positions in connection with the minorities.

The Minorities Office maintains continuous relations with the minorities ombudsman, the national self-government bodies for minority groups, and other minority interest organizations.

In the spirit of the principles enshrined in international treaties, the Minorities Office maintains relations with the minorities' home countries and nations in the interest of the minorities living in Hungary.

The Minorities Office has the following divisions.

- Bulgarian, Greek, Armenian, and Serbian
- Gypsy matters
- Croatian and Slovenian
- German
- Polish, Ruthenian, Slovakian, and Ukrainian

- Romanian
- Legal and Local Government
- International Relations
- Minority Research, Information, Documentation, and Analysis
- Financial (for operating the Minority Office)

The Minority Office staff currently consists of 29 people.

The director of the Minority Office fulfills the tasks of the chairman of the Board of Trustees of the Public Foundation for Minorities.

A representative of the Minorities Office is a member of the Board of Trustees of the Public Foundation for Gypsies and the Gandhi Foundation.

Representatives of the Minorities Office are members of the Hungarian-Croatian, Hungarian-Romanian, Hungarian-Slovenian, and the Hungarian-Ukrainian inter-state minorities committees.

Informing the Public on the Protection and Conditions of the Minorities

The Government considers the protection and enforcement of the social conditions and rights of the minorities as an important gauge of democracy. In addition to the creation of the legal security that enables minorities to freely exercise their right to national and ethnic identity, the Government encourages the development of a minority-friendly social atmosphere in which the people who belong to minorities can voluntarily and freely express their differences from the majority.

The Hungarian Government declared December 18, the day in 1995 on which the General Assembly adopted the *UN Statement on the Rights of People of National, Ethnic, Religious, and Language Minorities*, as Minorities Day in order to attract public attention and develop and maintain a minority-friendly social atmosphere. As one of the important events of Minorities Day, the *Minorities Prize*, which was established by the Prime Minister of the Republic of Hungary, is awarded every year in recognition of the foreign and domestic individuals, organizations, and minority self-government bodies that demonstrate outstanding achievement in the interest of minorities in public life, education, culture, religion, science, mass media, and business. Two community organizations serving the Polish community in Hungary and an eminent member of the German community in Hungary received the Minorities Prize in 1998.

There are legal restrictions in Hungary governing the expression of public opinion concerning minorities. It is, therefore, the legally prescribed responsibility of public service radio and television in Hungary to provide continuous information concerning matters in relation to national and ethnic minorities.

The minorities ombudsman issues an annual report concerning the requests that have been made, complaints, and the procedures that have been initiated.

The government reports that are prepared by the Minorities Office every two years and discussed by Parliament concerning the situation of the minorities are public. These documents are posted on the Minorities Office's Internet homepage.

The Government established the Public Foundation for European Comparative Minorities Research in 1997. This foundation intends to play an intermediary role between academia and politics with regard to the issues concerning minorities research. In 1998, the Public Foundation for European Comparative Minorities Research announced a grant under the title of "The Present and Future of Minorities in Europe." Most of the applications concerned comprehensive research on the factors involved in preserving the identities of national and ethnic minorities and assimilating them. The research findings are being published.

The Minorities Information Brochure and the Minorities News, which are published by the Minorities Office, are printed in several thousand copies and sent to all settlements and minority self-governments. The Minorities Office regularly holds press conferences and issues press releases concerning minorities issues. There is an independent press office, the Gypsy Press Center, operating with regard to the special position of the Gypsy minority and in order to provide information in connection with it. It should be mentioned that the *Srpske narodne novine*, the Serbian minority's weekly newspaper and the periodical *Barátság*, which is published in Hungarian and depicts the lives of Hungarian minorities, have been posted on the Internet since 1998. The Cultural Association of Romanians in Hungary will soon have its own homepage with considerable financial assistance provided by the Public Foundation for Minorities. The growing number of commercial television and radio stations as well as Hungarian Television, Duna Television, and Hungarian Radio regularly report on the situation of Hungary's minorities.

In both Hungarian and the minority languages, the print and electronic press reported in detail about the implementation of the framework Convention and its provisions. These reports emphasized that the special rights of minorities in Hungary are defined more precisely than in the framework Convention, which, as a result of its character, provides more general definitions.

PART II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

Hungary, which has been a member of the United Nations since 14 December 1955, has ratified the main UN conventions on human rights. Hungary is obliged to submit reports in connection with the conventions and, after the change of regime in 1990, Hungary also accepted the possibility, whenever it might arise, of submitting individual complaints. With Law-Decree 8 of 1976, the Republic of Hungary promulgated the United Nations International Covenant on Civil and Political Rights adopted by the United Nations General Assembly. As is known, Article 27 of the Covenant states that the persons of national, religious, and ethnic minorities may not be denied the right to have their own culture with other members of their groups, to practice their own religions, or to use their own languages.

The Convention on the Rights of the Child, which was signed in November 1989 in New York, became a part of the Hungarian legal system with Act LXIV of 1991. In accordance with the provisions of the framework Convention, Hungary undertakes to encourage the mass communication media to take into consideration the linguistic needs of minority children.

Hungary recognizes the importance of the framework Convention's declaration that the children of minorities may not be deprived of their right to live their own cultural lives, practice their religion, and use their own languages with the other members of their groups.

The most recent report that was submitted on the basis of the Convention on the Elimination of Racial Discrimination (CERD) under the auspices of the United Nations can be found in the appendices. We are not aware of any individual complaints submitted to this international forum in connection with minority rights.

After the change of regime in 1990, all of the Hungarian political powers agreed that Hungary can become a democratic country integrally connected to the European and world economies that is based on a stable market economy as soon as possible if it tries to develop the closest possible ties with European and European-Atlantic institutions. In this spirit, all three of the Hungarian governments since the change of regime have designated accession to European and European-Atlantic institutions as primary foreign policy objectives.

From the beginning, Hungarian foreign policy considered the *Organization for Security and Cooperation in Europe*, the *European Union*, *NATO*, the *West European Union*, the *Council of Europe*, the institutions of the *Central European Initiative*, and the *Organization for Economic Cooperation and Development* as complementary parts of a uniform system. Hungary has tried, therefore, to obtain full membership in each of these organizations. Hungary has been participating in the *Conference on Security and Cooperation in Europe* and the *Organization for Security and Cooperation in Europe* since 1 August 1975. It joined the Central European Initiative on 11 November 1989 and was accepted with full membership in the Council of Europe on 6 November 1990 as the first country from the region.

It is well known that, in the Organization for Security and Cooperation in Europe, minority issues are linked to humanitarian cooperation and the human rights "basket." Hungary also shares the viewpoint connected to the organization's national minority issues that the problems of minorities are, in a predominant number of cases, political questions that cannot be limited to social, legal, or economic aspects. Fortunately, the OSCE strives not only to recognize minority rights, but to avert possible conflicts. In this respect, the creation of its high commission for national minorities in 1992 was a significant step forward. The high commissioner has been to Hungary several times, and he has reported that his experiences here were satisfactory.

Since Hungary is regularly represented in the OSCE humanitarian implementation talks, most recently in the October 1998 Warsaw talks, in which representatives of the foreign and other ministries of the 54 OSCE member states report on the manner in which human rights and humanitarian obligations are fulfilled in their countries and, in particular cases, respond to the questions and criticisms of the representatives of partner states and non-governmental organizations.

Hungary has received favorable judgment in these forums with regard to human rights and has been positively evaluated for its practice in connection with, among other things, free and fair elections and freedom of the press.

The Hungarian legal system makes it possible to observe negative tendencies and detect flagrant cases at an early stage, and the proper authorities, in conjunction with the minorities ombudsman, are able to take steps to put an end to such cases before they happen again.

Regional cooperation is of growing importance these days. The Central European Initiative provides a unique forum for discussing the specific problems of the region and for developing and representing a common viewpoint in security matters. The Republic of Hungary is participating in the CEI's Minority Protection Committee. It is a signatory to the *Central European Initiative Minority Protection Document* (30 April 1996). This *instrumentum* is a legally non-binding document. Signing it can be taken as a political statement of intent, although it also lists several rights that the states have already acknowledged elsewhere - in the Council of Europe Framework Convention for the Protection of Minorities, for instance.

Hungary identifies with the Council of Europe's principal endeavor according to which the organization tries to respond to the specific problems of the Central and Eastern European region. These efforts have proven to be successful in several areas. The activities of the Council of Europe that are pursued in order to ensure the protection of minorities is considered to be one of the most important of these efforts. The Council of Europe reacts to this issue on several levels. Within the framework of its standard-creating activities, the Council of Europe has created regulations that are recognized generally and that are especially incorporated in the framework Convention and the European Charter for Regional or Minority Languages. Hungary is in favor of the organization of the so-called confidence-building programs, which have been initiated and implemented in order to improve relations between minorities and the majority population, often in the border regions. Hungary has also accepted the Council of Europe's recommendations in the course of concluding bilateral agreements on the protection of minorities.

According to the country report on Hungary prepared by the *European Committee Against Racism and Intolerance* (ECRI), which operates in conjunction with the Council of Europe, Hungary has recognized the national and ethnic minorities that live in Hungary and their collective and individual rights in an positive manner in the law on the rights of national and ethnic minorities. The ECRI is also satisfied with the election of parliamentary commissioners, especially the minorities ombudsman, so that they can ensure the appropriate implementation of the legal provisions. The ECRI report points out the necessity of reliable statistics. The report praises the work of the Minorities Office, because this organization plays an important role in all areas in initiating and coordinating tasks, collecting data, checking and evaluating the effectiveness of policies, and developing policy proposals. The Hungarian Government was acknowledged for having recognized the importance of dealing with minority issues at the government level, which also appears in its organizational structure. The Government accepted the ECRI's recommendation and is making further efforts to strengthen the Minorities Office as an independent administrative organization and to provide it with proper funding.

The ECRI report determined that Hungary is aware of the problems of Gypsies and has made respectable efforts to improve the situation in several areas (housing, education, employment, etc.) and examine and reduce racial discrimination against Gypsies. As they do in other countries, Gypsies have to face characteristic problems and disadvantages in Hungary. Hungary, therefore, believes that further efforts are needed in order to develop a policy regarding this minority.

Hungary ratified the *Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms* signed in Rome on 4 November 1950 and the eight ancillary protocols pertaining to it on 5 November 1992 and promulgated them with Act XXXI of 1993. Accordingly, individuals have been able to submit requests to the European Human Rights Commission and Court since 5 November 1992. So far, the Commission and the Court have sent

the Government 26 requests for comment. None of the requests were based on discrimination pertaining to national and ethnic minorities. Although in two cases the people who submitted the requests referred to the fact that they had been ill-treated in the course of police action and criminal detention proceedings because of their ethnic origins, the Commission did not find these complaints sufficiently substantiated to incorporate the part of the complaints pertaining to discrimination in the questions that were sent for comment. Furthermore, the Commission determined in its report on one of these two cases that the treatment that the person submitting the request had objected to and considered discriminatory was not at all in violation of the framework Convention.

Hungary considers *Recommendation No. 1201 of the Parliamentary General Meeting of the Council of Europe*, which acknowledges the collective rights of minorities, as authoritative.

The Parliament of the Republic of Hungary ratified the *European Charter for Regional or Minority Languages* (Parliamentary Resolution 35/1995 (IV. 7.) OGY), and it is in process of being promulgated. The languages of six minorities - *Croatian, German, Romanian, Serbian, Slovenian, and Slovakian* languages - were mentioned specifically.

The Ministry of Foreign Affairs, the Ministry of Justice, and the Minorities Office are concerned with preparing and upholding international conventions for the protection of minorities and with compiling reports.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and cooperation between States.

The intention to strive for good neighborliness and amicable relations and cooperation between States is reflected in the bilateral accords and treaties signed by the Republic of Hungary, the mother countries of several of the minorities living in Hungary, and other states as well as in accession to the multilateral international accords listed in Article 1 of the framework Convention. These bilateral documents will be dealt with in detail in connection with Article 18 of the framework Convention.

Hungary's political efforts coincide with those stipulated in Article 2 of the framework Convention. The 1998 government program stipulates that the Government will endeavor to increase the role of natural geographic, economic, and historical areas. Special emphasis is placed on the development of a regional economic policy in the borders areas - a policy that satisfies real needs and stretches beyond the borders. This can be done with the involvement of chambers, associations, societies, and local governments.

The Government intends to play an active role in both international and regional organizations, and it intends, in accordance with its realistic possibilities, to contribute to the resolution of global and regional security, economic, environmental protection, migration, and judicial issues.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

The Republic of Hungary guarantees all citizens the right to freely choose and acknowledge their identity.

According to the provisions of the Minorities Act, all persons have the exclusive and inalienable right to choose to belong to a national or ethnic group or a minority and so declare it. Nobody is obliged to proclaim that they belong to a minority group. Likewise, the right to national or ethnic identity and the choice to belong to a minority do not exclude acknowledgment of two or more affiliations.

The Minorities Act states that citizens who belong to national or ethnic minorities have the right to confidentially and anonymously acknowledge belonging to a minority in the national census. The law states, moreover, that it is forbidden to discriminate against minorities in any manner. In accordance with the Minorities Act, the Republic of Hungary forbids all policies that harass national or ethnic minorities or individuals belonging to minorities because of their affiliation as well as all policies that make the circumstances of their lives more difficult or impede the practice of their rights.

We are not aware that anyone has been denied the opportunity to acknowledge their national or ethnic identity or forced to acknowledge it.

The censuses collect information concerning the national and ethnic composition of the country's population. There is a law in Hungary that the Central Statistical Office is obliged to conduct censuses.

The Central Statistical Office is a technically independent agency with national jurisdiction that is under the immediate supervision of the Government. The Central Statistical Office is in charge of planning data collection; recording, processing, storing, analyzing, and publishing data; as well as protecting individual data.

The Central Statistical Office provides data for Parliament, administrative agencies, non-government organizations, interest representation organizations, local governments, public bodies, academic circles, the public, news agencies, international organizations, and foreign users.

The Central Statistical Office publishes the official data pertaining to the population and social and economic conditions in the country. The Central Statistical Office enforces the following principles in the course of providing information: objectivity, proficiency, full disclosure (while protecting individual data), and uniform information.

Each census is ordered by a separate law, and the provision of information is compulsory. The range of data to be collected is also determined in the laws that order the censuses. The direct data pertain to the population's "*nationality*" and we have community figures since 1941 (with the exception of 1970). The indirect data that is obtained from the census is the information concerning the "*native languages*." This information has been included in all censuses since 1880.

We are going to discuss these matters in detail in the introduction to the report and in the chapter on Hungary's demographic situation.

Act LXVI of 1992 on the Recording of the Personal Data and Addresses of Citizens and Act XLVI of 1993 on Statistics regulate the handling of personal data. The Data Protection Act, which puts the data concerning national and ethnic affiliation in the category of special data, provides another legal guarantee, since one of the conditions for handling such data is that it must be ordered by law.

The creation of a data protection ombudsman has become a new, special means of protecting data. According to the Data Protection Act, the data protection ombudsman is entitled to proceed only if the management of a natural person's data is the subject of the case.

One of the data protection ombudsman's relevant positions concerning the handling of minority affiliation is presented below.

The chairman of the Board of Trustees of the Public Foundation for Minorities asked the data protection ombudsman in 1997 whether the Board of Trustees has the right to accept application forms that contain open questions concerning minority affiliation and whether applicants who do not answer this question can be excluded. According to the data protection ombudsman, applicants can be expected to acknowledge their affiliation in the course of their participation in such programs - to the evaluating body and not the public. The data holder, however, is obliged to comply with the regulations pertaining to the handling of data and data security. The applicants must be informed in advance as to whether the data pertaining to their affiliation is needed in order to evaluate their applications. Those who receive applications must provide a statement to the effect that it will not forward the data or make such available to others.

There are no records in Hungary that would include the affiliation of individual citizens with national and ethnic minorities. The refusal to have such records can be attributed to historical causes. The lack of such records can sometimes lead to contradictory situations. This makes it more difficult for organizations that provide various humanitarian services to measure the needs in a given area. Following the elections of self-government bodies for the minority groups held in 1998, minority organizations indicated that they believe that people who do not belong to the minority communities nominated themselves to several bodies and were elected. This problem is being dealt with in the course of the current preparation of the amendment of the Minorities Act.

The most recent census was held in Hungary on 1 January 1990. The Central Statistical Office published the compiled data pertaining to nationalities in its 1990 census publications. The data can be found in several publications, combined with other census information, and summarized at the national, county, and community level. The most important of these is the two-volume publication *Nationality and Native Language*, which includes combined national tables of the minorities living in Hungary containing census data regarding those who belong to the nationalities and native speakers of the national languages.

We would like to discuss the following in connection with paragraph 2 of Article 3 of the framework Convention.

The Hungarian Parliament declared when it accepted the Minorities Act that it considers the right to national and ethnic identity to be a universal human right and that the special individual and collective rights of the national and ethnic minorities are fundamental freedoms that the Hungarian Parliament respects and enforces in the Republic of Hungary. The act states that the right to national and ethnic identity is a fundamental human right to which both individuals and communities are entitled. All minorities are entitled to exist and survive as national and ethnic communities.

Subsection (2) of Section 1 of the Minorities Act practically adopted the so-called Capotorti definition for the definition of national and ethnic minorities. According to this, national and ethnic minorities are all groups of people that have lived in Hungary for at least one century; they represent a numerical minority in the country's population; their members are Hungarian citizens; they are distinguished from the rest of the population by their own languages, cultures, and traditions; they demonstrate a consciousness of an affinity that is aimed at preserving all of these and expressing and protecting the interests of their historical communities. According to this Act, the following are considered national groups that are native to Hungary: *Bulgarians, Gypsies, Greeks, Croatians, Poles, Germans, Armenians, Romanians, Ruthenians, Serbians, Slovaks, Slovenians, and Ukrainians.*

If any minority other than the above wishes to prove that it fulfills the conditions that are stipulated in the Minorities Act, at least 1,000 voting citizens who declare themselves to be members of this minority can submit their popular initiative on this matter to the Speaker of Parliament. The pertinent provisions of the 1989 Act on Voting and Popular Initiatives have to be applied in the course of the procedure. Such initiatives have not been made since 1993, when the Minorities Act was passed by Parliament.

Despite the fact that other significant national groups have appeared in the Hungary in recent years (war refugees, entrepreneurs, etc.), the Hungarian government, on the basis of the criteria stipulated in the act, does not consider these groups to be a constituent part of the state, and it has different responsibilities and obligations with regard to them. The scope of the Minorities Act does not extend to refugees, immigrants, resident foreign citizens, and stateless persons. People who used to live in a different country but have settled in Hungary and obtained Hungarian citizenship face no obstacles to joining a recognized ethnic group.

Further information and supplements in connection with the right of association that can be connected to Article 3 of the framework Convention is discussed in the section on Article 7 of the framework Convention. We would like to mention, as it has already been mentioned above in the discussion of Article 1, that Hungary considers *Recommendation No. 1201 of the Council of Europe's Parliamentary General Meeting*, which stipulates the recognition of the collective rights of minorities, as authoritative.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

In Hungary, the Constitution and the laws declare equality before the law and guarantee the enforcement of it.

According to Paragraphs (1) and (2) of Article 70/A of the Constitution, the Republic of Hungary guarantees the human rights and civil liberties of all of the people who are in its territory regardless of race, skin color, gender, language, religion, political or other creed, national or social origin, or financial, birth, or other conditions. The Constitution declares the prohibition of discrimination. According to Paragraph (3) of Article 70/A of the Constitution, which is cited here, the Republic of Hungary helps to implement equality before the law with measures that eliminate inequality of opportunity. This is so even in the theoretical case in which the discrimination that is prohibited in the Constitution takes place, in which case the injured person has the right to lodge an individual complaint with the Constitutional Court.

Paragraph (1) of Article 57 of the Constitution guarantees equality before the law by stating that, in the Republic of Hungary, all persons are equal before the court and all persons have the right to have an independent and impartial court judge the charges made against them or their rights and obligations in a suit in a fair and open trial.

On the basis of the currently effective Act I of 1973 on Criminal Procedure (hereinafter referred to as "the Criminal Procedure Act"), the authorities will assign a defense counsel if the accused does not have an authorized defense counsel and defense is compulsory. The defense counsel is obliged to use all legitimate means and manners of defense in the interest of the accused without any delay, inform the accused of the legitimate means of the defense, notify the accused his or her rights, and help to uncover facts that will acquit the accused or mitigate responsibility. If defense is compulsory, the defense counsel is obliged to attend the trial and the other procedural acts specified by law.

According to Paragraph c) of Section 46 of Act XIX of 1998 On Criminal Procedure (hereinafter referred to as "the new Criminal Procedure Act"), the new law created in 1998 that will in all probability enter into effect on 1 January 2000, the participation of a defense counsel in the criminal procedure is compulsory if the accused does not know the Hungarian language, that is, the language of the procedure.

In the course of legal remedy, a court of higher degree examines whether there has been any procedural infraction. The court of higher degree renders the decision of the previous court null and void and orders the court to conduct new proceedings if the hearing or trial was held in the absence of a person whose participation is compulsory according to law. The court will proceed in the same manner if the procedural regulations are violated in a manner that significantly affects the verdict. These violations can include, for example, a situation in which the persons participating in the proceedings are unable to exercise their legitimate rights or one in which restrictions are placed on exercising these rights.

Paragraph (1) of Article 57 of Hungary's Constitution and Section 9 of Act LXVI of 1997 on the Organization and Administration of the Courts stipulate that all persons are equal before the court and all persons have the right to have cases requiring judicial recourse judged by an independent and unprejudiced court in a fair procedure and within a reasonable period. Nobody can be deprived of a lawful judge, a judge who operates in a court that has jurisdiction and competence in accordance with the procedural regulations and is assigned in accordance with the previously determined order of case distribution.

The measures that promote the equality of opportunity include the right to use the native language in court and official proceedings.

Nobody can suffer disadvantage because of the lack of command of the Hungarian language. The right to use one's native language is due to all subjects of the procedure who are not native Hungarian speakers, regardless of their knowledge of the Hungarian language. According to Subsection (2) of Section 8 of the Criminal Procedure Act, everybody is entitled to use their native language - both verbally and in writing. Subsection (1) of Section 80 stipulates that the proceeding authorities must, either officially or upon request, request interpreters for non-native Hungarian speakers.

In connection with guaranteeing the right to use native languages, it can be said that indictments must also be translated into a language that is known by the defendant, and that the government bears the costs of such translation. We will also discuss these matters in connection with Article 10 of the framework Convention.

The regulations of the new Criminal Procedure Act has meant a step forward. According to this, those concerned are entitled to use another language that they indicated as known in addition to the native language in the procedure. On the basis of Subsection (3) of Section 9 of the new Criminal Procedure Act, the national minority language can be the language of procedure in court.

The same regulations are stipulated in Section 8 of Act III of 1952 on Civil Procedure, which states that nobody can suffer any disadvantage in civil procedure because of the lack of command of the Hungarian language. Everybody is entitled to use their native languages in court procedures. People who do not speak Hungarian must be provided interpreters.

Subsection (5) of Section 2 of Act IV of 1957 on the General Rules of Administrative Procedure stipulates that everybody is entitled to use their native languages in administrative procedure verbally and in writing and that nobody can suffer any disadvantage in civil procedure because of the lack of command of the Hungarian language.

Law-Decree 11 of 1979 on the Implementation of Punishments and Measures, which prohibits discrimination between convicts according to their national or ethnic affiliation, religious or political conviction, social origins, gender, and financial situation, contains regulations prohibiting discrimination. The supervisory activities of the Chief Prosecutor's Office, which are stipulated in Act V of 1972 on the State Prosecutor's Office of the Republic of Hungary, are enforced with regard to the implementation of punishments in terms of the inspection of this prohibition. According to Paragraphs a) and b) of Subsection (2), of Section 2 of Law-Decree 11 of 1979 on the Implementation of Punishments and Measures, convicted people are entitled to learn the regulations concerning their rights and obligations in their native languages or other language that they know; nobody can suffer any disadvantage for the lack of command of the Hungarian language; and the convicts are entitled to use their native languages in the course of the implementation of punishment.

The Broadcasting Act contains several provisions that ensure the protection and equality of national and ethnic minorities. These matters are discussed in detail in connection with Article 9 of the framework Convention.

The National News Agency Act also contains provisions that regulate the equal opportunity of national and ethnic minorities. In accordance with the regulation, the Hungarian Telegraph Office stipulated the obligation that is specified in the act in its organizational and operational regulations and the National Radio and Television Commission's programming supervision and analysis service regularly inspects and monitors compliance with these provisions.

Subsection (2) of Section 3 of Act XXXI of 1997 stipulates with regard to the protection of children and custody administration that any kind of discrimination due to, *inter alia*, affiliation with a nation, nationality, or ethnic group is prohibited in the course of the protection of the children.

The Constitution and the Minorities Act promote the enforcement of positive discrimination. According to this, persons belonging to national minorities have the right to have equal political and cultural opportunity, which the government is obliged to promote with effective measures. The government provides extra normative subsidies for education in minority pre-schools and instruction of the native language (and in the native language) in schools as stipulated in the current budget act.

The principle of equal opportunity for minorities is also enforced in the course of local government elections. This subject is dealt in detail in connection with the evaluation of Article 15 of the framework Convention.

The Budget Act grants preferences in the course of financing minority initiatives and activities. These forms of support are for reducing the inequality of opportunities and balancing out the objective disadvantages that stem from existence as a minority.

The Parliament elected a minorities ombudsman in 1995 for protecting the constitutional rights of the minorities. The minorities ombudsman is entitled to turn to individuals, communities, and local and national self-governments for minority groups. The causes for injury can include racial discrimination, the delay of administration, the provision of false information, the refusal to provide information, etc. The Parliamentary commissioner is entitled to conduct an inspection in the case and, in the interest of this, access official documents, propose measures for remedying

the injury, and make proposals to Parliament for the amendment of the law that brought about the adverse situation.

The 1997 report of the minorities ombudsman states that there are no "*crisis centers*" with regard to the regional distribution of the complaints, other than the fact that the counties that are populated by the minorities are naturally the most affected. The places that can be emphasized the most as the most disadvantageous from several aspects are those where the ratio of the Gypsy population is higher than the average. Most of the people who make complaints and belong to a national or ethnic minority are Gypsies. The number of Roma complainants increased slightly in 1997 compared to 1996 and their ratio fell from 68% to 63%.

One could say that the number of complaints about the police is still relatively high. However, the first signs of favorable tendencies can be observed as a result of the central measures. The various county police departments and the National Police Department have taken measures in order to develop consultative relations with the local self-government bodies of the Gypsy minority and non-government organizations and have generally shown openness towards similar actions initiated by the "*other side*." With this, it was possible to avoid a deepening of the "*crisis in trust*" between the police and the Gypsy community.

Measures have been taken in order to reduce possible prejudices that might exist in police training and personnel. The studies that are necessary to communicate this have become a part of the training and further training materials.

The previous discriminatory practice that used to exist in criminal reports and warrants, which used to mention the national or ethnic affiliation instead of the alleged perpetrator's description, have practically ceased as a result of the recommendations of the Minorities Office, the minorities ombudsman, and the data protection ombudsman.

Several legal protection institutions started to operate in the 1990s in the civil sector. These include, for example, the *National and Ethnic Minorities Legal Protection Office*, the *Office for Enforcing Gypsy Rights and Interests*, the *Conflict Prevention and Legal Protection Office of the Roma Parliament*, and the *Legal Protection Office of the Roma Civil Rights Foundation*. These offices provide the people who contact them with legal counsel and representation. They obtain the funds that are necessary for their operation from grants and their services are free of charge. The Public Foundation for Gypsies has supported the operation of legal protection offices ever since they were founded.

The Hungarian Parliament is regularly informed of the special position of persons belonging to national and ethnic minorities. On the basis of the Minorities Act, the Government has to review the situation of the national and ethnic minorities that live in the Republic of Hungary every two years and report to Parliament regarding such. The Committee on Human Rights, Minorities, and Religious Affairs deals with minorities issues in Parliament.

It is obvious that complete and effective equality in all areas of economic, social, political, and cultural life can be implemented with regard to the Gypsy minority only in the long run. Since the change of system in 1990, Gypsies were among the first to be squeezed out of the labor market to a degree and at a rate never experienced before; they lost the basis of their livelihood - which was secure, although at a low level - that they had gradually built up in the previous forty years.

The unemployment rate in the entire population is 8%-10%, while it is four or five times greater in the case of the Gypsy minority. There are settlements where 90%-100% of the Gypsy population is unemployed. The studies that analyze Gypsy unemployment prove that the Gypsies' inclination to work is basically not lower than that of non-Gypsies living in similar conditions. The unemployed Gypsies, however, have considerably worse chances for making a return to the labor market than non-Gypsies since they have been unemployed for considerably longer. They usually live in small settlements, in regions that are short of jobs, which makes it hard for them to even take part in retraining programs as well as to find employment. The relatively low level of education also limits their training opportunities. Previously, more than half of the income of Gypsy families used to come from wages and salaries, while today the welfare transfer incomes constitute the main source of income. This results in the Gypsy families' dependence on aid and mostly regular welfare income.

Factors that affect health unfavorably are much more common among Gypsies. The percentage of handicapped and people with permanently damaged health is much higher among the Gypsy minority. Infant mortality is higher; many of the Gypsy children are born prematurely and with low weight and their development is slower as a result of their living conditions. The Gypsy population's average life expectancy is 10 years less than that of non-Gypsies.

The Hungarian Government undertook a series of coordinated measures in recent years to improve the social integration and living conditions of the Gypsy minority.

The following Government measures were taken since 1995 in order to improve employment conditions for the Gypsy minority, amongst other things.

- Government Resolution 1125/1995 (XII. 12.) on the most urgent tasks related to the situation of the Gypsy minority
- Government Resolution 1120/1995 (XII. 7.) on the establishment of the Coordination Council for Gypsy Affairs
- Government Resolution 1121/1995 (XII. 7.) on the foundation of the Public Foundation for Hungarian Gypsies
- Government Resolution 1093/1997 (VII. 29.) on the medium-term action plan for the improvement of the living conditions of the Gypsy minority
- Government Resolution 1107/1997 (X. 11.) on measures intended to improve the situation of the Gypsy minority

With Government Resolution 1093/1997 (VII. 29.), the Government accepted a package plan consisting of more than 60 measures for improving the living conditions and social integration of the Gypsy minority.

The Government intends to determine the specific tasks that belong to the various ministries in the course of the current amendment of the medium-term action package that concerns the Gypsy minority in order to implement the program. A long-term social policy and minority policy strategy will also be developed. In connection with this, the Minorities Office proposes the establishment of a Gypsy Interministerial Committee, which would help the implementation of the action package with the appropriate technical competence.

The government action programs that concern the Gypsy minority and the amended package of measures, which will be accepted soon, extends to the following areas.

Education (education development programs, scholarship system, dormitory programs to promote talented young people, and a system of incentives for teachers and institutions)

Employment (improving the employment conditions of the disadvantaged, training programs to help improve people's chances in the labor market, agricultural and animal husbandry programs, improving public employment, and announcing public work programs)

Social care, health care, and housing programs (special home building programs, loans, and the reduction of housing projects)

Regional programs (extending regional development objectives to consider the interests of the Gypsy minority and healthy drinking water program)

Anti-discrimination program (supplementing anti-discrimination laws, analyzing the experiences, taking measures to reduce prejudice, and improving relations between the police and the Romas)

Section 5 of Act XXII of 1992 on the Labor Code (hereinafter referred to as "the Labor Code") stipulates the prohibition of discrimination that is mentioned in Article 4 of the framework Convention. The Labor Code stipulates that it is prohibited to discriminate between employees in connection with employment according to their gender, age, nationality, race, origins, religion, political conviction, affiliation with employee representative organizations or related activities as well as any other circumstance that is not connected to the employment. At the same time, the Labor Code provides the opportunity for a law to stipulate the obligation to prefer a specific group of employees - with regard to employment - if identical conditions are fulfilled.

Act IV of 1991 on the Job Assistance and Unemployment Benefits also contains the prohibition of discrimination as well as the possibility of positive discrimination. The employment organization system takes advantage of the application of positive discrimination that is ensured in the law and prefers unemployed people who belong to the Gypsy minority for public employment.

The employment organization system that operates under the direction of the Ministry of Social and Family Affairs and the county employment centers are in charge of developing programs, preparing legislation, and implementing these in order to help the Gypsy minority find work. The employment centers manage the insurance-based Labor Market Fund, which can distribute aid to expand and preserve employment. The county employment centers and the local governments and the self-government organs of the Gypsy minority have signed cooperation agreements.

The Regional Labor Development and Training Centers also participate in training the unemployed for the labor market.

The Public Foundation for National Employment grants support to organizations (especially non-profit organizations) that assist the unemployed.

The Public Work Council, established in 1996, supports public work programs that are aimed at reducing unemployment. The public work programs are aimed at helping the performance of public tasks and achieving the objectives that are specified by the Parliament or the Government.

The Minorities Office and the National Self-Government of the Gypsy Minority also participate in the Public Work Council's work.

The Ministry of Labor has included measures in connection with the position of Gypsies in the labor market in its annual employment policy directives since 1996.

Government Resolution 1118/1995 (XII. 1.) on the 1996 Employment Policy Directives intended to use the general means of increasing employment for improving the situation of the Gypsy minority. These include, for example, the expansion of education, the promotion of part-time and shared-time employment, assistance for preserving jobs, starting public work programs, and increasing atypical forms of employment (e.g. odd jobs).

The Government tried to help a structural transformation to establish the creation of jobs for the endangered groups in the regions that were affected by the crisis with normative regulations and comprehensive programs.

The decentralized and euro-conform regional development system that have been gradually introduced in Hungary for a few years also provide the opportunity to handle the problems of the Gypsy minority at the local level. The relevant ministry (initially the Ministry of Environmental Protection and Regional Development and then later the Ministry of Agriculture and Regional Development), therefore, created the opportunity to prepare local programs that improve employment and services and ensure advantages and allowances for Gypsies as well as to support these programs from the central funds.

Government Resolution 1129/1996 (XII. 22.) on the 1997 Employment Policy Principles intended to improve the supplementary employment opportunities that are supported by the Public Work Council as a continuation of the previous year's plan. The Public Work Council participated in the organization of programs that were aimed at the involvement of highly disadvantaged groups. These were connected to, for example, the performance of environmental protection, health care, and social welfare tasks; the improvement of basic work and living conditions; and the preservation and augmentation of cultural and national values. The principles set the increasing of the number of people who participate in the various forms of employment as an objective. Within this, the principles devote special attention to programs that promote the employment of the highly disadvantaged, especially the long-term unemployed and Gypsy minority. The principles, furthermore, required the development of central programs that are financed from the Labor Market Fund's employment section and that help, among other things, the employment of unemployed Gypsies and their position in the labor market.

The action program that was prepared in the Ministry of Labor and also accepted by the Coordination Council for Gypsy Affairs was aimed at this. It was incorporated in the employment-related part of the medium-term package of measures that pertained to improving the living conditions of Gypsies.

Government Resolution 1119/1997 (XI. 26.) on Employment Policy Guidelines set out the further support of public work programs (e.g. the central forest development program) as an objective. The resolution stipulated that people who are highly disadvantaged must be prevented from becoming unemployed. One of the most important steps in this is increasing the level of education, which might also improve the situation of the Gypsy minority considerably.

The Government intends to create real solutions that can be achieved in the foreseeable future by developing a permanent forum with the legitimate heads of the Roma minority, evaluating the

actual work that had been done so far, and by supporting more effective target programs. In addition to organizing public work, the Government employs primarily educational (training and further training), child protection, and youth protection means to try to stop Gypsies from splitting from the majority even further. The Government pays attention whether the extra support that is put into the educational system is really used in the interest of disadvantaged Roma children.

The experimental support program that was started for the long-term unemployed is very important in improving the situation of the Gypsy minority since unemployment and particularly long-term unemployment injures them at the highest rate. The number of the long-term unemployed exceeded 125,000 when the program was begun in 1997. More than 30% of the group concerned (42,000 people) has found jobs. Approximately 23,000 people received employment policy support (training, wage support, assumption of contributions, payment for travel expenses, and public work and employment). Some 9,000 people found jobs with assistance. After being motivated, 10,000 people found jobs for themselves. On the basis of the 1997 experiences, 30% of the targeted group is expected to find jobs in 1998 as well.

Public work was considered the most important active means for the Gypsies. On the national average, 35.8% of the decentralized funds are spent on the county employment centers' operation. More than 100,000 people took part in public work last year, and approximately 20% of these people were from the Gypsy minority.

Nearly 20,000 people participated in the public work programs in 1997, and the number of Gypsy participants was estimated to be 8,000-10,000. The ratio of Gypsies was similar in the first round of the public work tenders that were announced in 1998, which meant the employment of 2,600 people for public work. Some of the winning bidders signed cooperation agreements with the local self-governments for the Gypsy minority, according to which they participate in selecting the Roma public workers, filling in the required number in the case of fluctuation, and inspecting the work in terms of both quality and quantity.

The employment organization continuously examines the expansion of training possibilities in the labor market. The employment organization tries to develop programs that can be announced for the long-term unemployed, including the Gypsies, and can be very useful in the labor market.

The available training programs can be divided into two parts:

- The instruction of service-type activities that require traditional manual skills (broom maker, adobe brick-maker, skilled mason, etc.)
- Social welfare services on behalf of the interests of the community (Gypsy community developer assistant, Gypsy employment organizer)

In many cases the learning, communication, reading, and writing difficulties of young Gypsies hinders the success of technical training. The alternative and personality developing methodological program modules, which can be fit into the 9th and 10th grade syllabus of general public educational or in the academic improvement programs, were designed to deal with these problems.

Gypsy affiliation is not registered in Hungary in any manner since the Hungarian constitutional concept of the protection of human rights does not make this possible. In consideration of this

fact, the data concerning them can be based only on estimates and studies prepared on the basis of ad hoc surveys.

In the absence of regulation, the development of a system of employment policy instruments that is applied only for the Gypsy minority is impossible and even unnecessary.

The following can be summarized with regard to paragraph 2 of Article 4 of the framework Convention.

The Constitution, the Minorities Act, Act CXL of 1997 on the Protection of Cultural Goods, Museum Institutions, the Supply of Public Libraries, and Public Education (hereinafter referred to as "the Act on Culture"); and the provisions of the bilateral inter-government treaties ensure the legal background for the cultural supply of the minorities in Hungary.

Article 68 of the Constitution guarantees the right to nurture minority cultures for the people and communities of national and ethnic minorities. The legal provisions that regulate cultural life do not always concern minority rights, although they guarantee the right to nurture, pass on, and depict minority culture on the basis of citizenship.

The Minorities Act regulates the cultural rights of minority communities in detail. This Act provides an extensive background for the development of minority cultural autonomy.

The legal harmonization of the Minorities Act and the other acts that ensure the cultural supply of minorities is on-going. This can also contribute to the development of minority cultural autonomy.

Multilateral treaties that have been ratified by the Republic of Hungary and that are aimed at the preservation and enhancement of minority cultures are also continuously being incorporated into Hungarian law.

The national and local self-governments for minority groups have the right to present their opinions extensively, while they have the right of consent with regard to most of the cultural and educational laws. This ensures that the special interests of the minorities can be included in the legislation process as much as possible.

In the course of coordinating the report with the representatives of the minorities, the national self-governments of the Greek, the Ruthenian, the Serbian, and the Slovakian minorities pointed out as problems the fact that they do not always receive the bills for presenting their opinion and sometimes they are given a very short deadline for exercising their right of consent and formulate opinions.

The local self-government for minority groups and the local, community, regional, and national minority non-government organizations play an important role in the preservation of minority cultures. Most of these organizations specified their objectives as maintaining and transmitting the culture of the minorities.

Act CLVI of 1997 on Non-Profit Organizations classifies activities in connection with national and ethnic minorities among public activities.

The state dominates the support for minority cultures in Hungary. The normative support for the cultural and educational institutions in communities with minorities is the same as that of other institutions that perform the same cultural tasks.

The native language libraries of the minorities are supplied by the public libraries of the local community governments in accordance with the law. This cannot be complied with fully in the case of all of the minorities. The school libraries of the schools that participate in minority education have literary and non-literary works in the minority language. The public library system provides services for the Croatian, German, Romanian, Serbian, Slovakian, and Slovenian minorities in various places, several hundreds of communities, around the country. 19 base libraries help the supply of these minority libraries within the library system. The national minority self-governments work on developing a library base for the Greek, Polish, Armenian, Ruthenian, and Ukrainian minorities.

The museums that are maintained by the Hungarian local governments (county and community) and the Hungarian Museum of Ethnography deal with the collection of minority relics and artifacts. The county museums that are located in the areas populated by the minorities also serve regional and national tasks. These museums are operated by the county governments. The regional houses and local museum collections are operated by the community governments. Currently, three base museums deal with the collection of minority artifacts with nationwide competence. In addition to them, the Ministry of National Cultural Heritage has registered 16 smaller museums (12 German and 1 Gypsy, Romanian, Ruthenian, and Slovenian each), two (Gypsy-topic) private galleries and 41 regional folk houses. The Museum of the Hungarian Orthodox Church in Miskolc has rich material from the religious lives of the minorities. The Serbian Orthodox Religious Arts and Academic Collection, which operates in Szentendre, and the Serbian Church Arts Collection, both of which are maintained by the Serbian Orthodox Diocese of Buda, are famous throughout Europe. There are minority theaters in Szekszárd (*Deutsche Bühne*) and Pécs (Croatian Theater). These are maintained by the community and county governments. The local government of Pomáz and the Serbian Democratic Alliance established the Joakim Vujity Serbian Theater, which is operated by the two founders in Budapest. Negotiations began last year with the national self-governments of the minorities regarding the guarantees under which the minority self-governments would take over these institutions and maintain them. The productions of the Gypsy minority theater can be seen in several public education institutions, usually in Budapest. The National Gypsy Information and Educational Center opened in Budapest in January 1999 also serves the same purpose.

The local network of Gypsy community centers currently developing is generally maintained by the local governments together with the local self-government for minority groups. The purpose of the resulting multi-functional institutions is to help the integration of Gypsy communities into local society in consideration of the local characteristics and needs.

The publication of books in minority languages is financed considerably with central government funds, through grants, with the cooperation of the Ministry of National Cultural Heritage, the Ministry of Education, and the Public Foundation for Minorities. The Minorities Editorial Council, which consists of representatives of the national self-governments for minorities, used to decide on the granting of ministerial support until 1997. A five-member board of trustees proposed the granting of support, mostly for literary works from Hungarian-speaking Gypsy authors. Since 1998, the Ministry of National Cultural Heritage has given the support directly to the national self-governments for minorities in a manner coordinated in advance with the national self-governments for minorities, in consideration of the preferences,

and on the basis of the decision of a six-member board of trustees (or an eight-member board, in the case of the Gypsy literary board of trustees). Books in minority languages are published by the minority organizations. The Cultural Association of Romanians in Hungary established a minority publisher called *Noi* in 1992 and the Serbian Democratic Alliance established a publisher under the name *Izdan* in 1993. Other publishers also publish books in minority languages (e.g. Etnikum, Útmutató, and Comp-press) as well as the Nemzeti Tankönyvkiadó Rt. [National Textbook Publisher Co.].

The independent minority education system has become stronger in recent years (Bulgarian Cultural Center, Slovakian Cultural Center, National Gypsy Information and Cultural Center, and Slovenian Cultural and Information Center). The National Serbian Self-Government also functions as a national cultural center for the Serbian minority. A network of native language research institutes is currently being developed (Bulgarian, Gypsy, Croatian, German, Romanian, Ruthenian, Slovakian, and Ukrainian). The minority research institutes are operated by either the national self-governments (Gypsy and Bulgarian) or national non-government organizations (Slovakian, Romanian, Ruthenian, and Ukrainian), or they were incorporated into universities (Croatian and German). Research is also conducted within the framework of the Serbian Orthodox Church Art and Academic Collection in Szentendre. Moreover, the National Serbian Self-Government organizes social science research in connection with Hungarian Serbians in cooperation with academic institutions in the mother country.

The measures taken in the area of cultural life for complete and effective equality between the people belonging to minorities who are mentioned in Article 4 of the framework Convention and the people who belong to the majority are also discussed in connection with Article 5 of the framework Convention, while issues that directly concern the social and political lives of minorities are discussed in detail in connection with Article 15 of the framework Convention.

Article 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

The shift to a democratic political system in 1990 created a favorable environment in Hungary for the development and initiatives of the non-governmental sector within the framework of the rule of law. Hungarian minority communities have used this opportunity as well. Minorities have started to develop a stronger identity in the new democratic environment, and this trend was further influenced by international events (e.g. the German unification process, the events which took place in Romania in 1989).

All minorities living in Hungary are characterized by being dispersed across the country, a dual identity, an advanced state of assimilation, loss of language and strong emotional and cultural ties with their native land, namely Hungary.

In most minority families the language is no longer passed on to the next generation. Hungarian has become the dominant language. The various dialects spoken by the minorities are not able to adapt and therefore their role in social communication is diminishing. Schools play a growing role in passing on the native language which has increased the responsibility borne by these institutions.

Hungary has no law stating that Hungarian is the official language. Everyone is free to use their native language. According to the procedural laws of the country, authorities must ensure the free use of the native language for everyone. This applies to national and ethnic minorities specifically referred to in the statutes as well as citizens of other countries and immigrants.

The Minorities Act recognizes the importance of minority languages in maintaining the cohesion of minority communities, and provides extensive rights for persons belonging to minority groups in using their own language for official purposes as well.

Article 68 of the Constitution guarantees minorities the freedom to cultivate their cultural traditions, the right to use their native language, the availability of education in their native language and the right to register their name in their own native language. The Minorities Act specifies the above guarantees. It states that the language, the material and intellectual culture, the historical traditions and other characteristics of national and ethnic minorities form a part of their personal and collective identity. Minorities have a fundamental right to preserve and cultivate these values. The culture of national and ethnic minorities form part of Hungary's culture.

Minority organizations may pursue activities related to general education and may establish, within the bounds of the law, institutions which are entitled to maintain international relations. These rights are set forth and provided for in the Minorities Act. The national self-government is entitled to establish and run minority theaters, exhibition facilities in museums, public collections with nation-wide coverage, libraries, publishing houses, nation-wide cultural, art and scientific institutions as well as secondary schools and higher educational institutions of nation-wide coverage. It may apply for budgetary support for such purposes. A network of minority libraries supplies minorities with literature in their native languages. In settlements where no minority local government is established, the local government is responsible for supplying the minority population with native language literature.

In accordance with the Minorities Act, the State supports the establishment of collections of objects related to material culture of minorities, the foundation and development of public collections, the publishing of books and periodicals by minorities, the availability of laws and any public announcements in the minority languages, and the observation of religious celebrations related to minority family events and other religious services in the native language of minorities.

The Act on Culture reinforces that it is in the interest of society as a whole to preserve and maintain minority cultural heritage, to provide more human, intellectual and financial capital for achieving personal and community-level development, to support valuable activities aimed at improving the living standards of citizens as well as institutions and organizations set up to achieve these aims.

The same Act states that everyone has the right to learn of their cultural heritage and its significance in shaping history and national, minority self-understanding.

The Act on Culture also states that when attending to its duties, libraries for general education shall consider the composition of the population according to their occupation, education, age, and native language. Minority central libraries supplement the literature available to minorities. The Ministerial Decree on the organization and operation of the library network states that the book stock of minority central libraries must include children's books, fiction, technical literature and periodicals, as well as library documents prepared by any technical process in the native language of the given minority. Furthermore, these libraries shall give professional and methodological advice regarding publications in the language of the minority, and shall maintain relations with libraries outside the country to allow for the exchange of publications.

The National Library of Foreign Literature in Budapest functions as the central methodological library in respect of the minority libraries. In regions with a high proportion of minority population, the county libraries function as central libraries for the region, while local and school libraries satisfy local needs. There is intensive inter-library exchange between the central library and local libraries to ensure the availability of publications which are not in the book stock of the given local library.

In settlements where there is a minority population, local cultural and general education institutions have an obligation to satisfy its cultural needs as well. At the same time, specific minority cultural and general education institutions have also been created (Bulgarian Cultural Institute and Library, Gypsy cultural centers, National Gypsy Information and Cultural Center, Ukrainian Cultural Center, Armenian Cultural Center, Institute for Slovakian Culture, Slovakian Cultural and Education Center, the *Lenau House*, German cultural centers, etc.).

Minority research institutes have been set up by minorities to study their native traditions, past and present. The Department for Non-Hungarian Nationalities of the Hungarian Ethnographic Society, operates parallel to these institutes, and conducts continuous research to explore the ethnographic values of minority cultures, and regularly publishes its findings. The UNESCO Minority Sociology Department within the Sociology Institute of ELTE University in Budapest primarily researches Gypsy society, while the objective of the Minority Research Workshop, established in 1998 as a unit of the Hungarian Academy of Sciences, is to conduct complex research on minorities within Hungary and beyond the borders of the country.

In the next section we have summarized the cultural activities of minority self-governments, NGOs, and institutes.

Apart from the Bulgarian Orthodox Church, currently two institutions are significant in the life of the Bulgarian community: the Association, which has been in operation for 85 years and the Bulgarian School. The Association owns the Bulgarian Cultural Center, which generates revenues by running a hotel and a restaurant, and thus covers a significant proportion of the Association's overhead costs, and expenses related to cultural, general education activities. The Association supports the internationally acclaimed *Martenica* and *Zdravec* folk dance and song ensembles as well as the Rila folk orchestra. In 1996, the national self-government of the Bulgarian minority established an *Institute for Bulgarian Studies*. Bulgarian self-government councils and institutions have established and maintain close relations with the scientific and cultural institutions in the mother country. So far, the national self-government of the Bulgarian minority has published six independent volumes and based on their initiative, a statue commemorating Hristo Botev, the Bulgarian national poet, was also erected, financed partly from public donations.

The Gypsy population is a highly fragmented minority, both linguistically and culturally. The development of a written Gypsy culture is difficult because it spreads very slowly in this minority group. A further problem is presented by the fact that the Gypsy population does not have a mother country which would be able to give professional and financial support. The existing traditional Gypsy communities are effectively the last groupings in Hungary where folk art is an integral part of everyday life. This, of course, improves the chances of preserving the Gypsy cultural heritage. On the other hand, the general view of Gypsy culture correlates with the picture of a pre-bourgeois, poverty-stricken lifestyle. The values of Gypsy culture are not sufficiently focused in the thinking of the general public, nor have they become a part of the national culture. Several initiatives have been launched recently to change this situation, the national quiz series organized by the public television channel is one example. The Gypsy Research Institute was established in 1994 with the support of the Ministry of Culture and Education, and since 1995 it operates as an institution of the national self-government of the Gypsy minority. The documentary material of a future national Gypsy museum could be based on the materials collected by the documentation center on Gypsy ethnography which has been established in the Hungarian Ethnographic Museum. In the second half of 1998, together with six other Central and Eastern European countries, the Hungarian Ethnographic Museum at Budapest organized an international traveling exhibition featuring the past and present of the Gypsy population living in the region. The National Gypsy Information and Cultural Center was established, which is responsible for collecting, processing and ensuring availability to public information, announcements involving the Gypsy population, for providing professional and methodological support for local and regional Gypsy cultural institutions, coordinating the activities of these institutions, for providing professional assistance to amateur and professional performing and other artists, artistic groups, for supporting Gypsy traditions and folk artists, and for operating a library. On the basis of the initiative of the Minorities Office, the Gypsy Cultural and Art Council were set up in autumn 1998 with the participation of well-known Roma artists. The Art Council can initiate, put forward and discuss proposals, and its mission is to assist in preserving the traditional values of Roma culture which form an integral part of their everyday life, and to promote Gypsy artists on the national and international scene.

In 1993, the Greek Cultural Center opened in Kecskemét to serve the Greek minority living in Hungary. The Cultural Association of the Greek community in Hungary has existed for the past fifty years and plays an important role in the life of the Greek community in Hungary. The *Ilios* and *Aitosz* dance ensembles are internationally acclaimed, and the *Helidonaki* Greek Heritage Children's and Youth Dance Ensemble is increasingly successful as well. There is also a Greek heritage club. The various musical bands (*Sirtos*, *Zeus*, *Maskarades*, *Akropolis* and *Palio Buzuki*) are also recognized for their cultural activity.

The cultural activities of the Croatian community are organized by national, regional and local organizations and ensembles. The needs of Croatian readers are met by four central libraries, and a network of local and school libraries. The Croatian minority has a central museum. The Croatian Theater in Pécs plays an important role in the transmission of Croatian language and culture. Since 1994 it operates independently, and currently it is the only theater beyond the borders of Croatia where performances are held in the Croatian language. In 1995, the Association of Croatian Academic Researchers was founded to conduct scientific research on the language, culture and traditions of Croatians living in Hungary. Besides performing academic research, the Association participates in the reform of the Croatian minority education and the development of new textbooks. There are traditional ensembles, orchestras, choirs in most settlements which are important in preserving the identity of the Croatian minority

population. The Croatian ensembles *Baranya*, *Fáklya* and *Tanac* are known all over the country. Croatians are establishing more and more contacts with settlements in the mother country, which has a stimulating effect on cultural activities.

The cultural heritage of the Polish minority in Hungary is carried on by the József Bem Polish Cultural Association, the Saint Adalbert Association of Polish Catholics in Hungary and the *Dwa Bratanki* Dance Ensemble. The Polish House and the Polish Archives were founded in 1998 to collect and analyze the remains of material culture. Both the national self-government of the Polish minority and the local self-government councils assume an important role in exhibiting Polish culture and preservation and collection of elements of Polish traditions. The Hungarian Government awarded the Prize for the Promotion of Minorities to the József Bem Polish Cultural Association, the Saint Adalbert Association of Polish Catholics in Hungary in recognition of their outstanding work in the field of cultural activities.

The organization of the cultural activities of the German minority is undertaken by several associations in addition to the minority self-government. Below, we wish to provide a few details about one of these organizations, the Association of German Writers and Artists in Hungary. This Association is a representative organization, founded in 1990. Its mission is to study the past and present of the German minority in Hungary by literary and artistic means, and thereby to strengthen the identity of the German minority population, and to explore, record and publish written materials, literary and artistic traditions of Germans living in the Carpathian Basin. In 1990, the first anthology of works of fiction written by Germans living in Hungary, titled "*Bekentnisse eines Birkenbaumes*" was published. The foreword of the book was written by the Presidents of Hungary and Germany, Mr. Árpád Göncz and Mr. Richard von Weizsäcker. Since 1992, five volumes have been published in the "*VUDAK-Bücher*" series. The Association has 45 members who are involved in the literary or fine art sections. Important issues are discussed at the annual general meeting. This meeting is linked to a three-day workshop discussion held in a different town each year. All officials work on a voluntary basis. The German Theater at Szekszárd, founded in the mid-eighties, is another important cultural institution of the German minority in Hungary. In November 1994, the *Deutsche Bühne Ungarn* was provided with their own theater building which was refurbished with subsidies from Hungary and Germany. The *German Nationality Museum* has been operating since 1972. There are also regional folk houses in many settlements with German minority inhabitants. Research programs are coordinated by the Research and Teacher Training Center of Germans in Hungary working under the aegis of the Institute of German Studies at ELTE University. The National Council of German Song, Music and Dance Groups was set up in 1996.

The Armenian Cultural and Information Center opened recently in Budapest, and it is one of the most important institutions of Armenians living in Hungary. The Armenian Catholic Priesthood also hosts many programs of high quality. These are mainly chamber exhibitions and concerts of religious character. In 1997, the Armenian national self-government inaugurated in Veszprém the public statue titled "*Ararát*".

The traditional folk culture of the Romanian minority of Hungary is preserved by its traditional ensembles. The dance ensembles of several settlements are known across the country. The ensembles also have children's groups. Anthropologists and museologists from the Romanian minority take care of the relics of the material and intellectual folk culture. Romanian central museums operate in Békéscsaba and Gyula. Kétegyháza has a Romanian folk house. Through its linguistic and ethnographic research work, the *Research Institute of Romanians in Hungary*, set up in 1993, provides useful *input for minority education programs* as well. Since 1992, The

Romanian Publishing House in Hungary produces independent publications of fiction and scientific works by Romanian authors living in Hungary. It also publishes the weekly newspaper of the minority.

The Ruthenian minority of Hungary possesses a folk house and a museum. The *Research Institute of Ruthenians in Hungary* was set up in the framework of an initiative by the Organization of Ruthenians in Hungary. The Hungarian Andy Warhol Association, which is an organization of artists of Ruthenian origin, the *Drany* folk dance ensemble and the Ruthenian Publishing House have been established to preserve and develop Ruthenian cultural traditions.

Serbians living in Hungary view their culture as an integral part of the Serbian national culture. Traditions, national and religious customs are preserved in the family, the church, the religious community and the schools. Regional and local cultural institutions preserve and present folklore traditions. The most important Serbian libraries in Hungary are: the Library and Archive of the Episcopacy of the Serbian Orthodox Church, which is a unique and valuable collection containing hand-written books several centuries old as well, the Library of the national self-government of the Serbian minority and the library of the Serbian School in Budapest. The scientific, fiction and non-fiction works of Serbian novelists, short story writers, poets, playwrights are published by the *Izdan* Publishing Workshop, often in cooperation with partner publishers in Yugoslavia. Three to Five volumes are published annually. In 1998, a encyclopedic CD-ROM was released in the Serbian language by the title "*The History of Serbian Culture in Hungary.*"

Several institutions play an important role in preserving and developing the cultural identity of the Slovakian minority in Hungary: the national and local offices of the Association of Slovaks in Hungary, various NGOs, the Slovakian House of Culture and the Research Institute of the Slovakian Minority operating in Békéscsaba during the last few years, and the Further Education Center at Bánk. The Slovakian House of Culture opened in the autumn of 1996 in a building provided by the municipal government of the town of Békéscsaba and with the financial support of the Hungarian and Slovakian governments. This institution has the potential to become a unique island of autonomy for the Slovakian minority in Hungary. The centers at Békéscsaba and Bánk function as regional centers. The one in Békéscsaba also has a voluntary mission to observe the needs of Slovakian minorities beyond the borders of Hungary as well, namely in Serbia, Romania, Ukraine as well. These regional cultural centers operate in the framework of the minority autonomy system and the Hungarian government and local self-governments have provided extensive financial support. The Slovakian minority in Hungary lives in approximately 100 settlements, and most of these are serviced by some kind of local institution, cultural center to meet the cultural needs of the minority population or by the local primary school which is responsible local general education needs. More than half of these settlements have an active local community which organize local cultural events on their own initiative as well. These local communities also play an important role in preserving and passing on traditions. The Mihály Munkácsy Museum in Békéscsaba functions as the Slovakian central museum, and together with a dozen or so village museums and folk houses, it explores, records and exhibits items of Slovakian material culture. Similarly to the cultural centers, these are financed from the budget of the local self-governments. The Slovakian community in Hungary has about 30 adult choirs, 15 dance ensembles, 10 brass bands, 5 traditional bands, several children's choirs and bands, and 10 amateur theater companies. The demand for reading materials in Slovakian language is met through the four regional libraries and the network of local and school libraries supplied by them. In recent years, the regional libraries have been actively involved in organizing literary discussions, meetings between authors and readers, and

exhibitions as well. The Slovakian minority was the first in Hungary to establish a research institute for conducting scientific research on the minority's language, culture and traditions, and for analyzing their past and present.

The cultural life of the Slovenian minority is positively influenced by the geographical and intellectual proximity of the mother country, Slovenia. Traditional ensembles and school groups operate in the settlements inhabited by the Slovenian minority. The activities of the recently established Slovenian self-government have also contributed to the invigoration of Slovenian cultural life. With financial support from the mother country, the Federation of Slovenians in Hungary founded the Slovenian Cultural and Information Center at Szentgotthárd. This Center plans to launch a radio channel broadcasting in the Slovenian language.

The cultural and educational needs of the Ukrainian minority are met by the Cultural Association of Ukrainians in Hungary. The Association declared the 20th of February as the Day of Ukrainian Culture.

The Government which came into office in 1998 created the Ministry of National Cultural Heritage. The responsibility of the new Ministry is to protect material and intellectual cultural heritage, promote the creation of new artistic works, and to assist the integration of cultural values into the everyday life of citizens. The Minority Department of the Hungarian Cultural Institute is responsible for providing support to the Ministry of National Cultural Heritage in performing its professional, methodological and scientific activities related to minority cultures.

In Hungary, the Public Foundation for Minorities assists minorities in acquiring the necessary financial resources for minority cultural activities.

The table below provides a thematic break-down of subsidies allocated by the Foundation in 1998:

Thematic Break-down	The amount of subsidy provided in 1998 (HUF)
Publishing, distribution, literary translations	18,863,890
Theater	4,156,420
Libraries, public collections, monuments	11,502,788
Media	15,120,198
Children's and youth programs	38,433,536
Religious life	5,564,240
Support for vocational training for community coordinators.	7,530,106
Protection of cultural heritage	63,824,708
Publishing of Yearbooks (calendars)	6,300,000
Total:	171,295,886

Source: secretariat of the Public Foundation for Minorities

In 1998, the Public Foundation for Minorities provided the following subsidies for the various minorities for implementing their cultural and general education programs detailed above:

Minority	The amount of subsidy provided in 1998 (HUF)
Bulgarian	4,415,440
Gypsy	53,221,134
Greek	2,813,464
Croatian	15,792,170
Polish	5,083,405
German	29,320,893
Armenian	2,665,000
Romanian	10,151,320
Ruthenian	1,515,000
Serbian	7,410,941
Slovak	23,093,507
Slovene	4,882,112
Ukrainian	719,000
Intercultural programs	10,212,500
Total:	171,295,886

Source: secretariat of the Public Foundation for Minorities

The cultural life of minorities is closely related to the religious life of the communities.

Since the shift to a democratic political system in 1990, the Hungarian Parliament has passed several acts to ensure the legal conditions of free religious practice and to establish the necessary legal mechanisms for ensuring the financial conditions of operation for churches, denominations, and of religious and public activities performed by religious communities.

The Government's view on religious affairs and church activities is that the separation of the State and churches must not lead to the separation of churches and society. The Government takes on the responsibility of providing both financial and legal independence for churches in Hungary.

The Government intends to give the same degree of support to church institutions performing public services such as education, cultural, medical, social, charitable activities as to public and local government institutions performing similar tasks.

No specific legislation deals with the principles of religious practice of persons belonging to national and ethnic minorities, because the legislative body wishes to declare the principle that the freedom of conscience and religion are fundamental freedoms of humanity guaranteed for every citizen by the Republic of Hungary.

Act IV of 1990 on the Freedom of Conscience and Religion, and on Churches provides that all churches have equal rights and obligations. State coercion cannot be applied to enforce internal laws and regulations of churches. The Act also declares that the State cannot create a body to control or supervise churches.

The Secretariat for Church Relations which previously operated in the framework of the Prime Minister's Office, and now, in accordance with the new legal regulation, is a part of the Ministry of National Cultural Heritage takes care of most government responsibilities in connection with the development of church relations in the areas of education, health, social and other church matters.

The Parliament passed Act XXXII of 1991 on the Regulation of Ownership Status of Church Properties in order to partially compensate churches for previous violation of their rights, to ensure the necessary material and financial conditions for performing their legally designated activities and to settle the ownership status of real estate properties of churches. The compensation of churches of national minorities in Hungary for the real estate assets nationalized between 1948 and 1953, has essentially been completed. This matter will be discussed later on in the text as well, in the section about Article 8 of the framework Convention.

Act CXXIV of 1997 regulates the financial conditions of religious and social activities of churches (hereinafter referred to as the "Church Financing Act"). According to this Act, churches are entitled to 1% of the personal income tax of those individuals who give a declaration for this purpose, and funds acquired in this way are to be used according to the internal regulations of the given churches. This Act guarantees, based on the principle of neutrality versus the different sectors, that church institutions performing educational, health and social services shall obtain the same normative state subsidies for such activities as public or local government institutions.

The above is clear evidence of the fact that Hungary has no state religion as such, and all churches in Hungary have the same rights and obligations.

Churches are registered by the competent county court, or the Metropolitan Court of Budapest. Independent church organizations of national minorities in Hungary are: the Bulgarian Orthodox Church of Hungary, the Romanian Orthodox Church of Hungary, the Serbian Orthodox Diocese of Buda. The Polish, German, Slovakian, Croatian, Greek, Armenian, Ruthenian, Slovenian, Ukrainian and Gypsy minority communities in Hungary also lead an active religious life.

The Church Financing Act does not distinguish between churches belonging to national minorities and churches of the Hungarian population.

State subsidies for churches in Hungary in 1998 and the amounts allocated to minority churches from the annual state budget will be discussed in the section on Article 8 of the framework Convention.

In 1997, the Secretariat for Church Affairs of the Government, the Human Rights, Minority and Church Affairs Committee of the Parliament, and the International Religious Liberty Association (IRLA) organized an international symposium in Budapest on the role of churches in modernized societies. The symposium was attended by the heads of public administration bodies of several post-communist, Central and Eastern European countries responsible for maintaining relations with churches and other religious groups. The Convention accepted by the participants of the meeting was prepared based on the practice in Hungary. The Convention declares that signatories shall devote special attention to ensuring the right of freedom of religion for national and religious minorities. The President of the Republic of Hungary sent the document which also contains the "Budapest Convention" to all heads of state in Europe.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Minorities in Hungary are dispersed across the country, and in most cases they live in settlements where they are a numeric minority even on a local level. Therefore continuous dialogue between the majority and minorities is important for problem free co-existence on a local level. It is important for the general culture to help in getting to know one another, and in the mutual exchange and integration of values within the local society. The cultural and general education institutional network in Hungary ensures the appropriate framework for maintaining a dialogue.

The new regulations on the content of the general curriculum for all children in Hungary created the conditions of learning about minorities in Hungary as part of their general education at school. The responsibility for transferring knowledge about minorities in Hungary is assumed by the Minority Sociology Department within the Sociology Institute of ELTE University in Budapest, the Department for Eastern European Languages and Cultures at Körös College in Békéscsaba, the Janus Pannonius University of Sciences at Pécs, the Romology Department of the Catholic Teacher Training College at Zsámbék, and following the introduction of the National Master Curriculum all other teacher training institutions as well. These institutions help future educators in preparing for working with students from different minority groups, as well as in acquiring knowledge that they will be able to transfer to students belonging to the majority population.

The general and higher educational system ensures the conditions of mutual cultural awareness at all levels. Participation in the "*all different/all equal*" program of the Council of Europe must be mentioned here among measures pertaining to Article 6 of the framework Convention. The program was entitled "*You're different too - you're not different either*" in Hungary.

In 1995, the Ministry of Education created the Program for Dialogue Foundation. The primary aim of the Foundation is to strengthen dialogue between the majority and minorities especially in the fields of culture and the media. It helps to channel state subsidies into well-targeted programs for promoting majority-minority dialogue. Between 1995-1997, the Program provided 35 million HUF in subsidies for 138 programs aimed at strengthening minority-majority communication.

The Public Foundation for Minorities provides significant support for intercultural and multicultural programs to develop an environment of tolerance and an acceptance of diversity (this data is detailed in the section discussing Article 5 of the framework Convention).

With respect to the mass media, minorities are present mainly in various programs of the public media. These are, on the one hand, the minorities' own programs in their own native language, but with Hungarian subtitles that make it possible for Hungarian viewers as well to watch the program, and on the other hand, programs broadcast in Hungarian aimed primarily at informing the majority population about issues related to minorities.

The Act on Radio and Television made it mandatory for the public media to produce programs about the lives and cultures of the different minorities. These aspects are further discussed in the section on Article 9 of the framework Convention. Here, we would like to emphasize that according to the provisions of the Act quoted in this section the media managers broadcasting public service programs are obliged to provide information in the native language. At the same time, several non public press organs (e.g. *periodicals: Kisebbségkutatás, Barátság, Régió, Pro Minoritate*) facilitate cultural exchanges, and the dissemination of information to the public. Media run by local self-government councils and other broadcasters have regular minority programs in minority languages. Minority programs are broadcast by regional television channels (*Zemplén TV* etc.) and local television and radio studios as well (*Gyula Rádió, Bajai Közösségi Televízió, Csaba TV* etc.).

The 1997 report of the minorities ombudsman states that the press and public figures were very divided over issues related to the Roma minority causing heated debates and therefore, citizens, otherwise prone to non-prejudicial judgment, faced a difficult task when attempting to formulate their own opinion. The description that the press gave of the majority population's attitude in various scandalous cases was often rather negative.

However, opinion surveys conducted afterwards did not confirm the description given by the press. According to the results the population is more tolerant and objective.

The case below describes a forum for remedying possible grievances.

The Committee for Complaints of the National Radio and Television Commission published a declaration in which it sustained the complaint filed by László Schreiber, a resident of Százhalombatta. The plaintiff objected to a comedy show broadcast by the Hungarian public radio on 31 December 1997. The Committee for Complaints established that the program item that the plaintiff objected to, targeted the Roma population, and did not stay within the general boundaries of humor when referring to some elements of their life-style, but allowed various punch-lines which could offend and hurt the emotions of this ethnic group. The Act on Radio and Television and the prohibition of direct or indirect offense of any minority or majority provides that within the boundaries of law, the broadcaster decides independently on the content

of programs broadcast, and shall act responsibly. The Committee for Complaints decided that the makers of the program did not act responsibly.

Regarding paragraph 2 of Article 6 of the framework Convention we wish to state the following:

The Constitution of Hungary sets forth that all persons living on the territory of the Republic of Hungary shall have the same human and civil rights without distinction of any kind, such as race, color, gender, language, religion, political or other opinion, national or social origin, property, birth or other status. The Constitution also states that any discrimination on the grounds of any of the above shall be severely punished by law. The Republic of Hungary supports the equality of rights, and measures taken to eliminate inequalities of opportunities.

As referred to in other sections of this report, the institution of a minorities ombudsman was also established by the Constitution to monitor the enforcement of minority rights. In this section, we wish to emphasize the fact that the minorities ombudsman may initiate investigations based on his own judgment or on complaints by citizens whose rights have been violated by government and local government institutions, or officials and employees working for these institutions. The minorities ombudsman has practically full authority to examine official documents, he may put forward his position, propose appropriate action, propose to the Parliament the amendment, or the withdrawal of statutes he judges to be objectionable or the creation of a new statute.

The Minorities Act declared that the Republic of Hungary shall prohibit any policy which:

- aims at or results in the assimilation of a minority to the majority nation,
- is directed at altering the national or ethnic composition of territories inhabited by minorities to the disadvantage of the community in question,
- is to harass a national and ethnic minority or persons belonging thereto, to aggravate their living conditions or to prevent them from exercising their rights,
- aims at forceful expulsion or resettlement of a national and ethnic minority.

According to the Act on Local Governments, all local government bodies are responsible for enforcing the rights of national and ethnic minorities.

In 1998, the minorities ombudsman initiated a full-scale investigation of discrimination in employment. Based on the results of the investigation, he put forward proposals and initiatives for detecting, preventing and terminating potentially occurring discriminatory practice.

Subsection (5) of Section 2 of the Act on the General Rules of Administrative Procedure, passed in 1957, also prohibits discriminatory any practice whereas it regulates equality before justice and prohibits discrimination and bias.

Legal guarantees against discrimination are a part of both the civil and the penal law system since the time that these systems were first formulated.

Act IV of 1959 on the Civil Code declares that discrimination, especially in the case of private individuals, is a violation of the rights of the person. Section 76 of this Act enumerates the civil rights claims that can be made in case of a violation of personal rights. These claims can range from providing compensation in kind and otherwise, to making apologies and ordering the termination of the violation of rights. The alternatives provided by the Civil Code use all

possible means within the scope of civil law. Moreover, provisions permitting the imposition of fines in the public interest even go beyond the scope of civil law.

In 1996, the respective statements of facts in the Criminal Code have been modernized (e.g. genocide, incitement against a community), or replaced (e.g. crimes against a nationality, population, racial or religious group, racial discrimination) based on constitutional principles and international conventions prohibiting discrimination, and new statements of facts have been added about sanctions to be imposed in cases of aggression against a member of a national, ethnic, racial or religious group. The Act on the Criminal Code orders the most severe punishment in case of crimes of genocide and apartheid.

Nine criminal cases were initiated in 1997 based on the Criminal Code, because of violence against a member of a national, ethnic, racial or religious group.

With respect to Paragraph 2 of Article 6 of the framework Convention, crimes can be separated into three categories based on the chapters of the Criminal Code.

Chapter XI of the Constitution lists the crimes against humanity. Provisions on genocide and apartheid are set forth in this Chapter under crimes against peace.

The next Chapter sets forth provisions on crimes against the person and deals with the violation of the freedom of conscience and religion, and violence against a member of any national, ethnic, racial or religious group, as well as crimes against freedom and human dignity.

Incitement against a community is regulated under crimes against public peace in Chapter XVI on crimes against law and order, and is also relevant to the obligations undertaken in Paragraph 2 of Article 6 of the framework Convention.

It is justified to indicate here which laws have established the facts of law with respect to the crimes listed above, which laws have promulgated them as part of the Criminal Code and when these entered into force.

Sections 155, 157, 174/B and Subsection (1) of Section 269 of the Criminal Code were established by Sections 1,2,3 and 5 of Act XVII of 1996 and entered into force on 15 June 1996. Section 174/A was promulgated by Subsection (2) of Section 23 of Act IV. of 1990 and entered into force on 12 February 1990. The title of Section 269 was established by Section 15 of Act XXV of 1989 and entered into force on 15 October 1989.

Administration of justice is the responsibility of criminal courts in cases where criminal proceedings are initiated for felonies which are committed. The court of first instance is the local court or the county court. In cases where the competent court of first instance was the local court, the court of second instance is the county court. In cases where the competent court of first instance was the county court, the Supreme Court of Hungary acts as the court of second instance. If the first instance judgment of a felony is not referred to the county court, then the local court is the competent authority for administering justice of first instance.

According to the Act on Criminal Proceedings, the competent court for a crime committed against humanity is the county court.

Criminal justice is an important means of protecting the rights of national and ethnic minorities. Section 15 of Act XXV of 1989 on the Amendment of the Criminal Code established the text of incitement against a community as follows:

"269 § (1) Any person who incites hatred before the general public against

a) the Hungarian nation or any nationality

b) any nation, denomination, race or certain groups of the population commits a felony and shall be punishable with imprisonment up to three years.

(2) Any person who uses any offensive or degrading expression or commits a similar act against the Hungarian nation, any nationality, nation, denomination or race shall be punishable for a misdemeanor with imprisonment up to one year, reform work or a fine."

The Constitutional Court ruled in 1992 that the misdemeanor of incitement against a community established by the Criminal Code is unconstitutional, because it violates the freedom of expressing an opinion. From the date of this ruling up to 15 June 1996, only the incitement of hatred against a community was punishable.

The legal definition of incitement against a community was altered by Act LII of 1996 on the Amendment of the Criminal Code, which went into effect on 15 June 1996, as follows:

"269 § Any person who incites hatred or commits another act suitable for the incitement of hatred before the general public against

a) the Hungarian nation

b) any national, ethnic, racial, religious group or certain groups of the population, shall be punishable for a felony with imprisonment up to three years."

This means that the law currently in force orders the punishment of anyone who commits an act suitable for the incitement of hatred, and uses the concept of "*national, ethnic, racial, religious group*" in accordance with the Act on the rights of national and ethnic minorities, instead of the concept of "*nationalities*".

If such an act is not committed before the general public then it is dealt with by other facts of law protecting human dignity established in the Criminal Code.

The lawfulness of the treatment of prison inmates during the year of 1997 was investigated by the prosecutor's offices, the deadline for completing the examination being 31 January 1998, based on the instructions of the letter concerning the implementation of the conventions of the Council of Europe by the deputy chief prosecutor issued in 1995, with respect to prosecutor's offices for the prevention of torture and other cruel, inhuman or degrading punishments or treatment.

According to the results of the investigation, no cases were found where discrimination of an inmate could be established through evidence based on his or her national or ethnic origin, religious or political beliefs, social origin, gender, or financial situation. Complaints filed in this respect alleged that discriminatory practice is manifested in the allocation of cells. All complaints were investigated, but these allegations could not be proved.

Below, we have summarized some cases closed by the 1997 prosecutor's ruling.

The minorities ombudsman reported a felony of abuse of office by Dr. Ágnes Nagy and accessories to the County Police Station of Borsod-Abaúj-Zemplén.

According to the complaint, the reported persons, who are members of the body of representatives of the local government of Alsóvadász, have rejected an application for a designated building site naming as a reason, among others, that "the settlement of further Gypsy families in Alsóvadász is not desirable," thereby unlawfully disadvantaging the applicants.

The Investigation Department of the County Police Station, which was the competent authority for investigating the complaint, refused to conduct an investigation due to the absence of acute suspicion of a felony based on the Law on Criminal Proceedings. The plaintiff filed a complaint against the decision. The complaint was rejected by the Borsod-Abaúj-Zemplén County Chief Prosecutors Office, and then by the Chief Prosecutors Office of Hungary as well.

The reasons given for the refusal to investigate were as follows: When taking the contested decision, the local government representatives did not deal with issues connected to their responsibilities in office, but with issues in their scope of authority as representatives. According to the Act on Local Governments of 1990, the local government is free to dispose of its property, and manage all real estate and other property in its possession as it likes. Ownership rights are exercised by the body of representatives.

The local government has no obligation to provide a site free of charge, therefore no-one has an automatic right to obtain a real estate property free of charge. Therefore, the body of representatives did not have a duty in office, an obligation enforceable by law, to provide a real estate property for any individual or group of individuals. The negative decision did not cause a disadvantage, but failed to confer an advantage, the enforcement of which has no legal basis.

The Investigation Department of the Csongrád County Police Station conducted an investigation against an unknown perpetrator for the suspicion of a felony of violence against a member of a national, ethnic, racial or religious group offending the Act on the Criminal Code. The case was reported by the minorities ombudsman based on the complaint by János Kovács and Ibolya Vörös, residents of Szeged.

According to the report filed with the police, the plaintiffs were not served around noon on 26 February 1997 in one of the restaurants of Szeged, because of their Gypsy origin.

The investigating authority canceled the investigation of the case on 15 April 1997 on the basis of the Act on Criminal Proceedings, stating that the investigation did not ascertain that a crime had been committed.

The City Prosecutor's Office of Szeged reviewed the decision and annulled it, and called upon the investigating authority to formulate an appropriate new decision based on the instructions of the Chief Prosecutor's Office of Hungary.

The case was closed by the cancellation of investigation, because no evidence or data could be obtained to support the plaintiffs' claims about not being served due their Gypsy origin.

According to the results of the investigation it can only be presumed that the reported persons really did not serve János Kovács and his partner, but that it can be ascertained with absolute certainty that neither János Kovács, nor his partner Ibolya Vörös, nor any other person suffered a disadvantage to their rights or in any other way due to their Gypsy origin.

The Borsod-Abaúj-Zemplén County Police Station conducted an investigation against Károly Laczkó, mayor of Sátoraljaújhely for the felony of abuse of office, based on the report filed by the minorities ombudsman.

According to the report, the resolution of the body of representatives of Sátoraljaújhely passed on 20 June 1997 at its extraordinary meeting, which declared as non-desirable those persons who violate or endanger public security, is unconstitutional, because it violates the Constitutions provisions on the right to human dignity, establishing the monopoly of the court in administering justice, the protection of innocence, the freedom of movement and the right to freely choose a place of residence, and the prohibition of discrimination.

The investigation of the case was canceled by the investigating authority on the basis of the Act on Criminal Proceedings. On 8 January 1998, the Borsod-Abaúj-Zemplén County Chief Prosecutor's Office rejected the complaint filed against the decision. According to the results of the investigation, the intent to disadvantage necessary to establish the act of felony could not be ascertained, therefore the cancellation of the investigation was lawful and reasonable.

Below, we describe a first instance decision delivered in 1998.

The first instance decision of the Municipal Court of Nyíregyháza ruled damages in the amount of 100,000 HUF each for the fourteen Roma youths, who were only allowed to take part separately from their classmates in the traditional school-leaving ceremony held on 12 June 1997 upon the completion of their studies at their primary school in Tiszavasvári. The separation of the Gypsy pupils at the ceremony was ordered by the body of teachers and justified by health considerations. The minorities ombudsman initiated an investigation of the case and with the support of the Roma Civil Rights Foundation, the parents of the pupils initiated proceedings against the local government operating the primary school. In its justification of the decision, the court of first instance established that the personal rights of the children, who had to take part in the ceremony separately, were violated; they were discriminated against, and therefore ruled damages of altogether 1.4 million HUF for them. This amount is to be paid to the parents of the pupils by the local government.

The Prosecutor's Offices exercise supervision of lawful conduct at the local, county and national level over the actions of authorities, the lawfulness of investigations and law enforcement.

The Prosecutor's Office is an independent, non-political organ for implementing justice, which is subject only to the law and is accountable only to the Parliament. The Parliament passes the laws to be applied and establishes the legal policy.

The felony of incitement against a community was found in 8 cases in 1997. This figure was 13 in 1996, 27 in 1995, 28 in 1994, 25 in 1993, 9 in 1992, 21 in 1991 and 30 in 1990. In 1996, according to the available data, 5 criminal proceedings were initiated as a result of the 13 felonies of this kind. According to the prosecution's investigation in this respect, the victims of reported cases of incitement against a community in the last two years were as follows: from the 57 cases examined, 23 victims were Jews, 21 were Gypsies and the remaining cases involved Romanians, blacks, colored people, and Americans. The investigation also established that 10 enforceable court judgments have been delivered involving 27 accused persons. The criminal responsibility of 18 accused persons was definitively established and 9 persons were acquitted. In most cases, the reason for acquittal was that, according to Paragraph 2 of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the prohibition of racist remarks is to be considered as a restriction of the freedom of expressing an opinion.

The UN General Assembly passed the International Agreement on the elimination of all forms of racial discrimination on 21 December 1965. In Hungary, this was promulgated by Law-

Decree 8 of 1969 issued on 27 April 1969. This Agreement protects "groups of persons of a certain ethnic origin" as well against discriminatory treatment. According to this, the Prosecutor's Office believes that the pursuing of all forms of racist propaganda by criminal law is necessary as an obligation of international law, and objects to interpreting "the freedom of expressing an opinion" too broadly and to the non-substantial punishment practices over the past few years.

The uniform police-prosecution criminal statistical system introduced in 1964 used the expression "Gypsy crime". The Chief Prosecutor's Office terminated data collection under this heading as of 1 January 1989. Since then criminal statistical records only include citizenship, and the record on criminals does not include data on differences in national, ethnic, racial origin or beliefs.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

The Constitution states that in the Republic of Hungary based on the right of association everyone is entitled to form organizations which not prohibited by the law. Military organization for political purposes cannot be formed on the basis of the right of association.

Section 1 of Act II of 1989 on the Right of Association states that the right of association is a fundamental freedom to which everyone is entitled and which the Republic of Hungary recognizes, while ensuring its free exercise. Under the right of association everyone shall be entitled to form organizations or communities with others or participate in the activities thereof.

Subsection (3) of Section 2 of the Act on the Right of Association states that non-governmental organizations may be founded for the purpose of pursuing any activity consistent with the Constitution and not prohibited by law. No non-governmental organization shall be established for the primary purpose of business-entrepreneurial activities. No armed organization shall be created under the right of association.

The Minorities Act declares that the participation of minority persons in public life shall not be restricted. Under the provisions of the Constitution, they have the right to establish associations, parties and other social organizations to articulate and safeguard their particular interests.

Minority organizations, institutions and associations may participate in state tenders invited for the development of minority culture, education, science, and so forth, on even terms with the minority local governments and local self-government for minority groups.

The freedom of assembly, association, expressing an opinion are part of the general human rights also provided for in the Constitution, therefore victims have the right to file a personal complaint to the Constitutional Court. Similarly the right of personal complaint based on the European Convention on Human Rights and the International Covenant on Civil and Political Rights, since the rights ensured by this framework Convention are established in an practically identical form in these conventions as well.

The relatively large number of various non-governmental organizations, associations, clubs, groups shows that the rights of assembly and association are implemented among the minorities of Hungary and that independent initiatives are strong. Government policy does not only permit but also encourages and provides funding for non-profit organizations dealing with the protection of minority rights and the cultivation of minority culture.

Data collection at the Central Statistical Office concerns three categories of non-profit organizations that are relevant for the framework Convention evaluated in the present report. These are the following:

- organizations dealing with the protection of minority rights,
- non-profit organizations specialized in the cultivation of national minority traditions and minority cultures,
- organizations linked to religious life, not operating within the framework of a church, but as a foundation or association.

The number of minority and religious foundations and associations in 1996-1997 is shown in the following.

Type of activity	Foundation	Association	Total
Protection of minority rights			
1996	37	250	287
1997	36	319	355
Cultivation of minority culture			
1996	53	179	232
1997	79	256	335
Activities related to religion			
1996	923	168	1,091
1997	1,051	184	1,235

The number of members of minority and religious associations in 1996:

Type of activity	Number of members (persons)
Protection of minority rights	23,029
Cultivation of minority culture	20,471
Activities related to religion	27,672

The revenue structure of non-profit organizations dealing with the protection of minority rights in 1996:

Source of Revenues	Revenues	
	Amounts(million HUF)	distribution (%)
State subsidy	1319.2	82.3
Private donations	179.9	11.2
Income from core activity	4.1	0.3
Income from entrepreneurial activity	97.5	6.1
Other income	2.6	0.1
Total	1603.3	100.0

Revenue structure of non-profit organizations specialized in maintaining minority cultures, 1996:

Source of Revenues	Revenues	
	Amounts(million HUF)	distribution (%)
State subsidy	72.2	38.3
Private donations	85.9	45.6
Income from core activity	18.2	9.7
Income from entrepreneurial activity	11.1	5.9
Other income	0.9	0.5
Total	188.3	100.0

The Hungarian budget subsidizes minority non-governmental organizations directly with about 80 million HUF annually, and a further 800 million HUF are received by minority communities and organizations protecting their interests through the Public Foundation for Minorities and the Public Foundation for Gypsies.

The principal non-profit organizations of minorities can be characterized by the following data and facts:

The minority self-government system set up based on the Minorities Act is responsible for representing the interests of minorities. The activities of the self-governments are based on the

work of non-governmental organizations of the given minority. Voluntary associations play an important role in the cultural life of minorities.

In 1914, Bulgarians living in Hungary established the Association of Bulgarians in Hungary to represent the particular interests of Bulgarians. In 1915, the first issue of the *Magyar Bolgár Szemle* (Hungarian Bulgarian Review), the bilingual publication of the Association was published. In 1957, the headquarters of the Association, the Bulgarian House of Culture was built from donations. The Rila Hotel and the Bulgarian restaurant are also in this building and both are managed by the Association. Such an undertaking is unique among minorities in Hungary.

Currently, almost 250 non-governmental organizations and foundations of the Gypsy minority operate in Hungary representing the interests of the Gypsy community with respect to legal defense, protection of interests, employment, social issues and education. The "100 Tagú" Gypsy Orchestra internationally acclaimed and the activities of the *Kalyi Jag*, and *Ando Drom* cultural associations are important cultural centers which both manage a musical band as well as participating in setting up schools and programs for nurturing talent. Most counties have associations to coordinate the activities of local self-governments of the Gypsy minority and local voluntary organizations. In the counties of Zala, Baranya and Tolna, these associations have formed cultural and education centers hosting libraries, public collections, theater shows and organizing their own youth and adult cultural programs.

Greek voluntary organizations are primarily cultural organizations; their dance ensembles and orchestras do outstanding work in maintaining their cultural traditions. The Greek-Hungarian Friendship Society, the periodical *Enimerotiko Deltio* and the Greek-Hungarian Chamber of Commerce, Industry and Tourism founded by Greek businessmen should also be mentioned here.

The Association of Croatians in Hungary was established in 1991 and currently has more than five thousand members. The Association has existed legally since 1945 due to its legal predecessor. It is headquartered in Budapest and performs its responsibilities through six regional centers of equal status.

As mentioned before, Poles living in Hungary established the József Bem Polish Cultural Association in 1958 and the Saint Adalbert Society in 1993. These two voluntary organizations coordinate the cultural activities of the Polish minority. In appreciation of their outstanding work, the Hungarian Prime Minister conferred the Prize for the Promotion of Minorities on to them.

Germans living in Hungary had an organization for the representation of their interests called the Alliance of Germans in Hungary, but it dissolved itself after the national self-governments for minorities were elected. Since then the national self-government performs these functions with 53 staff members. In Budapest in April of 1996, following the initiative of the national self-government of Germans in Hungary, the National Council of German Song, Music and Dance Groups was established with a membership of 374 associations and cultural heritage organizations. The first national meeting of the Council took place in Pécs in 1996. In recent years several professional associations have been set up, some important examples are: the Alliance of School Societies of Germans in Hungary, the Farmer's Association of Germans in Hungary, and an investment public limited company that is primarily concerned with managing and investing funds from compensation vouchers. The Association of German Writers and

Artists in Hungary operates as a national association. We provided details of this organization in the section dealing with Article 5 of the framework Convention.

The most important voluntary organizations of the Armenian community are the *ARMENIA* Hungarian-Armenian Friendship Society established 1987 and the Armenian Peoples Cultural Association formed in 1992.

Romanians in Hungary have 12 associations. The Cultural Association of Romanians in Hungary, the Association of Romanian Teachers in Hungary, the Community of Romanian Researchers and Artists in Hungary function as national professional coordinating organizations. The last of these organizations established the Research Institute of Romanians in Hungary.

In 1991, the Organization of Ruthenians in Hungary was set up. Its mission is to represent the interests of Ruthenians in Hungary. The artists' association named after *Andy Warhol* exists since 1995, and the *Drany* Folk Dance Association was formed in 1997.

Serbians living in Hungary have set up numerous non-governmental organizations and foundations from the beginning of the last century. Currently, they have 9 non-governmental organizations and several foundations. The national organizations are: the Serbian Democratic Alliance (formed in 1990, but legally existing since 1945 due to its legal predecessor) and the Serbian Youth Association (formed in 1993). The various cultural associations operate regionally or locally. The Cultural Association of Bánát, the Serbian Cultural Association of Szentendre, and the Tabán Folklore Center Association are especially noteworthy. The Serbian minority in Hungary set up several foundations as well, for example the *Jakov Ignatovity* Foundation and the renewed *Tököly Száva* Foundation (secular foundation revived by the church).

The Democratic Association of Slovaks in Hungary (from 1990: Association of Slovaks in Hungary) has eight thousand members. The local division at Csaba is one of the most active divisions of the Association. In 1990, the Organization of Slovakian Youth in Hungary, the Association of Slovakian Writers and Artists in Hungary, the Free Organization of Slovaks, the *Pramen* Central Slovakian Dance Ensemble and the Association of Slovakian Teachers were established, and in 1993, the Christian Association of Slovaks in Hungary was set up.

The headquarters of the Alliance of Slovenians in Hungary is at Szentgotthárd. This organization was founded in 1991, but its legal predecessor has existed since 1945. Its mission is to preserve the native language and promote the cultural life of Slovaks. The Association of Slovenians in Budapest and the *Kossics Foundation* deserve to be mentioned here.

The Ukrainian minority has two voluntary organizations: the Cultural Association of Ukrainians in Hungary and the Associations of Ukrainian Intellectuals in Hungary.

We have also dealt with minority cultural organizations, clubs, groups in the section on Article 5 of the framework Agreement. The section on Article 8 of the framework Agreement also provides information relevant to Article 7 of the framework Agreement.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

The last time census figures were established for religions of the resident population of Hungary was in the course of the national census of 1949.

Religion	1920	1930	1941	1949
Roman Catholic	5,102,466	5,631,146	6,119,111	6,240,399
Greek Catholic	175,653	201,092	233,843	248,356
Presbyterian	1,670,990	1,813,144	1,934,888	2,014,718
Evangelical	496,799	533,846	557,207	482,157
Greek Eastern	50,917	39,839	38,318	36,015
Unitarian	6,225	6,266	8,465	9,449
Israelite	473,329	444,552	400,811	133,861
Other	10,496	15,224	23,431	39,844
Totals:	7,986,875	8,685,109	9,316,074	9,204,799

Source: Central Statistical Office

For the minorities the guarantee of the conditions for religious life is an issue which also plays an important role in preserving their identity. Precise details are not available. However, it can be said that a large number of the individuals who belong to minorities can be found in the historical churches and the individual small church congregations. We also discussed these issues in our summary related to Article 5 of the framework Convention.

The collection of data by the Central Statistical Office extends to organizations for the protection of rights concerned with minorities and specialized civil organizations cultivating the traditions and culture of minorities as well as to organizations which operate in the form of foundations or associations which are connected to religious life but operate outside the framework of the church.

The Central Statistical Office does not collect detailed figures from the institutions which operate in the framework of the churches, but the National Invoices Department of the Office receives some summary-type financial details from the church centers which are accounted in GDP.

The 1996 revenue structure of non-profit organizations conducting activities connected to religious life:

Source of income	Revenue	
	Total (million HUF)	Division in to % terms
State support	191.1	8.6
Private support	1707.3	76.8
Income from basic activity	103.8	4.7
Income from commercial activity	209.5	9.4
Other income	11.6	0.5
Totals	2223.3	100.0

In Hungary in 1998 the budgets for the operation, renewal and equipping of basic church institutions, were provided with subsidies (in thousand HUF), guaranteed by law, as set out below. Our tables are not all-encompassing, but contain information relating to some of the more important church subsidies. We would like to point out that the churches in Hungary, alongside the subsidies presented here, also obtained further budgetary support.

Hungarian Catholic Church	1,709,000
Presbyterian Church of Hungary	695,000
Evangelical Church of Hungary	293,000
The Jewish Religious Community Fellowship of Hungary	93,000
Buda Serbian Orthodox Church Diocese	16,830
Transylvanian Congregation - Reconciliation Fellowship	1,980
Evangelist Pentecostal Fellowship	27,480
Hungarian Orthodox Church	9,200
Baptist Church of Hungary	45,790
Bulgarian Orthodox Church of Hungary	1,550
The Evangelical Brotherhood of Hungary	11,080
Methodist Church of Hungary	7,170
Romanian Orthodox Church of Hungary	9,860
Free Christian Assembly of Hungary	3,580
Unitarian Church of Hungary	17,390

Source: Official Hungarian Gazette

As shown in the table the Bulgarian Orthodox Church of Hungary, the Romanian Orthodox Church of Hungary and the Serbian Orthodox Diocese of Buda obtained specified budgetary support for the purpose of operating basic church institutions and maintaining the public collections of the churches.

An example of this practice is outlined below:

The Romanians of Hungary are primarily of the Orthodox religion. The church has a significant role to play in the preservation of identity of the Romanian minority cultural features and in cultivating the native language. The Romanian Orthodox Church of Hungary operates in 19 locations (in Békés, Csongrád and Hajdú-Bihar counties, as well as in Budapest), with 20 parishes (there are 2 Romanian Orthodox churches in Gyula). The Romanian Orthodox Church Synod, with its headquarters in Bucharest, raised the Romanian Orthodox Church in Hungary to bishopric rank in 1997. The budgetary support of the Romanian Orthodox Church of Hungary between 1994 and 1998, expressed in millions of HUF, was formed as follows:

Legal title	1994	1995	1996	1997	1998
Support for the operation of basic church institutions	7.391	7.385	7.42	8.722	9.86
Investment, relic protection	10.0	10.0	10.0	10.0	10.0
Church public collections	3.02	3.02	2.524	2.8	3.0
Totals	20.411	20.405	19.944	21.522	22.86

Source: Official Hungarian Gazette

On the basis of the Act on the Settlement of the Ownership Status of Church Properties, the process of settling the ownership status of those church properties which were taken into State ownership between 1948 and 1953 also extends to the demands of the minorities to the same effect. This was also mentioned in the discussion of Article 6 of the framework Convention, and we would now like to expand on the issues directly affecting the Serbian and Romanian minorities.

The Hungarian State settled all the applications for the reclaiming of property by the Romanian Orthodox Church of Hungary between 1992 and 1995. The Romanian Orthodox Church of Hungary received 61,185 million HUF and 957 m² of property came into the ownership of the church in Budapest.

The Hungarian Government concluded an agreement with the Serbian Orthodox Diocese of Buda on 9 December 1998. Based on this the Serbian Church of Hungary, in exchange for two former properties, obtains 38,160,000 HUF each year until 2001 in the form of annuities to the Serbian minority Church. According to the terms of the contract the Hungarian State exchanges the value of the former Church Diocese properties for the annuities. The value of this is 848 million HUF. The Church Diocese will receive 4.5% of the amount by 2001. Following this the annuity rise to 5% or 44,910,000 HUF. The amount, in recognition of the public duties taken on by the Church, can be supplemented by 5-6 million HUF each year from 1999. The Government guarantees maintenance of the real value of the annuity.

The religious life of the national and ethnic minorities of Hungary are closely connected to their cultural activities. Consequently, we have also touched on this issue in other sections of the report. We provide further essential information affecting the religious life of the minorities below.

For the Bulgarian minority living in Hungary the national church, the Bulgarian Orthodox Church, plays a leading role in their cultural activities and preservation of their identity. They built the Saint Cyril and Metód Bulgarian Orthodox church in Budapest without external assistance in 1931. There is a Bulgarian Orthodox Chapel operating in Pécs.

The majority of Gypsies are Catholics, and among them there is a great tradition for the reverence of the Virgin Mary. One of their most significant communities can be found in Hodász in Szabolcs-Szatmár-Bereg county. The Greek Catholic Gypsies built a church in the community. They organize various programs in the community hall which is connected to the church, and they conduct teaching of child tutoring, religious instruction, folk handicrafts, and child-care.

The Greek minority practices the orthodox religion. In 1995 the Orthodox Exarchate of Hungary was formed and in 1996 a Greek church was built in Beloianisz.

The Croatian minority in Hungary are Roman Catholics. In addition to several small settlements there is a demand for regular Croatian language religious services in Baja, Budapest, Pécs and Szombathely. Few of the clergy speak Croatian, and there is a need for further help from the mother country. The Mohács and Baja Croatian Catholic communities regained their congregational buildings which had earlier been taken into public ownership.

In 1993 the Saint Adalbert Association of Polish Catholics was set up. One of its merits was that it raised the Kobánya Polish Roman Catholic church (consecrated in 1930) to the rank of a Polish personal parish with national influence.

Most of the Germans living in Hungary are Roman Catholics. Protestant settlements can be found in Győr-Ménfőcsanak, Tolna and Baranya counties. There are also scattered communities of Germans of the Presbyterian religion living in the country.

The complex events in several areas in the decades following the World War II significantly influenced the formation of the language, language use and awareness process of the Germans living in Hungary. In relation to their total strength there are fewer than before the war as the reduction by half in the German population severely restricted their opportunities for using their native language. This was also valid for church services. The general observation of the survey carried out by the National Self-Government of the German Minority is that even in those settlements where the proportion of Germans in the population is greater than 50% it is difficult to hold religious services in the German language. The largest domestic Catholic German organization is the Saint Gellért Catholic Association, founded in 1991, which among other things organizes two national meetings each year, several county social events, and pilgrimages both at home and abroad. Young people are also drawn into the work of the association through a summer camp each year. The association appears once a month in the domestic German minority paper, the "*Neue Zeitung*", in addition to issuing their own publications. The largest cultural organization of the German population in Hungary is formed by the National Council of German Song, Music and Dance Groups, the task of which is to revive the development of the

German-language church traditions. As a consequence of the positive changes in recent years they have succeeded in re-initiating religious services in the German language in several settlements.

The Armenian Catholics of Hungary have lived an organized religious life on the historical territory of the country for centuries. The Armenian Catholic Priesthood has been operating in Hungary since 1924. They regularly hold religious services in their Budapest churches.

Earlier we also looked at information about the religious life of Romanians in Hungary. We would like to mention here that in recent years renewal work of several domestic Romanian Orthodox churches has begun. In Gyula the bishopric seat was built with considerable budgetary support. The priests of the community are trained in the mother country. The relationship between the Romanian Orthodox Church of Hungary and the mother church, in contrast to secular relations before 1989, was continual, and in recent years it has been strengthened. Presently five Romanian missionary priests serve the Romanian Orthodox communities in Hungary. The pay of the clergymen is guaranteed by the Romanian State. The Romanian Orthodox Church Council of Hungary presented a letter to the Bucharest Patriarch at its meeting of 5 July 1998 in which they ask for a bishop to be nominated in Hungary. The bishopric seat is in the city of Gyula. In Méhkerék in Békés County the Patriarchal masters painted the church wall pictures, and the richly decorated iconostas is also a gift from Romania. The leader of the Roman Orthodox Church, the Bucharest Patriarch, arrived in Hungary in 1994 for the consecration of this church. This was the first occasion on which the mother church patriarchy paid a visit to the Romanian minority in Hungary. During the Romanian State President's visit to Gyula on 27 January 1998 he visited the Gyula center of the Romanian Orthodox Church of Hungary and made available 100 million lei in support. Romania's new main consul of Szeged promised material support in the development of the property secured in the city for the Romanian Orthodox Church.

The members of the Ruthenian community of Hungary are Greek Catholics. Their Church fills an important role in the preservation of the Ruthenian language and culture.

The Serbian Orthodox (Eastern) Church has an important role in the preservation of the culture, language and awareness of identity of the Serbs in Hungary. There are 42 Serbian churches within the area of authority of the bishopric seat in Szentendre. Since the end of the 80's and the beginning of the 90's the exterior renewal of the church buildings has also been started, the budget for which is jointly financed by the congregations, the Bishopric, various foundations and the local governments of the settlements. In addition to the bishops who have been seated in Hungary again since 1990, there are 10 clergymen who serve religious life and once more conduct religious teaching. They also conduct summer religious study camps and help the religious life and nurturing of traditions among young people. In its center in Budapest a part of the *Tökölánium* was restored and, as part of local competence and church compensation, the religious community and former denominational school buildings, which presently operate as Serbian community halls, have also been restored in several settlements. The head of the Serbian Orthodox Church, His Holiness Pál Patriarch, made a visit to the Serbian Orthodox Diocese of Buda in 1997 and was also received by the senior leaders of the Hungarian State.

Most of the Slovaks living in Hungary are Protestants (in Nógrád county, Pest county, and the Southern Great Plain). The largest Catholic enclave is situated in the Pilis hills, but fragmented Catholic communities also live in Heves and Borsod-Abaúj-Zemplén counties. The ecumenical document entitled "*Cesta, Pravda a Zivot*" appeared regularly between 1995 and

1997 under the management of and with financing from the Slovakian Christian Association of Hungary. Slovakian priests have held nation-wide Slovakian language religious services since September 1995. The Slovakian Evangelical Mission of Hungary is presently being set up. The framework Convention does not oblige the State to arrange the service of religious ceremonies in native languages, for example in this case the Slovakian language. There are however Slovakian native language religious services in 28 settlements. A further 20 settlements would like to do the same with guest clergy. The Slovakian Christian Association of Hungary is a practical example of the right to form religious associations.

The members of the Slovenian minority are Roman Catholics. In their case a problem is presented by the fact that in Hungary there are not enough clergymen who can speak Slovenian. The assistance and support of clergy from the mother country can provide the solution. Presently this support is occasional and connected to outstanding church events.

Article 9

1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

The freedom to express opinions in line with paragraph 1 of Article 9 of the framework Convention is, in its own right, a basic constitutional right in Hungary for which the right of individual complaint before the Constitutional Court is open to an injured party. The rights of individual complaint is also available as well, in accordance with the European Convention on Human Rights and the International Covenant on Civil and Political Rights documents. As in the case of the other basic constitutional rights affecting minorities we are not aware of complaints of this nature.

The Hungarian State recognizes the rights of minorities to freely express opinions in their native language, and for the minority communities to ensure that they obtain means of mass communication. In Hungary there are laws to regulate and guarantee the operation and establishment of national and ethnic minority media.

Hungary undertook, by ratifying the framework Convention and the European Charter for Regional or Minority Languages, to take appropriate measures to introduce programming prepared in minority languages into the media providing public service duties. Hungary facilitates the regular transmission of radio and television programs prepared in minority languages. It allows for the establishment and maintaining of at least one press organ using the native language of the minority, covers the extra costs of the instruments of mass information and supports the training of minority journalists.

In the internal legal system of Hungary, two laws are particularly concerned with these questions.

The Minorities Act stipulates that, in line with the provisions of various laws, public service radio and television should guarantee the regular preparation and transmission of national or ethnic minority programs.

In compliance with this the Act on Radio and Television establishes that public service broadcasters have the obligation to assist in looking after the culture and native language of the national and ethnic minorities in Hungary and to provide systematic information in their native languages. They must also direct particular attention to the publication of the cultural values of the national and ethnic minorities. This duty is carried out in national, or (taking account of the geographical location of the minority) regional or local broadcasting, by programs, by sub-titles on television where necessary or by transmission in several languages corresponding to the demands of the minority.

The Act on Radio and Television determines which programs may be supported as public service broadcasting and public programming, and figuring among these were programs in the national and ethnic minorities native language and programs presenting the life and culture of the national and ethnic minorities.

The Act on Radio and Television also stipulates that the time content of the nationality programs may not be less than the amount quoted in this Section of the Act at the time it came into effect. The national local government federations of the national and ethnic minorities independently decide on the principles of use of the program time available to public service broadcasting. The Act obliges the public service broadcasters to take account of the decisions of the minority self-government.

The following are entitled to implement programming in Hungary according to the Act on Radio and Television: residents of Hungary who are natural persons; legal entities registered in the Republic of Hungary; or unincorporated business associations. The law stipulates that the programming license can be obtained competitively. Tenders are announced to satisfy the program demands of national and ethnic minorities, if in the given reception area the freedom to provide and receive information and cultural variety, taking account of all programming, does not exist. The tender should contain the average planned time each month for programs serving minorities interests.

Non-profit organizations promoting the public interest which are in the exclusive ownership of the local governments of national or ethnic minorities may be entitled to make programs without the tendering process if the satisfaction of the native language information demands of the minorities are not ensured in the reception area.

The national self-governments of the national and ethnic minorities in Hungary may each delegate one member to Hungarian Radio, Hungarian Television and the Hungarian Television Public Foundation Advisory Board.

In the Republic of Hungary information and opinions can be freely transmitted by broadcasters, and programs which are intended for public consumption can be freely received. Programs may not violate human rights or be used to incite hatred against individuals, sexes, races, nations, national, ethnic, linguistic and other minorities, or any church or religious group. The broadcaster may not direct open or implied offense or exclusion towards any minority or majority, or present or judge them based on racial aspects. Public service broadcasters and public program-makers are obliged to respect the dignity and fundamental interests of national, ethnic, linguistic and other minorities, and may not offend the dignity of other nations.

Hungarian Television has enacted the provisions relating to minorities in the Act on Radio and Television into the Public Service Broadcasting Regulations.

According to the provisions of the Act on Radio and Television the minorities can jointly delegate one member each year, in a rotation system, to the Advisory Board of the Hungarian Television Public Foundation. The national self-governments of the minorities delegated their representatives to the Board in 1996, but in 1997 they failed to exercise these rights. In 1998 the Serbian minority was delegated to the Hungarian Television Advisory Board, while the Polish minority delegated the Board member to the representative body of Duna Television.

The public service broadcaster, Hungarian Television, presently prepares programs on behalf of 12 minorities, and Hungarian Radio provided programs for 13 minorities in 1998.

The Public Foundation for Minorities offers material support for the minorities' nation-wide written press. The Public Foundation for Minorities ensured funding for 17 national newspapers for 13 minorities in 1998. In view of the fact that the minority native language press cannot support itself and the minorities have a fundamental right to its continued publication, the Public Foundation Board strives to achieve wide-ranging financing.

The Public Foundation encourages the establishment of local minorities media and the preparation and transmission of cable television native language minority programming by the use of selected tenders. Its aim is the recognition to a certain extent of the native languages of the minorities in public life. The Public Foundation guaranteed 15 million HUF in 1998 in support of these tasks.

Hungarian Television has transmitted minority programming since 1978. (At first broadcasts were prepared for the Croatian, German, Serbian and Slovenian minorities, and Romanian and Slovakian language programs have also been transmitted since 1982). Since 1998 Hungarian Television has regularly prepared programs for broadcast among 12 of the 13 minorities classified by the Minorities Act. National television programs are broadcast once a week for the Gypsy, Croatian, German, Romanian, and Slovakian minorities, every two weeks for the Serbian and Slovenian minorities, and once a month for the Bulgarian, Greek, Polish, Armenian and Ruthenian minorities. A proposal for the initiation of Ukrainian minority programming in Hungarian public-service television was formulated at the meeting of the Hungarian-Ukrainian Minority Joint Committee held in December 1998.

The minority programs are prepared in four Hungarian cities: in Budapest (Gypsy, Greek, Polish, Armenian, Ruthenian, Serbian), in Pécs (Croatian and German), in Szeged (Romanian and Slovakian) and in Szombathely (Slovenian). Editing is co-ordinated by the Hungarian Television's Head Editorial Office for Regional, Minority and Foreign Affairs.

The length of the programs broadcast weekly or every two weeks is 25 minutes, and the total length of the monthly programs of the other five minorities is 50 minutes. They are transmitted in the afternoon each day of the week on the national terrestrial channel, MTV 1. The broadcasts are repeated on Saturday mornings on the satellite channel MTV 2. Hungarian Television presently broadcasts 660 minutes of minority programming every month. The native language minority programs exist in addition to the Hungarian language magazine programs about the minorities which appear every two weeks.

The public-service Hungarian Television is frequently complained about by the minority self-governments due to transmission times for the minorities' television programs, as well as questions of materials and organizational conditions for program preparation. They have also appealed to the minorities ombudsman in connection with these issues.

Beginning in 1998 Hungarian Radio has transmitted native language radio programs for several national and ethnic minorities in Hungary. As a result the current programming time is more than 10 hours per day. The Slovakian minority has the highest amount of programming time (870 minutes weekly). The Croatian, German and Romanian minorities have 840 minutes programming time weekly. The Serbian minority has 630 minutes broadcasting time weekly. Public-service Hungarian Radio provides minority programming for the Gypsy minority to the extent of 180 minutes a week, while for the Slovenian minority it provides 60 minutes per week. Recently minority radio programs have been nationally transmitted, changing every day, for 30 minutes each week for the Bulgarian, Greek, Polish, Armenian, Ruthenian and Ukrainian minorities. The national minority radio broadcasts are transmitted in the evening hours between 18.30 and 21.30. The programs can be received on URH OIRT, and in several regional studios on long wave (medium wave, URH CCIR).

Minority	Programming time and frequency, Transmission (national or regional)	Total weekly program time
Bulgarian	Once a week, 30 minutes, national	30 minutes
Gypsy	6 times a week, 30 minutes, national	180 minutes
Greek	Once a week, 30 minutes, national	30 minutes
Croatian	Daily 90 minutes, regional Daily 30 minutes, national	840 minutes
Polish	Once a week, 30 minutes, national	30 minutes
German	Daily 90 minutes, regional Daily 30 minutes, national	840 minutes
Armenian	Once a week, 30 minutes, national	30 minutes
Romanian	Daily 90 minutes, regional Daily 30 minutes, national	840 minutes

Ruthenian	Once a week, 30 minutes, national	30 minutes
Serbian	Daily 30 minutes, and four times a week 50 minutes, regional Daily 30 minutes, national	630 minutes
Slovak	Daily 90 minutes, and once a week 30 minutes, regional Daily 30 minutes, national	870 minutes
Slovene	Once a week, 30 minutes, regional Once a week, 30 minutes, national	60 minutes
Ukrainian	Once a week, 30 minutes, regional	30 minutes

Source: Minorities Office

The media in the ownership of the settlements' local governments and other operations regularly supply minority native language programs. Regionally-transmitted television also provides minority programming (e.g. *Zemplén TV*). Numerous local radio and television studios transmit minority broadcasts (*Gyula Radio, Baja Community Television, Csaba TV*, etc.). More than 30 local editorial boards handed in subsidy claims for the tender announced in 1998 by the Public Foundation for Minorities for the establishment of local minority media and the preparation and transmission of cable television native language minorities' programming. The Public Foundation for Minorities has ensured material contributions for the preparation of television and radio programs in the Croatian, German, Romanian, Slovakian and Serbian languages and for the Gypsy minority.

The Public Foundation for Minorities ensures support for the written press of the national and ethnic minorities. The Public Foundation for Minorities offers material provision of budgetary support for at least one national newspaper per national grouping. In view of the particular circumstances of the national grouping and organizations of the Gypsy minority it ensures budgetary support for more than one paper. In addition to the support of nation-wide papers the Public Foundation for Minorities extends material support to the native language supplements of the local written press, and to the publication of the minorities' specialist journals. The minorities national papers are owned by the self-governments of the minorities and minority organizations. The following table provides detailed information on the annual Public Foundation subsidies for 1996, 1997 and 1998 for the national written press of the national and ethnic minorities in Hungary.

Name of the paper (frequency of publication)	1996 support in HUF (thousand)	1997 support in HUF (thousand)	1998 support in HUF (thousand)
Ararát (Arm.), 2-weekly	7,900	7,130	7,443
Gromada (Ukr.), monthly	3,500	3,760	3,925
Haemus (Bulgarian), quarterly	4,500	4,500	4,694
Hrvatski Glasnik, (Croatian) weekly	20,500	21,770	22,727

Kafeneio (Greek), quarterly	4,500	4,000	4,176
Ludové Noviny (Slovakian), weekly	20,500	21,770	22,727
Magazyn Polonijny (Polish), 2-weekly	6,000	9,160	9,563
Neue Zeitung (German), weekly	20,500	24,740	25,828
Foia Româneasca (Romanian), weekly	15,000	15,500	16,208
Porabje (Slovenian), 2-weekly	6,600	6,450	6,733
Ruszinszky Zsivot (Ruthenian), 2-weekly	3,500	4,300	4,489
Szrpszke Narodne Novine (Serbian), weekly	19,000	22,000	22,968
Roma papers			
Amaro Drom, monthly	2,500	9,224	9,646
Cigány Hírlap*, monthly	9,000	0	0
Kethano Drom*, quarterly	5,500	0	0
Lungo Drom, monthly	10,000	10,380	10,836
Phralipe, monthly	2,500	5,300	5,533
Rom Som*, quarterly	3,000	0	0
Totals	164,500	170,000	177,500

Source: Secretary's Office of the Public Foundation for Minorities

*The Public Foundation for Minorities terminated their support for the *Cigány Hírlap*, *Kethano Drom* and *Rom Som* titles in 1997 and 1998 on the basis of the decision of the Advisory Board, as the editorial staff of the papers failed to meet the subsidy conditions they had undertaken. The publishing of *Cigány Hírlap* was taken up by the national self-government for the Gypsy minority.

The publication of minorities' papers is also supported by other organizations (e.g. *Soros Foundation*) and the Public Foundation for Minorities also ensures material contributions for journals with inter-ethnic themes (e.g. *Barátság*). The Public Foundation awarded 2 million HUF in 1998 to the publication of the monthly 4-page minorities supplement of the high-circulation national *Magyar Nemzet* Hungarian-language daily newspaper. It should be emphasized that native language periodicals have been published by the self-governments of the minorities at the expense of their operational costs. In this way the National Self-Government of the Bulgarian Minority in Hungary has published the monthly title *Balgarszki Vesnik* since

1995, and the German and Slovakian self-government councils in Budapest also publish periodicals.

Article 10

1. The Parties undertake to recognize 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.

2. 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 endeavor 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.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

According to the constitution of the Republic of Hungary, the Republic of Hungary protects national and ethnic minorities and guarantees the use of their native language, instruction in their native language and their right to use their name in their own language.

Figuring in the Minorities Act and among other individual minorities' rights is the right of individuals belonging to the minority to respect the minority traditions concerning the family, to nurture their family connections, to hold their family celebrations in the native language and to demand the organization of related church services in their native language.

An individual belonging to the minority has the right to recognize, nurture, increase and expand on the language, history, culture, and traditions of the minority and to take part in education and culture in their native language.

Minority communities have the right to begin creating the conditions for pre-school instruction, and primary, secondary and higher education in their native language or of their native language (in their native language and in the Hungarian language).

In the Republic of Hungary everyone can freely use their native language anywhere and anytime. The State is obliged to guarantee - in cases defined in various Acts - the conditions for the minorities' language use.

During civil and criminal proceedings, as well as in public administration procedures, the relevant laws on procedural rights guarantee the use of the native language.

Representatives belonging to the minorities may also use their native language in the Parliament. This rule is also true when the solution to the preferential minority parliamentary representatives has not yet been worked out because representatives from a minority background have also been elected to Parliament in political parties.

Minority representatives in the local government representative bodies may also use their native language.

If there are individuals belonging to a minority in a settlement, the representative body's minutes and resolutions can be conducted or formulated in the given minority language, in addition to Hungarian.

The settlement's local government is obliged, in compliance with the demands of the local minority self-government operating in the relevant territory, to guarantee that:

- a) the announcement of decrees and the placing of announcements takes place in the minority's native language, in addition to Hungarian;
- b) the official documents used in the course of the public administration process are also made available in the minority native language;
- c) writing on signs indicating place and street names, public offices, and the name of bodies carrying out public services or communications related to their operation can be read, in addition to the Hungarian language text and style, and with the same content and form, in the minority language as well.

When filling public official and public employee job vacancies in those settlements inhabited by minorities, the employment of individuals with knowledge of the native language of the given minority, in addition to holding the general professional qualifications, should be guaranteed.

The various procedural rights in Hungary oblige the acting authorities to ensure that everyone is free to use their native language. (for further information concerning this see also the section on Article 5 of the framework Convention). We have summarized below the language-use regulations in the field of state administration, the justice system, and the defense sector.

The Act General Rules of Administrative Procedure is formulated on the basic principles that everyone can use their native language orally and in writing in state administration procedures. No-one can be disadvantaged as a result of lack of knowledge of the Hungarian language.

In accordance with the Act on the Selection of Local Government Area Representatives and Mayors, members delegated to the electoral body by the indicated minority can take the oath or vow in their native language.

Indicated minority representatives can request that their names appear on the voting form in their native language.

In the areas of the justice and penal system we would like to mention the validity of the following relevant issues affecting the use of language. We also mentioned the issues in the section on Article 4 of the framework Convention.

The Criminal Procedure Act stipulates that no-one can be placed at a disadvantage because of lack of knowledge of the Hungarian language. This Act allows for everyone to use their native language both in writing and in speech in criminal proceedings. It lays down the provision that if a non-Hungarian native speaking individual wishes to use his native language during the procedure an interpreter must be employed. The authority covers the costs of the interpreter.

Everyone can use their native language both verbally and in writing in criminal proceedings. If a non-Hungarian native speaking individual wishes to use their native language in the course of the proceedings, an interpreter must be employed, and the accusation documents must be translated into a language known by the accused.

Convicted persons are entitled to:

- a) become familiar with the regulations concerning their rights and obligations in their native language or another language known to them; they may not be placed at a disadvantage as a result of lack of knowledge of the Hungarian language,
- b) use their native language during the implementation of their punishment.

Prisoners are entitled, at the time of their admission into detention, become acquainted with the following in their native language or another language known by them in writing, or if justified, verbally:

- a) their rights and obligations, and their practical application,
- b) the daily detention procedures,
- c) the methods of submitting complaints and requests,
- d) disciplinary offenses, the disciplinary action which can be imposed, the length of these and the opportunities for appeal.

The written daily procedures should be placed in every cell in the native language of the prisoners held there, or in another language understood by them.

Prisoners can use their native language or another language known to them in disciplinary procedures, and are entitled become acquainted with their rights and obligations in relation to the disciplinary process in this language.

The institution implementing the punishment must ensure prisoners become acquainted with the regulations concerning their rights and obligations in their native language or in another language known to them. The provision of this information and acknowledgment thereof should be set down in writing.

It can be said in relation to language use issues of the armed forces that soldiers - depending on the legal status of their service - can freely use their native language within the restrictions defined in the Act on Military Legal Status.

Article 11

1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

According to Section 12 of the Minorities Act individuals belonging to a minority have the right to freely choose their own and their children's first names, to register their family and first names in line with the rules of their native language, and, within the framework defined in the legal regulations, to have them appear in official documents. In the case of registration not occurring in the Latin alphabet the phonetic Latin-style alphabet must be used at the same time. It is also possible to request issuance of registration and other personal documents in two languages.

The Government, at its meeting of 28 January 1999, amended the Government Decree 147/1993.(X. 26.) on Temporary Provisions for Keeping Records and on the Issuance of Personal Identity Cards. A 4 paragraph supplement was added to Section 1 of the Decree, according to which citizens in Hungary belonging to a national or ethnic minority must register their request for their name on the personal identity card in two languages according to the aforementioned paragraph of the Minorities Act, on the basis of the dual-language registration documents.

The Minorities Act issued authority guidelines for employment in the Registrar administration and prepared the registrar's official documents appropriate to the use of the name by the minority.

The Constitution of Hungary guarantees the opportunity for individuals to change their family or first name or to change it back to their earlier family or first name. In order to do this a simple form must be submitted to the Interior Ministry where, in practice, it will be authorized without difficulty.

The Parliament stipulated in Subsection (1) of Section 6 of Act LX of 1998, an amendment to Act XCIII of 1990 on Duties, that in the registry procedures the issue of certificates should be free of charge if the individual belonging to a minority, exercising the rights guaranteed in Subsection (1) of Section 12 of the Minorities Act, requests registry certificates in accordance with native language regulations for family and first names.

We do not have statistical information on the amendments carried out in the registry office and on dual-language registration. On the basis of indications from registrar managers few people are taking advantage of the opportunity guaranteed in the Minorities Act. The number of applications for this and the issue of dual-language birth certificates are minimal.

The legally-binding Law-Decree 17 of 1982 also governs registration, marriage procedures and name bearing. The Decree stipulates that marriage partners can use their native languages at the

wedding ceremony. If either of the wedding partners or the witness, or both, do not speak Hungarian and if the registrar does not understand the foreign language spoken by the marriage partner or the witness, or both, an interpreter must be employed. The wedding couple must arrange for the interpreter.

The same Decree stipulates in relation to name bearing and registration that the family and given names which the individual concerned bears at the time of birth, marriage or death should be registered on the certificate. It is allowed to enter into the register, in the order determined by the parents, a maximum of two, unless otherwise stipulated by legal regulations, minority given names in addition to given names appropriate to the sex of the child and admitted to the Hungarian Registry of Given Names. The minorities living in Hungary - without verification of belonging to a minority - can bear a given name appropriate to their minority.

Schools teaching the minorities program issue certificates in two languages.

In respect of the obligations assumed in paragraph 2 of Article 11 of the framework Convention, according to Section 51 of the Minorities Act anyone can freely use their native language anywhere and anytime in the Republic of Hungary.

According to Section 53 of the Minorities Act the local government operating in the settlement area concerned must ensure, in compliance with the demands of the local self-government of the minority, that the announcement of their decrees and the placing of announcements also take place in the minority's native language. Parallel to this it is also obligatory to ensure that during public administration procedures the documents used are made available in the minority native language as well.

We would like to refer to paragraph 3 of Article 11 of the framework Convention concerning further questions of the particular role played by minority use of native language as well as Section 53 of the Minorities Act. In correspondence with this, the settlement's local authority must ensure, in accordance with the demands of the self-government body of the minority operating in the relevant area, that the writing appearing on signs in indication of place and street names, public offices, and titles of bodies carrying out public services, or communications concerning their operation can be read in addition to the Hungarian language text and style, and with the same content and in the same form, in the minority language as well.

The specifications of local authority powers for settlements local governments also contain the same obligations.

In Hungary even before the drafting of the Minorities Act it was common practice for place name signs to appear in the minorities' native language. In 1980 the names of settlements appeared in the minority population's native language for the first time in about 180 settlements. Following the introduction of the Minorities Act in 1993 the appearance of minority language place names was followed by the placing of dual-language written notices in public institutions.

The MT Decree 71/1989.(VII. 4.) on Official Geographical Names in Hungary prescribes that when establishing geographical names the actual name used by the population concerned, the opinions of the local social and economic organizations and the local authority, and historical traditions, in particular local historical research, should all be taken into consideration.

By upholding these requirements the minority language geographical name can also be established. In the case of names of terrain and areas, nature reserves, transportation and communication, inner and outer areas of a particular settlement and street names the minority language form can be established together with the Hungarian language name. The geographical names determined are contained in the *Földrajzi Névtár* (Register of Geographical Names), including the established minority language names.

For the establishment and alteration of geographical names, as far as names of terrain and regions, land, water, nature reserves, and transportation and communication are concerned, the Inter-Ministerial Committee for Geographical Names has authority, while in the case of internal and external areas of a particular settlement and street names, the local authority representative body in the area is the competent authority.

The permanent members of the Committee for Geographical Names are: the State Population Records Office (one representative), the Ministry of the Interior (one representative), the Ministry of Agriculture and Regional Development (three representatives), the Ministry of Defense (one representative), the Ministry Environmental Protection (three representatives), the Ministry of Transportation, Telecommunications, and Water Management (three representatives), the Central Statistical Office (two representatives), the Ministry of Foreign Affairs (one representative), the Hungarian Academy of Sciences (five representatives), and the Ministry of National Cultural Heritage (two representatives). For their debates on the individual subject areas the committee leaders can in each case call on outside experts, and the Minorities Office representative can take part in work related to this. The Committee, for example, at its meeting of 27 March 1996, in the case of the settlement of *Murakeresztúr* in Western Hungary, chose to maintain the name of "*Kerestur*", in line with the minority native language of those living in the area from several proposed options.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

In the 1997/98 school year local governments throughout the country operated a total of 3,432 educational institutions or schools with 900,291 students. There were 45,319 classrooms for 420,537 classes, with 77,280 teachers employed by the schools of local governments.

Below is a summary of the legal environment for the education of minorities.

The principles of state duties are set forth in the Minorities Act. Local and governments and minority self-governments have joined forces in surveying the need for minority education and in organizing the education scheme accordingly. Minority self-governments have the

opportunity to take over schools from local governments, in which case the State, first and foremost, takes part by providing the funding necessary. Pursuant to the Minorities Act, minority self-governments have the power of consent concerning issues related to the education of minorities in their respective region. A minority local government or a local self-government for a minority group may take over an educational institution from another organ only if it is able to guarantee the existing quality of education. The amount of state subsidies provided to an institution being transferred may not be reduced on account of its new management.

The Minorities Act provides for children of all minorities to receive education in their native language, or of their native language (in their native language and in Hungarian) or in Hungarian, as decided by the parents or legal guardian of the children. The education of minorities in their native language or of their native language, should be provided in minority pre-schools and schools, in classes or groups in accordance of demand and the availability of resources.

Upon the request of the parents or legal representatives of at least eight school children of one and the same minority, it is mandatory to organize and maintain a minority class or study group. Such educational institutions are required to provide for the instruction of minority studies and the history of the minority and its mother country, as well as for the proper understanding of its cultural values and traditions. The additional costs incurred due providing native language education are to be covered by the State or by the respective local government.

Additionally, let us point out that Paragraph a) of Subsection (1) of Section 9 of Act XXXI of 1997 on Child Protection and Legal Guardianship prescribes that all children in Hungary taken under permanent or temporary guardianship shall have the right to school education as consistent with their national and ethnic background and religious affiliation.

In Hungary, in respect of the legal regulation of public schools and higher education, when determining the structure and content of educational activities and concerning the supervision of such, the specific cultural and educational interests of the cultural autonomy of minorities need to be enforced in accordance with the Minorities Act. Special school programs may be set up in order to diminish any education-related disadvantage suffered by the Gypsy population.

Training native language teachers for the education of minorities in their native language or instruction of their native language is the State's responsibility. The State provides subsidies for the employment of instructors, as visiting teachers, arriving from the mother country or native language speaking countries of the minority. As for the education of students of German background, 140 to 150 visiting teachers arrive in Hungary each year. In Slovakian minority schools nine visiting educators work at this time to provide instruction in the Slovakian language, while one native-speaking teacher works in each of the Greek, Croatian and Slovenian schools.

The State is also bound by international conventions to provide for minority populations to take part in courses in their respective native language offered by foreign cultural institutions, either on full-time or part-time basis or in the form of further or scientific training. In respect of any person of any minority group studying in a foreign country in a university, college, other educational institution or an institute of cultural heritage in the native tongue of such person, the diploma or graduation degree earned in such institutions shall be considered equivalent as if received in the Republic of Hungary with due regard to the relevant Acts and international

covenants. Hungary has a treaty of equivalency signed with Bulgaria, Croatia, Poland, Germany, Romania and Ukraine.

Teaching of the Hungarian language shall be provided, in a number of hours and at a level necessary, in minority educational institutions as well.

In the settlements where the local Hungarian speaking population, or any other national or ethnic group, is in numerical minority, the local government is required to guarantee the instruction of children of Hungarian or another ethnic origin in their native or any other selected language as prescribed in the Minorities Act.

The Public Education Act prescribes that the language to be used in pre-schools and in school education of all levels is Hungarian, or the native language of national and ethnic minorities. Based on the choice set forth in the law on the rights of national and ethnic minorities, children and students from national and ethnic minorities have the right to attend pre-schools and schools using their native language, Hungarian, or both.

Students are required to take a school-leaving examinations upon the conclusion of the first twelve years of compulsory school education in prescribed and optional subjects. Compulsory subjects are the following: Hungarian grammar and literature, history, and additionally for those participating in a national or ethnic education program grammar and literature of their native language.

Each school shall set up its own curriculum to include the subjects of language, history, cultural and minority studies for national or ethnic education programs as well as a course in Hungarian language and culture for students receiving national or ethnic minority education in schools, furthermore, for students not of a national or ethnic minority, studies for the cultural heritage of the national or ethnic minorities living in the settlement.

As prescribed in Government Decree 130/1995. (X. 26.) Korm. on the National Master Curriculum, the school education of national and ethnic minorities in Hungary shall function as an integral part of the Hungarian school system. Consequently, it shall provide equal opportunities and a basic education with fundamentally the same contents and value which is suitable to serve as basis for further education. Therefore, the requirements set forth in the National Master Curriculum shall apply to the education of national and ethnic minorities as well.

The distinctive objective of minority education is to preserve and manifest the identity of the various minorities, for which it strives to

- promote the learning of the native language of the minority as it is spoken, written and generally used at an educated level,
- present and preserve folk-poetry, music, arts, customs and traditions,
- further the knowledge of historical heritage, the culture, and the national and ethnographic characteristics of the mother country,
- encourage tolerance, understanding and respect for difference by emphasizing the values of the various cultures,
- provide instruction on the life, culture and history of the mother country,
- provide assistance for the social improvement and integration of the Gypsy population.

The objective of native language education is to provide complete and complex minority education. The language used in this particular type of schooling is the native language of the minority, while the Hungarian language is also to be taught as a second language.

The objective of bilingual minority education is to develop linguistic abilities in two languages in a balanced fashion. The classes in bilingual minority education are taught in the native language of the minority and in Hungarian. Participating schools are to designate the general fields of education instructed in the minority language in their curriculum, as well as at least half of the general subjects prescribed in the National Master Curriculum are required to be taught in the minority languages as well.

The objective of minority language training instruction is to teach predominantly Hungarian-speaking students their native language as a second language. The language used in this particular type of schooling is the Hungarian language, while the minority language is taught from the 1st grade in observation of the requirements set forth in the National Master Curriculum for spoken foreign languages. Schools may also include other spoken foreign languages in their curriculum, in addition to the minority native language.

Any of the thirteen Hungarian minorities' native languages may be employed in minority education as the principle language of instruction, or taught as a second language.

Depending on the fluency of minority children, the instruction and education of minorities need to set a goal so as to provide a language instruction development level, as consistent with the respective pedagogical phase and education model, to achieve a level of skill in the minority language taught as the second language to serve as adequate foundation for bilingual or native language education.

Minority studies are taught to provide fundamental information on the cultural heritage, history and traditions of minorities, as consistent with the general fields of studies prescribed in the National Master Curriculum. Language studies, bilingual, native language and intercultural education programs and special school programs for the academic improvement of ethnic Gypsies must contain elements of minority studies. Minority studies may be built into the general fields described in the National Master Curriculum, or integrated into intercultural education programs or into special school programs for the academic improvement of ethnic Gypsies, or may be instructed as an independent subject.

In minority schools the minority native language and literature is to be taught in the proper native language, on the basis of a special program approved by the Minister of Education, while the Hungarian language and literature need to be taught as a foreign language according to the instructions set forth in the National Master Curriculum.

The faculty of "*minority children's pre-school teacher*" is listed among the preliminary faculties for obtaining a children's educator degree, which grants entitlement for the education of children of pre-school-age in Hungarian and in a minority native language. To obtain a minority children's pre-school teacher's diploma one has to attend a three-year college course constituting 2,780 hours in full-time studies.

Government Decree 158/1994. (XI. 17.) Korm. on the Qualification Requirements for Teachers, Conductive-Teachers and Children's Pre-school Teachers in Basic Training specifies the faculty of "*minority teacher*" as one of the preliminary faculties for obtaining a teacher's degree. This

particular diploma grants entitlement for teaching subjects in the languages used by minorities (minority native language education in grades 1 through 6; environmental studies, music and gymnastics in grades 1 through 4). To obtain a minority teacher diploma one has to attend a four-year college course constituting 3,200 hours in full-time studies.

The Ministry of Education has drawn up a minority education improvement program which sums up the necessary changes in the content elements of education. As the first step in the execution of the program the school books used in minority education are currently being reviewed, with minority experts involved.

The concept for the introduction of new and improved minority schoolbooks is currently being developed, based on the principles prescribed in the Public Education Act pertaining to the minority studies of minorities and the history of their mother country.

The National Master Curriculum, governing the fundamental content elements of public education in Hungary, recognizes the special education requirement of national and ethnic minorities, and prescribes special measures, also including positive discrimination factors, for the practical application of those needs. The National Master Curriculum specifies professional requirements, in harmony with the Minorities Act and with the Public Education Act, for the education institutions operating in accordance with minorities program for each type of education and each pedagogical phase.

Simultaneously with the introduction of public education reform in Hungary in 1998, the education of national and ethnic minorities will also enter into a new phase. As a supplement to the National Master Curriculum, MKM Decree 32/1997. (XI. 5.) of the Minister of Culture and Education on the Issuance of the Guidelines for the Pre-School Instruction and School Education of National and Ethnic Minorities has also been promulgated.

The appendix to this Report contains the most important segments of this Decree, such as the regulations on the education of minorities and the general developmental requirements for native language and literature and minority studies. The detailed requirements, for each minority, written in the language of the respective minority and in Hungarian, are also attached to the Decree and published in the Official Hungarian Gazette.

The appendix to this Report, written in Hungarian, contains a document prescribing the detailed requirements for the education of the Gypsy population as well.

Presently, the following types of minority educational institutions operate in Hungary:

Native language pre-school or school means an institution in which education is provided in the native language of the children or students attending. Apart from Hungarian language and literature, all subject in these institutions are taught in the native language of the minority.

In bilingual institutions education is provided in two languages in terms of pre-schools, and subject other than the language of the respective minority are also taught in the language spoken by the minority.

Special education programs for the academic improvement of Gypsies are designed to ensure equal opportunities for children and students of Gypsy origin in further studies. The program also offers minority studies for the various minorities.

For educational purposes, the thirteen national and ethnic minorities registered in Hungary may also be categorized as per the following.

The largest group by number is the Gypsies, their education is provided through special "*academic improvement*" programs within the framework of the Hungarian public education system.

The Croatian, German, Romanian, Serbian, Slovakian and Slovenian minorities each have their own education scheme within the Hungarian public education system.

The Bulgarian minority has one educational institution, which includes a native language pre-school and a twelve-year elementary and secondary school.

The Greek minority operates a language school and a number of so called Sunday-schools, the Polish minority runs Sunday-schools in 19 different settlements throughout the country, while Ruthenians have one Sunday-school to teach their children their native language. Armenians and Ukrainians maintain five and one Sunday-schools, respectively. The Ministry of Education provides funding for teaching activities organized outside the school system.

The fact that the Public Education Act, in harmony with the Minorities Act, grants minority self-governments the power of consent and consultation carries not only professional, but political significance as well. The Public Education Act also provides for the operation of the National Committee of Minorities, functioning as the professional body in minority education issues for the Minister of Education, while taking part in the preparation of decisions, in consultation and proposition sessions.

The minorities ombudsman published a report in 1998 in conclusion of a comprehensive study on the prevailing situation concerning the education of minorities.

The purpose of this study was to investigate whether the legal regulations on education are in accordance with the provisions set forth in the Constitution and the Minorities Act. Another subject of the study was whether the rights of self-government granted to national and ethnic minorities are enforced as prescribed by law. The minorities ombudsman concluded that the Minorities Act intended to create the kind of cultural autonomy in which self-government of the minority groups plays a central role. The prevailing form of autonomy in education constitutes the exercise of the power of consent and consultation with respect to decisions that also pertain to the education of minorities. The majority of minority self-governments do not have their own educational institutions, rather they have the power to influence decisions, through exercising their right of consent and consultation, related to the education of minorities in institutions operated by the local governments. According to the study, practically all parties involved in the education of minorities (teachers, students, parents, representatives of local governments and minority self-governments) have relatively little information and knowledge on how to organize the local education scheme, and what role should apply to each and every one of them. It takes more than just thorough knowledge of all legal regulations. The competent state administration agencies should assume a greater role in facilitating the flow of information.

According to the statistics on the pre-school instruction of minorities a total of 18,532 children from all national minorities received native language education during 1997/1998 in 364 pre-schools, in 77 groups learning in native language and in another 774 groups attending language training education.

In the 1997/98 school year, minority education programs were offered in 398 primary schools for a total of 51,385 students of which 2,753 were attending classes in their native language, 6,066 participating in bilingual education, and with 42,566 children attending language training education.

In Hungary, secondary education of minorities is provided in native language and in bilingual secondary schools. The native languages of minorities are taught in four vocational training schools around the country.

Language teachers are trained in sufficient numbers by specialized institutions of higher education (colleges and universities) generally maintaining an independent faculty for pre-school teachers and school teachers. To provide pedagogues for the education of the Gypsy population, special faculties studying the ethnic background of Gypsies have been established in colleges training teachers for primary schools and in universities training lecturers for secondary schools. Native language teachers are also trained in the universities of their respective mother countries.

In Hungary, the budget provides supplementary state subsidies, as normative funding, to the local governments of settlements operating an institution for the education of minorities.

The Act on the 1999 Budget prescribes general normative funding in the following amounts (in HUF):

<i>Pre-schools</i>	80,000
<i>Schools:</i>	
Grades 1-8	83,000
Grades 9-13	108,000

A local government operating an educational institution for minorities receives the following amounts of extra subsidies in 1999, in addition to the normative base for education, for each student (in HUF):

<i>Pre-schools</i>	25,000
<i>Schools:</i>	
native language, bilingual	32,000
language training	26,000
special programs for the academic improvement of Gypsies	27,000
dormitory accommodation for Gypsies	20,000

The Ministry of Education took yet another step to encourage native language and bilingual education programs by allocating more additional supplementary subsidies for these two forms of education as set forth in the Act on the 1999 Budget.

In spite of receiving such supplementary subsidies, the local governments operating independent minority schools, alongside the Hungarian schools, ran into some financial problems last year. In order to resolve these concerns, the local governments maintaining an independent minority with less than 130 students or an independent minority pre-school with less than 60 children

were granted additional supplementary subsidies from a special appropriation prescribed in the Act on the 1999 Budget in the amount of 22,000 HUF per person.

The new Government, inaugurated in the summer of 1998, intends to provide as much support from the central budget as possible for the primary schools of settlements with a population of less than 1100, for which one billion HUF was appropriated in the 1999 Budget.

Having settled the budget-related issues of minority education, the Government also encourages that minority schools should be operated by the self-governments of the various minorities.

Below is a summary of the information pertaining to the education of minority groups.

There is a twelve-year school and pre-school for ethnic Bulgarians that was financed primarily by the Bulgarian Government. As of September 1992 the school is financed by a joint Hungarian-Bulgarian fund. The number of students fluctuates between 100-120 per school year. In the 1999 Budget of the State of Hungary a special fund is allocated for the construction of a dormitory for the Bulgarian school.

A representative survey conducted in 1971 among the Hungarian Gypsy population revealed that 26 per cent of the Gypsies, 25-29 years of age at that time, have completed the eight-year primary school. By 1993 this ratio went up to 77 per cent concerning the ethnic Gypsies of the same age group, which represents a substantial improvement between 1970 and 1994 in terms of basic education. In the 1997/98 school year, 10,027 children from the Gypsy population received minority pre-school instruction. The number of students attending special school programs for the academic improvement of Gypsies was 40,013. It is also evident that, in terms of further education and drop-out opportunities in higher education, the gap between Gypsies and non-Gypsies have widened for the detriment of Gypsy students. This gap is particularly wide in secondary and higher education institutions. Failing to succeed in school and dropping out early primarily stem from socio-cultural reasons. The school system is bound to face a large number of problems reaching far beyond public education issues as far as the Gypsy population is concerned. Education plays a fundamental role in changing the social position of people of Gypsy origin. In light of the relevant sections of the National Master Curriculum, in 1995 the Ministry of Education completed its independent Gypsy Education Improvement Program. The objective of the program is to provide the background necessary for eliminating the obstacles faced by Gypsy students, while contributing the conditions for improved success, throughout the entire range of public education. A full description of this program, along with the Hungarian text of the National Public Education Program for Gypsies, is attached in the appendix to this Report.

The Greek language is taught in minority primary schools in the village of Beloiannis, in Budapest, Miskolc, Tatabánya, Sopron and in Szeged. In the 1997/98 school year 157 students were attending Greek minority education classes.

In Hungary, Croatian minority language training is offered in close to 40 pre-schools and primary schools, with another seven bilingual primary schools and language schools operating around the country. Secondary education in the Croatian language is provided in the schools, in Budapest and in Pécs, for a total of 214 students. The number of native language Croatian pre-school groups is 15 (335 children), with another 114 groups (1,250 children) studying the Croatian language with the help of 97 pre-school teachers. A new national education center was

built in Budapest and completed in September 1996. This institution is home for a pre-school, an elementary and a secondary school, and a dormitory for primary school students.

The number of students attending Croatian minority primary schools in the 1997/98 school year is illustrated in the table below.

	Language training school number of students	Bilingual school number of students	Native language school number of students	Number of students per grades
1st grade	340	15	82	437
2nd grade	302	0	40	342
3rd grade	300	0	36	336
4th grade	276	0	35	311
5th grade	235	0	27	262
6th grade	224	0	41	265
7th grade	254	0	37	291
8th grade	271	0	37	308
Total	2,202	15	335	2,552

Source: Ministry of Education

Croatian pre-school teachers are trained in Sopron and Baja, and in Baja there is also an institution for training school instructors. Teachers are trained the Dániel Berzsenyi College for Teachers in Szombathely and in the Croatian Language and Literature Faculty Janus Pannonius University of Sciences in Pécs. Language instructors are trained in Budapest at the university level.

The first permanent Polish Sunday-school was established in 1922. During World War II, Hungary had 27 Polish primary schools and a Polish High School and Lyceum, being the only one in Europe. The Sándor Petofi Elementary School and Lyceum opened in 1978, next to the Polish Embassy in Budapest, using the curriculum prevailing in Poland. In addition to the above, the national Polish self-government and the József Bem Society of Hungary operate 19 Sunday-schools to teach Polish language and literature and minority studies to Polish children living in Hungary.

In respect of the German minority in Hungary minority educational institutions, regrettably, failed to provide appropriate assistance during recent decades for students to master their native language. The language skills of these graduates remain far beyond, by comparison, to the natural bi- and multi-lingual ability characteristic to their grandparents.

The following table demonstrates the situation of German minority pre-schools based on statistical figures for the 1994/95 school year.

	Native language	Bilingual	Total
Pre-schools	198	16	214
Children groups	617	41	658
Number of children	13,889	870	14,759

Source: Ministry of Education

Latest statistical figures available show that in the 1997/98 school year 13,802 children were enrolled in German speaking pre-schools. There were 40 pre-school groups, hosting 942 children, learning in the German language.

Statistical data on German minority primary schools indicate the following for the 1994-1996 period.

	1994/95.	1995/96.
Schools	254	254
Teachers	870	919
Language groups	2,396	2,668
Total number of students	40,240	41,029
- in native language schools	878	896
- in bilingual schools	4,584	5,471
- in language training schools	34,778	34,662

Source: Ministry of Education

The number of students in German minority primary schools in the 1997/98 school year is illustrated in the table below.

	Language training school number of students	Bilingual school of students	Native language school number of students	Number of students per grades
1st grade	5,606	1,071	281	6,958
2nd grade	5,113	981	109	6,203
3rd grade	4,839	911	104	5,854
4th grade	4,979	748	109	5,836
5th grade	4,699	673	80	5,452
6th grade	4,610	646	111	5,367
7th grade	3,909	506	73	4,483
8th grade	3,797	408	59	4,264
Total	37,547	5,944	926	44,417

Source: Ministry of Education

Presently, there are nine secondary schools, either independent or having minority faculty, and eight institutions of higher education offering diplomas in German Studies and Pedagogy. Substantial improvements took place in 1995 in terms of German secondary education: school projects were completed in Baja and Pécs, and a new dormitory was built in Budapest, all with support from the German Government and from German foundations.

The Armenian minority has no educational institutions, however Armenian self-governments are engaged in organizing language courses in several locations.

There are Romanian minority institutions in various districts of the Hungarian school system, and Romanian minority education is provided in all levels of public education.

Year	Pre-school	Primary school	Secondary school
Number of students			
1990	453	961	128
1994	683	945	116
1996	638	915	114
1998	517	1127	126

Source: Ministry of Education

Romanian minority education is provided in 11 Hungarian settlements: in 12 pre-schools, 11 primary schools and in an independent Romanian secondary school. At this time 1,770 children receive Romanian minority pre-school and school education with 97 teachers. There are 106 school and pre-school groups in total. Hungarian Romanians have a relatively large number, notable seven, of minority primary schools (Battonya, Bedo, Elek, Kétegyháza, Gyula, Méhkerék, Pusztatölkés). Teaching is done in both the Romanian and the Hungarian languages. With 400 million HUF in central subsidies, a new dormitory for the Romanian Gymnasium is currently under construction in the city of Gyula. The central budget has granted 45 million HUF in 1998 for the renovation of the Romanian Elementary School of Méhkerék.

The number of students in Romanian minority primary schools in the 1997/98 school year is illustrated in the table below.

Grade	Language training school number of students	Bilingual school of students	Native language school number of students	Number of students per grades
1st grade	128	9	67	204
2nd grade	88	8	48	144
3rd grade	106	11	72	189
4th grade	62	3	65	130
5th grade	47	7	59	113
6th grade	52	8	74	134
7th grade	41	5	64	110
8th grade	41	3	59	103
Total	565	54	508	1,127

Source: Ministry of Education

Pre-school teachers for the Romanian minority are trained in Szarvas, while teachers are trained in Békéscsaba, Szeged and Budapest. Since 1990, each year 8-10 Hungarian Romanians enroll in some institution of higher education in the mother country on scholarship from the Hungarian Government or from the Ministry of Public Education of Romania.

As of the 1995/96 school year, Ruthenian language courses began in the primary school of Mucsony with 18 students. By last year the number of students attending Ruthenian language training education increased to 64, and a Sunday-school for Ruthenians was commenced in Budapest.

Native language education of the Serbian minority in Hungary was provided by a church-sponsored network of schools up until 1948. Today, pre-school instruction is provided in 11 settlements on the basis of Serbian minority programs, while school education is provided in 13 settlements using the same program, including 4 independent educational institutions teaching in the Serbian language or offering bilingual education (the first four years of primary education in Lórév and Deszk, and full primary course in Budapest and Battonya). There is a Serb-language gymnasium in Budapest. The building complex of the Serbian Pre-school, Primary School, Gymnasium and Dormitory, the largest Serbian educational institution in Hungary, was renovated and expanded in 1996/97 using state funds. During the past three years the schools in Battonya, Lórév and Deszk were also renovated and expanded.

The number of students in Serbian minority primary schools in the 1997/98 school year is illustrated in the table below.

Grade	Language training school number of students	Native language school number of students	Number of students per grades
1st grade	35	21	56
2nd grade	7	22	29
3rd grade	12	26	38
4th grade	8	20	28
5th grade	13	12	25
6th grade	13	14	27
7th grade	10	12	22
8th grade	9	17	26
Total	107	144	251

Source: Ministry of Education

Presently, Serbian language teachers for secondary schools are trained in the Slavic Faculties of the Attila József University of Sciences of Szeged and of the Loránd Eötvös University of Sciences of Budapest. The Serbian teachers faculty was inaugurated in 1997/98 in the Teacher's College of Budapest. The Serbian national self-government and the Serbian School in Budapest organized and sponsored training sessions for Serbian teachers, while the Ministry of Education provided subsidies for visiting teachers.

In Hungarian territory, as it stands today, there were no education in the Slovakian language by uniform standards prior to 1945. Between 1948 and 1958, there were 19 pre-schools and 6 schools created, all teaching in the Slovakian language. In the 1958/59 school year, Slovakian language was taught in 112 schools as an independent subject. Secondary education was provided in the Slovakian Teacher's School in Budapest and a high school in Békéscsaba.

The following table demonstrates the situation of Slovakian minority education based on statistical figures for the 1995/96 school year.

Number of pre-schools	Number of groups	Number of children	Number of teachers
74	131	2,968	141

Source: Ministry of Education

In the 1997/98 pre-school season 2,989 children in 106 groups were receiving education in the Slovakian language. The number of Pre-school teachers in 1998 was 150.

The following table demonstrates the situation of Slovakian primary schools for the 1995/96 school year.

	Number of primary schools	Number of students	Number of teachers	Number of language groups
Language training	67	4,031	118	326
Bilingual	3	215	12	19
Native language	5	629	29	46
Total:	75	4,875	159	391

Source: Ministry of Education

The following table demonstrates the situation of secondary education of the Slovakian minority based on statistical figures for 1998.

	Number of schools	Number of students
Native language gymnasium	2	119
Gymnasiums and vocational schools teaching the Slovakian language	4	76

Source: Ministry of Education

Higher education for ethnic Slovaks is provided in colleges and in universities. Pre-school teachers are trained in the Pre-school Teacher's College of Szarvas and in the János Vitéz Teacher's College of Esztergom. Diplomas for primary school teachers may be obtained in the Gyula Juhász Teacher's College of Szeged. Teachers are trained in the János Vitéz Teacher's College of Esztergom and in the Csoma Korösi Teacher's College of Békéscsaba. Secondary school teachers for Slovakian education are trained in the Faculty of Human Sciences of Loránd Eötvös University of Sciences in Budapest and in the Péter Pázmány Catholic University. Slovakian schools in Hungary are receiving visiting teachers arriving from Slovakia since 1989. Since the 1995/96 school year 12 Slovakian visiting teachers worked in Hungary. Thus far, the conditions for receiving three visiting Slovakian lecturers were made available, while the fourth instructor is employed, and financed, by Péter Pázmány Catholic University.

There are five pre-schools to provide native language education for the Slovenian minority in Hungary, and a total of 132 students are studying the Slovenian language in primary schools, with 12 teachers participating. The number of students is continuously dropping, primarily due to demographic fluctuation.

The number of students in Slovenian minority primary schools in the 1997/98 school year is illustrated in the table below.

Grade	Language training school number of students	Bilingual school number of students	Number of students per grades
1st grade	5	7	12
2nd grade	3	9	12
3rd grade	7	9	16
4th grade	12	6	18

5th grade	15	0	15
6th grade	21	0	21
7th grade	19	0	19
8th grade	20	0	20
Total	102	31	133

Source: Ministry of Education

Secondary education is provided in the Mihály Vörösmarty Gymnasium in Szentgotthárd for 1-4 students within a school year. A degree in higher education may be obtained in the Teacher's College of Szombathely, or in the mother country. Two or three students a year opt to continue their studies in Slovenia. The schools and self-government of the region maintain close relationships with Slovenian settlements.

The Ukrainian minority in Hungary operates one Sunday-school. The György Bessenyei Teacher's College of Nyíregyháza and the Faculty of Human Sciences of the Attila József University of Sciences of Szeged both have a Ukrainian language and literature faculty. The Faculty of Human Sciences of the Loránd Eötvös University of Sciences of Budapest operates a Institute of Slavic Philology, which maintains a department for Ukrainian language and literature.

The Public Foundation for Minorities provides sponsorship for youth and student programs aimed to strengthen the identity of minorities, with special emphasis on summer camps to preserve the heritage, ethnographic background and the native dialect of minorities. The Public Foundation for Minorities spent 38,433,536 HUF in 1998 for such programs.

The Ministry of Education announced a tender in 1998 to provide support for research activities for the improvement of the education of Hungarian national and ethnic minorities. Its objective was to provide assistance for surveys conducted in the native languages minorities in terms of their ethnographic background, history and culture of Hungarian minorities. Twelve minority research groups and minority research institutions applied to participate in this educational program, for which the central budget has allocated 26 million HUF in financial support. In 1998, the Ministry provided assistance for other tenders for the benefit of national and ethnic minorities (i.e. scholarship for post-graduate students, summer camps organized by minority educational institutions and organizations, equipment purchases by small minority schools, etc.).

The new Government, upon winning the election in 1998, announced in its education policy the objective to provide sufficient education to all children, regardless of geographical and financial position of any settlement, to provide equal opportunity for social advance. In this context the Government promised special support to institutions in special need. The Government also set a goal to revitalize the prestige of the teaching profession.

Article 13

1. Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

In 1998, there were 52 fund-sponsored and private schools in Hungary, with 4,849 students enrolled. The number of teachers working in these schools were 632, having 401 class rooms for 321 classes.

The Minorities Act provides the right to minority communities to establish and operate and their own nationwide network of schools, educational, cultural and scientific institutions.

Minority self-governments are entitled to take over education institutions from local governments. We have addressed this topic in the section on the previous Article. Below is the introduction of some pioneer institutions sponsored by funds for the education of the Gypsy minority.

The Kalyi Jag Romany Minority School of Budapest was founded by the Kalyi Jag Romany Artistic Society in 1993. The school receives its normative supplementary budgetary subsidies for minorities based on a public education agreement with the City of Budapest, while it receives support from other sponsors as well. The schools admits Gypsy children who have completed the eight-year primary school. Its objective is to provide a two-year education to students of 14-25 of age, who have no vocational training or are not attending secondary schools of any kind. The school places special emphasis on identity and on students to learn about Gypsy language and culture. Training courses for unemployed young Gypsies are also available in an effort to encourage them to become entrepreneurs, to obtain a basic degree in a foreign language or learn to operate a computer. All students, 37 in the 1996/97 school year, enrolled in the school are Gypsies. At this time the school employs two teachers of Gypsy origin. It belongs to the Budapest school district.

The Józsefváros School in Budapest is maintained by the Józsefváros School Foundation. It does not belong to any particular school district as the majority of its students are from the Józsefváros District of Budapest. Although the ratio of Gypsy children in the school is 95 per cent, it receives no supplementary budgetary subsidies. The total number of students enrolled is 48. The Józsefváros School was established for the purpose of improving the success rate of Gypsy children and to improve their chances of further education. Another of the school's principle objectives is to organize workshops and clubs aimed to turn the children's attention to the wealth of knowledge offered by their immediate environment and to the significance of knowledge as a value. These workshops are organized separately by the special fields of culture, while also offering the opportunity to obtain deeper understanding of universal and Hungarian Gypsy culture. The schools also places special emphasis on its students learning a foreign language and computer technology. Upon request the school organizes tutoring sessions as well, however this is not its main objective.

The Alternative Foundation School for the Advancement of Ethnic Gypsies in Szolnok was established in 1990. The institution receives support from the City of Szolnok, with additional help from the Lungo Drom National Interest Reconciliation Association. The Jász-Nagykun-

Szolnok County Employment Center pays the salary of some of school's teachers, while it receives supplementary budgetary subsidies for minorities as well. The objective of the school is to provide vocational training to socially disadvantaged Gypsy and non-Gypsy youngsters who dropped out of high school and are lacking general and professional training of any kind. The school set a distinctive mission as to provide the opportunity for its students to obtain a vocational training certificate that is also recognized by the state. The school provides Gypsy minority education. The total number of students enrolled is 48, the majority of whom are of Gypsy origin.

The project for the Foundation Work-school of Edelény was drawn up by a dedicated group of rehabilitation pedagogues in 1990-1991. The school was created in 1994 with the approval of the Ministry of Education. The institution receives the majority of its funding from state subsidies. The school's duty is to provide the kind of practical training from the first grade of primary school education which is in harmony with the special characteristics unique to certain age groups. They pay special attention to the prevention of speech impediments and to involving the parents in the education of their children. The school strives to prepare the children for prosperous jobs, being in demand locally, such as vegetable production, animal husbandry, sewing, knitting, embroidery and various home repair jobs. Hygiene education is also included in the school's profile. Children who do not continue their education when graduating from primary school, and who cannot find a job, will receive a domesticated animal as the first step toward their own farm husbandry.

The Gandhi Gymnasium and Student Hostel of Pécs is maintained by the Gandhi Foundation. The school's first preliminary semester commenced in 1994. It operates as a six-grade gymnasium. The total number of students presently enrolled is 140, 95 of whom are of Gypsy origin. Based on agreement with the Ministry of Education, the school receives normative minority supplementary budgetary subsidies. In view of the fact that the majority of the population living in this school district speaks the Bea language, the school provides education in the Bea and the Gypsy languages and cultures. The students enrolled in the school are from the neighboring Baranya, Somogy and Tolna counties, and also from Zala, Fejér and Pest counties. The total staff of the school includes 5 teachers of Gypsy origin.

The primary school in Nyírtelek is run by the local government, however, since the funding it is able to provide is not enough to cover institution's entire budget, grants are also accepted. Such grants are received from the Soros Foundation and from the Minorities Office. The institution functions as an eight-grade primary school, accepting Gypsy and non-Gypsy students alike, with non-Gypsy children dominating. (From the 350-400 students of the school approximately 40 are of Gypsy origin.) The institution employs two Gypsy teachers, one of them works in the dormitory. The institution strives to instill tolerance and coexistence in its students, and to prepare as many children as possible for secondary education. There is a dormitory attached to the school, which became known as the Gracious House. The children coming here are either particularly disadvantaged or are very good pupils with excellent grades. The school has a special Gypsy program features intensive tutoring in the first two years, and to let these children to attend the same class with the other children from the third year on. The teachers of the institution participate in *Cooperative Learning* training course, the methodology of which is employed throughout the whole school.

The national minorities which do not have an educational institution integrated into the Hungarian public educational system have established so called "*Sunday-schools*" with financial support from the Ministry of Education. The national self-government of the Polish (19), the

Greek (8) and the Armenian (5) minority operate such schools. In respect of the Ukrainian (1) and the Ruthenian (1) minorities the schools were established and are operated by their national civil organizations.

Article 14

1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

The personal right prescribed in paragraph 1 of Article 14 of the framework Convention is provided for in the Minorities Act. The provisions on the operation of the related institutions are laid down in the Act on Cultural and Educational Self-Government of Minorities Chapter and the Self-governments of Minorities Chapter.

The Public Education Act also provides for the right of native language studying and learning a native language. Upon ratifying the European Charter for Regional or Minority Languages, Hungary agreed to assume educational obligations regarding the six languages (German, Slovakian, Slovenian, Croatian, Serbian and Romanian) listed in the addendum.

The State recognizes the native languages of Hungarian minorities as a binding force in their communities, and supports the education of these languages. The Minorities Act, in addition to the individual right for education, recognizes the collective right of minorities to take the initiative in creating conditions for education at pre-schools, primary and secondary schools, as well as in higher education in the native language, or in both their native language and Hungarian language and to develop their own national network of educational, training, cultural and scientific institutions, within the framework of law.

The Minorities Act provides for children of all minorities to receive education in their native language, or of their native language (in their native language and in Hungarian) or in Hungarian, as decided by the parents or legal guardian of the children.

According to the Minorities Act languages used by minorities in Hungary are as follows: Armenian, Bulgarian, Croatian, German, Gypsy (Romany and Bea), Greek, Polish, Romanian, Ruthenian, Serbian, Slovakian, Slovenian, Ukrainian.

According to the Act, the education of minorities in their native language, or in their native language and in Hungarian, should be provided in minority pre-schools and schools, in classes or groups in accordance of demand and of the availability of resources. Upon the request of the parents or legal representatives of at least eight school children of one and the same minority, it is mandatory to organize and maintain a minority class or study group. The additional costs

incurred due to providing native language education are to be covered by the State or by the respective local government, as prescribed in the Act.

The Public Foundation for Minorities supports the education of minority youth in secondary or in higher education by granting scholarships. By providing such scholarships the Foundation supports the native language education of minorities and for minority intellectuals to receive education in Hungary or in a foreign country. In 1998, 760 students received scholarships for secondary education and another 380 students received scholarships for higher education. The foundation also provides 5,000 HUF and 10,000 HUF per person in aid for minority students studying in secondary and in higher education institutions, respectively.

The table below illustrates the scholarship provided by the Public Foundation for Minorities in the 1998/99 school year for the secondary education of minority students.

Minority	Total number of applicants	Number of scholarship granted
Gypsy	1,504	540
Armenian	1	0
German	365	146
Croatian	58	26
Polish	3	1
Romanian	53	23
Serbian	10	3
Slovakian	41	18
Slovenian	8	3
Total:	2,084	760

Source: Public Foundation for Minorities

The table below illustrates the scholarships provided by the Public Foundation for Minorities in the 1998/99 school year for minority students in higher education.

Minority	Total number of applicants	Number of scholarship granted
Bulgarian	14	5
Gypsy	588	102
Greek	9	3
Croatian	97	27
Polish	12	4

German	599	177
Armenian	8	1
Romanian	64	18
Ruthenian	3	3
Serbian	33	11
Slovakian	96	29
Slovenian	11	3
Ukrainian	4	3
Total:	1,545	386

Source: Public Foundation for Minorities

The institutions of social sciences of the Hungarian Academy of Sciences collectively operate a Minority Research Workshop for the designated purpose of coordinating and setting uniform standards concerning the studies conducted in Hungary and by the research facilities studying Hungarian social sciences in the neighboring countries. The Minority Research Workshop set off an inter-disciplinary research program under the title of *"Can native languages be re-learned in Hungarian minority schools?"*. As the first step of this program a seminar was held in the summer of 1998 to discuss the most important principles (native language, applied language, language dominance, switching languages, assimilation, minority school, bilingual education, etc.), along with the potential research methods. The seminar concluded that the role of educational institutions has increased substantially in respect of learning any minority language, since the families are hesitant to use their native dialect in many cases, which prevents natural native language socialization in this context. The final objective of the program is to draw up a richly documented study volume also to include recommendations.

The topic of forms of minority education and of existing institutions is discussed in relation to Article 12 of the framework Convention with statistical figures also attached.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Upon the enactment of the Minorities Act and, in particular, in consequence of the establishment of the network of minority self-governments, minority groups are now taking a more active role in public affairs in many settlements, and their participation in cultural, social and economic issues has become more distinguished as being more frequently consulted and included in decision making procedures.

As prescribed by the provisions set forth in Paragraphs (1), (2), (3) and (4) of Article 68 of the Constitution of the Republic of Hungary, with respect to Article 15 of the framework

Convention, the national and ethnic minorities living in the republic of Hungary are part of the people's power, and are constituent elements of the State. The Republic of Hungary is dedicated to provide protection to national and ethnic minorities, to ensure their collective participation in common affairs, preservation of their heritage, use of their native languages, native language education, and the right of using their name in their own languages. National and ethnic minorities have the right to establish local and national self-governments.

The regulations and the spheres of jurisdiction of minority self-governments are addressed in four Chapters of the Minorities Act. Local and national self-governments legitimately elected are representative bodies and, by virtue of their legal status, function as partners with local governments of settlements in regional issues, and to the legislation and central authorities in national issues. Minority self-governments also constitute an addition to the institutions of enforcement of minorities interests, notably former organizations and associations, as being vested with legal status and guaranteed licenses. In settlements with substantial minority populations the establishment of minority local governments has guaranteed minority groups the powers equal to regional autonomy, while their volunteer associations establish the groundwork for the creation and operation of regional autonomous structures. Today, this is only a theoretical possibility, yet for example in the County of Baranya, there are villages adjacent to each other and are governed by German minority local governments.

Minority self-governments, as legal institutions, are the latest addition to the Hungarian legal system. With this unique solution, Hungarian legislation has vested effective powers in minority groups for the enforcement of their respective interests. In consequence of providing minorities with the right of participation locally and nationally alike, a decision may only be enacted after mandatory consultation and upon agreement with the minority self-government concerned.

Minority self-governments are granted extensive consent and consultation rights. In respect of settlements, minority self-governments have the right of consent in local public education, local media, preservation of heritage, culture and collective language use related issues. The consent of the minority self-government is required for the appointment of a school principal in connection with the education of minorities. Until such consent is granted the local government of the settlement is not allowed to pass a resolution to this effect.

The duties and authority of minority self-governments was set forth in view of cultural autonomy. Consequently, minority self-governments do not have the powers of authorities, and the local governments of settlements are not allowed to grant any regulatory competencies to minority self-governments. The objective is not to establish parallel public administration agencies, however the decentralization of authority expands the sphere of duties of local self-government for minority groups as well.

In terms of national issues the national self-government bodies for minorities act as representatives of the various minorities by expressing their opinion on bills of legislation affecting minorities in this context (including county ordinances and those passed by the City of Budapest). Minority self-governments may also request information from public administration agencies on issues that affect the minorities and participate in the supervision of minority educational institutions at all levels. National self-governments were granted the opportunity to present their views and recommendations in writing during the comprehensive negotiations concerning the Government report on minorities to be presented to the Parliament.

National self-governments have the right of consent concerning the drafting of legislation in connection with the preservation and cultivation of historical settlements and architectural heritage of minorities and in respect of establishment the core material for minority education.

Voters may establish local minority self-governments through direct election. Direct election of minority self-governments takes place independently from the local government of the settlement, but at the same time. The minority representatives elected in this fashion shall only be members of the minority self-government body. An initiative for direct election of minority self-governments shall be filed with the local election office within 10 days of the announcement of the election of local government of settlements. A minority self-government election may be announced only if so requested by at least five persons living in the respective settlement and declared of being of the same minority. Such persons are not required to be members of any minority organization. Any constituent who assumes, by filing an affidavit, to represent a minority and received the recommendation of at least five other voting citizens shall be a candidate in a minority self-government election.

The number of members of a minority self-government is governed by law: there shall be three members in settlements of less than 1,300 inhabitants, and five members in settlements of more than 1,300 inhabitants, including the districts of Budapest. Minority self-governments are elected by independent ballot sheets. Minorities may use their own native languages during the election process. Upon request, the name of a candidate, and his or her organization, may be entered on the ballot sheet in the relevant minority's language as well. Voters may vote only for one minority, and may vote only for as many candidates as prescribed for the representative body to be elected. The candidates receiving the largest percentage of votes among all candidates shall be the elected representatives.

A minority self-government election is construed valid if receiving at least fifty valid votes for the minority ballot list in settlements with a population of less than 10,000, and at least 100 votes in settlements of over 10,000 inhabitants. This requirement applies to each minority separately.

A local government within which more than half of the representatives were elected as candidates of a national or ethnic minority may declare itself a minority local government.

If at least 30 per cent of the representatives of a local government body were elected as candidates of one and the same minority it shall be construed as an indirectly-formed local minority self-government.

The election of national self-governments of national and ethnic minorities must be held within 120 days of the conclusion of the election of local governments of settlements. National self-governments are elected by minority electors. Minority electors are the representatives of local governments elected as minority representatives, and the representatives of minority self-governments. A national self-government may consist of between 13 and 53 members.

Office space for minority self-governments shall be provided by the local government of the settlement, or by the State in respect of national self-governments. For this purpose the central budget has allocated one billion HUF for the minority self-governments founded in 1994 or established in 1995. The minority self-governments established after the 1998 elections are also in need of such subsidies, however the central budget has no funds appropriated for this purpose at this time.

The national self-governments established in 1995 were granted a one-time contribution accounting to 300 million HUF in total.

The central budget provides subsidies to both local and national self-governments for operating expenses, the amount of which is determined in the Budget Act. The amount allocated for such purposes in the budget of 1998 and 1999 was 804 million HUF and 1 billion 253 million HUF, respectively.

According to the law, a minority self-government is a legal entity and as such may have revenues other than the state subsidies. Grants may be accepted from the mother country and income may be generated by business activities or by the yields of financial assets.

Minority self-government elections were held the first time on 11 December 1994. A total of 792 minority self-governments were elected, including 46 minority local governments, 13 indirectly-formed and 733 directly-formed minority self-governments. If, for whatever reason, no minority self-government was established in a settlement, the minority in question was allowed to appoint a spokesperson to represent its interest.

The number of minority self-governments in the first minority self-government cycle is illustrated in the following chart (status as of February 1998).

[two tables missing: to follow]

The Scientific Institute of Western-Hungary of the Regional Research Center of the Hungarian Academy of Sciences conducted a survey in 1998 to evaluate the first four years of operations of minority self-governments between 1994 and 1998. The conclusions of the survey revealed unique characteristics in terms of the education, profession and employment of the members of minority self-governments. The following charts illustrate the relevant percentage figures.

[four tables missing: to follow]

From among the thirteen national and ethnic minorities named in the Minorities Act all minorities, with the exception of the Ruthenian and the Ukrainian minorities, established its national self-government after the 1994 local minority self-government elections. The minorities that did not establish a national self-government were represented by their national social organizations during the 1994-98 period.

In Hungary, minority self-government elections were held for the second time on 18 October 1998 simultaneously with local government elections. In result, all thirteen Hungarian national and ethnic minorities were able to form their own national minority self-government.

The following table illustrates the detailed results of the 1998 local minority self-government elections.

Minority	Announced	Completed	Successful
Bulgarian	16	14	14
Gypsy	923	817	762
Greek	18	18	18
Croatian	75	73	74
Polish	37	34	32
German	272	272	272
Armenian	27	25	25
Romanian	34	33	32
Ruthenian	11	10	9
Serbian	36	34	34
Slovakian	77	76	75
Slovenian	10	10	10
Ukrainian	7	6	4
Total:	1,543	1,422	1,361

Source: Minorities Office

The following table contains the figures for the regional diversification of minority self-governments (January 1999). (Source: Minorities Office)

	B u l g a r i a n	G y p s y	G r e e k	C r o a t	P o l i s h	G e r m a n	A r m e n i a n	R o m a n i a n	R u t h e n i a n	S e r b	S l o v a k i a n	S l o v e n i a n	U k r a i a n	T o t a l
Budapest	8	23	10	14	9	23	16	14	5	14	8	1	2	147
Bács-	0	26	0	10	0	17	0	0	0	2	3	0	0	58
Baranya	1	66	1	18	1	57	0	0	0	2	0	0	0	146
Békés	0	20	0	0	0	7	0	8	0	1	14	0	0	50
Borsod-	1	129	1	0	11	8	0	1	3	0	10	0	0	164
Csongrád	0	7	1	0	1	2	1	2	0	4	2	0	1	21
Fejér	0	15	1	0	1	15	1	0	0	1	1	0	0	35
Gyor-	0	15	1	5	1	10	0	0	0	0	0	1	0	33
Hajdú- Bihar	1	35	1	0	0	0	1	7	0	0	0	0	0	44
Heves	0	55	1	0	0	1	0	0	0	0	2	0	0	59
-Szolnok	0	34	0	0	1	0	0	0	0	0	0	0	0	35
Komárom -	0	9	1	0	3	15	1	0	0	0	8	0	1	38
Nógrád	0	42	0	0	0	2	0	0	0	0	13	0	0	57
Pest	3	45	1	3	1	33	2	0	1	9	12	0	0	110
Somogy	0	58	0	5	0	3	1	0	0	0	0	0	0	67
Szabolcs-	0	90	0	0	1	4	1	0	0	0	1	0	0	97
Tolna	0	29	0	0	0	27	0	0	0	1	1	0	0	58
Vas	0	12	0	10	0	10	0	0	0	0	0	8	0	40
Veszprém		21	0	0	1	37	1	0	0	0	0	0	0	60
Zala		31	0	9	0	2	0	0	0	0	0	0	0	43
Total	14	762	18	74	32	272	25	32	9	34	75	10	4	1,361

The number of minority self-governments founded upon the second election has almost doubled compared to the previous period.

In the fall of 1998, close to fifty minority candidates were elected as mayors. The German minority has 30, the Croatian 9, the Slovakian 8, while the Gypsy and Romanian minorities have one mayor each.

A total of 653 candidates from nine different minorities have been elected as representatives in local governments of settlements. The following table illustrates the number of minority representatives in local governments.

Minority	Gypsy	Greek	Croatian	Polish	German	Romanian	Serbian	Slovakian	Slovenian
Number of representatives	177	1	108	2	262	22	2	67	12

Source: Minorities Office

The structure of the minority self-government system is illustrated through the Croatian minority self-governments. In the 1998 local government elections, Croatian communities in Hungary initiated Croatian minority self-government elections in 75 electoral zones, in result of which 74 Croatian local self-governments were established throughout the country.

County	Number of Croatian local governments	Number of Croatian local minority self-governments
Bács-Kiskun	0	10
Baranya	3	15
Gyor-Sopron-Moson	0	5
Pest	0	3
Somogy	4	1
Vas	6	4
Zala	5	4
Budapest	0	14
Total:	18	56

Source: Minorities Office

Comparison with the previous election period shows that the number of elected Croatian minority self-governments increased by approximately 35 per cent. The Budapest and the

national self-government are expected to be added to these 74 self-government bodies, with the Budapest Croatian Self-Government already elected on 8 January 1999, in result of which a 9-member body will be established.

In settlements with a Croatian minority self-government in office during the 1994-1998 period, a minority self-government has been elected again.

The local governments of 18 settlements decided during its inaugural meeting to take office as Croatian minority local governments in the upcoming four years. Additionally, another nine candidates have been elected mayor for their respective settlements.

The mayors of the following settlements are of Croatian origin:

Baranya county: Drávasztára, Felsoszentmárton

Somogy county: Potony, Szentborbás

Vas county: Felsocsatár, Horvátlővo, Horvátzsidány, Narda, Olmód.

Croatian minority local governments were formed the following settlements:

Baranya county: Szemely, Drávasztára, Felsoszentmárton

Somogy county: Lakócsa, Tótújfalu, Potony, Szentborbás

Vas county: Peresznye, Felsocsatár, Horvátlővo, Horvátzsidány, Narda, Olmód.

Zala county: Fityeház, Molnári, Petrivente, Tótszerdahely.

The national Croatian self-government has 53 members at this time. There are 370 Croatian electors elected during the 1998 minority self-government elections have entitlement to form the new body to be elected in 1999.

The new national self-governments of minorities will be elected between 3 January 1999 and 14 February 1999. The number of representatives entitled to elect these bodies is illustrated in the table below.

Bulgarian	Gypsy	Greek	Croatian	Polish	German	Armenian	Romanian	Ruthenian	Serbian	Slovakian	Slovenian	Ukrainian
70	3,607	95	369	153	1,322	133	171	47	169	381	44	21

By the closing date of this report the Bulgarian, Gypsy, German, Armenian, Ruthenian and the Ukrainian minorities had already established their national self-governments. The Gypsy and the German national self-government consists of 53 representatives each, while the Armenian, Ruthenian and the Bulgarian consists of 23, 20 and 16 representatives, respectively.

Letters of commission for the four-year term of members of national self-governments were presented in the Parliament, with the President of the Republic of Hungary also attending.

The institution of minority self-governments showed positive results in the initial period. The citizens of the various minorities are now consciously and openly proclaiming their identities. Demand among the minorities has increased for minority education and publicity, while the fact of granting self-government licenses produced a distinctive contribution to the ethnic identity of minorities.

The Hungarian minority self-government system is a viable and efficient form for the enforcement of interests, which allows the various minorities to participate in local and national issues of concern.

As prescribed in the Minorities Act, the acceptance and proclamation of belonging to a certain national or ethnic minority is an exclusive and inalienable right of all individuals, and no one may be obliged or forced to make a declaration of belonging to a minority group. Pursuant to this provision of the Minorities Act and of the Act on Suffrage persons unknown to a certain minority group and/or who cannot speak the language of the minority were also allowed to initiate minority self-government elections, or were elected as minority self-government representatives.

During our discussions with minority representatives concerning this report, we have received some opinions stating that local self-government bodies for minority groups at times are being restricted in their capacity of enforcing interests due their dependence on the local government of the respective settlement. There were some examples when the representation and consultation right of national self-governments were ignored. According to the Serbian National Self-Government the autonomy of minority self-governments should be extended in order to enable them to be the stopping force of assimilation. Nonetheless, the existence of minority self-governments is generally greeted.

The experience gained thus far provides sufficient basis for the improvement the legal regulations associated with the Minorities Act and legal regulations related to this Act, and for the improvement of the minority related provisions as set forth in the Act on Local Governments, the Act on the Election of Local Government Representatives and Mayors and in the Budget Act. Accordingly, the sphere of duties and jurisdictions of minority self-governments and the regulations pertaining to financial contributions by the state and by local governments need to be refined, as well as the regulations on the cooperation between local governments of settlements and local self-government bodies of minority groups.

For purposes of exercising rights, the provisions of the Act on Local Governments that are applicable to minority self-governments need to be specified. Furthermore, the form in which to establish minority self-governments on regional and county level, which is a missing link, should be given some serious consideration. The provisions pertaining to election should also be revised to create the necessary background to allow only the persons known to and recognized by minority communities to be elected members of minority self-governments.

The Parliament Committee on Human Rights, Minorities and Religion formed an ad hoc committee to make the necessary preparations for the amendment of the Minorities Act. The committee is made of representatives from six parliamentary parties.

As for the minorities being represented in the Parliament we must admit that to the fact that minorities are still deprived of the advantages which derive from the special nature of

parliamentary representation. The Constitutional Court in its judgment passed in 1992 stated that this legislative failure has produced an unconstitutional situation.

Recently, several recommendations have been presented on the subject of allowing more licenses to the minorities in terms of parliamentary representation. These recommendations strive to arrange the licenses justified for this particular field with the general and equal electoral standards manifested by constitutional principles. It is a known fact that minorities in Hungary are not concentrated to any particular location and are spread out over various parts of the country, in consequence of which their right for parliamentary representation can only be assured on the basis of positive discrimination. At the same time, however, it is also evident that citizens of any minority cannot be registered in state files. Apparently, there is no simple way to achieve parliamentary representation in the current single-chamber system which is based on the representation of political parties. Until the final solution is found, lawmakers remain dedicated to come up with a temporary solution to ensure the presence of minorities in the Parliament.

The legal regulations presently in force allow political parties to be organized on a minority basis. Several such parties were formed for representation of the Roma minority, however their activities are not recognized nationwide. Prior to the parliamentary elections in 1998, a party was formed under the name of Minority Forum, yet it failed to delegate any representatives into the Parliament. The votes cast for the candidates of the Minority Forum did not reflect the percentage ratio of minorities established by the census of 1990, and particularly not the estimated membership of minority organizations.

Naturally, there are some representatives in the Parliament of minority origin, who declare themselves to belong to a national minority and who speak to the house in his or her native dialect; these representatives however did not win their seat in the Parliament on account of their minority background.

The representatives of national self-governments for minorities are invited to all sessions of the Parliament Committee on Human Rights, Minorities and Religion, in which to discuss minority related issues.

Representatives from the Croatian, Romanian and Slovenian minorities in Hungary are members of the Hungarian-Croatian, Hungarian-Romanian and Hungarian-Slovenian Intergovernmental Minority Joint Committees. This same right is provided to the national civil organization of the Ukrainian minority to participate in the Hungarian-Ukrainian Joint Committees. Hungary intends to include a representative from the national Slovakian minority self-government to participate in the minority joint committee formed within the framework of Hungarian-Slovakian intergovernmental cooperation.

It is the duty of the Minorities Office, *inter alia*, to maintain contact and to hold negotiations with national self-governments for minority groups. The minorities are represented in the 26-member Board of Trustees of the Public Foundation for Minorities, with one member from each of the thirteen minorities

There are 11 members delegated by the National Self-Government of the Gypsy Minority to the 22-member Board of Trustees of the Public Foundation for Gypsies.

An organization called the Roundtable of Minorities was established during the preparatory stages of the Minorities Act for the purpose of consultation with state authorities. Its role

diminished following the full development of the minority self-government system, as the national self-governments of minorities took over the role of negotiation partners with the Government.

In 1996 the Gypsy Coordination Council was founded from the representatives of the various ministries and National Self-Government of the Gypsy Minority . In order to improve inter-ministerial cooperation, the President of the Minorities Office filed a motion in late 1998 for the establishment of a Inter-Ministerial Committee on Gypsy Affairs, and for the reason of taking over the duties of the Roma Program Committee established also in 1996 with ministers being its members. The Hungarian Government concedes that productive actions may only be taken with the needs and necessities of the Roma community, in cooperation with the representatives of people of Roma origin. In order to strengthen ties, and in view of the unique social importance of the Roma issue, it is necessary to create additional consultative forums with the direct involvement of the National Self-Government of the Gypsy Minority. Consequently, the President of the Minorities Office established two new agencies in late 1998. Roma civil organizations having more than 50 nominees in local minority elections will be invited to participate in the work of the 12-member Civil Roma Forum. Providing a broader spectrum for Gypsy cultural heritage should be an effective way to reduce prejudice within society. In view of this, the Minorities Office founded a Gypsy Cultural and Artistic Council as well, for the purpose of having the cultural heritage of the Gypsy population recognized as an integral part of the culture of local minorities and Hungarian national culture.

Concerning the participation in public affairs of non-Hungarian citizens permanently settled in Hungary, these citizens are granted active voting rights in local self-government elections. This entitlement constitutes the right to cast a vote, without the eligibility for being elected.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

As prescribed in Subsection (1) of Section 4 of the Minorities Act, the Republic of Hungary prohibits any policy which is directed to alter the national or ethnic conditions of areas inhabited by minorities to the disadvantage of the community. We have already discussed some aspects of this question under Article 6 of the framework Convention.

In Subsection (2) of Section 4 of the Minorities Act, the Republic of Hungary resolved to take a strong stand in its international relations against any political endeavor which might lead to the aforementioned consequences. It also strives to provide for protection against any policy of this kind through the means of international law and international agreements.

According to the Act on the Election of Local Government Representatives and Mayors, electoral districts are to be designated in view of nationality, religious, historical and other features which are unique to the area in question.

Article 17

1 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.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.

The Minorities Act reaches beyond the provisions of paragraph (1) of Article 17 of the framework Convention by stipulating that persons belonging to any minority have the right to establish contacts with State and community institutions of their mother country or native language country, and with minority groups from other countries as well.

According to Section 19 of the Minorities Act, the minorities and their organizations have the right to establish and maintain broad and direct international relationships. Minority local governments and local minority self-government bodies have the right to maintain contact with any minority organization and association, including the right conclude cooperation agreements as well. Minority organizations are entitled to conduct public education activities and to establish, within framework provided by law, institutions for this purposes, which are allowed to maintain international relationships.

As laid down in its regional policy, the Hungarian Government is strongly committed to further stability in the Central and Eastern-European region. The Government intends to raise cooperation within the Central-European region to new levels, as, according to its position, bringing cooperation among central-European countries to new heights, having the situation of national minorities settled by European standards and Euro-Atlantic integration are not contradicting factors, but are interrelated so as to function to the benefit and advantage of all.

In this context, the Government shall use all means at its disposal for the countries of the region to share in the economic and political benefits generated by Hungary's Euro-Atlantic integration.

Bilateral and general agreements play a substantial role in the improvement of relationships between minorities and their mother country, as well as the covenant concluded for the protection of minorities with some mother countries of minority groups. One example is the Slovakian minority being directly affected by a stipulation in the Hungarian-Slovakian General Convention, according to which the Parties shall support relations in cultural, educational, scientific, political, social and religious issues, among others.

The Scientific Institute of Western-Hungary of the Regional Research Center of the Hungarian Academy of Sciences conducted a nationwide survey in 1998, which concluded that national self-governments for minorities focused their principle activities on the development and improvement of relations with their mother country.

We will discuss information related to bilateral and multilateral international conventions in detail under Article 18.

The following is a summary of the information in connection with some typical and directly established international relations of minorities.

In terms of the relationship between the ethnic Bulgarian minority and the mother country, the fact that Bulgaria provides substantial financial support for the native language educational institution is a dominant factor.

The National Self-Government of the Gypsy Minority maintains constant relations with the Coordination Office of the European Council on Roma Affairs, while its cooperation with the Cultural and Documentation Center of the Sinti and Roma Population of Germany. From the neighboring countries, they have established an active and close relationship with the Gypsy civil organizations in Slovakia. During its international discussions, the self-government raised the issue of creating closer ties between the Gypsy Information Center of the European Union and the self-government's professional organization, the National Gypsy Information and Cultural Center.

The Greek minority also maintains extensive and intense relations with its mother country.

The ties between the ethnic Croatian minority and Croatia are becoming more and more animated thanks to local initiatives. Croatians in Hungary are also being more widely acknowledged, and respected, in Croatia, where they deem the ethnic group as part of the Croatian nation. Support from the mother country primarily manifests in grants for educational and cultural purposes. The Budapest Embassy of Croatia plays a significant role in the relationship between the mother country and the Croatian minority. Both Hungarian Croatians and Croatian Hungarians took an active part in preparatory stage of the Hungarian-Croatian Minority Convention. Pursuant to the Convention, a Croatian-Hungarian Joint Minority Committee was formed to review the minority groups of both countries.

The mother country relations of ethnic Poles have been institutionalized by now. The world convention of Poles living outside of Poland was held in Hungary.

As far as the German minority is concerned, more than a hundred settlements have a sister village or town in Germany or in Austria to maintain ties with the mother country and the native-speaking country. Their relations are primarily of cultural nature, while numerous youth exchange programs have been organized as well. However, the business opportunities (joint companies, handicrafts and hand-crafted arts, trading) of these relations are less developed. Support in many forms arrives to Hungary through German partner settlements. Ties are most active with the Province of Baden-Württemberg, which took in the most of German Hungarians displaced after World War II, and have offered sponsorship for ethnic Swabians living along Danube. Since 1995, the National Self-Government of German Hungarians has been actively participating in the work of the Federal Union of European Nationalities (hereinafter referred to as "FUEV"). They have established contacts with the organizations of ethnic Germans living in the Carpathian Basin, such as in Romania, Slovakia and Yugoslavia. They have also established productive relations with Germans from the Burgenland region of Austria and with Germans from Denmark and from South-Tyrol.

Armenian Hungarians maintain close ties with their mother country, as part of which they recently staged a representative exhibition in Yerevan. They also have relations with ethnic Armenians living in Hungary's neighboring countries, and with some other Armenian minorities dispersed in other regions (Venice, Vienna, etc.).

The geographical situation of the Romanian minority is relatively favorable in terms of preserving its cultural identity. The majority of ethnic Romanians live in counties situated along the Romanian border, which makes maintaining contact with the Romanian language and culture easier. The Romanian Government also endeavors to stay in contact with Romanian minority self-governments and with Romanian civil organizations. The Romanian Government provided substantial financial support (printing paper, religious items, school and laboratory equipment, etc.) to Romanian Hungarians. It also provides scholarship grants to young Romanian Hungarians for education in the mother country, while sending missionary priests to villages predominantly of Romanian orthodox religion. Summer camps are organized for teachers and ethnic Romanian children (40 a year) are provided vacations in the mother country. The Cultural Association of Romanians in Hungary was granted membership in FUEV in its congress in 1996. The cultural organization of Romanian Hungarians is the only Romanian minority council in FUEV.

Ethnic Ruthenians maintain contact with other Ruthenians living in various parts around the globe and with the International Association of Ruthenians. The Organization of Ruthenians in Hungary hosted the III International Convention of Ruthenians.

The civil wars in the former Yugoslavia poses a significant obstacle for Serbian Hungarians to maintain natural contact with the mother country, and it also produces a detrimental effect on the community's instinct for self-preservation. Presently, there is no inter-governmental cultural or minority agreement between the two countries. In spite of all of this, the Serbian Democratic Alliance, the Serbian National Self-Government and the Serbian local self-governments have established active and regular relations with political, cultural, scientific, educational, regional self-government, humanitarian, communication and church organizations in Yugoslavia. Serbian Hungarians pay special attention to maintaining inter-minority relationships (Serbian Hungarians and Hungarians in Yugoslavia). In line with their historical heritage, they also strive to maintain regular contact with Serbians from the Central-European region.

The majority of predominantly Slovakian settlements in Hungary have a sister settlement, mostly from the Slovakian Republic, and also from Romania and Yugoslavia. Civil organizations maintain complex relations with the mother country, and they receive more and more financial, professional and moral support. The majority of relations is of cultural orientation, yet there are some for business, sport and educational purposes. The lack of sufficient funding constitutes the major obstacle for these ties to reach into a broader spectrum. The National Slovakian Self-Government has signed a cooperation agreement with the Slovakian National Cultural Center. They also have working relationships with the House of Ethnic Slovakian Minorities, with the Slovakian Presbyterian Church and with Slovakian Government Foundations, from which they receive financial support at times. In 1998 the working relationship between the National Slovakian Self-Government and Ministries of the Government (Education and Culture, and the Ministry of Foreign Affairs) became more regular.

Ever since Slovenia proclaimed its independence, the relations between local communities and self-governments of the Slovenian minority, as well as the people themselves, and the neighboring mother country and its cultural and economic organizations are increasing and broadening at a steady pace. New border stations were opened to promote the continuation of this process, while Slovenian Hungarians ask for more border crossing points to be opened. The international relations of the Slovenian self-government and cultural society are typically routine and open thanks to the special attention and interest exhibited by the mother country. Slovenian

political leaders, the President of the Republic in particular, have received the representatives of ethnic Slovenians from Hungary several times in the past. The Slovenian minority and the cultural and state administration agencies of the mother country maintain productive working relations on a daily basis, for example the regular and fruitful cooperation maintained with the Slovenian Hungarian National Alliance, and the new relations with the Ethnic Council of Carinthian Slovenians.

The representative of Ukrainian Hungarians is a member of Hungarian sector of the Hungarian-Ukrainian Joint Minority Committee. Their relations with the mother country are improving steadily.

Article 18

1. The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

The Republic of Hungary has charter agreements ratified with the following countries: Estonia, France, Greece, Croatia, Kazakhstan, Poland, Latvia, Lithuania, Moldavia, Germany, Italy, Russia, Romania, Spain, Slovakia, Slovenia, the Soviet Union, Turkey, Ukraine, Uzbekistan and Mongolia.

The framework of relations with the mother countries of national and ethnic minorities living in Hungary is ensured by the following bilateral documents:

Treaty between the Republic of Hungary and the Republic of Croatia on amicable relations and cooperation (1992).

Protocol between the Republic of Hungary and the Republic of Croatia on the principles of the cooperation for the assurance of rights of national minorities (1991).

Correspondence regarding the ratification by the Republic of Croatia of the Declaration signed on 31 May 1991 by the Republic of Hungary and by the Ukrainian Soviet Socialist Republic on the principles of cooperation for the assurance of rights of national minorities (1991).

Agreement between the Republic of Hungary and the Republic of Croatia on the protection of the rights of the Croatian minority in the Republic of Hungary and Hungarian minority in the Republic of Croatia (1995).

Treaty between the Republic of Hungary and Federal Republic of Germany on amicable cooperation and partnership in Europe (1992).

Joint declaration by the Government of the Republic of Hungary and the Government of the Federal Republic of Germany on assistance for the German minority in Hungary and to the teaching of German as a foreign language (1992).

Treaty between the Republic of Hungary and Romania on understanding, cooperation and good neighbourly relations (1996).

Treaty between the Republic of Hungary and the Republic of Slovakia on good neighbourly relations and amicable cooperation (1995).

Friendship and cooperation treaty between the Republic of Hungary and the Republic of Slovenia (1992).

Convention on the assurance of special rights of Slovenian national minorities living in Hungary and of Hungarian national communities living in the Republic of Slovenia (1992).

Correspondence regarding the ratification by the Republic of Slovenia of the Declaration signed on 31 May 1991 by the Republic of Hungary and by the Ukrainian Soviet Socialist Republic on the principles of cooperation for the assurance of rights of national minorities (1992).

Treaty on the principles of good neighborly relations and cooperation between the Republic of Hungary and Ukraine (1991).

Declaration on the principles of cooperation for the assurance of rights of national minorities by the Republic of Hungary and the Ukrainian Soviet Socialist Republic (1991).

In addition to the above, in spite of the fact that there is no Russian minority in Hungary, the Republic of Hungary and the Russian Federation signed a declaration in 1992 on the principles of cooperation for the assurance of rights of national, ethnic, religious and linguistic minorities.

Bilateral joint committees have been set up for the protection of minorities in respect of Croatia, Romania, Slovenia and Ukraine. The National Self-Government of the Croatian Minority in Hungary and other representative organizations have members delegated to the Hungarian-Croatian inter-governmental joint committee on minority affairs. The same representation is also provided in the Hungarian-Romanian, Hungarian-Slovenian and in the Hungarian-Ukrainian inter-governmental joint committees.

Hungary strives to provide the same type of representation within the framework of the Hungarian-Slovakian inter-governmental cooperation as well. In respect of the German minority, the National Self-Government of the German Minority has delegated several members to participate in the work of a sub-committee of the Hungarian-German Cultural Joint Committee, created for the purpose of providing support to the German minority in Hungary and to the teaching of German as a foreign language. The national self-government is also represented in joint committees between Hungary and some German Federal States (Hungary-Bavaria, Hungary-Baden-Württemberg, Hungary-Hesse, etc.). Germany provides assistance in terms of the professional and linguistic training of teachers; financial and methodological aid to schools, curriculum, school book and study plans; scholarships for secondary, college and university education and for scientists; by sending lecturers, visiting professors and teachers; supporting libraries; supporting the German Theater of Szekszárd; and by supporting cooperation between Hungarian and German churches.

The Hungarian Government, in order to satisfy the need of the Romanian minority, encouraged the opening of a border crossing point between Méhkerék in Hungary and Nagyszalonta in Romania in 1994. The population of Méhkerék is predominantly Romanian (99 per cent). The

Minority Cooperation Branch of the Inter-Governmental Joint Committee on Active Cooperation and Partnership between the Republic of Hungary and Romania declared in its Conference held in 1998 in Budapest the necessity of opening as many border crossing points as possible between Hungary and Romania in the interest of allowing free travel and passage for the citizens of both countries. These crossing points carry particular importance in the frontier settlements where the population is predominantly Romanian Hungarian or Hungarian Romanian.

Relationship between the Slovakian minority in Hungary and their mother country is deemed to be well-balanced during the past decades (the Slovakian minority in Hungary recognized the importance regional cooperation two decades ago, and maintains regular and fruitful relations with Slovakian and other minorities from Romania and the Voivodina region.) Positive changes took place in the last year or two when Slovakia began to communicate with the National Slovakian Self-Government. The Hungarian Government includes the legitimate representatives of Slovakian minority as equal partners in the preparation and execution of all issues of concern. Upon the changes of 1998 in Slovakia the situation is expected to improve.

The principle objective of the Hungarian-Slovakian Expert Committee, established upon the initiative of the Minorities Office, is to make the necessary preparations for an action program aimed to improve the situation of the Slovakian minority in Hungary, and to set up the background for the Minority Joint Committee to be established as set forth in the Hungarian-Slovakian Charter Agreement.

The cooperation between Hungary and Slovenia on the subject of minorities is exemplary. The Hungarian-Slovenian Joint Minority Committee, which includes representatives of the Slovenian minority in Hungary, works by the rules set forth in the *"Agreement on the assurance of special rights of Slovenian national minorities living in Hungary and of Hungarian national communities living in the Republic of Slovenia"*.

The Hungarian-Ukrainian Joint Minority Committee is also productive in its respective area. A representative delegated by the Ukrainian minority regularly participates in the work of the Hungarian branch. The representative of the minority was also invited to the meetings of the Hungarian-Ukrainian Inter-Parliamentary Committee established in 1995.

The Government, in its program, welcomes the support coming from the various countries for strengthening the linguistic and cultural identity of Hungarian minorities, while it endeavors the potential for minority groups to serve as a bridge between Hungary and their respective mother country.

The Government respects the charter agreements between Hungary and its neighboring countries, and expects these countries to interpret and observe the agreements in good faith. Charter agreements, by nature, need to be given specific contents and shall be supplemented with agreements pertaining to special fields. Any improvement in regional cooperation, and taking better advantage of the potential possibilities, is bound to substantially reduce the difficulties and tensions which may result from the fact that the various countries of the region are destined to join the Euro-Atlantic organizations, such as NATO and the European Union at different points in time.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

As proclaimed under the previous Article of the framework Convention, the Hungarian judicial system contains provisions that are more accurate and precise, and it allows broader rights to the minorities than those set forth in the framework Convention.

In the event of any violation of the provisions set forth in Article 19 of the framework Convention, the aggrieved party has the right to turn to the Constitutional Court with his or her complaint.

In terms of the implementation of the principles enshrined in the framework Convention Hungary did not use any limitations, restrictions or derogations.

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Article 22

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

Article 23

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

We have no relevant comments to present in respect of Articles 20, 21 and 23 of the framework Convention .

Article 30

- 1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**
- 2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**
- 3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

The Republic of Hungary issued no restrictive statements concerning territorial aspects.

List of Appendixes (not available in electronic format)

On the Report of the Republic of Hungary Concerning the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities

In Hungarian:

- The Constitution of the Republic of Hungary, Act XX of 1949 (full text)
- Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (full text)
- Act LIX of 1993 on the Ombudsman for Human Rights Affairs (full text)
- Act LXXIX of 1993 on Public Education (full text)
- Act XVI of 1997 on the Promulgation of the Agreement between the Republic of Hungary and the Republic of Croatia on the protection of the rights of the Croatian minority in the Republic of Hungary and Hungarian minority in the Republic of Croatia, signed in Osijek on 5 April 1995 (full text)
- Act VI of 1996 on the Promulgation of the Convention on the assurance of special rights of Slovenian national minorities living in Hungary and of Hungarian national communities living in the Republic of Slovenia, signed in Ljubljana on 6 November 1992 (full text)
- Act I of 1996 on Radio and Television Broadcasting (excerpts)
- Act XLV of 1995 on the Promulgation of the Treaty on the principles of good neighborly relations and cooperation between the Republic of Hungary and Ukraine, signed in Kiev on 6 December 1991 (excerpts)

- Act XLVII of 1995 on the Promulgation of the Treaty between the Republic of Hungary and the Republic of Croatia on Amicable Relations and Cooperation, signed in Budapest on 16 December 1992 (excerpts)
- Act XLVI of 1995 on the Promulgation of the Friendship and Cooperation Treaty between the Republic of Hungary and the Republic of Slovenia, signed in Budapest on 1 December 1992 (excerpts)
- Act XLIV of 1997 on the Promulgation of the Treaty between the Republic of Hungary and Romania on understanding, cooperation and good neighbourly relations, signed in Timisoara on 16 September 1996 (excerpts)
- Act LXXIX of 1995 on the Promulgation of the Treaty between the Republic of Hungary and Federal Republic of Germany on amicable cooperation and partnership in Europe, signed in Budapest on 6 February 1992 (excerpts)
- Act XLIII of 1997 on the Promulgation of the Treaty between the Republic of Hungary and the Republic of Slovakia on good neighbourly relations, friendship and cooperation, signed in Paris on 19 March 1995 (sections)
- Act LXXVI of 1995 on the Promulgation of the Convention between the Republic of Hungary and the Republic of Poland on good neighbourliness, friendship and cooperation, signed in Krakow on 6 October 1991 (sections)
- Council of Ministers Decree 71/1989 (VII. 4.) on Official Geographical Names in Hungary (full text)
- Government Decree 34/1990 (VIII. 30.) Korm. on the Office of National and Ethnic Minorities (full text)
- MKM Decree 32/1997 (XI. 5.) on the Issuance of the Guidelines for the Pre-School Instruction and School Education of National and Ethnic Minorities (excerpts)
- Detailed requirements for the education of the Gypsy minority from MKM Decree 32/1997 (XI. 5.) on the Issuance of the Guidelines for the Pre-School Instruction and School Education of National and Ethnic Minorities (full text)
- Government Resolution 35/1995 (IV. 7.) on Confirmation of the European Charter for Regional or Minority Languages and on the Obligations Assumed by the Republic of Hungary according to paragraph 2 of Article 2 of the Charter (full text)
- Government Resolution 1093/1997 (VII. 29.) Korm. on the Medium-Term Action Plan for the Improvement of the Living Conditions of the Gypsy Minority (full text)
- Constitutional Court Resolution 35/1992 (VI. 10.) (full text)
- Statistics from 1990 Census, broken down by native languages and settlements (document of the Central Statistics Office)
- Gypsy education development program, National Gypsy education program (document Ministry of Culture and Education, Minorities Department)
- Grants awarded in 1997 by the Public Foundation for the National and Ethnic Minorities of Hungary
- Report by the Ombudsman for Data Protection for 1997
- Report by the Ombudsman of the Rights of National and Ethnic Minorities for the period between 1 July 1995 and 31 December 1996
- Report by the Ombudsman of the Rights of National and Ethnic Minorities for the period between 1 January 1997 and 31 December 1997

In English:

- The Constitution of the Republic of Hungary, Act XX of 1949 (full text)
- Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (full text)
- Act LIX of 1993 on the Ombudsman for Human Rights Affairs (full text)
- Act LXXIX of 1993 on Public Education (excerpts)
- Act I of 1996 on Radio and Television Broadcasting (excerpts)
- Council of Ministers Decree 71/1989 (VII. 4.) on Official Geographical Names in Hungary (excerpts)
- Government Decree 34/1990 (VIII. 30.) Korm. on the Office of National and Ethnic Minorities (full text)
- Decree of the Ministry of Culture and Education 32/1997 (XI. 5.) on the Issuance of the Guidelines for the Pre-School Instruction and School Education of National and Ethnic Minorities (excerpts)
- Government Resolution 1093/1997 (VII. 29.) Korm. on the Medium-Term Action Plan for the Improvement of the Living Conditions of the Gypsy Minority (full text)
- Constitutional Court Resolution 35/1992 (VI. 10.) (full text)
- United Nations International Convention on the Elimination of all Forms of Racial Discrimination - Periodic report pertaining to Hungary
- The first three years of the Parliamentary Ombudsman for Data Protection and Freedom of Information
- Report by the Ombudsman for the Rights of National and Ethnic Minorities for the period between 1 July 1995 and 31 December 1996
- Report by the Ombudsman for the Rights of National and Ethnic Minorities for the period between 1 January 1997 and 31 December 1997