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**SECOND REPORT SUBMITTED BY HUNGARY
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 7 May 2004)

**Second Report of the
Republic of Hungary
on the implementation of
the Council of Europe's Framework Convention
for the Protection of National Minorities**

Budapest, 1 February 2004

**Government Resolution
1010/2004. (II.26.)**

**on the second report of the Republic of Hungary on the implementation of the Council
of Europe's Framework Convention for the protection of national minorities**

1. The Government shall approve the second periodic report of the Republic of Hungary on the implementation of the Council of Europe's Framework Convention for the protection of national minorities.

2. The Government shall authorize the Foreign Minister or the person authorized by him to submit the second periodic report of the Republic of Hungary on the implementation of the Council of Europe's Framework Convention for the protection of national minorities, following its translation into English, to the Secretary General of the Council of Europe.

3. The Government shall authorize the President of the Office for National and Ethnic Minorities in Hungary to carry out any further tasks in connection with the Council of Europe's Framework Convention for the protection of national minorities.

Dr. Péter Medgyessy
(under his hand)
Prime Minister

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Introduction

Hungary was among the first countries which signed the Council of Europe's Framework Convention for the Protection of National Minorities (hereinafter as the Framework Convention) on 1 February 1995.

The Parliament of the Republic of Hungary (hereinafter as the Parliament) confirmed the document which assigns the framework of the European system for the protection of minorities, as elaborated in the last years of the past century, by Parliamentary Decree 81/1995 (VII. 6.) OGY and promulgated it in Act XXXIV of 1999.

In 1999, in accordance with the provisions of the Framework Convention, Hungary drew up its first country report on its legislation practice aimed at the implementation of the principles conceived in the document for international protection of minorities and on the measures taken in the interest of the minorities who live on its territory (hereinafter as the First State Report). The document was handed over by the Government of the Republic of Hungary (hereinafter as the Government) to the Secretary General of the Council of Europe (hereinafter as the CoE) on 21 May 1999 in compliance with Government Decree 2023/1999.(II. 12.) Korm.

Between 29 November and 1 December 1999, the Advisory Committee set up by the Framework Convention (hereinafter as the Advisory Committee) surveyed implementation in Hungary of the commitments undertaken according to the Framework Convention and of the statements set out in the First State Report. On 22 September 2000, the Advisory Committee drew up Document No. CM (2000) 165 in which it summarized its expert opinion on the minority policy of Hungary (hereinafter as the Advisory Committee's Opinion).

Having examined the Advisory Committee's Opinion as well as the comments conceived by the Hungarian Government and those made by other governments, including the written comments made by Romania and Slovakia, the Committee of Ministers of the Council of Europe (hereinafter as the Committee of Ministers) laid down its position on the implementation of the Framework Convention in Hungary and drafted its recommendations on the issues concerned on 21 November 2001 in its Resolution ResCMN(2001)4 (hereinafter: resolution of the Committee of Ministers).

For interim evaluation of the measures of the Government for Hungarian minority policy adopted in accordance with the resolution of the Committee of Ministers, the Office for National and Ethnic Minorities in Hungary and the Council of Europe organized a follow-up seminar held in Budapest on 2-3 December 2002, in the framework of which the members of the Advisory Committee had an opportunity to carry out an on-the-spot check.

The second country report compiled for the purposes of following up the implementation of the commitments undertaken according to the Framework Convention by Hungary and disclosed hereby (hereinafter as this State Report) includes the report on the events of minority policy in the period since the First State Report (hereinafter as the second monitoring period). This State Report has been compiled in accordance with the Outline for State Reports adopted by the Committee of Ministers on 15 January 2003 (hereinafter as the Committee of Ministers Outline).

When compiling the State Report, the opinions of the national self-governments of national and ethnic minorities in Hungary (hereinafter as the minorities) subject to Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereinafter as the Minority Act) have also been solicited.

* * *

The First State Report provided details on the basic principles of Hungary's minority policy and the legal regulations determining the frameworks of said policy.

We would like to emphasize also hereby that the status held by national and ethnic minorities living in Hungary (hereinafter also as the minorities) in the society is laid down in Act XX of 1949, the Constitution of the Republic of Hungary (hereinafter as the Constitution). It is pronounced in the Constitution that the national and ethnic minorities who live in our country share the power of the people, i.e. they are state-creating factors. The Statute guarantees the collective participation of minorities in the public life, the establishment of their local and national self-governments, the promotion of their own culture, the use of their native languages, the education in their native languages, and the right of use of names in their own languages. The Constitution assigns the tasks of investigation or arranging for investigation of anomalies connected with minority rights and the initiation of general or particular measures for their remedy to the Parliamentary Commissioner for the National and Ethnic Minorities Rights.

Since the fundamental social, political and economic changes in 1990, the Governments of the Republic of Hungary have promulgated the implementation of an active minority policy in their programs.

When the Parliament passed the Minority Act laying down special rights ten years ago, it was guided by the ideal of creation of a Europe without borders, providing equality of minorities before the law, and further development of the democratic system of institutions required therefor. It is laid down in the Minority Act that the language, culture and traditions of the minorities who live in Hungary are special values and not only the minorities but also the Hungarian nation and, ultimately, the community of states and nations are interested in their preservation and enrichment.

In the period dealt with in this State Report, the Hungarian society was paying an increasing attention to our accession to the European Union (hereinafter as EU). The compliance with the so-called 'Copenhagen criteria', which directly concern the problems of minorities, formed a part of the process of Hungary's preparation for the accession.

The accession negotiations with Hungary were successfully closed on 13 December 2002. The Treaty of Accession was signed on 16 April 2003. On 15 December 2003, the Parliament confirmed the Treaty of Accession to the European Union by unanimous voting, without any objection and abstention. Hungary may become a full-member of the European Union on 1 May 2004.

The national self-governments of several minorities, which published a call in their native languages in the period directly preceding the referendum held in Hungary in April 2003 on our accession to the European Union, asked the members of their ethnic groups to vote for Hungary's becoming a member of the European Union.

In view of the fact that the European Union is based on the community of values, the parties of the Hungarian Parliament unanimously declared that Hungary, jointly with its minorities presenting their commonly created values, wished to be a full-member of the European Union in May 2004.

In accordance with the aforesaid, the Government initiated that the Constitution of the European Union should pronounce the necessity of respect of minority rights. The Republic of Hungary takes the position that inclusion of the protection of minority rights in the Constitution would create a strong constitutional commitment for the Member States in the settlement of the issue.

In the spirit of this approach, Hungary is considering to render assistance to establishing the European Centre for National and Ethnic Minorities seated in Budapest. The new institution which could be destined for the promotion of the European Council's work for protection of minorities could deal also with the position of new migrant groups of people, in addition to the scientific research of the rights of traditional national minorities, in accordance with preliminary plans.

In the years elapsed since the First State Report, i.e. in the second monitoring period embracing the time interval between 1999 and 2004, the system of minority national and local self-governments has been established. Now the minority self-governments play a considerable role in the self-organization of minorities, enforcement and further extension of participation rights of minorities, and in self-realization of the cultural autonomy of minorities.

Taking the specific problems of the Roma minority into account, the Government, in order to improve the position of the Roma population and to promote its social integration, has elaborated and is implementing an independent government program. Under this program, the Cabinet formed after the parliamentary elections in 2002 appointed a Political State-Secretary for Roma Affairs (hereinafter as the Political State-Secretary for Roma Affairs) and established the Office for Roma Affairs (hereinafter as the Office for Roma Affairs). It has developed a public administration structure in the Ministry of Education serving for the integration of socially disadvantaged and Roma children, which is led by a Ministerial Commissioner. Since February 2004, a Ministerial Commissioner for Roma Cultural Affairs has been acting in the Ministry of National Cultural Heritage. In several special ministries, Roma colleagues participate in managing the Roma-related affairs.

In 2003, the Government decided to establish a ministerial post without portfolio for equal opportunities. On 22 December 2003 the Parliament adopted Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities (hereinafter as the Equal Opportunities Act). The Government Office for Equal Opportunities (hereinafter as the Government Office for Equal Opportunities) started to operate on 1 January 2004. The new institution is responsible for promoting equal opportunities of socially disadvantaged groups, reducing their exclusion, strengthening social solidarity, and performing the tasks of maintaining contacts with the civil society. (Subsequent to the establishment of the new organizational structure, the tasks of the Office for Roma Affairs were integrated into the scope of authority of the Government Office for Equal Opportunities.)

The Republic of Hungary was among the first states which signed the European Charter for Regional or Minority Languages of the European Council (hereinafter as the Language

Charter) in 1992. In September 1999, Hungary, in accordance with the commitments undertaken according to the Language Charter, submitted its First Report on the implementation of the document for the protection of minorities, which has international legal force, to the Secretary General of the European Council.

The Council of Europe examined the application of the Language Charter in Hungary in the second monitoring period referred to in this State Report. On 4 October 2001, the Committee of Ministers adopted its recommendations in RecChL(2001)4. In September 2002, the Government, in accordance with the provisions of the Language Charter, submitted its Second Country Report on the commitments undertaken according to the Language Charter.

* * *

In accordance with the resolution of the Committee of Ministers, Hungary has made particularly commendable efforts for the protection of national minorities in many respects. The above resolution records that Hungary has taken remarkable measures for the establishment of the legal and institutional frameworks serving for the protection of minorities. The resolution of the Committee of Ministers appreciates the establishment of the system of minority self-governments and education. However, in the evaluation for the first monitoring period, there is a reference also to the fact that the full practical implementation of norms requires additional efforts.

In accordance with the content of the First State Report, we deem it necessary to emphasize also hereby that the internal legal system of Hungary includes rules which provide a wider scope of authority in several fields in terms of the issues affecting minorities than the Framework Convention itself.

The State Report presented hereby encompasses the description of all the measures and changes taken and made in Hungary and deemed as essential in connection with the second monitoring period and certain Articles of the Framework Convention (with special regard to the conclusions drafted in the resolution of the Committee of Ministers and the opinion of the Advisory Committee elaborated in detail). However, we will not again deal with the introduction of the legislative frameworks mentioned in the First State Report, which fundamentally determine the life of minorities in Hungary, and which had already been elaborated by the finalization of the First State Report submitted in 1999, or the description of the position of minorities historically developed in Hungary.

The content structure of the State Report has been formed in accordance with the guidance of the Committee of Ministers.

In the period when this Report was compiled, the average EUR/HUF rate of exchange was: 1 EUR = 260 HUF. As published by the Central Statistical Office (hereinafter as KSH), the average rate of inflation was 4.5% in 2003.

I. Measures for follow-up of the results of the first round monitoring the implementation of the Framework Convention in Hungary

The wide-range dissemination of the First State Report, resolution of the Committee of Ministers, opinion of the Advisory Committee and other CoE-related documents as well as the coordination of the necessary measures have been carried out by the Government's Office for National and Ethnic Minorities (hereinafter as the Minorities Office).

(1) All the documents associated with the Framework Convention are included in the home page of the Minorities Office (www.meh.hu/nekh) both in Hungarian and English. (The documents, evaluations, resolutions and recommendations connected with the Language Charter are available on the same site.)

(2) The Parliamentary Commissioner for the National and Ethnic Minorities Rights (whose institution and activity are set out in the First State Report in detail) draws up a report every year on the issues within his authority for the Parliament. The reports drawn up by the Parliamentary Commissioner for the National and Ethnic Minorities Rights (hereinafter as the Minority Ombudsman) cover also the issues set out in the Framework Convention. The annual reports of the Minority Ombudsman are available at www.obh.hu both in Hungarian and English.

(3) The annual reports preparing Hungary's accession to the European Union and compiled for the European Commission (hereinafter as the Annual Reports) provided significant information also with respect to the issues handled in this State Report. Each Annual Report stated that Hungary complied with the 'Copenhagen criteria' and provided for the rule of law, the human rights, and the respect and protection of minorities.

The 1999 Annual Report drawn up in the first year of the second monitoring period details the actions taken by the Government for improving the situation of the Roma population and mentions positive examples for the development of Roma self-organization. However, it stated that appropriate budgetary sources should be earmarked for the governmental measures adopted. It was emphasized in the 2000 Annual Report that Hungary had started the implementation of the medium-term action program for the Roma. The authors of the Report suggested that the Hungarian authorities should set up the appropriate structures and institutions required for the successful implementation of the integration policies and should involve the representatives of the Roma closely into their implementation. The critical comments in the 2001 Annual Report on minorities included a range of issues concerning Roma minorities again. The adoption of legal regulations directing Roma children into auxiliary schools more rigorously and the strong increase in the number of Roma scholars are mentioned, among others, as positive events. According to the conclusions of the Annual Report, Hungary has implemented the short-term and medium-term priorities indicated in the Accession Partnership. The 2002 Annual Report appreciated the efforts of the Government for social integration of the Roma living in Hungary but considered its implementation – due to less efficient planning and the lack of the appropriate cooperation among the Ministries concerned – as slow. The Annual Report issued in the year preceding our country's accession to the European Union, i.e. in 2003, on Hungary's preparedness welcomed the setting-up of the post of a Minister without portfolio for equal opportunities and evaluated the same as a further consolidation of the structures intended for the implementation of the Community

acquis. It is also highlighted in the said document that the work for analyzing poverty and social exclusion and the development of social statistical systems should be continued, in accordance with the indicators on social integration adopted jointly with the EU. As to the Roma minority it was stated that the Government had carried out several structural changes in 2003. Nevertheless, it was noted that the situation of the Roma population was still very difficult and the segregation in schools had remained a serious problem, too. It was mentioned in the Annual Report that the subsidies provided by the European Social Fund might be useful means for improving the situation of the Roma minority in Hungary.

(4) Pursuant to the provisions of the Minority Act, the Government shall draw up biannual reports for the Parliament on the situation of the minorities living on the territory of the Republic of Hungary. The Government made such reports to the Parliament in the second monitoring period i.e. in 1999, 2001 and 2003. The reports of the Government were published by the Minorities Office in 1999 and 2001 also as books and a publication is now being prepared including the 2003 report. Said publications present some 50 tables introducing the minorities in Hungary as well as a list of particulars and addresses of some 500 minority-related institutions.

In the second monitoring period, the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament set the evaluation of the activities of the public media in connection with minorities two times on its agenda. The Parliamentary Committee heard the reports of the Presidents of the Hungarian Radio, Hungarian Television and Duna Television, which all perform public service tasks, on these issues on 16 May 2000 and 14 November 2003. The parliamentary hearing covered also the questions raised in the resolution of the Committee of Ministers in connection with the implementation of the Framework Convention in Hungary.

(5) In 1999 the OSCE High Commissioner on National Minorities compiled a large-scale report on the situation of the Roma and Sinti living on the territory of Member States. The said report encompassed four large groups of issues including negative discrimination and violent acts under racial motivation, education, living conditions, and political participation. Of course, the evaluation covered also Hungary and gave details, among others, about the achievements of the Gandhi Secondary School in Pécs and those of the minority self-government system.

(6) Hungary took an active part in the implementation of the programs of the Working Group for Human and Minority Rights operating within the framework of Working Table I of the Stability Pact for South Eastern Europe of the European Union. During the international conferences dealing with democratization, human and minority rights, the representatives of the Hungarian Ministry of Foreign Affairs and those of the minorities living in Hungary demonstrated the practical enforcement of bilateral conventions aimed at the protection of minorities. In the framework of the Stability Pact for South Eastern Europe, an international seminar was held in Budapest under title '*Treatment of ethnic diversity – Existing models and possible solutions*' in May 2000.

(7) Under the cooperation between the Council of Europe and the Minorities Office, an international conference was held in Szeged on 29-30 October 1999. The conference dealt with the role and significance of cross-border radio and television broadcasting in the life of minorities. It was a considerable factor when selecting the site that the regional studios of the public-service Hungarian Radio and Hungarian Television are operated in Szeged and in these

studios radio and television programs are made in the Romanian, Slovakian, and Serbian languages. The radio and television studios in Szeged, Temesvár and Újvidék, located in the vicinity of the borders of three states of the region, i.e. Hungary, Romania, and Serbia and Montenegro, broadcast joint programmes in the Hungarian, Romanian and Serbian languages.

The large-scale program conducted for several years, initiated in 1994 by the Minorities Office with the support of the Council of Europe for the purposes of the cooperation between governmental institutions operating in the Central and Eastern European countries and dealing with the minorities, was closed in the second monitoring period. In the framework of the program, a Hungarian delegation was allowed to travel to Finland in April 2000 to evaluate the implementation of the Framework Convention on the site. When reviewing the project finished in June 2000, the representatives of the Council of Europe highlighted that Hungary had been the most active partner and had participated in the most programs from among the 41 Member States.

We deem it important to emphasize that in 2000 the Parliamentary Assembly of the Council of Europe (hereinafter as the PACE) asked one of the Hungarian members of the PACE to draw up an overall report on the situation of the Roma population living in the Member States.

The *European Commission against Racism and Intolerance* (hereinafter as ECRI), which operates within the Council of Europe, issued a country report on Hungary in 2000. This report found the strong civil society established in Hungary and the ever strengthening cooperation between governmental authorities and civil organizations as especially valuable. However, the authors of the report pointed out that the evaluation of the incidence and size of discrimination had been impossible due to prohibition of registration of ethnic origin. (Please note further that the draft of the ECRI's 2003 report was accomplished in the period of the compilation of this State Report and after its finalization additional valuable information will become available on this topic.)

In the spring of 2000, an international workshop was held in our country for several days for studying the institutions and practices of Roma policy in Hungary, including a site visit. In the autumn of 2000 the Committee of Experts on Roma Affairs of the Council of Europe held its meeting in Budapest, coupled with a public hearing.

As a part of the Council of Europe program series '*Roma in the Signatories to the Stability Pact*', two international conferences were held in Budapest in March 2001 and 2002 which demonstrated the institutions, financing, and legal background of the Hungarian Roma policy.

The program commenced in the spring of 2001 for investigating the activities of the Steering Committee for Culture of the Council of Europe (CDCULT) destined for preserving the cultural diversity of the Member States was attended also by Hungary. The Hungarian national report drawn up for the Council of Europe by the Ministry of National Cultural Heritage described the cultural situation of our minorities, too. The said report included the information set out in the Framework Convention concerning the cultural life of minorities, including the issues relating to migrant communities. The national report of Hungary drawn up in the second monitoring period was adopted by the group of international experts invited by the Council of Europe and by the CoE Steering Committee for Culture in 2002, and it is included in the official documents of the CoE.

During his visit in Hungary in June 2002, the CoE Commissioner for Human Rights met the presidents of national minority self-governments and the representatives of several Roma organizations. According to the report adopted on the visit, the legal situation connected with human and minority rights in Hungary was found satisfactory and the legal background as well-developed.

(8) The Working Committee for Protection of Minorities of Central European Initiatives (CEI) held its meeting in Budapest in 2000. This meeting focused on the situation of the Roma population living in the countries of the region. In October 2002 the President of the Minorities Office read a lecture on the participation rights of minorities in Hungary at the current meeting of the working group in Trieste, Italy and the representatives of the Minorities Office set forth a report on the structure of and the state subsidies to the minority media in Hungary in March 2003.

(9) In December 2001 the Minority Ombudsman organized an international conference in Budapest entitled '*Legal regulation of the principle of equal treatment and the prohibition of discrimination*'. The lecturers were the representatives of the Council of Europe and the European Union, the heads of Western European institutions, and the experts who set out the Roma projects of certain Central and Eastern European States. Before this, in October 2001 the Ombudsman for Anti-discrimination of Sweden visited Hungary upon the invitation of the Minority Ombudsman. The numerous delegates of the Swedish Integration Office were able to study the state of fulfilment of the commitments undertaken by Hungary by signing the documents for international protection of minorities on the site.

(10) On 28 March 2002, the UN Human Rights Committee published its report on the implementation of the International Covenant on Civil and Political Rights, in Hungary. The Committee appreciated the efforts of the Government aimed at the improvement of the situation of the Roma.

Within the framework of its 61st session, on 15-16 August 2002, the UN Committee on the Elimination of Racial Discrimination (CERD) discussed Periodic Reports 14-17 of the Hungarian Government on the implementation of the UN International Convention on elimination of all forms of discrimination in Hungary. The Committee highly appreciated both the honesty of the Hungarian Report and the responses to the questions raised. In the opinion of the Committee prepared in 2002, Hungary has to fight against the phenomena of unfair police treatment and has to strive to recruit as many Roma in the Police as possible, has to improve the education opportunities for Roma people, as well as has to promote school integration and has to deal with the problems of the ill-proportionately high rate of Roma unemployment. (Chapters II and III of this State Report detail the measures adopted by the Government for these issues.)

(11) In order to overview the Roma policy in Hungary, the Minorities Office organized an international conference on communication held in Budapest on 26 January 2002. The conference was attended by significant international organizations (the Council of Europe, the OSCE, the Project on Ethnic Relations, the Minority Rights Group, the European Roma Rights Centre), the personnel of diplomatic missions operating in Budapest, and foreign experts on Roma affairs. The conference was aimed at providing open information to the executives of the Governments of the countries, which had been showing an increased interest in the European and Hungarian Roma policy for years, on the conceptions of the Hungarian Government on Roma policy, on its results and positive changes, on the difficulties in

implementation and on its problematic points, on the social dispute on the related long-term strategy as well as on the objectives and plans to be achieved on the short, medium and long run. The Minorities Office published the documentation on the conference also as a book, both in Hungarian and English, under title '*Roma Policy in Hungary*'.

(12) In the second monitoring period, at the 10th anniversary of adoption of the Language Charter, the international conference convoked by the Minorities Office to 4 June 2002 in Budapest evaluated the implementation of the document in Hungary. The conference was attended by the leaders of minority self-governments, mayors of settlements, representatives of cultural institutions of minorities, scientific researchers, and experts employed in public administration.

For the purposes of regular evaluation of the Framework Convention and in accordance with the recommendation set out in paragraph 3/a of the resolution of the Committee of Ministers, the Government has been maintaining relations with the Advisory Committee. In the course of this dialogue, the Minorities Office and the Council of Europe organized a follow-up seminar in Budapest on 2-3 December 2002. The consultation held at the half-time of the second monitoring period provided an opportunity for interim evaluation of the governmental measures for Hungarian minority policy adopted in connection with the commitments undertaken by Hungary and the recommendations worded in the resolution of the Committee of Ministers. The members of the Advisory Committee had the opportunity to inquire about the achievements in the period since the submission of the First State Report, the work of the new governmental operators in the Hungarian minority policy, the results of the census held in 2001, the experience of the Minority Ombudsman, and were able to obtain information directly from the national leaders of minorities about the most important issues.

On 8-9 October 2003, at the 10th anniversary of adoption of the Minority Act, the Minorities Office organized an international conference in Budapest. The conference was aimed at the review of the thoughts and positions, opinions, and concepts of minority policy conceived in the period of elaboration of the Minority Act adopted in 1993, at the analysis of the road leading to institutional protection of minorities, at the professional discussion of the tenors and results of minority policy in the period of 10 years elapsed, as well as at strengthening the dialogue between the Government and the minorities. The conference provided an opportunity for the discussion of the values and deficiencies of Hungarian minority policy, for scientific support of the current amendment to the legal material directly affecting the minority, as well as for the evaluation of the fulfilment of the commitments undertaken in the international documents for the protection of minorities ratified by Hungary, including that of the recommendations concerning the Framework Convention. On the occasion of the conference, the Minorities Office published a collection of documents about the 10-year period of the Minority Act.

(13) The leaders of the European Bureau for Lesser Used Languages (hereinafter as EBLUL) acting for the linguistic diversification met the representatives of the minorities in Hungary on 17 November 2003 in Budapest. At the conference initiated by the Minorities Office, the representatives of the EBLUL introduced the activities of the commissions of the Member States which already operate in the countries of the European Union and the policies established in the protection of minority languages. At the conference in Budapest, the representatives of the minorities in Hungary declared their intention to participate in the work of the EBLUL and to set up their organization in Hungary so as to be able to take part in the

European Union's programs for the protection of minority languages after May 2004 as a full-member.

(14) In order to provide for an efficient remedy against discriminative acts, the Ministry of Justice, the Minorities Office, and the National Roma Self-government established the Anti-discrimination Legal Advice Network (hereinafter as the Legal Advice Network) in 2001. The number of operators of the Legal Advice Network was enlarged in 2002 by the Government's Political State - Secretary for Roma Affairs.

The Legal Advice Network is aimed at rendering assistance in managing the legal affairs of Roma people and in any other cases when such people are involved in any insult or discrimination due to their Roma origin. In each county of Hungary, there operates at least one lawyer who belongs to the Network (there are counties where even 2 such lawyers operate). The fees of the lawyers and the auxiliary costs (costs of proceedings, duties, etc.) are covered by the state budget. This service is free of charge for Roma people. In the period of its activity, i.e. between 15 October 2001 and 31 July 2003, the Legal Advice Network was contacted in 1740 cases of which 104 cases were of expressly discriminative nature. A large part of the affairs is settled out of court, with the participation, i.e. the mediating activity of the Network's lawyers. Currently there are 35 cases, particularly labour cases and those injuring inherent rights, in process. In 2003 the Legal Advice Network was enlarged by 1 further lawyer in Baranya, Csongrád, Hajdú-Bihar, and Pest Counties each.

The scope of activity of the Legal Advice Network overreaches the management of grievances due to discrimination. Much rather it strives to ensure equal opportunities by pursuing legal activities not only in the cases of anti-discrimination but also in all other cases affecting the Roma minority. They also handle cases associated with family law, real estates, discrimination, labour law, criminal law, education and social issues.

The Ministry of Justice organizes regular professional conferences for the lawyers acting in the Legal Advice Network to which, in addition to the lawyers concerned, the Presidents of the local Roma minority self-governments and the county liaisons of the National Roma Self-government are also invited. The conferences are put down in a publication, including the issues and legal cases and the availability of the lawyers. The publications are disseminated to near 2,000 Roma organizations.

The Political State-Secretary and the Office for Roma Affairs of the Prime Minister's Office monitor the activity of the legal advice Network and maintain relations with the lawyers participating in it, facilitate the dialogue between Roma clients and the experts of the Legal Advice Network.

(15) In response to the invitation of the Prime Minister of the Hungarian Government, the conference on *'Roma in an expanding Europe – challenges for the future'* was organized in Budapest between 30 June and 1 July 2003 by the World Bank, the Soros Foundation's Open Society Institute, and the European Commission. The conference was attended by the Prime Ministers of several countries of the region, representatives of civil groups and international organizations. The conference discussed the possible strategies through which the governments, the Roma and civil organizations, and other operators of the society could take an active part in the suppression of poverty and the improvement of the quality of life. The participants considered the areas of education, employment, residence, health and discrimination provision as priorities and emphasized the necessity of implementing complex

programs. The proposal aimed at creating the Roma Educational Fund initiated by the World Bank came to light on the occasion of the conference, the main objective of which is to improve the level of education for the Roma people who live in Central and Eastern Europe by providing a financial support.

At the conference the Prime Minister announced the program '*2005-2015: The Decade of Roma Integration*', which was aimed at the acceleration of the processes targeting improvement of the economic and social situation of the Roma population. The delegations of the countries participating in the program 'The Decade of Roma Integration' at ministerial level and the representatives of international organizations held a consultation in Budapest on 11-12 December 2003, at the conference held with the participation of the Hungarian Government's Equal Opportunities Minister and the Political State-Secretary for Roma Affairs. (Further information in relation to the program is disclosed in Chapter III/6 of this State Report.)

Taking also the provisions of the Framework Convention into account, in the line of international conferences on minorities held in Hungary we can emphasize '*Equal opportunities on the labour market*', a seminar held in Budapest on 30 October 2002 and organized by the Hungarian Business Leaders Forum the main topics of which included the occupational difficulties for Roma people in Hungary, the phenomena of discrimination, and the presentation of good examples for those who play a leading role in employment of Roma people. The reports of lecturers representing the governmental, economic and civil sphere commanded the interest mostly of the audience consisting of the representatives of multinational companies. Organization of the conference was initiated by the Ministry of Foreign Affairs.

(16) The Secretariat for Roma Employment Programs operated in the Ministry of Employment and Labour Affairs, in cooperation with the National Roma Self-government, organized national conferences in October and November 2003, entitled '*Preparation for the European Union, Opportunities for Roma integration*' and '*Adult Training, Labour Market Training and Roma Integration*', respectively.

From among the studies coordinated by the Ministry of Health, Social and Family Affairs and serving for the implementation of the related provisions of the Framework Convention in Hungary, the following should be underlined:

- Representative study among family doctors for revealing discriminative events and mechanisms appearing in basic health provision
- Discriminative mechanisms of the relation between the Roma population and the system of social provision, unequal opportunities for the Roma to access to social provisions
- Social situation of juvenile Roma mothers and the system of social provisions

The Ministry of Health, Social and Family Affairs supported the organization of international conferences on Roma employment in 2000, 2001, and 2002 which have become known as '*Alsópáhok Workshops*'. In the framework of the National Health Program, the training program announced in relation to the '*opportunities of community care for Roma families by district nurses*' and the training program for district and community special nurses covering 5 counties were implemented in 2001. The program currently in process with the participation of the competent Ministry covers the support of studies revealing the health, social and child

protection problems of the Roma population, and the support of practical training on romology than can be fit into special training on health and social affairs.

In the series of publications for evaluation of the minorities in Hungary, the following publications have been issued since 1999 with the whole or partial pecuniary contribution and actual participation of the Ministry of Foreign Affairs:

- ‘ *The National and ethnic minorities in Hungary*’, publication No. 3 of 2000 in the series ‘*Fact Sheets about Hungary*’ in the Hungarian, English, French, German, Spanish and Russian
- ‘*Measures taken by the State to promote social integration of Roma living in Hungary*’, a publication issued in 2000 in the Hungarian, English, French and German languages
- ‘*Hungary at the gateway to the European Union – The situation of Roma in Hungary*’, a publication in the English, French and German languages
- ‘*The Roma issue in the trap of integration*’, a publication issued by the Program Office for European Comparative Research on Minorities in 2000 in the Hungarian, English, French and German languages
- ‘*Opportunities and limits - the Roma community in Hungary at the millennium*’, a volume published in 2002 in the English and French languages

Upon the order of the Roma Office, the following major studies have been finished:

- *Roma people in Hungary* (2002)
- *Local conflicts between policemen and Roma people* (2002)
- *The situation of Gypsy musicians in Hungary after the change of regime* (2003)

The publication issued in 2003 on ‘*A Roma Life in Hungary*’ by the Public Foundation for European Comparative Research on Minorities provides an overall picture on the situation of Roma people living in Hungary. The report deals with the events that took place in 2002 with Roma people and assigns the direction of the work to be performed by the Government in the interest of and together with Roma people while respecting their culture. The publication was prepared for politicians, decision-makers and the operators of public life but it was disseminated also to civil organizations and public libraries.

Upon the order of the Ministry of Informatics and Communications, a research study was published in 2003 under title ‘*Provision of small villages with the Internet; the Internet as a facility promoting equal opportunities for Roma children*’. The research was aimed at the survey of the possibilities for access to the Internet and of the tangible, personal and motivation changes that would be required for the knowledge by socially disadvantaged children (mostly of Roma origin) of the use of the Internet at least at the level of skills and experience.

The study book published in December 2003 entitled ‘*Minorities on the World Wide Web*’ dealt with providing of information connected with the minorities in Hungary. The above book, the publication of which was supported by the Ministry of National Cultural Heritage and the Minorities Office, provided information on the Internet contents, service-providers and users related to the national minorities in Hungary. The publication includes also a summary in German on the new media for the minorities in Hungary, i.e. on the Internet allowing use of their native language. (We would provide further information on these topics

in our reference to Article 9 of the Framework Convention analyzed in Chapter II of the State Report.)

In the period following the First State Report, the Ministry of the Interior, taking also the resolution of the Committee of Ministers into account, based on the conception taken by the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament and by involving the national self-governments of minorities, elaborated a bill for the election of minority self-governments which was submitted by the Parliamentary Ad Hoc Committee coordinating the elaboration of the bill to the Parliament in November 2001. However, that bill had not been adopted due to the imminence of the Parliamentary elections in 2002. (Detailed information on the related amendment work in 2003 is available in Chapter III/1 of this State Report.)

In the second monitoring period, the Ministry of the Interior – upon the request of the Parliamentary committees concerned and with the participation of the National Electoral Office – elaborated expert materials and draft standards for the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament in order to allow for the representation of minorities in the Parliament.

In order to know the work of other countries connected with minorities, the Ministry of the Interior organized a lot of programs in the second monitoring period. Among these programs we point out the conference organized in Dobogókő between 7-10 February 2002 with the support of the Netherlands' Governmental Communications Service, which dealt with the topic of communication of the Government, directly affecting the minorities in multicultural societies. The seminar was attended by the representatives of several Ministries, law enforcement agencies, the National Roma Self-government, Roma civil organizations and the press, including in particular the Roma press (Radio C, the Roma Press Centre, the Hungarian Radio's Gypsy Half-hour) in the company of the Holland experts.

Within the framework of its program '*The Police and Human Rights After 2000*' and with the support of the Council of Europe, the Ministry of the Interior organized a consultation held on the International Roma Day, i.e. on 8 April 2002, with participation of the individuals employed in law enforcement and undertaking their Roma origin, the Roma self-governments and interest representation agencies, and the Roma organizations of the neighbouring countries.

In May 2002 the British Police, in cooperation with the Embassy of Great Britain in Budapest, organized a 5-day training in Budapest for '*Law enforcement within ethnic minorities*' for the officials of police headquarters, for some 50 policemen. In addition, with the participation and financial support of the British Embassy, two Hungarian police officers – one of them of Roma origin – were able to attend '*Ethnic diversity*', a training course held in Great Britain in the period between 8 June and 5 July 2003. The 3-week theoretical training was held in the Police Headquarters in Hampshire where the law enforcement work performed within the ethnic minorities was studied in the course of a one-week practice organized by the British National Police Training Centre (Centrex).

The first phase of the common two-year project of the Royal Canadian Mounted Police, (RCMP) and the Canadian Institute for Development dealing with minority affairs, covering the Czech Republic, Slovakia and Hungary (CAPRA) was accomplished in 2003. The program was aimed at the introduction of the method already established in Canada and the

hand-over of experience gained in the countries concerned. The so-called CAPRA Workshops were carried out in Bátonyterenye in November 2002, in Nagykanizsa in March 2003, and in Budapest in May 2003. In the second phase, i.e. in the second half of 2003, a training course was held with the assistance of the RCMP and with the participation of the Ministry of the Interior (hereinafter as the MoI) for the liaison officers of Police Headquarters. By this, a training team has been set up in Hungary, which is able to lead community workshops independently subsequent to the accomplishment of the project in 2004. Based on the above training, the CAPRA model could be integrated in the law enforcement training scheme in Hungary.

(17) The National Institute of Criminology (hereinafter as OKRI), operating as a scientific research organ of the Chief Public Prosecutor's Office of the Republic of Hungary, carried out several surveys in connection with the Roma minority in the period under review.

OKRI carried out an empiric survey in the prison section of the penal institution in Vác among Roma and non-Roma convicts who were legally sentenced to imprisonment in 1999. In the period between January and March of 2002, surveys were conducted in two large penal institutions (Pálhalma, Baracska). In these prisons 1,448 convicts in total, i.e. 20% of the 7,229 male convicts imprisoned in national prisons at the time of the survey undertook voluntarily to participate in the questionnaire survey, of course, anonymously. Historical processing of the integration problems of the Roma in Europe and in Hungary formed a part of the survey.

(The latest surveys of OKRI concerning the Roma minority are included in Chapter VIII.)

(18) During the second monitoring period, a general population census was held in our country. Pursuant to the provisions of Act CVIII of 1999 on the 2001 Population Census, the general census of the population was carried out between 1-21 February 2001 in Hungary. The Census was conducted in accordance with the internationally adopted basic principles. A new element of the 2001 Census was, compared to the census practice of the previous years, that the questionnaires failed to indicate the names and personal identification data of responders. Preservation of the anonymity of respondents at the Census was provided for by legal regulations. In the course of the Census, the data relating to nationality, language skills, and religion were recorded, however, it was not compulsory to answer these questions.

In the period preceding the 2001 Census, the Minorities Office contacted the members of the ethnic groups in a notice published in the media so that we could obtain, through the Census, a real picture of the minority-related issues in Hungary. It was laid down in the notice that minority rights were provided irrespective of the Census data, however, the knowledge that could be obtained during the census were of importance both for state institutions and minority communities. Therefore the President of the Minorities Office requested the nationals of Hungary to identify their nationality, native language and cultural status.

The Central Statistical Office shot a documentary film-series entitled '*Census 1870-2001*' and its chapter dealing with sensitive issues (nationality, language, religion) was broadcast by the nationality programs of the public-service Hungarian Television in January 2001 in the native languages of the national minorities concerned.

It must be emphasized that, when preparing the census, the National Slovak Self-government, jointly with the Association of Slovaks in Hungary, drew the attention of the members of the

ethnic group concerned to the importance of ethnic identity, cultural identity, and declaration of the skills in a minority language on bilingual advertisements and leaflets in the Slovakian and Hungarian languages.

(The results of the 2001 Census, in particular the ethnic composition of the country and the responses to the minority language use, are evaluated in chapter III/2 of this State Report. The bibliographic list including the data of the 2001 Census is included in Annex V to this State Report.)

The data of the 2001 Census were published by the Central Statistical Office on an independent website (www.nepszamlalas2001.hu). The website accessible on the Internet provides detailed information on the census data relating to minorities.

(19) Within the framework of the Hungarian Academy of Sciences, the Ethnic-national Minority Studies Institute (hereinafter as the Minority Studies Institute), which became an independent academic research centre on 1 January 2001, organized '*Alternatives of the Minority Act*', a large-scale conference held in Budapest on 19 May 2003, in addition to several other events. The conference was held with the participation of the members of the Parliament, the Government and Minority Self-governments, the Minority Ombudsman, and experts studying minority issues.

In association with the follow-up of the results of the first round monitoring the implementation of the Framework Convention, we deem it essential to underline also the conferences organized by the Research Institute for Linguistics of the Hungarian Academy of Sciences (hereinafter as the Research Institute for Linguistics) on the minorities in Hungary. Among these events, the international consultation held in Budapest on 7-9 October 2002 dealing with the topic of the linguistic socialization of minority groups can be featured. At the consultation held on 8 November 2002 the research results concerning the Roma communities were discussed. (The bibliographic data of the publications made by the Research Institute for Linguistics between 1999 and 2003 concerning the languages used by the minorities living in Hungary are indicated in Annex VII to this State Report. In Chapter II of this State Report, further information is provided on the results of the research when evaluating Articles 10 and 11 of the Framework Convention in detail.)

(20) The International Organization for Migration (hereinafter as the IOM) launched a research program in 2000 in order to facilitate repatriation of the Roma refugees targeting some Western European countries. Hungary has joined in the work as a transit country concerned. The research carried out in Hungary found that migration could be a strategy for solving the problems only for a relatively small group.

Based on the program aimed at the compensation of the victims of Holocaust, those who are entitled to compensation, among others the Roma, were able to submit their applications for compensation until 31 December 2001 to the IOM in charge of conducting the program. Hungary has set up a group for Roma compensation for the collection of applications.

The *Project on Ethnic Relations* (PER), an international non-governmental organization seated in the United States, organized several consultations in our country in the second monitoring period. An international conference was held on minority self-governments in the summer of 1999, on the situation of the Roma population in Hungary in December 1999 and on the issues of representation of the minorities in the Parliament in the spring of 2000. Through mediation of the

PER, a successful cooperation (in consultation, transfer of experience, training) has been implemented between the United States and Hungary for the improvement of the relations of the Police with the minorities which is reported in publication '*Toward Community Policing: The Police and Ethnic Minorities in Hungary*'.

In November 2003 a two-day international conference was held in Budapest on '*Legal norms of the protection of minorities in Hungary and in South and Eastern Europe*' in the office of the Minority Ombudsman by the Serbian Metropolitan Self-government and the Voivodina Centre for Human Rights in Serbia. The consultation was attended by experts in minorities, representatives of the Governments and self-governments from Hungary, Romania and Serbia.

(21) The Minorities Office has been compiling *Minority News*, a selection of news, since the summer of 2001. The summaries of the news are accessible in English on the website of the Minorities Office.

In the issue dated 14 January 2002 of '*The Parliament Magazine*', a publication of the European Parliament, the Minorities Office published an informative brief review on the minorities in Hungary in the form of a paid advertisement.

(22) The ordinary members of the Federal Union of European Nationalities, a non-governmental organ for the protection of minorities which has a consultative status of prominent importance besides the United Nations and the Council of Europe (hereinafter as the FUEN), include also the representatives of the organizations for minorities in Hungary.

In the autumn of 2002, an evaluation was drawn up by the FUEN on the implementation of the Framework Convention, involving its member organizations. This document was compiled with the participation of the National Self-government of the Germans living in Hungary and the Cultural Association of the Romanians living in Hungary. Their evaluation on the implementation of the Framework Convention in Hungary is available on website www.fuen.org in English and German.

Upon invitation of the Slovak National Self-government, the section of the FUEN's member organizations using Slavonic languages held consultations in Budapest on 24-25 October 2003. In the framework of the conference, the participants evaluated the performance of two instruments of the European Council for the protection of minorities, i.e. the Framework Convention and the Hungarian commitments associated with the Language Charter and the situation of education of minorities in their own countries.

II. Measures taken for improvement of the implementation of the Framework Convention according to the resolution of the Committee of Ministers

In this Chapter all the measures and changes considered essential for the purposes of certain Articles of the Framework Convention affecting the second monitoring period are set out in detail. Nevertheless, we do not mention the circumstances, which were described in the First State Report submitted in 1999.

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.

(1) On 4 November 2000, Hungary signed Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter as the Protocol) on the general prohibition of discrimination. According to Article 1 of the Protocol, the enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(2) In the light of provisions set out in the Article of the Framework Convention under review, we consider it essential to highlight the efforts our Government has made for integration of the legal frameworks of the protection of minorities in the Constitution of the European Union. As it has already been mentioned in the Introduction of this Country Report, the Republic of Hungary takes the position that inclusion of the protection of minority rights in the Statute creates a strong constitutional commitment for the Member States in the settlement of the issue. Our country will access a European Community, which deems diversity as its important criterion, undertaken characteristic and essence. We deem it important that the European Union fully respects cultural and linguistic diversity and promotes prosperity of various cultures. The Hungarian Government pursues a determined policy in order to consummate such approach. Hungary intends to ensure for the minorities preservation and development of their language and culture, their individual and collective rights, and the conditions for exercising such rights even after Hungary's accession to the European Union.

It should be emphasized that the membership of Hungary in the European Union and appearance of the protection of minorities in the EU Constitution are definitely supported also by our ethnic groups.

(Further information on further documents and measures concerning also the minorities and made according to bilateral treaties is provided when analyzing Articles 2, 17, and 18 and in Chapter III/4 of this State Report.

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 neighbourliness, friendly relations and cooperation between States.

In relation with the provisions of the Article under review, the policy and practice conducted in the second monitoring period can be characterized, in general, by the effort of the Republic

of Hungary to implement cooperation with the mother countries of domestic minorities also in the interest of such minorities.

(1) In the second monitoring period, the meetings of Joint Committees set up according to the agreements made between Hungary and the mother countries of our minorities on the basis of conventions on the protection of minorities have become regular. The representatives of non-governmental organs of minorities also participate in this work. Such work in committees is permanently carried out in the Hungarian-Croatian, Hungarian - Romanian, Hungarian-Slovak, Hungarian-Slovenian, and Hungarian-Ukrainian relation and also in the framework of the cooperation between Hungary and the Federal Republic of Germany. The minority issues arisen and their tendencies can be followed in the minutes drawn up on the meetings of intergovernmental Joint Committees. The Government lays down the tasks of the competent ministries in a Government Decree according to the recommendations of Joint Committees relating to minorities.

(2) The Convention on the Protection of Minorities between Hungary, and Serbia and Montenegro was signed on 21 October 2003. In accordance with the provisions of that Convention, the Joint Committee of Hungary, and Serbia and Montenegro on the protection of minorities may be set up.

(3) In the course of his meetings with the Presidents of the mother countries of minorities and his official visits to the states concerned, the President of the Republic of Hungary regularly involves also the presidents of national self-governments of the minorities living in Hungary into the work of the Hungarian delegation.

(The issues connected with Act LXII of 2001 on the Hungarians Living in Neighbouring Countries – publicly known as the Act of Preference or ‘Status Law’ – are dealt with in Chapter III/5 of this State Report in detail.)

Article 3

1. Every person belonging to a national minority shall have the right to freely 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.

Our First State Report details the legislative guarantees and practical issues that demonstrated the implementation of the provisions set out in the Article referred to above in Hungary. We laid an emphasis on the issues connected with the individual and collective rights of minorities and the state of exercising such rights in Hungary.

(1) Pursuant to the Minority Act providing for the special rights of our minorities, a national or ethnic minority is any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.

In accordance with the Minority Act, the following ethnic groups qualify as ethnic groups native in Hungary: *Bulgarian, Roma/Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovene and Ukrainian.*

When analyzing the Article under review, we emphasize that, according to the opinion of the National Self-government of the Germans living in Hungary, Article 3 of the Framework Convention *'does not absolutely mean <<free choice of identity >> as generally understood in Hungary, rather it means that one's special minority rights are enforced if one's minority status is declared. Consequently, that Article treats the individual's belonging to a specific minority as an objective fact and assigns only the right of choice whether to one's availing oneself also of the special rights arising from one's belonging to a minority'*.

We would like to mention that according to the legal regulations currently in force, not only those are handled as having a minority status who declare or apply for such status but also those who are considered as such – basically in good faith – by the authority providing public services or of whom such authority becomes aware, for example in the protection of children or in public education. Of course, treatment as a minority must not cause any discrimination, however, it might reduce individual autonomy as defined in the Framework Convention. Please note that this range of problems and the related legislative tasks are detailed in Chapter III/1 of this State Report.

(In accordance with the evaluation set out in the document containing the opinion of the Advisory Committee, we deal with the measures or events not nominated in the Minority Act in force and affecting such groups which are otherwise in numerical minority, in several times in this State Report.)

(2) The detailed evaluation of the data obtained from the Population Census for minorities can be read in Chapter III/2 of this State Report, among the answers to the questions drafted in the guidance of the Committee of Ministers.

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, equality before the law is pronounced and its enforcement is guaranteed by the Constitution and the relevant Acts.

(1) The National Council of Justice approached in relation to the State Report on the second monitoring period draws the attention to the fact that the comments, set out in the document containing the opinion of the Advisory Committee, on anti-Semitism and discriminative treatment of Roma have no effect on justice. In the cases adjudged by them the courts of the Republic of Hungary make no distinction among the citizens who approach them on any ground such as race, nationality or religion.

Pursuant to Act LXVI of 1997 on the Organization and Administration of Courts, every person is entitled to adjudication of any of his/her case referred to the jurisdiction of a court by an independent and impartial court in the course of a fair procedure and within a reasonable time limit (Section 9). It is pronounced in the Act that everybody is equal before the court (Section 10).

The National Council of Justice refers to the fact that our national regulations, which are in accordance with Article 6 of the European Convention for Human Rights and Fundamental Freedoms, exist, of course, not only according to the letter of the law but judges strictly adhere to them. Section 11 of the Act referred to above is an important provision derived from the Constitution, according to which nobody shall be divested of his/her statutory judge and such judge shall be the a judge assigned by the law, operating in a court which has jurisdiction and competence in accordance with the rules of procedure and appointed under a pre-defined order of distribution of cases.

The head of the Office of National Council of Justice lays an emphasis on the fact that, in the course of the procedures of courts and activities of judges, no doubt has ever arisen with respect to the constitutional requirement for impartiality. Neither the Council of Europe nor the European Commission has ever presented a complaint regarding the procedure of Hungarian courts and no grounded complaint has ever been received with reference to discrimination.

Please note that the President of the Supreme Court received the presidents of the National Self-governments of the Croats and Slovaks living in Hungary on 16 December 2003 in his office. The meeting was attended by the Minority Ombudsman and the Political State-Secretary for Roma Affairs of the Government. The importance of the entire enforcement of the provisions for the protection of human rights and the rights due to minorities in the judicial practice was highlighted at the meeting. It was agreed by those present that nobody was authorized by the freedom of speech to make any discrimination of people on the grounds of sex, race and religion and no group of the society may be stigmatized.

(2) Subsequent to closing a relatively short trial research period, the staff of the Hungarian Helsinki Committee started to implement a research plan entitled '*Enforcement of equality before the law for Roma and non-Roma accused in criminal procedures*' in 2002. The results of the aforementioned research achieved by the member organization of the International Helsinki Federation for Human Rights are still under adaptation so they cannot be cited or used here in their present form, however, they might provide valuable information on the related issues after their finalization.

(3) For the purposes of practical implementation of the constitutional principle of equal treatment and equal opportunities in as wide scope as possible, the Government submitted its bill for equal opportunities to the Parliament in September 2003 and the Parliament adopted it in December 2003.

Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities (Equal Opportunities Act) includes regulations that are in compliance with the provisions of Council Directive 2000/43/EC of 29 June 2000 *implementing the principle of equal treatment between persons irrespective of racial or ethnic origin* and Council Directive 2000/78/EC of 27 November 2000 *establishing a general framework for equal treatment in employment and occupation*.

When submitting the Equal Opportunities Act, the Government, in accordance with the document summarizing the opinion of the Advisory Committee, took the following into account, in particular: ensuring effective legal remedies against discriminative acts, preventing direction of Roma children into auxiliary schools, and taking measures against segregation in schools.

The Parliament adopted the Equal Opportunities Act after a preparation work for two and a half years. The concept of the Act accomplished by the end of October 2002 was disseminated also to national minority self-governments, minority civil organizations and experts for expressing their opinions. At the conference organized in Budapest by the Ministry of Justice on 4 June 2003, the representatives of the scientific life and of civil organizations for legal defence also expressed their opinions on the major provisions of the standard text.

The Equal Opportunities Act defines the requirements for equal treatment, which relate to minorities both as individuals and groups. Furthermore, the Act referred to above prohibits, *inter alia*, any kind of direct or indirect discrimination on the grounds of belonging to a minority and provides for the establishment of a special public administration authority which might, unless another procedure is instituted, apply warnings and penalties, *ex officio* or upon request, during the public administration procedure against the perpetrators of prohibited acts and might bring a legal action for the protection of the rights of the individuals and groups concerned.

(The text of Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities is set out in Annex I to this State Report.)

(4) It was highlighted in the Introduction of this State Report that the Government appointed a minister without portfolio for equal opportunities in order to promote the implementation of equal opportunities of socially disadvantaged groups and the strengthening of social solidarity. (The extracted text of Government Decree 107/2003. (VII.18.) on the scope of responsibility and authority of the minister without portfolio for equal opportunities is set out in Annex III to this State Report.) For coordination of the governmental tasks required for the promotion of equality between the majority and the minorities as conceived also in the Article of the Convention under review, the Government had established the Government Office for Equal Opportunities which was granted full power on 1 January 2004, and which operates as a central budgetary organ. (The activities of the minister without portfolio for equal opportunities and of the Government Office for Equal Opportunities are detailed also in Chapter II/Article 6 and the details of the related issues are set out in Chapter III/6 of this State Report.)

(5) Several sections of Act LXXIX of 1993 on Public Education (hereinafter as the Public Education Act), as amended, which came into force on 1 September 2003 (in addition to the provisions laid down in the Equal Opportunities Act adopted on 22 December 2003) serve for the legal frameworks of creation of equal opportunities and put down the prohibition of discrimination in the field of education. The text of the sections concerned are set out in Annexes I and II to this State Report. (The non-discriminative elements of the Public Education Act are mentioned below when analyzing Article 12 of the Framework Convention.)

(6) As a further information related to Article 4 of the Framework Convention, it is emphasized that the problems of the Roma minority are special ones as regards the range of professional tasks of the Ministry of Health, Social and Family Affairs as the phenomena of poverty and social elimination frequently insult the Roma people and we should face the specific social and health consequences thereof even nowadays. The government program destined for assisting social integration of the Roma population, which assigned particular tasks to the Ministry of Health, was based on the recognition of that fact.

(7) In October 2003 the Ministry of Economy and Transport announced its program aimed at the support of domestic Roma micro and small-sized enterprises in the framework of the Széchenyi Program for Development of Enterprises. The documentation related to the project is available on the Ministry's home page (www.gkm.hu). An emphasis should be laid on certain measures of the Operative Program for Human Resources Development of the National Development Plan for the period between 2004 and 2006, directly intended for promoting equal opportunities, in addition to the equal opportunities for women and men, for providing equal opportunities for the Roma, too.

(8) Equality before the law is expressed, *inter alia*, by allowing the use of the native language. This right is derived from the provisions of Subsection (2) of Section 68 of the Constitution. The importance of the related obligations undertaken by the Republic of Hungary by the codification of the Language Charter should be emphasized. (The country reports relating to the fulfilment of the commitments undertaken, submitted to the Council of Europe, were dealt with in Chapter I of this State Report.)

(9) In the field of civil law, the protection of minorities may be affected the most by the regulations for inherent rights. In Hungary, the most typical kinds of personal injuries are specified in a specific act (right for bearing a name, protection of private secrets etc.) which indicates the prohibition of discrimination according to 'nationality' as a special aspect. However, there is a Hungarian opinion to be mentioned, i.e. that the protection of personality under civil law may only be an auxiliary facility in this field in view of the fact that the prohibition of negative discrimination is not sufficient for the fair treatment for nationalities. The protection of minorities requires additional rights (in particular in the field of right for minority native language use, that for culture, education, and procedural rights, etc.).

For the protection of minorities, the objective and subjective legal consequences ensured in the case of infringement of inherent rights might effectively supplement the protection provided by other branches of law (constitution law, criminal law).

As to the new tendencies affecting the second monitoring period, we underline the amendment to Act XXII of 1992 on the Labour Code relating to its Section 5, which entered into force on 1 July 2001. Pursuant to the Act referred to above, it is prohibited to apply any discrimination in employment to employees on the grounds of their gender, age, family or deficiency status, nationality, race, origin, religion, political belief, their belonging to an employee's interest representation organ or their related activities as well as on any other ground associated with employment. It is emphasized in the said provision that, in the case of an employment-related dispute, the employer should provide an evidence that its procedure has not infringed the provisions for the prohibition of discrimination.

Pursuant to Government Decree 1050/1998. (IV.24.) on the codification under civil law, the new Civil Code, which might result in changes also in the field of inherent rights, is currently

under preparation. The most significant change in this field is that the new Act intends to settle sanctioning of infringement of inherent rights by pecuniary remedy in a new manner, i.e. by introduction of the institution of ‘injury fee’. An injury fee could be adjudged also in those cases when infringement of a personal right has not given rise to a detriment to the injured party, however, taking all the circumstances of the case into account, the remedy to be granted to the injured party is justified. In the concept of the new Civil Code, the injury fee is understood as a direct compensation and a *‘penalty under private law’* involving a pecuniary remedy for infringement of personal rights. In the course of the wide-scope professional and social discussion on the new provision, the Minority Ombudsman could also express his opinion and an opportunity presented itself for the organizations for the protection of certain minority interests to give an opinion on the concept of the new Civil Code.

(10) In association with the provisions of the Framework Convention, the Ministry of the Interior announced a scholarship programme for talented young Roma people who have a sense of vocation for the police profession. The scholarship programme introduced by the National Police Headquarters (hereinafter as ORFK) nationwide as of the 2000/2001 school year is destined to assist young Roma people in becoming policemen (by providing a support to handbooks and educational aids, assuming the total costs of accommodation and meal, and granting scholarship depending on marks). Currently five young people receive such a scholarship four of whom study in the secondary school specialized in law enforcement and one at the Police Officer Training College. The relatively low number of those receiving a scholarship is attributable to several factors: the marks of the applicants often do not reach the required standard or, if they do, the way of living of the applicant – or his/her close relative – does not comply with the requirements defined in Subsection (1) of Section 258 of Act XLIII of 1996 on the Conditions of Service for Members of the Regular Armed Forces (hereinafter as the RSA). However, the young Roma people who study well are, in general, moderately interested in the police profession.

In relation to the further measures taken by the Ministry of the Interior to facilitate the equal opportunities of the Roma minority, we consider essential to emphasize the following:

The amendment to the provisions of paragraph a) of Subsection (1) of Section 258 of the RSA by Section 80 of Act XLV of 2003 released strict requirements for entering into a police service. As a result, the members of the Roma minority applying for a police service are allowed to apply for such jobs with a better chance.

In view of the fact that the staff of the police would need much more people who belong to the minorities than it currently has, when training the applicants, who wish to learn in secondary schools specialized in law enforcement supervised by the Ministry of the Interior as well as who undertake their Roma origin and comply with the admission requirements, there is an opportunity – in accordance with the relevant legal regulations – to apply positive discrimination. It means that preference might be given to the applicants of Roma origin who have reached the same results as other applicants.

In Hungary, there are 64 secondary schools which participate in implementation of the faculty programme for law enforcement. The curriculum of the programme has been compiled with the professional support of the Directorate General for Education of the Ministry of the Interior. Currently, law enforcement faculty is an optional accredited discipline for G.C.E. The secondary educational institutions participating in the programme will acquaint young

Roma people with the work of law enforcement agencies, exciting in this way their interest in law enforcement professions.

In April 2003, the Police Officer Training College operating in Budapest submitted an application entitled '*Romology and law enforcement in education and operation of small regions*' in the framework of the joint program of the Ministry of Education and the PHARE-program. The program was launched in September 2003 and will end in September 2004. (Further information on the Phare-programs concerning the Roma minority is available when evaluating Articles 6, 7, 9, and 15 and in Chapter III/6.)

Furthermore, a common training program has been commenced for the representatives of self-governments and office-bearers from small regions. The training is aimed at setting up informal bodies from the representatives of County police headquarters, small regions, self-governments, and Roma organizations, which are able to handle the Roma-related problems of the Police and the self-governments. The fundamental aim of the introduction of the program was the elaboration of a model which might strengthen the relations between the Roma communities of the counties and police agencies.

(11) For the purposes of this Report, Government Resolution No. 1047/1999 (V.5.) on the medium-term package of measures to improve the living standards and social position of the Roma should be emphasized among the anti-discrimination acts of the Government. According to paragraph 5.2. of the Resolution, the lawfulness of the police behaviour in connection with the members of the Roma minority shall continuously be monitored. With a view to the implementation of this task, the Chief of the National Police regulated the order of investigation of complaints, reports, and information submitted against various discriminative police behaviours in relation to Roma origin in his Order 37/2001. (X. 8.).

According to said measure, the central and regional police agencies shall draw up annual reports to be evaluated by the Control Service of ORFK and the Chief Commissioner of the Police shall present a national summary report covering the entire Police to the Minister of the Interior by 15 December each year.

When evaluating the summary reports it can be stated that the number of such complaints received by the Police is insignificant, compared to the hundreds of thousand actions taken on the territory of the country. Nevertheless, all this does not provide an exemption from the endeavour to completely suppress discrimination-based infringements.

The details of the complaints are demonstrated in Diagrams 1 and 2 in a breakdown by years. It seems from the Diagrams that 19 complaints were lodged in 2001 and 14 in 2002. The number of grounded complaints is rather low. However, according to various studies, all the discriminative acts do not come actually to the light, *inter alia*, due to the fear of retortion, the low-level knowledge of laws, and the low capability to enforce interests.

It should be mentioned for the data in Diagram 2 that the only grounded complaint submitted in 2002 was, in fact, a '*border case*' and investigations of the remaining three complaints are still in process.

Nevertheless, the experience gained during five years while investigating the complaints draws our attention to another existing phenomenon. It frequently occurs that Roma citizens against whom an action is taken refer to their minority status so as to counterbalance the

infringement they have committed, i.e. in their opinion, the police action is taken against them solely because of their Roma origin.

Diagram 1

Total number of complaints on police actions submitted by persons belonging to the Roma minority

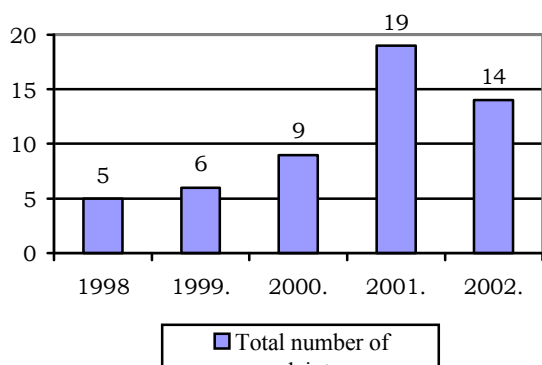
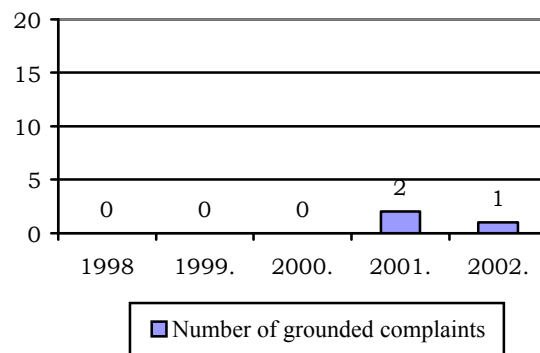


Diagram 2

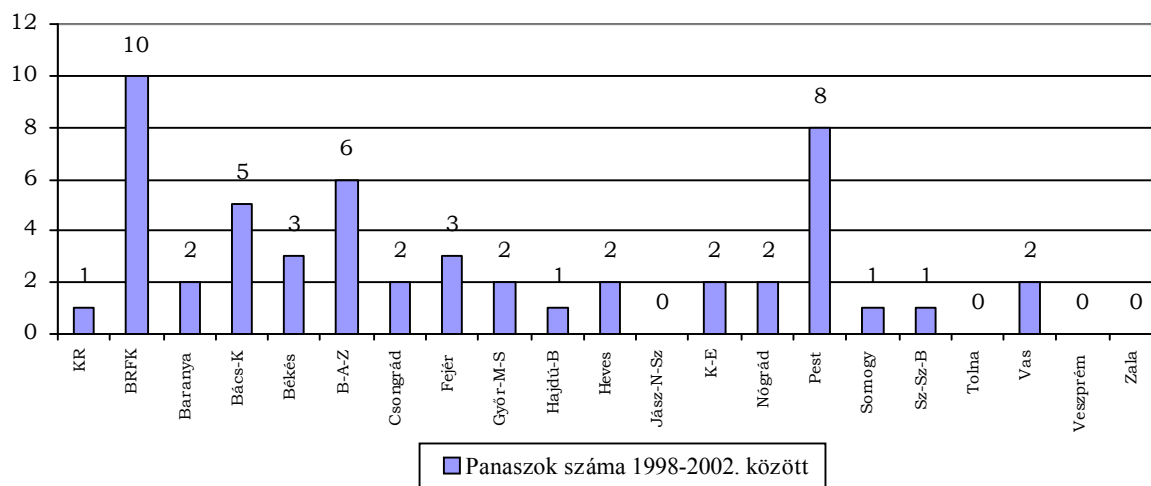
Number of grounded complaints among those referred to in Diagram 1



Source: Ministry of the Interior

In a large proportion of the complaints, the persons concerned complain about also the use of *'insulting words'* referring to their Roma origin. However, it is difficult to prove without witnesses whether or not these events have taken place. Nevertheless, if the infringement can be proved and really attributed to the policeman concerned, the competent officers will always take the necessary measures for holding him responsible.

Based on investigation of the geographical distribution of the number of complaints on police actions submitted by persons belonging to the Roma population in various counties and in Budapest, it can be stated that the most complaints were received in connection with the activities of the Budapest Police Headquarters (10 complaints), the Police Headquarters of Pest County (8), and the Police Headquarters of Borsod-Abaúj-Zemplén County (6). However, no complaint has been submitted in Jász-Nagykun-Szolnok, Tolna, Veszprém, and Zala Counties.



Source: Ministry of the Interior

It is to be noted in relation to the analysis of statistical data that the increase in the number of the complaints lodged can only partially be attributed to the higher proportion of Roma minority in the settlement concerned (social situation, subsistence opportunities, and the problems accounting for the above etc.). The relations between the Police and the Roma population in the County concerned play also an important role. In addition to Tolna County, which has already been mentioned as prominent in this respect, the cooperation in Zala County or in Nógrád County, which conducts *'For Security of Nógrád'*, an internationally recognized program, are publicly known as good examples.

(In relation to these topics, we describe two cases, i.e. the *'Gyöngyös'* and *'Valkó'* ones, which created recently a stir and were published in the media several times, in Annex XII to this State Report.)

(12) In relation to the implementation of the provisions of the Article of the Framework Convention under review we deem it important to emphasize also the following.

The conference organized in Budapest between 30 June and 1 July 2003 by the Hungarian Government, the World Bank, the Soros Foundation's Open Society Institute, and the European Commission in order to create equal opportunities was already mentioned in Chapter I. In relation to the Article of the Framework Convention under review we wish to emphasize that the participants evaluated the opportunities for the involvement of Roma leaders into the process of economic development. When evaluating the event, the Hungarian Prime Minister announced the launching of the *'2005-2015: The Decade of Roma Integration'* program. The Program is aimed at the acceleration of the processes targeting improvement of the economic and social position of the Roma. The program *'The Decade of Roma Integration'* referred to above is closely related to two initiations in process, i.e. the *'Millenary Development Targets'* and the EU Social Integration Policy.

(Further information on the implementation of the Article under review is set out in Chapter III/6 of this State Report.)

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 the assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

In Chapter I of this State Report, we mentioned that the Hungarian national report drawn up by the Ministry of National Cultural Heritage in the framework of the program destined for investigating the activity of the Steering Committee for Culture of the European Council and preserving the cultural diversity of the Member States, commenced in the spring of 2001, described the cultural situation of our minorities. The Hungarian national report drawn up in the second monitoring period is included by the Council of Europe in its official documents.

The information summarized in the said document is supplemented with the following information.

(1) From the point of view of the preservation and development of the culture of minorities, prominent importance is given to the program implemented under the coordination work of the Minorities Office. The program intends to provide the creation of the institutional background indispensable for practical implementation of the cultural autonomy given to the minorities by law. In 2003 the Government appropriated substantial financial resources to the implementation of the program as laid down in the prevailing Budget Act, whereby an opportunity presented itself for the national self-governments of minorities to establish new cultural institutions or to take over institutions already operating but not directly operated by minority organizations.

In 2003 the budget appropriated 429 million HUF for the purposes indicated hereby, from which the national self-organizations of 9 minorities have established, taken over, and operated 24 institutions in total. The National Polish Minority Self-government received a support for operation of the museum and archives of the Polish living in Hungary and for the implementation of its exhibition events. The National Self-government of the Germans living in Hungary has received subsidy for the operation of a new youth hostel established near the Hungarian- German School Centre seated in Pécs, for the renovation of the hostel of the General Cultural Centre located in Baja, and for the construction of the Youth Retraining Centre of Germans in Hungary in Városlőd. In 2003 the National Slovakian Minority Self-government took over and received maintenance support for the following institutions: '*Eudové noviny*', a Slovakian weekly, the Slovakian Research Institute, the Centre of Slovakian Culture, the Slovakian Documentation Centre, the Slovakian Nursery-school Methodology Centre, the Vertigo Slovakian Theatre. The National Croatian Self-government operates a school in Hercegszántó and '*Croatica*' Editorial and Publisher Office and will establish a retraining centre for training and public education in Croatia. The National Bulgarian, Greek, and Romanian Minority Self-Governments started to establish a documentation centre in 2003. The National Self-government of the Slovenians living in Hungary ensures the smooth operation of the Monoster Radio from the budgetary resources provided for the enhancement of the cultural autonomy of minorities.

In relation to the Article under review, we introduce the cultural institutions acquired and operated independently by the National Slovakian and Croatian Minority Self-governments.

The Slovak Research Institute founded by the National Slovakian Self-government achieved very considerable scientific and publication successes in the recent ten years. Furthermore, an agreement was entered into with the Hungarian Academy of Sciences and the Slovakian Academy of Sciences on the scientific cooperation between said institutions. The National Slovakian Self-government has established the Slovak Culture Centre for the coordination of cooperation of regional cultural centres. The seat of the institution is located in Budapest and its member institutions are operated in further 7 settlements of the country. The Slovakian Documentation Centre has also been established and it intends to become a central place for collection of books, periodicals, digitalized sound records, film and video shots, computerized documents, and manuscripts related to the Slovaks living in Hungary. The National Slovakian Self-government has established the Slovak Nursery-school Methodology Centre with a seat in Békéscsaba, intended for the development of communication and language skills of nursery pedagogues and vocational intensification of their educational and teaching activities, and has taken over the operation of the Vertigo Slovakian Theatre. The only theatrical company of our country which plays in Slovakian language is a moving theatre.

The Letter of Intent on the Hungarian government's subsidy to the construction of the training and educational centre of the Croatian community in Hungary at the Adriatic seaside was signed on 30 September in Budapest in the presence of the Hungarian Prime Minister and the President of the Republic of Croatia. Pursuant to that document, the Hungarian Government undertook a commitment to grant subsidy in a value of HUF 100 million to the construction of the cultural institution of the National Croatian Self-government. The buildings of the new centre have been provided by the Croatian Government for the use by the community of Croatians living in Hungary free of charge.

(2) In the First State Report we mentioned that the financial resources for the implementation of the cultural programs of minority communities in their minority languages are provided mainly by the Public Foundation for National and Ethnic Minorities in Hungary (hereinafter as the Foundation for Minorities). In the Report referred to above we provided detailed information on the objectives and order of operation of the Foundation for Minorities and the composition of its decision-making organs.

The subsidy policy of the Foundation for Minorities between 1999 and 2003 can be demonstrated by the following figures: the budget of the Foundation for Minorities has increased from 515 million HUF in 1999 to 663 million HUF in 2003.

The budgetary resources intended for minority cultural objectives could be awarded by open tenders. The circle of applicants was not restricted. The sums of money appropriated for the subsidy was not distributed by the Board of Trustees of the Foundation for Minorities (hereinafter as the Board of Trustees) by minority groups, it rather took their needs into account when determining the sharing of the funds. The requirements for feasibility guarantee (input regulation) were becoming more and more rigorous. The grant or refusal of the subsidy was resolved by the Board of Trustees in which the representatives of minority groups represented a majority.

In the second monitoring period, the Foundation for Minorities deemed the support of programs to be organized in minority languages as its priority task. The Meeting of Minority Theatres organized by the Foundation for Minorities and held in the National Theatre in Budapest was a significant event in 2003. At that large-scale event, there were 10 theatre performances presented by amateur and professional companies. The program of the Meeting of Minority Theatres included vocational conferences besides performances in the minority languages.

(3) In our first State Report we mentioned also the organization, tasks, and objectives of the Public Foundation for Hungarian Roma people (hereinafter as the Public Foundation for the Roma). Hereby we provide information on the activities of the said Public Foundation performed in the second monitoring period.

It can be stated that the number of tenders submitted to the Public Foundation for the Roma is increasing from year to year and it is able to appropriate more and more funds for their support depending on the budgetary subsidy. The available funds did not reach 200 million HUF in the first year of the second monitoring period and the supports awarded in 2003 amounted to 445 million HUF. From among the fields which received a subsidy, we mention the financing of community houses, stimulation of acquisition of skills in public life, and the financial recognition of the work of pedagogical workshops.

In the period under review, prominent attention was paid to the scholarship program announced for young Roma people. The Government undertook a commitment as from 2000 to arrange for the support of all young Roma people who comply with the application requirements in the form of a scholarship. The scholarship grants were covered partly by the budget of the Public Foundation for the Roma and partly by the budgetary subsidy appropriated by the Ministry of Justice from the funds under its own management.

In the first years of the scholarship project, the number of Roma pupils and students learning in primary and secondary schools and in higher education and receiving aids through the Public Foundation for the Roma did not reach 2 thousand. In 2003 this number approximated 20 thousand.

In 2001-2002, the Public Foundation for the Roma granted a subsidy for the development of existing apprentice workshops and the establishment of new apprentice workshops of trade schools providing secondary education, training, and skills through the mediation of the Ministry of Education. By operation of these projects, which can be considered as models, it could render assistance in obtaining skills by socially disadvantaged students of Roma origin. Political State-Secretary for Roma Affairs, the Government established the Roma Cultural Fund financed by the 2003 central budget with 173 million HUF (hereinafter as the Fund). The Fund supported the operation of reputable arts groups and cultural organizations which play a determining role in the maintenance and distribution of the Roma culture and in the formation of the public opinion. According to the other objective of the Fund, it granted author's fees to prominent and recognized musicians, artists, writers, poets, actors, journalists, dancers, and scientific researchers.

(5) When analyzing the Article of the Framework Convention under review, we wish to mention also the work of the National Cultural Basic Programme (hereinafter as the Basic Programme) which provides substantial budgetary support to the implementation of cultural programs in Hungary. The said Basic Programme supported the implementation of 401 minority projects between 1999 and 2003 by more than 300 million HUF. In the line of the supported projects we can mention both the support for the organization of the cultural programs of the Croatian, German, Roma, Slovakian, and Serbian minorities and the financial support granted to the organizations of the Jewish Community which are not subject to the Minority Act. The National Cultural Basic Programme supports, *inter alia*, the organization of the traditional Jewish Summer Festival or publication of the Jewish Community's newspaper '*Saturday*'. In this list the subsidy to the Association of Hungarian Jewish Religious Communities for the Internet publication of the documentation of the Hungarian Jewish archives is also worth mentioning.

(6) The Ministry of Informatics and Communications (MIC) provides subsidies to minorities for the preparation for the challenges of the information society, which is a relatively new field. In order to facilitate the info-communication work of the minority self-governments in native languages, the competent Ministry provided subsidies in 2003 through tenders whereby near two-thirds of the local minority self-governments, i.e. 1,005 self-governments received IT devices in the aggregate.

Furthermore, the MIC supports the '*Digital Secondary School*' project aimed at assisting those who fail to take part in traditional secondary education in obtaining the G.C.E. This project was elaborated for those who have the ability and intention to pass the G.C.E. but who could not do so in the traditional structure due to their socially disadvantaged position. The

opening ceremony of the Roma division of the Digital Secondary School was held in the Földes Ferenc Secondary Grammar School in Miskolc on 11 September 2003.

As a result of the *'Public Network Project'* (establishment of wide-range relations), there were 2004 community access points established in 2004 in Hungary. This project may be joined also by local Roma communities through community houses and cultural centres.

In 2002 the Prime Minister's Office provided subsidies through applications to Roma students studying in higher education for purchasing computers free of charge.

(We deal with involving the representatives of minorities into the work of agencies established for the preparation for or making of various decisions mentioned also hereby and with the participation rights of minorities when evaluating Article 15.)

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.

In relation to the comments conceived in connection with implementation of the Article of the Framework Convention under review, summarized in the document containing the opinion of the Advisory Committee, we can provide the following information.

(1) As it was highlighted in the Introduction of this State Report and in the information on the measures related to Article 4 of the Framework Convention, in 2003 the Government established a new ministerial post for the coordination of the governmental measures to be taken in order to promote equal opportunities of socially disadvantaged groups of the society. These tasks are managed by the Minister without portfolio for equal opportunities. Her work is assisted by the Government Office for Equal Opportunities. (We will deal with the scope of responsibility and authority of the governmental section for equal opportunities in Chapter III/6 of this State Report again. In connection with Article 4 referred to above, we mentioned that the Equal Opportunities Act was adopted by the Parliament in 2003.)

(2) In our opinion, it is of enhanced significance that mutual respect and understanding and the exchange of values and their integration into the local society should be promoted by education.

In our country, the operative regulations for public education provide that the pupils of primary schools in Hungary shall make themselves acquainted with the specific position and cultural values of minorities. This topic is included as a curriculum in the National Master Curriculum for the 4th class of primary schools in chapter *'Social knowledge'* and in section *'Country knowledge'* (*'The inhabitants, nationalities and ethnic groups of Hungary'*). It is mentioned also in this chapter, in section *'The society of our residence'* that the *'characteristic social groups in our residence and their historical changes'* are also included in the curriculum for the 6th class. In this framework there is an opportunity for mutual knowledge of the social groups living together in various settlements. In chapter *'Social, citizen and economic knowledge'* appears a section entitled *'National-nationality groups'* at

the end of the 8th class. The master curricula, namely module '*Knowledge of country and people*', includes such curricula as '*Ethnic groups and nationalities*', '*Outlook to the culture of our neighbours and the peoples of the world*', and '*Situation and rights of minorities*'.

(3) When evaluating the implementation of the provisions of Article 6 in Hungary, '*the process of de facto separation of Roma and non-Roma children in the schools*' is mentioned as a negative example in the document containing the opinion of the Advisory Committee, while acknowledging our Government's efforts made in this field.

Taking the finding referred to above into account, we would like to provide the following information. We underline the measures which were taken by the Ministry of Education (hereinafter as the Ministry of Education or ME) in the second monitoring period in the field of treating this problem.

The Ministry of Education initiated considerable measures with a view to create opportunities for socially disadvantaged and Roma children for education. In all significant support projects (IT development, reconstruction of buildings, teaching foreign languages, retraining etc.), the ME considered the involvement and participation of socially disadvantaged students as a priority issue.

The individual measures are the following, in particular:

The ministerial decree on the operation of institutions of public education, introducing the concept of '*preparation for integration and development of abilities*', was published in November 2002. The Budget Act for 2003 appropriated supplementary funds of 51,000 HUF per student to this measure. As from September 2003, some 8,776 pupils attending the first, fifth and ninth classes have been participating in the preparation for integration and further 24,117 students studying in primary and specialized secondary schools in the preparation for skill development. The target groups of these preparation projects represent children whose parents completed eight or less classes in primary schools and who are entitled to receive a child protection benefit of HUF 4,600 due to their earnings position. Accordingly, the target of integration is not an ethnic group, however, a high proportion of the children who are considered in need of assistance in the course of integration are of Roma origin. As stated by the Ministry of Education, the Hungarian society can be demonstrated so that some more than 20% of school children are subject to the Decree on a national average and 80% of the Roma children are subject to the measure outlined above.

Simultaneously with the preparation for integration and development of skills, the Decree on the issue of the guidelines for nursery school and school education for the minority was also amended, the text of which set out the tasks aimed at school improvement (assisting in closing up, school progress etc.). The amendment was motivated primarily by the fact that it had proved to be a mistaken approach to adjudge socially disadvantaged position on the basis of ethnic origin. In particular, students might be socially disadvantaged irrespective of their national or ethnic status. Making closing up as an ethnic issue might provide an opportunity for segregating and teaching children in different classes and groups (this issue will be mentioned again when analyzing Article 12).

A method, which promotes socially disadvantaged children to reach success in the school by out-of-school drills, has recently appeared known as '*tanoda*'. According to paragraph m) of

Subsection (1) of Section 95 of the Public Education Act effective as of 1 September 2003, 'tanoda' shall mean:

'The tasks of the Minister of Education in connection with the development of public education shall include arranging for the elaboration and promoting the dissemination of new pedagogical methods, solutions, organizational forms, with special regard to nursery schools, uniform schools, centres for general education, project training, day schools, out-of-school education for socially disadvantaged children, assisting them to reach success in school (tanoda), forest schools'.

'Tanoda' has appeared among the means of Hungarian pedagogy in the recent ten years, as an independent creation in Central Europe, assisting primarily Roma children and young people in the region to reach success in school.

The Ministry of Education has organized the National Integration Network of Education by which the integration measures suggested by sociological studies can be implemented nationwide and modern pedagogical approaches can gain ground in education of socially disadvantaged children. The basic institutions of the Network are located mostly in the North-Eastern region of the country and in a lesser number in South-Transdanubia and in Budapest, including its agglomeration.

In the strategy of the Ministry of Education for foreign language education, great attention is given to promoting young socially disadvantaged people in acquiring command of languages. Extension of the uniform system for giving a support to ECDL examination fees to students of specialized secondary schools reaches many socially disadvantaged students. In the framework of 'School of the 21st Century' project, the village schools which are in the most disadvantaged position are granted subsidies to IT equipment and to the related reconstruction of buildings.

We wish to mention hereby that 'Support of social integration of cumulatively disadvantaged, mostly Roma young people', a part of the European Union's 1999 Phare-program conducted by the Ministry of Education was the first project launched in this field. In accordance with the consultation with the European Commission, 12.55 million EUR could be used in total for supporting the successful applications. This source facilitated the implementation of 207 projects. By this, an opportunity presented itself, *inter alia*, to reconstruct and equip the youth hostels intended for secondary education of talented young Roma people in Ózd and Szolnok. As a continuation of the Phare-program of the Ministry of Education, the implementation of successful tenders announced for the promotion of social integration of cumulatively disadvantaged, mostly Roma young people was facilitated by 10 million EUR.

The tenders of the ME gave an impetus to innovation carried out in institutions of education. In those fields where the network of institutions for the application for and reception of subsidies has been established in recent years, a considerable innovative development can now be expected. The distribution of successful applicants between Budapest and the provinces can be considered reasonable and institutions of education from several regions presumed to be underdeveloped successfully apply for support. However, unfortunately, the mechanisms of reception of European subsidies have not been established to an equal extent in certain counties of Hungary.

(We provide detailed information on the '*Roma Social Integration Program*' launched in 2000 for the promotion of the efficient cooperation between Roma and non-Roma and of the spirit of tolerance and intercultural dialogue, initiated by the Minorities Office and to be implemented in the framework of the European Union's Phare-program in Chapter III/6 of this State Report.)

(4) In the second monitoring period, the Ministry of the Interior introduced the training associated with multicultural law enforcement at all levels of law enforcement training. It affected the work performed in secondary schools for law enforcement, the Police Office Training College, the Law Enforcement Executive Training, Retraining and Research Institute of the Police Office Training College (hereinafter as the Police Office Training College) as well as in executive training and retraining programs.

Accordingly, in the gradual and post-gradual training of law enforcement agencies under supervision of the Ministry of the Interior, social-historical, cultural, sociological, etc. knowledge relating to the Roma minority are instructed at the level of practical application, with a view to provide non-discriminative services. Such training is aimed at the promotion of presentation of the positive values of the Roma, introduction of the Roma society, history and culture, reduction of existing prejudices, and development of tolerance.

The experts participating in implementation of the program are of the opinion that prejudice is fostered mostly by the lack of knowledge, so prejudice could be considerably reduced. Prejudice could be anticipated if the policemen participating in training obtained overall knowledge of the position of the Roma minority. Accordingly, the curricula should be reviewed and such curricula should be taught in higher hours.

In the school year of 2000/2001, a central program for policeman and frontier guard training, which specifies the content requirements of the vocational training for 7 secondary schools specialized in law enforcement of the country (Budapest, Ady-liget, Körmend, Sopron, Csopak, Szeged, and Miskolc), was issued.

Chapter 3 of the central program specifies the objectives and requirements for teaching of the curriculum '*Social and communication knowledge*'. Within this curriculum students can be acquainted with the concept of a multicultural society, the situation of minority, cultural and religious communities, particularly the historical roots and cultural traditions of the Roma, and the possible conflicts with the majority society. Accordingly, students should know the characteristic features of a multicultural society and minority communities, as well as the problems of xenophobia and racial violence and the possible way of settlement and treatment of these problems. The requirements include the recognition of the characteristics of the law enforcement activity performed in a multicultural society, the management of conflicts in the community and the residential environment as well as the anti-prejudicial attitude towards minorities. Such knowledge should be proved by an examination. The central program defined an aggregate of 100 hours for this curriculum. Secondary schools specialized in law enforcement carry out training with their own teachers and external lecturers. The Directorate General for Education of the Ministry of the Interior was assisted by the Minorities Office. (The list of literature for educational auxiliary materials used by the secondary schools specialized in law enforcement is indicated in Chapter IX of this State Report.)

Each year some 1,500 students commence their studies in policeman and frontier guard training in secondary schools specialized in law enforcement. In the framework of the

retraining system implemented in these schools, the problems of minorities and the Roma are also taught.

Training in multicultural law enforcement has been introduced in special higher education, i.e. in all faculties of the Police Officer Training College. The content of the curriculum corresponds to the one taught in secondary special education. The work of the institute of higher education referred to above is assisted by the Minorities Office and the National Roma Self-government. Each year some 300 students commence their studies at the Police Officer Training College at various law enforcement faculties. In the framework of the cooperation between the Ministry of the Interior and the National Roma Self-government (hereinafter as the NRSZ), the Police Officer Training College offered to organize free preparation courses for the admission curricula (full-time course) for the applicants selected by the NRSZ.

The Retraining and Methodology Department of the Law Enforcement Executive Training, Retraining and Research Institute of the Police Officer Training College (hereinafter as the Law Enforcement Executive Training Institute) organized training in 5 regions of the country, with the participation of 350 students, for the Police and the Frontier Guard entitled '*The factors and principles determining the relations of the Roma and the Police in a multicultural society*' the main topics of which were the following: Roma ethnography, Police actions and the Roma, case studies, discussion forums. Based on experience, preparations were made to supplement auxiliary materials, which are typically in printed form, with up-to-date education techniques (CD ROMs, presentations, and other computerized devices).

On the basis of the evaluation of the surveys carried out among students, an action program had been elaborated at the Police Office Training College for management of prejudice, xenophobia and racism, which became a part of the training program as of May 2001.

Should any need arise, the Directorate General for Education of the Ministry of the Interior as well as the secondary schools specialized in law enforcement and other institutions of education it supervises render assistance in the performance of such tasks of agencies of national and regional authority, primarily by providing the infrastructural facilities (such as lecturers, location for retraining courses, accommodation, meal).

It is worth mentioning that the Police Headquarters of Pest County, in conjunction with the Consensus Foundation and the Self-government of Pest County, participated in the Phare-tender invited by the Ministry of Education. The submitted tender documentation is aimed at the organization of the training for romology, Roma language and management of conflicts to be introduced for the staff of the Police Headquarters of Pest County. The Police Headquarters of Pest County have won the tender.

In 2002, a retraining and conflict management training course was organized by the Standby Police, the Police Headquarters of Budapest, the Police Headquarters of Borsod-Abaúj-Zemplén and Veszprém Counties.

Since 2000 the Frontier Guards have been presenting the program of training in Roma ethnography in a training order, which is compulsory for the total staff.

According to the action plans of the Police Headquarters, retraining of the police staff on the knowledge of Roma social-history was continued also in the second half of 2003. In addition,

the Police agencies delegate their colleagues concerned in the minority topic to national and regional training courses and events.

(5) In the framework of the Phare-program coordinated by the Political State-Secretary for Roma Affairs, a half-year general anti-discrimination training program was held free of charge in the beginning of 2003 in six county seats and in Budapest for the liaison officers operating at Police Headquarters, which was attended by 420 persons.

'With Sport and culture against racism', a cultural event organized in the summer of 2003 with the support of the Office for Roma Affairs was aimed at the reduction of negative social prejudice to Roma.

(6) On 17 December 2003, the Prime Minister of the Government awarded *'Prize for the Minorities'* to *'Friendship'* cultural and public periodical. The prize of high rank was handed over in the Parliament on the occasion of the Minorities Day, as a recognition of the work of the editorial staff established 10 years ago intended for the mutual knowledge of the peoples of Hungary.

(7) In association with the Article under review, we highlight the activity of the Hungarian News Agency (hereinafter as MTI) which performs public tasks and which considers the disclosure of minorities-related news as a significant task. The MTI General Editors for Internal Policy published 1,167 news coded as *'minority'* between January and October 2003 (931 news in total in 2002). The MTI pays special attention to the insults affecting the minorities. Apart from providing quick and factual information, it regularly publishes declarations of professional politicians dealing with human rights and minority issues and representatives of the minorities as well as the opinions of citizens who belong to a minority group but hold no office. The public-service news agency takes part in training of minority journalist assistants and a Roma assistant is currently employed by it.

(8) More and more thematic Internet portals provide information on the Hungarian minorities to the majority society. In the second monitoring period more and more home pages appeared, indicating the addresses of home pages which give a comprehensive picture about the issues related to Hungarian minorities: www.kisebbsseg.lap.hu, www.tolerancia.lap.hu, <http://cigany.lap.hu>. Various databases, e.g. www.civilporta.hu, the database of home pages of civil organizations include significant communication data of minority organizations.

From among the Internet home pages related to minorities and serving for the introduction of the minorities to the members of the majority society, we highlight www.etnonet.hu, a home page opened upon civil initiative and still operating as a civil undertaking. Home pages such as www.romaweb.hu operated by the Government Office for Equal Opportunities and www.meh.hu/nekh of the Minorities Office already mentioned above play also a significant role.

(Further information on publication of information related to the minorities in Hungary is available in the section analyzing Article 9 and in Chapter III/6.)

(9) In the minority magazine programs made in the public-service Hungarian Television (MTV), (which will be detailed below when analyzing Article 9 of the Framework Convention), are broadcast with Hungarian title, as stipulated by law, so they can be understood also by the majority. The magazine program of the Hungarian Television

'Együtt' (Together), which is a documentary workshop of the minority editorial staffs, plays a special and important role with respect to the implementation of the Article under review. The works which are made first of all in Hungarian introduce the prominent individuals and important stories of the minorities in Hungary to the Hungarian population. The *'Aranyfüst'* programme broadcast a 11-section series from October 2000 to February 2001 on the history of the minorities in Hungary. The films were shot by the minorities columns.

We emphasize that the MTV Religious Editors in office regularly broadcast masses in the native languages of minorities for the Roma, German, Slovak, and Croatian minority groups in the second monitoring period. The series is continued in 2004 by broadcasting masses in Romanian and Serbian languages.

In general, the public-service television's newsreel programmes report minority affairs as brief news, with the exception of the Roma-related scandalous cases. In connection with the evaluation made by the Advisory Committee with respect to the negative stigmatization of the Roma, it has to be stated that the programme time of the *'Roma Magazine'* broadcast by the public-service television in half an hour a week and the *'Roma Forum'* broadcast quarterly are not sufficient for solving this task. The editorial office editing minority programmes is elaborating a professional plan, which would demonstrate the life of minorities in Hungary more efficiently than now, by using one of the sound materials of the three regional daily newsreels in minority languages and with Hungarian title.

It should be emphasized that the programme *'Provokátor'*, prepared in external production and representing much value in the field of enlargement of the knowledge connected with the Roma minority, was published by the Hungarian Television in 2003.

Experts suggest that a post should be set up for the *'television minority ombudsman'* with the objective that the programmes made by the minority columns could be disseminated as much as possible in the public-service programme flow in Hungarian language. This intention is conceived also in licensing the secondary broadcasting of minority programmes in local televisions, for the implementation of which the President of MTV requested the assistance of the minority self-governments.

(10) With a view to acquaint the majority society with the history, culture and traditions of the minorities, the public-service Hungarian Radio launched a programme entitled *'Egy hazában'* ('In one homeland'). This programme in Hungarian provides information to the listeners about the life, culture and history of the minorities living in Hungary. These programmes are available in the whole territory of the country, moreover, at some places they extend over the borders.

Also with a view to enlarge the minority-related knowledge, the general editor of Kossuth Radio, which operates within the Hungarian Radio and performs prominent newsreel tasks, ordered regular broadcasting of events concerning the minorities.

The public-service Hungarian Radio has taken over and has been broadcasting the programme of *'Radio C'*, a Roma private radio, nation-wide in one hour a day since July 2003. These programmes, by the introduction of successful careers and revealing the problems of Roma, contribute to the reduction of the prejudice against the Roma (the activity of Radio C is outlined when analyzing Article 9).

In order to excite the interest in minority programmes, the Hungarian Radio opened a minority page on its Internet home page (www.radio.hu) where not only the advance information and contents of minority programmes but also the reports and expositions on major minority events are available. (Further information concerning the Hungarian Radio connected with the issues under review is provided when summarizing the provisions of Article 9 of the Framework Convention.)

(11) The National Board of Radio and Television (hereinafter as ORTT or Board) is able, pursuant to Act I of 1996 on Radio and Television Broadcasting (hereinafter as the Media Act), to promote the introduction of the culture and traditions of the minorities in two major fields in as wide range as possible. Through the so-called ‘frequency tenders’, the minorities were granted an opportunity to broadcast programmes and, through the support of television and radio broadcasting from the budget, diversity and public-service character of the programmes could be strengthened. Consequently, in 2003 ORTT invited a tender for supporting television and radio programmes to be prepared concerning Hungary’s accession to the European Union and provided the following subsidies:

Tenderer’s name	Title of the permanent programme	Awarded subsidy
Hungarian Radio	‘ <i>Vstupujeme do Európy</i> ’ (Our way to Europe) – programmes in Slovak language	HUF 10,450,000
Hungarian Radio	‘ <i>Egy hazában</i> ’ (In one homeland) – about the nationalities in Hungarian	HUF 4,838,761
Hungarian Radio	‘ <i>Unitate prin diversitate: Uniunea Europeană</i> ’ – Diversified unity: the European Union, programmes in Romanian language	HUF 4,850,000
Hungartradici Holding Rt.	‘ <i>Kisebbségek és magyarok az Unióban</i> ’ (Minorities and Hungarians in the Union) – programmes in Hungarian language	HUF 13,062,225

Source: National Radio and Television Board

In the course of its supervisory activity, ORTT supervises whether the individual programmes broadcast comply with the provisions of law and contracts for broadcasting. On 9 April 2003 the Board made an unprecedented decision within the scope of its supervisory activity and suspended the broadcasting right of TV2 commercial television for 30 minutes. It was established in the ORTT decision that TV2, by broadcasting the programme ‘*Bazi nagy roma lagzi*’ (Damn large Roma wedding) on 30 March 2003, had infringed Subsection (3) of Section 3 of the Media Act, stipulating that no broadcasting shall be aimed at open or concealed insult and exclusion, introduction or denunciation of a minority on the ground of race. Although the genre of the programme was a parody, the scenes shown were undisputedly insulting for the Roma minority. The scenes shown in the programme, based on the clearly negative stereotypes implied in the society against the Roma minority, were undoubtedly eligible for deepening prejudice against the Roma minority even if they were

interpreted to the viewers in a humorous form. So the programme was eligible for emphasizing the isolation of the Roma minority, which undoubtedly exists in our country, and its 'extraneity' from the other members of the society.

On 4 September 2003, exercising its right of supervision, ORTT obliged the Hungarian Radio Rt. to pay a penalty of HUF 100,000. The Board condemned the Hungarian Radio due to the infringement of Subsection (2) of Section 3 and Subsection (2) of Section 23 of the Media Act because the report in its programme '*Vasárnapi Újság*' (Sunday News) was eligible for strengthening the negative prejudice against the Roma minority and the '*Jegyzet*' (Note) in the same programme pronounced thoughts against the Jewish community eligible for exclusion and giving rise to hatred, consciously in a concealed form. In the opinion of the Board, there is no room for such a note as mentioned above in Hungarian broadcasting, especially in public-service broadcasting, and the thoughts set forth in that programme definitely insulted the feelings of the Jewish community, so they were eligible for giving rise to hatred against it, irrespective of the case which they were related to or which they reacted on.

(12) In December 2003, the Independent Media Centre seated in Budapest and the Roma Press Centre issued diplomas for 13 young Roma people, certifying the successful completion of their journalist assistant training. In 2003 the students of the sixth class completed their studies in the training program operated by the said two institutions. Including those who completed in 2003, there were 63 students who have successfully completed the program so far, supported also by the National Radio and Television Board. In 2003 the program, which served as a model for similar training projects launched in Slovakia and Romania, was awarded by the Evens Foundation, Belgium by its main prize for intercultural education.

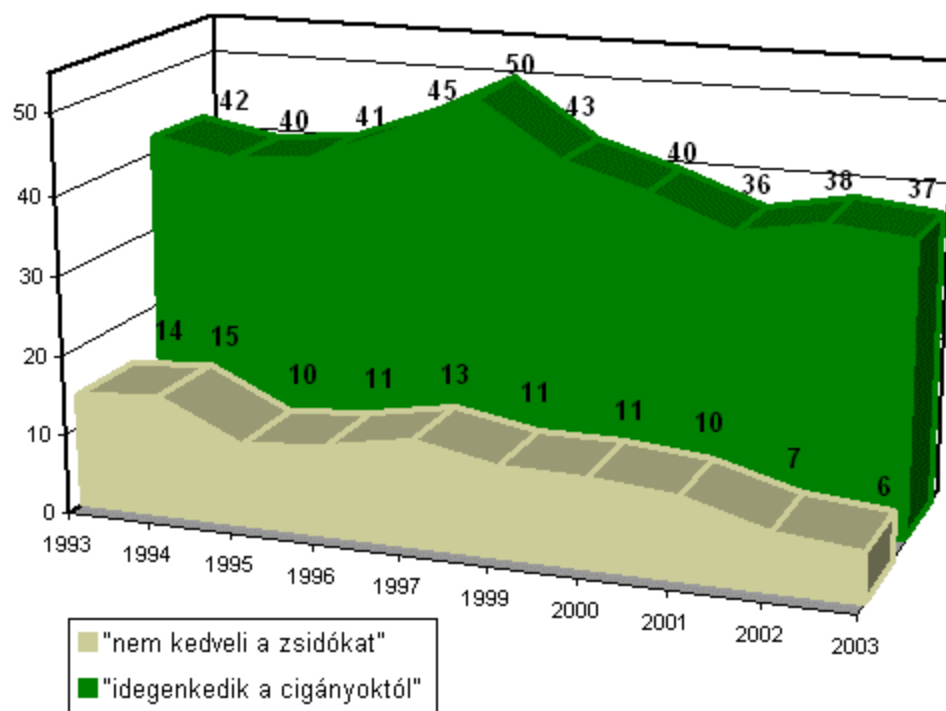
We have to mention hereby that we are not aware of the actual number of employees belonging to a minority, namely of Roma origin, employed in various editorial staffs. Despite the evidently arising professional needs, the public-service Hungarian Television has had no Roma announcer until now. However, the Duna Television, which is also a public-service television, has been employing a Roma lead presenter on the screen for several years.

(13) In July 2003, the Hungarian Catholic Bishops' Conference organized a significant meeting with the participation of the catholic leaders and devouts from more than 50 countries of the world, focusing on Roma-related issues. The International Roma Pastoring Conference mentioned the role of the media in shaping the culture of solidarity and tolerance. It was established at the Conference as a welcome fact that the problems directly affecting Roma had been demonstrated in the press much more frequently in the recent period. Half of the articles dealing with Roma people are published on one of the first 5 pages of national daily newspapers. However, it was also mentioned that the image of the Roma in the media was rather unbalanced. 62% of the Roma-related articles were written due to a conflict of a kind or another.

(14) The Hungarian Gallup Institute has been investigating the evolution of anti-Semitic and anti-Roma prejudice in Hungary on an annual basis since 1992. Its investigations covered only the cases of open prejudice. The data of its studies show that open anti-Jewish attitude has been remarkably suppressed in Hungary. The proportion of those who openly undertake their anti-Jewish prejudice fell to less than its half during ten years. Open undertaking of anti-Semitism is a less and less accepted approach in Hungary. A reduction could be observed in

the recent ten years also in the disadvantageous opinions undertaken openly in relation to the Roma.

Anti-Jewish and anti-Roma prejudice in the period between 1993 and 2003, in the percentage of the total adult population, according to the statement published by the Hungarian Gallup Institute:



Source: Hungarian Gallup Institute

In the framework of the survey carried out by the Hungarian Gallup Institute, 1,012 adult Hungarian citizens were queried in 69 settlements of the country. The composition of the sample, the proportion of genders, the selection of age groups and settlement types represented the composition of the country's adult population. According to the analyzers, sampling mistakes range between +/- 3%.

(15) By its decision adopted on 8 December 2003, the Parliament provided for more rigorous provisions in connection with hate speeches, amending Section 269 of Act IV of 1978 on the Criminal Code (hereinafter as the Criminal Code). Pursuant to the amendment adopted by the Parliament, any person who incites publicly to hatred or invites publicly to commit a violent act against any nation or any national, ethnic, racial, religious group or against certain groups of the population shall be deemed as committing a criminal offence and shall be punishable by imprisonment up to three years. Any person who insults publicly human dignity by abusing or humiliating others on the ground of their national, ethnic, racial or religious status shall be punished by imprisonment up to two years.

However, it should be laid down that the amendment to the Act referred to above was not signed by the President of the Republic of Hungary, availing himself of his right provided for in Subsection (4) of Section 26 of the Constitution and was sent by him to the Constitutional Court.

(16) In association with paragraph 2 of Article 6 of the Framework Convention and the comments summarized in the opinion of the Advisory Committee, we deem it essential to disclose the related information of the Chief Public Prosecutor's Office of the Republic of Hungary.

The Public Prosecutor for supervision and legal protection (hereinafter as the Public Prosecutor for legal protection) supervises and verifies the legality of execution of restriction of personal freedom, the regularity of reception, the adherence to time limits for detention and to the provisions relating to the circumstances of detention in prisons, the police and aliens policing detention-rooms, the places of abode announced by foreigners, and the arrest premises of investigating authorities at least twice a month. Subsection (2) of Section 4 of Order 1/1990 of the Chief Public Prosecutor, amended by Order 10/2003. (ÜK. 7.) of the Chief Public Prosecutor (hereinafter as CPP), stipulates for the Public Prosecutor for legal protection to verify the legality of treatment with the detained persons – as defined in separate orders – handling such supervision on each occasion as a prominent task. This activity is based on the provisions of Subsection (2) of Section 4 of the Constitution and Section 11 of Act V of 1972 on the Public Prosecutor's Office of the Republic of Hungary. In paragraph e) of Section 11 of the said Act, the Public Prosecutor for legal protection is authorized to verify, in addition to legality of treatment, the enforcement of the provisions relating to legal protection of the persons under execution, too.

Subsection (1) of Section 14 of Order 14/2003. (ÜK. 7.) of the Chief Public Prosecutor on the Public Prosecution tasks for child and youth protection stipulated also for the Public Prosecutor for juveniles to verify the legality of execution of correctional education in the correctional facilities in his jurisdiction and of preliminary detention in all cases when such activities are performed by the Public Prosecutor for legal protection in other detention facilities.

Subsection (3) of Section 2 of Law-decree 11 of 1979 on execution of penalties and measures stipulates that no discrimination shall be made between convicts on the grounds of their national and ethnic status, religious or political belief, social origin, gender or property position.

The prohibition of discrimination of the persons in detention is a fundamental requirement for legal treatment. In view of this fact, Public Prosecutors shall verify the enforcement of the above legal regulations with special attention.

Apart from the above, paragraph 8 of Circular 3/2000. (ÜK. 12.) of the Chief Public Prosecutor adopted with respect to the implementation of the recommendations of the European Committee, set up for prevention of torturing, inhuman or degrading penalties or treatment, relating to Public Prosecution stipulates to carry out regular supervision of legality of treatment of the persons in detention and to draw up related annual reports.

Legality of treatment appears during retention in a complex manner. Legal treatment means, in the strict sense of the word, the prohibition of any discrimination against persons in detention, the use of an appropriate tone, and the respect of human dignity and self-regard of the persons in detention. It includes the consistent and definite action of the heads of detention facilities against maltreatment and any other forms of illegal treatment. The opportunity for the persons in detention to lodge a complaint or report on torturing and other cruel and inhuman treatment against the infringing members of the staff of the detention facility and to

use of the related remedies as well as for the consistent application of penal and disciplinary sanctions must be ensured for the persons in detention.

In course of the investigations no cases have been revealed where any discrimination against a person in detention infringing the provisions of law could be proved. Such grievances were complained on or reported very rarely.

As a summary, it can be stated that the experience of regular investigations for legality of treatment carried out at least twice a month shows, even if taken for a longer period, that in general the treatment of the persons in detention – irrespective of individual mistakes and deficiencies revealed during the investigation and of the improper practice that occurs in some places – complies with the expectations laid down in international treaties and the provisions of Hungarian legal rules of law in force.

In the statistical systems operated in the public prosecution organization of the Republic of Hungary, no distinction is made from the point of view whether either the offending or the offended party belongs to a minority. Therefore, no data can be provided for the proportion of the members of minorities in Hungary involved in criminal proceedings either as an offending or an offended party.

From among the criminal offences regulated in the Criminal Code, the offence of genocide infringing Section 155 of the Criminal Code, the offence of apartheid infringing Section 157, and the offence of violence against the member of a national, ethnic, racial or religious group infringing Section 174/B shall be deemed as motivated by racial grounds. Criminal offences associated with police brutality shall be deemed as offences of maltreatment in an official procedure, infringing Section 226 of the Criminal Code and as offences of forced interrogation infringing Section 227 of the Criminal Code.

The figures of the Uniform Criminal Statistics of the Police and Public Prosecution (hereinafter as the Uniform Statistics) relating to criminal offences can be summarized as follows:

Criminal Code Section	Criminal offences under review	1999	2000	2001	2002
S. 155	Genocide	0	0	0	0
S. 157	Apartheid	0	0	0	0
S. 174/B	Violence against the member(s) of a national, ethnic, racial or religious group	3	8	12	5
S. 226	Maltreatment in official procedure	117	133	92	105
S. 227	Forced interrogation	30	30	26	30

Source: Chief Public Prosecution

The table below, drawn up in accordance with the indictment representation system, indicate the number of accused showing the time when the judicial decisions became final.

Violence against the member(s) of a national, ethnic, racial or religious group	1999	2000	2001	2002
Number of accused	17	10	16	22
Number of convicts	17	10	16	22

Source: Chief Public Prosecution

The tables drawn up in accordance with the Uniform Statistics system indicate the figures (the number of cases in process) for the period up to the closing of investigations or prosecution.

Violence against the member(s) of a national, ethnic, racial or religious group	1999	2000	2001	2002
Total number of refusal and closing of investigations	3	8	12	5
Of which				
- refusal of investigation	0	0	0	0
- closing of investigation	3	8	12	5
of which				
- prosecution	2	3	6	2
- closing of investigation	1	5	6	3
of which				
- the offender cannot be identified	1	3	5	3
- cannot be stated whether the offence was committed by the suspect		1	1	
- the offender is a child		1		

Source: Chief Public Prosecution

(Further detailed information relating to the provisions of Article 6 of the Framework Convention is available in Chapter III/6 of this State Report.)

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.

It is laid down in the Constitution that, according to the right of association, every person has a right in the Republic of Hungary to establish and join organizations with an objective not prohibited by law. (In the First State Report the legal frameworks of the freedom of association and the activities of associations of minorities were evaluated in detail.)

(1) According to the statement of the Central Statistical Office, the non-governmental non-profit sector includes 52,302 organizations in Hungary of which 46,263 ones can be considered as operating (source: major statistical characteristics of the non-profit sector in 2001, KSH, 2003). Organizations were not surveyed from the point of view of the national and ethnic status of their members, they were classified only by groups of activities so we have no figures of the accurate number of minority organizations.

(2) Minority civil associations are also present in the public life of Hungary, in addition to the minority self-governments authorized by the public powers defined in special acts and performing several public tasks. (The specific form of self-organization of minority communities and the self-government system of minorities are detailed separately in Chapter III/1 of this State Report. Hereby we refer to the fact that new types of representation and organization of minority self-governments were established and are operating on the basis of the minority civil organizations.)

As an expression of the attention paid to minority civil organizations, the legislation appropriates each year separate budgetary sources for supporting the costs of operation of minority associations based on the proposal of the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament. In the years of the second monitoring period, the Parliament granted annual budgetary subsidies to more than 250 minority civil organizations.

At governmental level it is the Government Office for Informatics and Social Relations of the Prime Minister's Office that deals with civil organizations, including the social organizations and foundations directly associated with minorities. The Government Office for Equal Opportunities, which is supposed, *inter alia*, to coordinate the governmental conceptions and decisions concerning the civil society and to operate the Inter-departmental Committee for Civil Coordination, has also several tasks related to civil organizations.

The Ministry of Education and the Ministry of National Cultural Heritage also grant supports to the operation of minority civil organizations and the implementation of specific cultural and educational programs. The Ministry of Child, Youth and Sports and the Ministry of Informatics and Communications granted budgetary subsidies in the second monitoring period to the implementation of special programs and the latter to financing the programs to be implemented for the digitalization of the cultural values of minorities. (The budgetary subsidies provided by various public foundations to the implementation of the cultural programs of minority civil organizations were mentioned when analyzing Article 5.)

(3) The budgets of non-profit civil organizations, including the associations and foundations of minorities of such kind, are supplemented by 1% of the personal income tax of private individuals offered by them for these organizations.

On 23 June 2003 the Parliament adopted Act L of 2003 on the National Civil Basic Programme. The Government Office for Equal Opportunities provides for management and operation of the National Civil Basic Programme set up pursuant to this Act (hereinafter as the NCBP or Basic Programme). The NCBP will introduce a new type of system of support and tendering. The fundamental objective of the Basic Programme is to ensure stable conditions of operation for development of civil organizations. Financial sources for the NCBP are provided by the central budget. The amount of such sources is regulated by the Act referred to above. The Basic Programme will receive as much money from the budget as offered by the taxpayers to civil organizations in the preceding year. It should be emphasized that, as described in the previous paragraph, the funds offered by private individuals to civil organizations will be received by associations and foundations in the future, too, as NCBP represents an additional budgetary source. According to estimations, the Basic Programme will receive approximately 6 to 7 billion HUF in 2004. In addition to the budgetary sources, anyone may offer a smaller or larger amount for the NCBP. In such a case the grantor may take advantage of a tax allowance.

(4) Of course, the Phare ACCESS Programs coordinated by the Government Office for Equal Opportunities are available, as initiatives intended for strengthening the civil sector, also for minority social organizations and foundations, provided that they submit tenders for the projects associated with the special fields indicated in the tender documentation (protection of environment and health; social-economic development; socially disadvantaged groups) and are eligible in professional terms. From among the organizations which gained subsidies under the 2000 and 2001 Phare ACCESS programs in process, we mention Phralipe Independent Roma Organization (23,716 EUR), 'Difference' Foundation (46,894 EUR) and Asylum Association Assisting Migrants (131,820 EUR). The 2002 and 2003 Phare ACCESS programs to be invited in the near future will provide further opportunities for minority organizations because '*representation and monitoring of human rights*' will appear as a new topic in the line of subsidies, assisting, *inter alia*, the following project topics: fight against racism and xenophobia, fight against discrimination against minorities, EU civil rights in Europe.

(Further information on the Hungarian commitments undertaken set out in the Article of the Framework Convention under review is available when evaluating Articles 8 and 9.)

Article 8

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

The relations between the State and the churches are regulated in Hungary basically by the Constitution and Act IV of 1990 on the Freedom of Conscience and Religion, and on Churches which is based on it and was adopted by qualified majority (hereinafter as the Act on Churches). Taking the relevant rules of law in force into account, the Government of the Republic of Hungary declared the respect of the freedom of conscience, the religious belief of people and the guarantee for the legitimate conditions for free exercising of religious life as well as its contribution to the necessary financial conditions as stipulated by law. In order to preserve and develop the culture of minorities and to reduce its possible disadvantages, the Government relies also on the assistance of the churches in performance of the related tasks appearing in this field. (The characteristics of the ecclesiastic and denominational affiliation of the minorities in Hungary were detailed in the First State Report.)

When analyzing the Article under review, we deem it essential to highlight that the Government, while respecting the constitutional separation of the State and the churches and the autonomy of churches, endeavours to establish active partnership relations with churches.

(1) The provisions of the rules of law in force provide for the freedom of ecclesiastical and conscientious belief and the freedom of assembly and association. Pursuant to the Act on Churches, a church may be established in Hungary by at least 100 persons. Accordingly, in our opinion, there is no minority group that could not comply with this requirement. Churches, denominations, and religious communities legally registered have equal rights. Of course, the right of free religious practice can be exercised in all citizens individually, so also beyond a church and a denomination. These rights are due also to persons belonging to minority groups, both individually and collectively.

Currently there are 135 churches and religious communities operating as legal entities registered by the courts in the Republic of Hungary.

Based on the processed data of the 2001 Population Census relating to religion and denomination, the following statistical data can be summarized. (It should be stated that prior to the 2001 Population Census, general census relating to minorities was held in 1949. The data collected at that time are indicated in the First State Report.) It should be emphasized that it was not compulsory to answer the questions on the questionnaires of the 2001 Population Census which related to religious or denomination status (similarly to the questions relating to nationality and minority).

During the 2001 Population Census, from among the 10,198,315 persons, representing the inhabitants of Hungary, 9,093,982 individuals answered the question for '*religion*'. The proportion of responders was 89.17%, i.e. relatively high compared to the total inhabitants of the country, of which 7,610,613 individuals, i.e. 83.68% of the responders to the question for '*religion*', declared himself/herself to belong to a church or religious denomination. Their proportion is 74.62% compared to the number of total inhabitants. 16.3% of the responders, i.e. 1,483,089 individuals declared not to belong to a church or denomination. Their proportion in the number of total inhabitants is 14.54%. 280 individuals declared himself/herself to be atheist. (Source: KSH)

The inhabitants of the country classified themselves into some 260 churches, denominations, religious organizations or communities. Based on these data, nearly 55% of the population, almost three-fourth of the responders to the question for '*religion*' belong to the Catholic Church. 5.3 million of them are Roman Catholics and the number of Greek Catholics approximates 269 thousand. (Source: KSH)

The census figures of churches and denominations which have the most devouts are the following:

Name of church	2001
Hungarian Catholic Church	5,558,961
Hungarian Reformed Church	1,622,796
Hungarian Evangelist Church	303,864
Association of Hungarian Jewish Religious Communities	11,622
Autonomous Orthodox Community of Hungary	1,249

Source: Central Statistical Office

(2) In Hungary, the State and the churches operate separately from each other. The State is not entitled to establish any body to control and supervise churches. The State must be neutral in ideological issues. However, separation and neutrality do not preclude that the State respects the characteristics of churches which distinguish them from social organizations, associations, interest representation agencies and that it coordinates with the churches in the course of their non-profit activity and supports the operation of churches also by financial means (funds, real estates), promoting so the enforcement of their basic rights granted by the Constitution.

The non-profit activity of churches is supported by the State directly. Church schools receive also a normative supplementary support from the State, taking the number of students into account, to the extent they assume tasks from the State. This support covers almost the total costs of operation of church schools and allows the free use of services of such schools by the citizens who need church schools. In Hungary, there are several institutes of church education which directly affect (German and Slovakian) minorities.

The State budget supports also the social, health and cultural institutes of churches (performing principally public tasks). In Hodász in Szabolcs-Szatmár-Bereg County, a Greek Catholic Roma Community House is operated excellently.

The State supports reconstruction of church buildings and the construction of new church buildings. In the second monitoring period, 1,542 churches, parsonages and public church institutions were renovated, improved and constructed. In the framework of this program, for example, the Romanian Orthodox Church in Hungary gained a State subsidy of total 63 million HUF between 1999 and 2003 to carry out reconstruction works of buildings, including reconstruction of the Romanian Orthodox Chapel in Budapest and of the Cathedral and Bishopric in Gyula.

When surveying the State supports granted to the activities of churches relating to religious life, we have to emphasize that churches had an opportunity to waive their right to claim some part of their former nationalized real estates in consideration of an annuity as agreed upon with the State. The annuity paid regularly on an annual basis may be freely used by the churches for the purposes of religious life and of public character. From among the minority churches, e.g. the Serbian Orthodox Diocese of Buda can be mentioned as receiving an annuity.

Religious education by churches is also supported by the State. In 2003, 37 churches were granted such budgetary support, among others the churches of Serbian, Romanian, Bulgarian, Greek, and Russian orthodox communities and the Islam community.

The Hungarian budget provides a support also to the international activities of churches. It allows, for example, maintenance of contacts between the minority churches in Hungary and their mother-churches.

It can be considered a direct support that legally registered churches may issue a certificate to grantors, entitling them to take advantage of a tax allowance on the public-purpose grant, which must be accepted by the tax authority.

The income of priests of small settlements is supplemented by the State as agreed upon with the churches. The Government entered into such agreements with the Serbian Orthodox Diocese of Buda, the Romanian Orthodox Church in Hungary, the Orthodox Exarchatus of Constantinopolitan Patriarchate in Hungary, the Hungarian Diocese of the Russian Orthodox Church. This form of budgetary support directly affects the minority communities through their minority priests serving in small settlements.

The legal regulations for financing of churches allow the Government to assist the churches in the acquisition of the real estates required for their public-purpose activities. It provides a favourable opportunity for operation primarily of smaller churches which have a few real estates or do not have such at all.

(3) All of the large churches lay a special emphasis on the supply of minority pastorates so on performance of liturgic and spiritual activities in accordance with minority language, nationality and minority needs. These issues regularly arise in foreign policy relations maintained with the neighbouring countries and the parties continuously consult with each other. The churches who have the most devout may provide services also in the minority

languages of minority groups. The Hungarian Catholic Church holds masses in Croatian, Polish, German, Slovakian, and Slovenian languages, the Greek Catholic Diocese evangelizes in Ruthenian and Romanian languages, and the Evangelic Church provides pastorates in German and Slovakian Languages according to the devout's demands.

The Roma mission activity of the Hungarian Catholic Church, which is attended by Roma priests and secular colleagues, should be primarily highlighted. Its several ecclesiastic institutes for Roma mission operate nation-wide, well-founded also at scientific level, fostering so equal opportunities in the society, closing up, integration of communities, and finding the correct solutions in the challenges of daily life. The Greek Catholic Diocese, which organized a world meeting on Roma pastoration in July 2003, has reached prominent success in this field.

It was a considerable event in the ecclesiastical life of the Roma community that on 19 November 2003, Pope John Paul II received personally the delegation of Hungarian Roma consisting of 180 members in the Vatican. The pilgrimage was organized by the Greek Catholic Diocese.

(4) Although the Baptist Church, which belongs to smaller churches, is basically of Hungarian identity, we have to mention that it has a considerable number of devout who speak in their Romanian minority language (Kétegyháza, Magyarcsanak, Méhkerék) whose religious life in minority language is provided by that church. In the interest of the Baptist devout speaking in their Romanian minority language, the Hungarian Government suggested to the Romanian Government at bilateral Hungarian-Romanian consultations of joint minority committees that the latter should support amplification of the Baptist radio broadcasting programme '*Vocea Evangheliei*' made in Nagyvárad, Romania in Romanian language to such an extent that it could be listened to also by the Baptists who speak in Romanian and live in South-Hungary. As far as we know, the Seventh-day Adventist Church also has a few Romanian-speaking devout in Hungary.

(5) In our country, the law provides for the possibility to operate army chaplaincies and pastorates to prisons. So any individual who belongs to a minority denomination may use the appropriate ecclesiastical services in his/her minority language irrespective of his/her being in the army or in a detention facility.

(6) In Hungary, citizens may dispose over 1% of their personal income tax (hereinafter as income tax) in favour of the church indicated by them (similarly to and simultaneously with the supports offered for civil organizations). Based on the offered sum, the central budget grants additional support in favour of various churches.

The following table indicates the churches and denominations directly associated with minorities. The 2001 Population Census figures for association with a church or denomination are referred to below. In the third column (income tax per capita) we indicated the number of individuals who offered 1% of their personal income tax in 2002 in favour of the churches named below. The summary table includes also the total sum of the state budgetary support granted in HUF between 1999 and 2003.

Church, denomination	2001/capita	income per capita	1999-2003/HUF
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Serbian Orthodox Diocese of Buda	1,914	540	490,815,623
Chinese Christian Assembly in Budapest	6	59	-
Orthodox Exarchatus of Constantinopolitan Ecumenical Patriarchate in Hungary (Greek)	2,534	207	55,115,048
Gypsy Mission of Adherents to Christ	N/A	N/A	-
Gypsy Charismatic Christian Assembly 'Christ Belongs to All Nations' in Hungary	148	N/A	-
Hungarian Islam Community	3,196	256	13,747,781
Bulgarian Orthodox Church in Hungary	508	270	36,091,762
Church of Muslims in Hungary	2,581	89	210,548
Armenian Church in Hungary	766	208	10,400,451
Romanian Orthodox Church in Hungary	5,598	295	125,408,889
Hungarian Orthodox Diocese (Russian Orthodox Church)	3,502	356	98,297,694

Source: State-secretary's Office of the Prime Minister's Office in charge of Ecclesiastic Relations

We have to emphasize that in May 2003 the Government granted correction support to the churches which had received less support than earlier due to the amendment to the legal regulations for financing of churches. Such support was granted to the Serbian (10 million HUF), the Romanian (6.2 million HUF), and the Russian Orthodox Churches (3.8 million HUF) from among those associated with minorities.

(7) The settlement of real estates of churches – return of or compensation for the real estates nationalized after 1 January 1948 without compensation and built in for the purposes of religious life and of public character – concerned two churches of definitely minority nature (Serbian and Romanian Orthodox Churches) and the Diocese of the Russian Orthodox Church in Hungary which includes Russians and Greeks, as well. (As we have already mentioned, *inter alia*, the Catholic and Evangelic Churches also have minority devouts, however, it cannot be demonstrated how they are affected by the settlement of real estates so we do not deal with these churches at this point. The real estate affairs of the Baptist Church in Hungary and the Seventh-day Adventist Church could not be associated with the Romanian minority within church either.)

The Serbian Orthodox Diocese of Buda, which was among the minority churches which had possessed formerly the most significant real estate property, submitted a claim for its 39 former real estates in accordance with Act XXXII of 1991 on the Settlement of the Proprietary Status of Real Estates Owned Formerly by Churches. Until now 14 real estate-related cases (8 pecuniary compensations and 6 compensations in kind) have been settled in a total value of 439 million HUF by a Government decision and 2 real estate cases by an agreement for annuity (in a value of 848 million HUF). The annuity is supplemented by the budget. 10 claims for real estates were refused or cancelled on the ground that they were not subject to the said Act and 1 case is still pending. As of 2004, 7 real estate cases in a total value of 394 million HUF (4 pecuniary compensations and 3 compensations in kind) are still to be settled. For example, the building of the Thökölyánium Foundation, which has a prominent significance for the Serbs in Hungary, can be mentioned among partially settled cases. The case of the building intended formerly for Serbian educational purposes in Szentendre, which may be operated subsequent to the hand-over as an ecclesiastic centre, is still to be settled.

In accordance with the Act on the Settlement of the Proprietary Status of Real Estates Owned Formerly by Churches referred to in the paragraph above, the Romanian Orthodox Church in Hungary submitted a claim for 21 real estates in total, of which 13 ones were not subject to the said Act so those claims have been partly cancelled and partly refused. The cases of the remaining 8 real estates have been settled by the Government in favour of the Church. The Romanian Orthodox Church in Hungary has received compensation for 7 real estates from among those mentioned above in a value of 62 million HUF and 1 real estate has been handed over to the Church in kind.

In 1996 the Government resolved the case of real estate of the Romanian Orthodox Church in Hungary, the last case to be settled in Hungary. So its settlement was closed several years prior to that of the other churches (5 years earlier compared to the prevailing legal regulations and 15 years earlier compared to current regulations.)

The native language of majority of the members of the Diocese of the Russian Orthodox Church in Hungary (Hungarian Orthodox Administration or Hungarian Orthodox Church) is Hungarian, however, taking also its devouts whose native language is Russian and Greek and the jurisdiction of the Russian Church into account, we mention it briefly when evaluating this Article. The Church submitted 9 claims within the legitimate time limit provided for the submission of claims for church real estates, of which 2 claims were settled by a Government decision (10 million HUF) and 2 real estates were handed over to the Church by a direct agreement. The Church received a pecuniary compensation for 2 real estates (18 million HUF). Claims for 3 real estates have been cancelled or refused.

(8) In the line of the information concerning the second monitoring period and associated with the Article under review we deem it worth emphasizing that in 1999 the Orthodox Romanian Church with headquarters in Bucharest delegated a bishop to be the head of the orthodox Romanian community in Hungary which has 21 parishes. The Bishopric now established has 7 priests from Hungary and 5 missionary priests from Romania. In 2001, in Körösszakál monasteries were established for men, with 6 fraters from Romania. The Bishopric in Gyula accommodates additional 2 cloistresses from Romania. The salary of the missionary priests from Romania are covered by the Romanian State.

Article 9

1. The Parties undertake to recognise 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 Hungarian State acknowledges the minorities' right to express their opinions freely in their minority languages and allows the minority communities to have an access to mass communication means. In Hungary, functioning and operation of the minority media are

regulated and guaranteed by laws. (The frameworks of and the practical situation related to this issue were detailed in the First State Report.)

(1) The anniversary of several minority television programmes fell on the second monitoring period. The minority programmes of the Hungarian Television in Croatian, German and Serbian languages celebrated the twenty-fifth anniversary of their introduction in 2003. In relation to these events, the President of the Republic of Hungary conferred high state honours to the executive staff of the silver jubilee editorial offices. The programmes of the public-service Hungarian Television in Romanian language celebrated the 20th anniversary of their introduction in 2002 and those in Slovakian language in 2003.

(2) In the recent 5 years the minority programme structure of the public-service Hungarian Television has become wide-range. Nowadays separate television magazines are broadcast for the Roma, Croatian, German, Romanian, Serbian, and Slovakian minorities. Slovenian programmes appear on the screen biweekly and Bulgarian, Greek, Polish, Armenian, Ruthenian and Ukrainian ones share the programme time of the biweekly magazine 'Rondó'. In addition to the current programmes, there would be a great demand on a service-providing magazine programme assisting the Roma population.

Minority programmes are prepared mainly in the provinces. The Croatian and German programmes are made in Pécs and the Romanian, Serbian and Slovakian ones in Szeged. The 'Roma magazine', the 'Gypsy Forum', and the 'Rondó' are edited in Budapest and the Slovenian programme is produced in Szombathely. In the studios in the provinces, the minority columns form a part of the regional editorial offices, however, the post of a deputy studio manager is filled by the manager of a locally operating minority column. The deputy manager of the Hungarian Television's Chief Editorial Office for Regional, Minority and Foreign Affairs is responsible for minority programmes in Hungary.

The president of the Hungarian Television and the presidents of the minorities' national self-governments signed a cooperation declaration in April 2000. It is laid down in the agreement that the heads of national self-governments and the president of the Hungarian Television shall consult at least twice a year on their opinions on minority public-service television and shall analyze the position of minority programmes. The broadcasting time of minority programmes, a regularly recurring topic of such consultations, is now between 14.00 and 15.00 on workdays at terrestrial Programme 1 of the Hungarian Television. The programmes are repeated on Saturdays in the morning on satellite Programme 2. In the opinion of the minority leaders, this broadcasting time does not allow access to these programmes, via the main terrestrial transmitter which is available everywhere, for all viewers who are interested in them. In the opinion of the National Self-government of the Germans living in Hungary, 'the broadcasting time in the early afternoon is objected because practically only pensioners staying at home can watch the programmes from among those whom they are intended for'.

In connection with the problem raised also in the document containing the opinion of the Advisory Committee, we can provide you with the information that in 2003 the following average admission was measured for various minority programmes of the Hungarian Television broadcast in minority languages (by sampling nation-wide and not by the geographical areas inhabited by minorities): *Roma magazin* – 1.08%, *Roma fórum* - 0,88%, *Domovina*, Slovakian magazine – 0.55%. *Srpski Ekran*, Serbian magazine – 0.68%, *Unser Bildschirm*, German magazine – 0.48%, *Hrvatska Kronika*, Croatian magazine – 0.70%, *Ecranul nostru*, Romanian magazine – 0.39%, *Slovenski utrinki*, Slovenian magazine –

0.74%, *Rondó*, common magazine of minority groups – 0.71%, *Együtt*, documentary programme – 0.62%. Unfortunately, the admission data within minority communities are not available.

The minority leaders complained several times that the minority programmes are regularly cancelled on the occasion of national and religious holidays in the public-service Hungarian Television. The representatives of the Hungarian Television argued concerning this problem that in those days all special-interest programmes were missing.

However, it is a fact welcomed by everybody that the minority programmes are produced within the Hungarian Television, except for the Slovenian programme made in Szombathely. The difference can be explained by the fact that the Slovenians living in Hungary can be found in this region. The Hungarian Television has no regional studio in the neighbourhood so this programme cannot be attached to a regional studio. It is important that the editors of minority programmes are the members of the editorial staff of the Hungarian Television. The staff of the Gypsy, Croatian, German, Romanian, Serbian and Slovakian columns consists of 3 members each, the Slovenian staff has 2 posts, however, neither of the 2 posts in the Serbian and Slovenian editorial offices in the lack of adequate qualified persons is filled. The minority programmes of the Hungarian Television work with the same budget and their material conditions, as a whole, correspond to those of similar public-service programmes. Their budget line amounted to 165,000 HUF in 2003 for magazines with a programme time of 26 minutes. It was supplemented by the salary of internal programme makers plus the payable public charges, and the costs of technical equipment, studios and other infrastructure.

On 16 July 2003, the National Radio and Television Board (we referred to its activity when evaluating Article 6 of the Framework Convention) granted a pecuniary support to making of the minority programmes of the Hungarian Television in minority languages, through tendering, which support can be deemed as substantial.

Name of tenderer	Title of the permanent programme	Awarded subsidy
Hungarian Television	Ecranul nostru (Romanian)	HUF 9,324,195
Hungarian Television	Rondo (Bulgarian, Greek, Polish, Armenian, Ruthenian, Ukrainian)	HUF 3,159,284
Hungarian Television	Roma Magazin (Gypsy)	HUF 9,946,924
Hungarian Television	Srpski ekran (Serbian)	HUF 9,983,368
Hungarian Television	Unser Bildschirm (German)	HUF 9,884,668
Hungarian Television	Slovenski Utrinki (Slovenian)	HUF 5,842,032
Hungarian Television	Hrvatska Kronika (Croatian)	HUF 9,904,242
Hungarian Television	Domovina (Slovakian)	HUF 9,553,161

Source: National Radio and Television Board

Through the financial support of the Ministry of National Cultural Heritage and the Minorities Office and by involvement of considerable cultural sponsors from Germany, the Hungarian Television organized the Nationality Film Festival in 2001, 2002, and 2003. On the occasion of the meeting of the profession held in one of the most popular cinemas of the Hungarian capital, the most successful nationality-related film productions in the period concerned were presented.

(3) In the Hungarian Radio minority programmes have been produced for 50 years. In 2003 Croatian and Serbian programmes celebrated their semi-centennial jubilees. The said public-service institution commemorated the 45th anniversary of German programmes, the 25th anniversary of Slovakian programmes, and the 20th anniversary of Romanian programmes in the second monitoring period.

The First State Report dealt with the programmes of the Hungarian Radio in minority languages in detail. Hereby we deal with the issues that directly affect the Hungarian Radio and that are conceived in the decision of the Committee of Ministers.

We wish to mention that the broadcasting time of programmes to minorities was increased further in the second monitoring period. Prior to the period under review, the Hungarian Radio broadcast a Roma programme of 150 minutes a week, i.e. the programme time for the Roma minority was $\frac{3}{4}$ compared to the other minorities (this fact was put down also in the document containing the opinion of the Advisory Committee). Since 1 July 2003, the Roma programmes of the public service Hungarian Radio has been expanded to 570 minutes due to the take-over of 'Radio C', a private Roma radio, broadcasting in 60 minutes a day. The weekly programme time of other nationality programmes broadcast nation-wide is 210 or 30 minutes.

The programme time of the Hungarian Radio's '*Egy hazában*' programme in Hungarian language has been increased since 1999: first from 30 to 45 minutes, then to 55 minutes and, besides its regional broadcasting, it is transferred to the main national radio station, the Kossuth Radio where it can be listened to in Fridays, late in the evening.

In the second monitoring period, in order to retrain the producers of minority programmes, the Hungarian Radio organized cutter and articulation training for the editorial staff of the nationality programmes.

The Hungarian Radio receives few feedback of admission of the minority language programmes. The management of the public radio contacted the minority self-governments and asked them to give assistance in obtaining information on admission and listeners' opinion. Upon this initiative, the National Self-government of the Croats in Hungary surveyed the position of the Croatian media in Hungary with the participation of experts. The evaluation was published in an independent volume which prominently deals with the Hungarian Radio's programmes in Croatian language.

The Hungarian Radio has organized annual conferences entitled '*Egy hazában*' since 1999. The objective of the conferences is to allow each individual concerned to meet one other. The public-service radio drew up a booklet introducing 13 workshops of nationality programmes. The Hungarian Radio issued 2 CDs with the folk-music of the nationalities in Hungary.

Participation of the Hungarian Radio in creation of the musical material of ‘*Örmény legenda*’ (Armenian legend) ballet, published also on a CD, was a great and successful undertaking.

The management of the Hungarian Radio created a nationality executive post in 2002 for performing the coordination work in connection with the nationality programmes.

In order to introduce the minority culture, the public-service radio broadcast two radio programmes a month in 2003 within its very popular programme ‘*Jó éjszakát gyerekek!*’ (Good night children) in Hungarian language from the collection of fairy tales of the following minorities: Bulgarian, Gypsy, Greek, Polish, German, Armenian, Romanian, Slovakian and Ukrainian. The Croatian, Ruthenian, Serbian and Slovenian fairy tales will be broadcast in 2004.

The Hungarian Radio provides for the opportunities, defined in the Media Act as a communication of public interest and a charity notice, also to the minorities and their organizations. These programmes deal also with the events of minority cultural life and draw listeners’ attention to the minority issues. Accordingly, for example in the spring of 2002, the Hungarian Radio published the information on the 50-year jubilee concert of the Rajkó orchestra free of charge. The communications of the International Organization for Migration were broadcast two times in 2002 also free of charge. The President of the Hungarian Radio and the representatives of national self-organizations of minorities entered into an agreement on a mutually agreed programme plan through which the public-service radio provided an opportunity for the introduction of the national organizations of all minorities in the main programme time in the period preceding the local minority self-government elections in 2002.

(4) The National Radio and Television Board, considering the possibilities of the minority media for having access to the preferential frequencies as laid down in law, has provided independent broadcasting to the ‘*Radio Monoster*’ programme to be made in Szentgotthárd in Slovenian language since 2000. The radio studio is operated by the national self-government of the Slovenian minority in the framework of the Slovenian Cultural Centre.

‘*Radio C*’, a Roma private radio edited in Budapest, started to broadcast also at the frequency provided on preferential terms as stipulated in the Media Act in 2001 (see above and evaluation of Article 5). The studio which works mostly with young Roma journalists can speak to the Roma community in Budapest in twenty-four hours of the day and, because it broadcasts mainly in Hungarian, the opinion of the Roma is available also to the majority society. (We have to remark, however, that the financial resources required for continuous operation of minority private radios can be raised only with difficulty and can be ensured only by using additional resources from the State budget.)

(5) In 2003, ORTT provided assistance via tendering also to non-profit radios and televisions which perform considerable public-service tasks but are involved provisionally in difficulties for a reason or another. The total of the Board’s tender amounted to 100 million HUF in the framework of which it provided support to the studios of Radio Monoster and Radio C, too.

In the year of 2003, several national minority self-governments submitted a common application to ORTT for broadcasting the nationality programmes of the Hungarian Radio in the future at an independent Western FM frequency under the name ‘*Etno Radio*’. In the opinion of the Board, there is no possibility to cease broadcasting of nationality programmes by the Hungarian Radio as it would infringe the provisions of the Media Act. Nevertheless,

the same Act allows ORTT to entitle a non-profit company exclusively owned by a minority self-government to broadcast in a programme time not exceeding eight hours a week, without tendering, bearing the needs of the minorities in mind. We mention hereby the application in which the representatives of the German and Slovakian settlements in the neighbourhood of Budapest (Pilisvörösvár, Pilisszentiván, Piliscsaba, Solymár, Pilisborosjenő) contacted ORTT and applied for the provision of local FM frequency.

(6) From among the private radios established in the second monitoring period, we provide information on the minority-related programmes of the Hungarian Catholic Radio (hereinafter as the Catholic Radio), owing to its specific nature. The broadcasting of minority-related programmes of the Catholic Radio in the North-eastern region of the country was commenced in October 2000 and is maintained by the Chief Diocese of Eger. It is intended for both devout and non-devout, transmitting news, programmes of public interest, ecclesiastical programmes, literary works, and music, as a provider of public programmes. Its programmes made on or for the minorities are broadcast according to the above principle. The proportion of Roma minority in the said broadcasting area is very high but Slovaks are also living there and the programmes can be received also in Slovakia. Taking all the facts outlined above into account, the Catholic Radio broadcasts programmes for the Roma and in Slovakian language, both with reading the daily evangel, twice a day. The programmes in Hungarian regularly deal with and refer to the minorities. The *'Otthon a család'* programme takes the settlements of the area one by one and reports on the life of minorities, too. The *'Közélet'* (Public Life) magazine programme speaks about the work of minority self-governments. The *'Segíthetünk'* (Can we help) programme offers solutions for specific situations in life and help to Roma families.

(7) Below we provide information on issues affecting a field of the media, which became topical only in the years following the construction of the Framework Convention. We can provide you with the following information on appearance of the cultural values of the minorities in Hungary on the Internet. (The government measures facilitating the information-communication activity of the minorities in their minority language and the related supports of the Ministry of Informatics and Communication were detailed when evaluating Article 5.)

The majority of minorities live in small settlements, little villages, and disadvantaged settlements. At these places, access to the Internet by the community is created by the community houses (www.telehaz.hu). Owing to the community houses, the world is accessible even by the smallest settlements of the country.

Since the beginning of 2003, all the 13 minorities in Hungary have been provided with the opportunity to make communication through the Internet regular. As a first step, the minority written press appeared on the Internet. Owing to the Internet, the written press of minorities can be read on the World Wide Web sometimes earlier than in printed form. From among the national minority self-governments, the Bulgarian, Greek, Croatian, German, Slovakian, Slovenian, and Ukrainian self-governments launched their own home pages. Armenians, Romanians, and Poles appear through their national organizations or organizations in Budapest or in the provinces each of which has a home page on the Internet.

According to the data obtained from *'Roma community houses in Hungary'*, a research study carried out upon the order of the Minorities Office in 2001, more than half of the 78 Roma organizations had access to the Internet, often through the local self-government or another institution. Their majority used the Internet daily: they search mostly information on

resources from tenders and a number of people read the Internet news. According to the survey, 38% of the Roma community houses have electronic correspondence addresses. Nowadays the Roma community houses appear on the Internet with their own content service. We mention hereby two summarizing home pages (www.romacentrum.hu and www.romakontakt.hu) which provide information on the activity of Roma community houses. (The results of the research work on the work of Roma community houses in Hungary, their conditions of operation, and the budgetary financing of the projects serving for further development of their activity were published by the Minorities Office also as a book in 2001.)

At the end of 2003, we found 81 home pages concerning the minorities in Hungary on the Internet which were operated by the minorities in Hungary, of which 1 is Bulgarian, 25 are Gypsy, 3 are Greek, 4 are Croatian, 1 is Polish, 23 are German, 2 are Armenian, 5 are Romanian, 2 are Ruthenian, 3 are Serbian, 10 are Slovakian, 1 is Slovenian, and 1 is Ukrainian. Including further home pages concerning simultaneously more than one nationalities in Hungary, there are more than 100 minority home pages on the Internet. In the line of home pages serving for the introduction of minority-related issues as wide range as possible in the framework of the Internet information services, we can mention '*Etnonet*', a minority Internet newspaper (www.etnonet.hu) which operates as an independent newspaper. (The book '*Minorities on the Internet*' published in December 2003 on the evaluation of the Internet media of and for the minorities was mentioned in Chapter I of this State Report. Publication of the book was supported also by the Minorities Office.)

From among the Government's IT developments directly concerning the Roma minority, we can mention the creation of a central Roma database and national network in the framework of the Phare-program launched by the Minorities Office and operated currently by the Government Office for Equal Opportunities (www.romaweb.hu). The network provides for nation-wide coverage by interconnection of 8 regional sub-exchanges and additional 32 information points. (Further information on the Roma Internet network is provided when evaluating Chapter III/6 of this State Report.)

(8) The first Jewish Internet radio station in Hungary (www.sofar.hu) started its operation in December 2003 under the name '*Radio Zs*'. The programme broadcast from Budapest is produced by the Sófár Association. The Jewish radio broadcasts in Hungarian language on the network of the Hungarian Internet World Radio in 24 hours a day. This undertaking is an open, self-organized, non-profit initiative which provides a programme time for all Jewish organizations, communities and institutions operating in Hungary.

(9) In connection with the Article under review, we wish to mention that publication of the traditional printed press of the minorities was financed mostly by the Public Foundation for Minorities also in the second monitoring period, i.e. by 206 million HUF in 1999 and in 2003 by more than 280 million HUF for publication of 22 newspapers in minority languages of the 13 minorities in Hungary.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

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 endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

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.

In the Introduction of this State Report we already referred to the fact that the Republic of Hungary had been among the first states which signed the Language Charter and ratified the Framework Convention. In the years of the second monitoring period under review, concerning the Framework Convention, Hungary, in accordance with its obligations under the Language Charter, submitted the country reports on the commitments it had undertaken according to the Language Charter, in 1999 and 2002 to the Secretary General of the European Council. These reports set out in detail the language policy of the Government affecting the majorities and the enforcement of the rights of the minorities in Hungary to use their own languages.

The reports referred to in the previous paragraphs provide overall information on the performance of Hungarian commitments conceived in Articles 10, 11, 12, and 14 of the Framework Convention and affecting the rights of minorities to use their own languages.

However, we have to refer to the related opinion of the National Self-government of the Germans living in Hungary attached to this Country Report, according to which *'Articles 10 and 11 of the Framework Convention are practically unenforceable without definition of the relevant areas'*. The said national self-government solicits for establishment of a *'register of settlements'*. (We will revert to this problem when analyzing Chapter III/1 of this State Report.)

(1) In view of the opinion of the Advisory Committee, according to which Hungary has to survey the practical enforcement of the rights of use of minority languages provided by Hungary and the possible hindrances to exercising of such rights, we would like to provide information on the related research works of the Research Institute for Linguistics of the Hungarian Academy of Sciences and its programs assisting in the practical enforcement of such minority language rights.

The projects of the Research Institute for Linguistics in process between 2001 and 2004 include the research projects evaluating the possibilities of preservation of minority languages. These studies analyze the factors affecting the linguistic state of minorities in seven minority linguistic communities in Hungary (Beas, Croatian, German, Romani, Romanian, Serbian, Slovakian). They study the role of the minority and majority stereotypes which influence the linguistic processes. As a result of the research, such professional auxiliary materials are elaborated by the assistance of which the results of the research can be utilized in the practice, primarily in minority education.

The Research Institute for Linguistics of the Hungarian Academy of Sciences has compiled a strategic package applicable in the practice which can be used both by the majority and minority teachers and the parents. It will draw up an Internet information documentation on minority languages for policy-makers. Also for the purposes of every-day use, a manual will be issued, providing a practical basis for the parents and teachers issuing from autochthon and immigrant communities who live in minority, majority and joint marriage. The work intends to clear up the misbeliefs related to bilingualism, *'mixed-lingualism'*, a *'half-lingualism'*, and learning of foreign languages. A prominent research is aimed at the complex linguistic

research of Gypsy languages and Gypsy communities, specifically of the Romani and Bea languages.

In relation to the Articles of the Framework Convention under review, we are providing the following further information:

(2) Internet is one of the dynamically developing fields of enforcement of rights for use of language (the access of minorities to the Internet was outlined in detail when evaluating Article 9). Linguistic representation of the home pages created by minority communities and institutions is carried out in the following 3 forms: a) some pages are published in trilingual versions, i.e. in addition to the minority language, in Hungarian and English languages, b) others publish information, besides the minority language, also in Hungarian, and c) others communicate only in the minority language.

Approximately 20% of the home pages created by minority communities and institutions are published only in Hungarian and 80% of them in the minority language, too. We can hardly find any minority-related texts on the Internet pages which are published after translation into Gypsy dialects, e.g. Bea, Lovari. English versions, which are important for the purposes of information of the international public, are published only in one-third of these home pages due to the lack of money for translation costs. Most of the Roma-related home pages disclose information in English and, for example, Ruthenian, Slovakian, and Ukrainian home pages are published in English, too.

(3) Equality before the law is expressed by allowing the use of minority language in accordance with Subsection (2) of Section 68 of the Constitution. Act XIX of 1998 on the Criminal Procedure (hereinafter as the Criminal Procedure Act) lays down the right of use of the minority language among fundamental provisions. In the event an accused person does not know the Hungarian language, the section of the indictment relevant to that accused person must be translated into the native, regional or minority language of the accused person or, if he/she so requests, into any other language which he/she previously indicated and used in the procedure as known and must be submitted to the court in that language. Should the person whose minority language is other than Hungarian wish to use his/her native, regional or minority language during the procedure, the services of an interpreter should be used. It depends on the declaration of the person involved in the procedure what an interpreter should the authority employ. The native language use is irrespective of the fact whether the person concerned knows or speaks the Hungarian language. The right of language use extends to written declarations and to access to documents. In the course of the procedure, it should be ascertained in each case whether the person to be heard and the interpreter properly understand each other and it should be put down, for guarantee reasons, in minutes. However, not only the accused but also any other person concerned is entitled to that right. Accordingly, for example, the translated text of the summons to a trial should also be delivered to a witness who does not know the Hungarian language.

Article 11

1. The Parties undertake to recognise 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 recognise 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 Minority 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 indicated in official documents.

(1) The right of use of minority names is regulated in Law-Decree 17 of 1982 on registration, marriage procedures and name bearing (hereinafter as Registration Act). Through an amendment to the said Act in 2002, the Parliament made the use of minority names more precise. Accordingly, individuals belonging to minorities may give such first names to their children which were traditionally used within the minority community concerned.

The minority first names that can be chosen are included in the '*Register of minority first names*' edited and published by the Hungarian Academy of Sciences. The list of first names shall be compiled by the national minority self-government concerned. (The professional work for compilation of the register of first names was financed in 2003 by the financial support granted by the Minorities Office to the minority self-governments.) The national minority self-governments shall finalize the registers of minority first names at the beginning of 2004.

In the event parents belonging to a minority community intend to give a name to their children which is not indicated in the said register, the national self-government of the minority concerned is entitled to take a position whether the chosen first name is characteristic of the minority concerned and used traditionally.

By amending the Registration Act referred to above, an opportunity presented itself for marriage in the minority language if its technical conditions are met.

(2) When evaluating Article 10 of the Framework Convention, we provided information also on the research studies of the Research Institute for Linguistics of the Hungarian Academy of Sciences concerning the right of minority language use. At this point we would like to deal with the following.

The Research Institute for Linguistics investigates enforcement of minority rights, in particular the rights of minority language use (education) and the possible infringement of the related provisions of the Minority Act. (The bibliographical data of the publications made between 1999 and 2003 relating the minorities in Hungary are set out in Annex VII to this State Report.)

(3) In 2003, the Minorities Office, in order to manage the problems outlined in the document containing the opinion of the Advisory Committee on the use of minority languages by the minorities in Hungary in the public life, assigned the Research Institute of Romanians in Hungary to carry out an overall evaluation in Méhkerék, a village which can be considered a central settlement of the Romanian minority in Hungary. The research was aimed at the overall analysis of the minority language use in all fields of the settlement's life. In the settlement with 2,500 inhabitants located near the Hungarian-Romanian border, the overwhelming majority of the local inhabitants are Hungarian citizens who belong to the Romanian nationality group and whose native language is Romanian. All members of the

village's self-government and the mayor are also Romanian. Nevertheless, the individuals living in the settlement use their native language when managing public affairs more and more rarely. In the light of experts' experience, the Minorities Office intends to grant a support, in the framework of the overall program for language use, to the extension of the minority language use in the public life for all the minorities in Hungary.

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.

As it was detailed in the First State Report, in accordance with Section 68 of the Constitution of the Republic of Hungary, the acts adopted in the 1990s – Act LXV of 1990 on Local Self-governments, the Minority Act and the Public Education Act – all provide for the legal frameworks of minority education. The said legal regulations adjusted to one another, including the prevailing Budget Act, provide many-sided guarantee for the enforcement of equality of minorities before the law in the field of education.

(1) When evaluating the second monitoring period, it should be emphasized with respect to the Article of the Framework Convention under review that the system of minority self-governments more and more strongly represent the interests of the nationality group concerned in education. In addition to exercising of the rights for approval and reporting, the national minority self-governments have become real professional factors in formation of minority education and training.

(2) The Public Education Act, in accordance with the Minority Act, guarantees for all minorities the possibility to learn the native language and to learn in the native language, according to their needs and at all levels of public education. The maintaining self-government is obliged to organize the minority education and training a compulsory element of which is instruction of minority ethnography if at least eight parents request so.

(3) The amendment to the Public Education Act in 1999, i.e. in the second monitoring period, made the issues concerning qualification of pedagogues involved in minority education and training as well as the content of the educational programs and master curricula determining the tasks of minority institutions more precise. The said Act specified the powers of national minority self-governments relating to education in more detail and laid down that prior to the approval of the master curricula of minority education, the consent of the minority self-governments concerned must also be obtained.

The amended Public Education Act increased the hours of minority instruction by 10%. This limit was justified by the volume of the curriculum to be instructed.

With respect to the content of the work of educational institutions of minorities in Hungary, the following should be highlighted:

For the Croatian, German, Romanian, Serbian, Slovakian, and Slovenian minorities, in view of the traditions evolved over several decades in their communities, education is organized in

native language and bi-language nursery-schools as well as native language, bi-language and language instructing schools.

The Bulgarian, Greek, Polish, Ruthenian and Ukrainian communities have no minority schools, however, each of them has an institution of education. Although the Public Education Act allows all of them to choose any form of education, they develop their native language skills mostly in so-called ‘*Sunday schools*’, i.e. within the framework of an activity beyond the system of public education. For these communities, apart from some exceptions, the organization of education started subsequent to the adoption of the Minority Act and its professional and staff conditions have evolved gradually. Furthermore, these minorities are characterized by the low number and high scattering of inhabitants. Accordingly, the amended Public Education Act (Subsection (5) of Section 86) provides for the opportunity of organization of a new form of education, the *supplementary minority education*. This form of education provides the organization of education within the school system even for the minorities which have no school system. Its great advantage is that school studies can be proved by a certificate and it entitles to pass basic education and G.C.E. exams and to postgraduate studies. Furthermore, this form of education allows the postgraduate students who continue their studies in non-minority secondary grammar-schools to complete also their minority studies parallel to their secondary school studies.

(4) In the second monitoring period under review, the basic documents of minority education were elaborated. Depending on the different characteristics of individual minorities, education in native language can be developed at a different pace.

For the minorities which have institutions of education, the master curricula for native language and literature as well as ethnography have been issued. The master curricula were revised in 2003. The working materials for the requirements for teaching Roma languages, such as Bea and Romani, have been elaborated, however, their finalization requires further professional consultation.

From among the minorities which had no educational institutions previously, the general education requirements for Bulgarian, Greek and Ruthenian language and literature as well as ethnography have been elaborated. Based on these requirements, the conditions for the transfer of their native language instruction into the public education system can be created also for these minorities.

In cooperation with the national minority self-governments, the general and specific G.C.E. requirements for minority language and literature as well as minority ethnography have also been elaborated and published.

(5) By signing the Framework Convention, Hungary undertook to take efficient measures to foster mutual knowledge of the culture, history, language and religion of both the minorities and the majority. This undertaking is represented also in Section 48 of the Public Education Act, however, in the opinion of the Ministry of Education, these commitments were hardly implemented previously with respect to the Roma population. Therefore, the Ministry of Education amended, *inter alia*, the former Decree on the detailed requirements for G.E.C. examination, introducing so the requirements for instructing the culture, past and present of the Roma minority in subjects such as history, literature and grammar.

(6) In the opinion of the Ministry of Education, the apprehending the socially disadvantaged position from an ethnic aspect is a mistaken approach since pupils and children might be in a socially disadvantaged position irrespective of their national and ethnic status. Therefore, minority education is not responsible for the school progress of socially disadvantaged children. The Ministry of Education mentioned also the problem that '*closing up*' could give rise to classification and segregation of children into special classes and groups. The Ministerial Decree on the issue of guidelines of nursery-school training and school education of minorities was amended recently in the light of the aforesaid. As a result, the responsibilities for assistance in school progress (closing up, assisting school progress etc.) have been removed from the scope of tasks of minority education.

As we have already mentioned in this State Report, in September 2003 several provisions of the Public Education Act were amended. (The amendments to provisions of the Public Education Act relating to improving preciseness of the rights of minority self-governments for establishing and taking over institutions will be specified when evaluating Article 13 of the Framework Convention.)

In the course of amendment of the Public Education Act and in accordance with paragraph 3 of Article 12 of the Framework Convention, the said Act was supplemented by several anti-discrimination elements (the text of the paragraphs concerned are set out in Annexes I and II of this State Report).

A considerable part of these amendments were made with a view to integrate socially disadvantaged children and pupils. (The Public Education Act dealt with the prohibition of discrimination always as a prominent issue. According to the basic principles of the Act, any discrimination in public education on any ground, so in particular on the grounds of race, gender, religion, national or ethnic status, political or other belief, national, ethnic or social origin, financial or earnings position as well as the maintainer of the institution of training-education, is prohibited.)

The amendments render assistance to schools and self-governments to find such solutions in the organization of education, which are legal and serve for the harmonious cooperation of all the parties concerned.

When amending the legal regulations, the Ministry of Education considered also the experience gained from the cases of discrimination occurred in recent years (separate farewell ceremony in Tiszavasvári, separate dining in Bogács, full isolation of Roma children in Pátka in a division with special curriculum and their dining in separate premises). Discrimination manifested itself mostly in separation of Roma pupils in groups instructed at a lower level, which was characteristic in a wide range, as ascertained by the Ministry of Education. According to the Ministry's data, in 2000 more than 700 separated Roma classes were operated in Hungary in the normal divisions of primary schools.

Pursuant to the amended provision (Section 6) of the Public Education Act, the age limit for compulsory school attendance will be increased. It is a well-known fact that one of the main problems of socially disadvantaged strata is the early removal from the school system. The requirements for declaration of a child to be a private pupil will expectedly be made more rigorous (Section 7). This provision is aimed at preventing the early removal of the most disadvantaged young people from public education. In the said Act a new definition has appeared, i.e. '*claim for special training*' (Section 30) by which we will prepare, from the

point of view of socially disadvantaged pupils or students, for revising the current system of declaration of a pupil or student as deficient.

(7) The supply of handbooks required for native language and minority education is an essential element of and condition for minority education. In the first phase of elaboration of handbooks, the Ministry of Education invited a multi-round tender for the making of handbooks for ethnography. As a result of this project, the majority of handbooks have been finished, except for those for which no projects had been received in lack of an eligible author. The program for the development of these handbooks was elaborated subsequent to the revision of the handbooks for minority languages and literature and with the participation of the experts proposed by national minority self-governments. In 2001 the Ministry of Education invited handbook publishers to submit offers for the edition of some 100 handbooks. With the participation and consent of the schools concerned and of the minority self-governments, the plan for elaboration of handbooks needed for teaching common subjects in minority languages has also been elaborated. For the elimination of provisional shortage, the Ministry of Education will import handbooks from the mother countries of the minorities according to the demand of national minority self-governments.

(8) The guidelines referred to above and the associated requirements regulate the content of minority education up to the 10th class of schools. Taking the elaborated master curricula and the requirements for G.E.C. examinations into account, it can be ascertained that the structure and content of minority secondary education are organically built on primary education in accordance with the same principles.

(9) Section 11 of Act XLVI on the Statistics provides for the implementation of the National Program for Collection of Statistical Data (OSAP) in the framework of which annual statistics of education are drawn up each year in October, based on the data compulsorily supplied by institutions of education. Subsequent to the processing of such data, they shall be disclosed by the Ministry of Education in publications. Below you can find the tables summarizing the number of pupils and students attending minority education based on these statistics.

Number of children in minority nursery-schools (1999/2000 school-year)

	Number of nursery-schools	Number of children in minority language nursery-schools	Number of children in bilingual nursery-schools	Total
German	263	1,488	12,653	14,141
Slovakian	73	103	2,947	3,050
Croatian	37	253	1,135	1,388
Romanian	14	130	417	547
Serbian	9	87	94	181
Slovenian	5	0	112	112
Total	401	2,061	17,358	19,419

Source: Ministry of Education

Number of pupils in minority primary schools (1999/2000 school-year)

	Number	Number of pupils	Number of pupils	Number of pupils

	of schools	in minority language schools	in bilingual schools	in language instruction schools	Total
German	284	758	4,911	40,585	46,254
Slovakian	59	92	658	3,674	4,424
Croatian	34	319	0	2,207	2,526
Romanian	14	427	188	583	1,198
Slovenian	4	0	22	94	116
Serbian	11	164	0	111	275
Greek	2	0	0	83	83
Total	408	1,760	5,779	47,337	54,876

Number of students in minority secondary schools (1999/2000 school-year)

	Number of institutions		Number of students in secondary grammar-schools		Number of students in specialized secondary schools		Total
	minority language, bilingual	lang. instr.	minority language, bilingual	language instr.	minority language, bilingual	language instr.	
German	4	9	1,007	692	122	157	1,978
Slovakian	2		105		13		118
Croatian	2		219				219
Romanian	1	2	129	128			257
Serbian	1		126				126
Slovenian		1		9			9
Roma		1		118			118
Total	10	13	1,586	947	135	157	2,825

Number of children and students in institutions of minority education between 2001-2003

	School-year	Number in nursery-schools	Number in prim. schools	Number in sec. gram. schools	Number in spec. sec. schools	Number in institutions of higher education
Croatian	2001/02	1,80	1,527	179	...	98
	2002/03	1,161	2,033	163	56	96
German	2001/02	13,423	39,692	2,685	601	167
	2002/03	13,333	41,026	2,302	643	163
Romanian	2001/02	495	824	177	...	107
	2002/03	425	1,047	193	...	94
Serbian	2001/02	370	476	110	...	68
	2002/03	236	274	106	...	59
Slovakian	2001/02	1,960	3,269	127	33	165
	2002/03	2,783	3,642	117	21	137
Slovenian	2001/02	312	251	12	...	4
	2002/03	74	94	12	...	6

Source: Ministry of Education

In Hungary, 36 secondary schools deal with instruction of minority languages, of which 2 schools instruct in a specific language (Slovakian, Serbian), 16 are bilingual minority

secondary grammar schools (12 German, 2 Croatian, 1 Romanian, 1 Slovakian). Minority languages are instructed (as a foreign language) in further 8 secondary grammar schools (7 German, 1 Slovenian), 7 secondary specialized schools (5 German, 1 Romanian, 1 Slovakian), and 3 vocational schools (1 Croatian, 1 German, 1 Romanian). Roma minority education, instruction is carried out in 14 secondary schools, of which 2 are secondary grammar schools, 2 are secondary specialized schools, 7 are vocational schools, and 3 are specialized vocational schools.

In relation to the statistical data for nursery-schools and schools instructing in minority languages, the National Self-government of the Germans living in Hungary took the opinion that they were *'deceiving'* because instruction of the German language as a foreign language reflects the interest of a relatively wide circle of the society interested in a foreign language and not only the actual figures of minority instruction. According to their experience, *'unreal data are attributable to the too general nature of questionnaires'*.

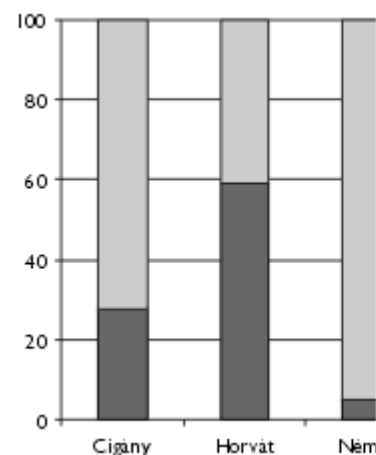
According to the data published in 'Report on the Hungarian Public Education, 2003', the percentage of the pupils in the 5th and 8th classes of nationality primary schools, who undertake their identity and declare themselves as speaking a specific minority language, can be summarized in the following diagram in the 1999/2000 school-year as follows (%):

Source: National Institute of Public Education

The change in the number of primary school pupils in minority education according to minority languages, between 1990/91 and 2001/02

Language	1990/91	1995/96	1997/98	1999/00	2001/02
Croatian*	3,870	2,657	2,476	2,526	1,527
German	33,550	41,029	44,338	46,254	39,692
Romanian	961	1,041	1,127	1,198	824
Serbian*		281	227	275	476
Slovakian	5,879	4,317	4,409	4,424	3,269
Slovenian	235	116	120	116	251
Total	44,495	49,441	52,697	54,793	46,039

Source: Statistics on education of ME



* In 1990/1991, Croatian and Serbian instruction was not yet separated and the number of pupils was indicated in the table for the Croatian language

We provide information on further statistical data on the minority education, by using the data disclosed in ‘Report on the Hungarian Public Education, 2003’ of the National Institute of Public Education, in Annex XIII to this State Report.

(10) Minority education and training include well-separable extra tasks. For performing these tasks, the prevailing Act on Budget grants supplementary supports also to maintainers, in addition to the benefits due to each pupil. The amount of the supplementary support was increasing from year to year in the second monitoring period. The central budget assisted minority nursery-school training and school instruction in minority languages by a normative – supplementary – support.

Year	Number	Support (HUF)
2001	150,939	4,738,000,000
2002	156,177	5,604,000,000
2003	117,115	5,717,000,000

Source: Ministry of the Interior

The extra support stimulated the development of the bilingual and complete minority education at a higher level. (In 2001, the support amounted to HUF 43,500 per pupil in education in minority languages and in bilingual minority education and to HUF 29,000 per capita in minority nursery-school training and language instruction as well as in Roma minority training-education. The supports amounted to HUF 49,500 and HUF 33,000 in 2002 and HUF 66,000 and HUF 44,000 in 2003, respectively.)

In the second monitoring period, in the field of financing minority schools, the problems appeared typically in the maintenance of institutions with a low number of pupils and students. Subsequent to various experiments (small-school norms, intervention line), the solution was found by the Act on Budget of 2000. According to the regulations, local governments of settlements may take advantage of the double amount of the so-called small-community norms, provided to settlements with inhabitants below 1,100, 3,000 and 3,500, provided that they maintain institutions of minority education and training.

In addition to these supports, a further appropriation (320 million HUF in 2001, 340 million HUF in 2002, and 340 million HUF in 2003) could be utilized as a supplementary support, through tenders for the maintenance of minority nursery-schools and schools.

In 2004, according to the limit figures of the state budget, the basic norm of education due to self-governments will increase by 5% on the average. Supplementary norms – such as those for language instruction, bilingual schools, small communities – show a further increase between 1% and 15% compared to the support in the previous year.

(11) In the second monitoring period, the series of investments of the Gandhi Secondary Grammar School and College in Pécs (2002) and the construction of the College of the German-Hungarian School Centre as well as the full reconstruction and enlargement of the Slovakian Primary School, Nursery-school and Dormitory in Szarvas (2003) were accomplished.

The development project relating to the college rooms, announced by the Ministry of Education for the successful primary and secondary education of socially disadvantaged

young Roma people, had been accomplished by September 2001. As a result of the project, 16 colleges were provided with rooms in September 2001, which can accommodate 287 socially disadvantaged Roma students. According to the tender invitation, these rooms may be occupied for at least ten years only by socially disadvantaged Roma students.

(12) The system of scholarship is destined for promoting the participation of young Roma people in secondary and higher education. Until 2001, scholarships were been granted by the Public Foundation for Minorities and the Public Foundation for Roma. In the second monitoring period, the system of scholarship provided by the Public Foundation for Roma showed a fairly dynamic development from primary school instruction through secondary education to higher education (these issues are mentioned also when evaluating Article 5).

The Ministry of Education grants subsidies to the studies of young Roma students who participate in cost-refund training and in preparatory courses for university admission. The Ministry of Education supported the cost-refund studies of 396 Roma students by 20.1 million HUF in total in 2001, 459 Roma students received a support amounting to HUF 26,176 in 2002, and 293 Roma university students received a support of 13.89 million HUF on the aggregate in the first half of 2003 (the system of supporting the university and college studies of minorities by state scholarships was mentioned also when evaluating Article 5).

(13) In connection with the information related to the Article under review, we refer also to a measure which was taken in the second monitoring period but which will have an effect only in the future.

As from 2005, a positive discriminative treatment will be introduced in higher education by amending Government Decree 269/2000. (XII. 26.) Korm. From that date, only those socially disadvantaged applicants will be admitted to higher basic education, up to 20% of the standard number of the institute concerned, who reach 80% of the score limit defined in the state-financed faculty or faculty pairs concerned. This advantage may be used by any disadvantaged applicant who was a child under state care or who received a regular benefit for child protection in the course of his/her secondary school studies and the parents exercising legitimate supervision have completed their studies in the 8th class of the school.

(14) In the Hungarian higher education, teachers instructing minority language and literature, minority teachers and nursery-school pedagogues are trained. In the Second Monitoring Period, the accreditation of programs of independent minority departments or department groups in various institutions of higher education of the country was accomplished. The training work is assisted in most minority departments by a lector from the mother country in accordance with bilateral international treaties.

Minority training can be characterized, with the exception of the German linguistic area, by the low number of students and therefore by specific costs higher than the average. In the framework of the normative financing of higher education, as from 2002 we have succeeded to achieve classification of minority language departments into a higher financing category and as from 2003 a new norm has been available. This provision mitigates the operating difficulties of minority departments and department classes with a low staff number, however, it means no final solution. In 2003, the Ministry of Education, in the framework of an invited tender, provided an excess support amounting to 110 million HUF to the operation of departments dealing with the training of minority pedagogues and romology as well as to

elaboration of the programs serving for the preparation of pedagogues, who instruct special subjects in a minority language and in the special methodology.

We emphasize that in many institutions of higher education, the instruction of romology has been introduced in the framework of programs of departments or special colleges or of independent programs. The activity of the Romology Department organized at the Faculty of Arts of the University of Pécs, which joined the retraining of pedagogues teaching Roma children and research studies assisting in the Roma minority training in recent years besides the instruction of teachers, deserves special attention.

Government Decree 1073/2001. (VII.13.) Korm. provides for supporting the retraining courses organized in the framework of higher education for pedagogues participating in Roma education.

The high-level minority language and bilingual minority education requires pedagogues who have a good command in the special language of their special subject. Therefore, the creation of the conditions required for training of pedagogues who instruct common subjects in minority languages, both in basic training and retraining, will be a significant task of the next period. (The list of institutions for minority pedagogue training is set out in Annex X to this State Report.)

(15) Pursuant to bilateral intergovernmental agreements, the members of minority groups in Hungary have an opportunity to take advantage of a Hungarian state scholarship for studying in higher education in the mother country and for acquiring a doctorate, in addition to studying in Hungary. For some minorities (Croatian, Romania, Serbian, Slovakian) special opportunities allowing higher studies are offered also by their mother country.

Pursuant to Subsection (2) of Section 8 of Government Decree 147/2002. (VI.29.) Korm., the applications for foreign scholarships laid down in bilateral intergovernmental agreements on cooperation in education are announced by the Hungarian Scholarships Committee. Such scholarships are granted by the Minister of Education. Hungarian state scholars may pursue their studies abroad within the framework of a study contract to be concluded with them. A Hungarian scholarship may be granted for studies abroad to an applicant who has successfully passed an admission examination in Hungary or has successfully completed an academic year at the full-time faculty of the higher education institute of the receiving country he/she had chosen.

When evaluating the applicants for higher Hungarian state scholarships in the mother countries of minorities in Hungary, the minority applications will be given preference in the case of equal results.

The scholarship shall be paid for a period of 5 or 6 years at the full-time faculty. For students receiving Hungarian state scholarship and studying in Romania, Slovakia and Ukraine, the scholarship is paid by the Hungarian State and the receiving party provides accommodation for Hungarian scholars in colleges with the same terms of payment as applied to their own citizens. Pursuant to bilateral agreements, scholarships are paid by the receiving party in Croatia, Serbia, and Slovenia, on a mutual basis, and it provides accommodation for students in hostels. The Hungarian State refunds the travelling costs for its scholars.

List of the number of students participating in higher basic education under scholarship (the figures for limits indicate the number of new scholarships that can be granted in the year concerned and the number of all Hungarian state scholars studying in various classes are shown under the relevant year):

Country	Limit (persons/year)	1999	2000	2001	2002	2003
Croatia	15	13	15	11	12	11
Romania	5	21	22	26	24	19
Slovakia	10	8	11	4	2	1
Slovenia	6	3	5	4	4	2
Ukraine	5	-	-	2	2	1

Source: Hungarian Scholarships Committee

In the framework of the Hungarian state scholarship system, a study support may be granted also for taking abroad a doctoral (PHD) degree. The period of training is 3 years at the full-time faculty. (As from 2004, 2 candidates for a doctoral degree can be delegated annually also to Croatia).

Country	Limit (persons/year)	1999	2000	2001	2002	2003
Romania	5	6	6	10	10	9
Slovakia	5	-	1	3	3	2

Source: Hungarian Scholarships Committee

In the framework of the Hungarian state scholarship system, students studying a language and being Hungarian citizens may apply for partial training in the institutes of higher education of our neighbouring countries who study the language of the receiving country at a university or college full-time faculty in Hungary. The period of the partial training is 5 months. The following table shows the figures relating to the Hungarian state scholars receiving partial training.

As it is indicated in the following table and according to bilateral agreements, there are 30 students in Hungary each year who are entitled to receive a scholarship required for a higher education partial training in Romania and to an opportunity to study in Romania. However, according to the information provided by the Office of Hungarian Scholarships Committee, there were no Hungarian student applying for higher partial training in Romania between 1999 and 2003.

Country	Limit (persons/year)	1999	2000	2001	2002	2003
Croatia	11	8	9	11	11	7
Romania	30	-	-	-	-	-
Slovakia	70	49	29	25	12	8
Slovenia	2	-	2	-	1	3
Ukraine	30	4	1	-	1	3

Source: Hungarian Scholarships Committee

According to bilateral treaties, the Hungarian State finances also short-term study tours organized in the mother countries of minorities. The scholarship may be applied for by individuals who work in a minority special field and have acquired a university or academic

degree. In some cases (Slovenia, Slovakia) the applications are invited definitely for the participation of minority language teachers in postgraduate training in summer university in the mother country. The scholarships are provided by the partner ministry of the receiving country and the travelling costs are covered by the Hungarian budget.

Country	Limit (persons/year)	2000	2001	2002	2003
Croatia	8-10	7	8	6	6
Romania	15-25	3	7	8	7
Slovakia	19	12	16	18	16
Slovenia	32	4	6	5	4

Source: Hungarian Scholarships Committee

(16) The figures for supports granted by the Ministry of Education in 2003 through tenders for implementation of minority pedagogue retraining in an accreditation system are summarized in the table below:

2002		
Minority	Number of successful applications	Amount of support (HUF)
Roma	14	8,850,000
German	4	1,460,000
Slovakian	3	1,500,000
Romanian	1	400,000
Total	22	12,210,000

2003		
Minority	Number of successful applications	Amount of support (HUF)
Roma	6	5,200,000
German	7	6,174,000
Slovakian	4	2,130,000
Serbian	1	1,000,000
Polish	1	175,000
Total	22	14,679,000

Source: Ministry of Education

(17) The Ministry of Education grants a support, accessible for anybody, through a public tender, also for research studies assisting minority education. In 2001, the tender was won by offers assisting in the introduction of new instruction documents and training of minority ethnography and the research studies in minority languages enjoyed priority.

(18) In the second monitoring period the Office for Immigration and Nationality Affairs and its territorial bodies of the Ministry of the Interior were set up. The network of institution referred to above plays an important role in maintaining relations between the minorities and their mother countries. This role should be highlighted with respect to the implementation of the provisions of Article 12 under review (and of Article 13) whereby language teachers and language lecturers arrived in Hungary from the neighbouring countries for the purposes of instruction of minorities in their minority languages and fostering their religion and culture. Acceleration of the procedure for permitting of such experts' residence in Hungary greatly facilitates the maintenance of relations between the minorities and their mother countries.

Article 13

1. Within the framework of their education systems, the Parties shall recognise 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.

The Minority Act acknowledges as a community right of those concerned to initiate to create conditions for the system of nursery-school training, primary, secondary and higher education of the minority language or in the minority language (in the native language and in Hungarian) and to establish within legal frameworks their own network of national training, educational, cultural and scientific institutions.

The national minority self-governments raise the question of taking over public education institutions in the framework of the minority cultural autonomy more and more frequently. The legal frameworks thereof were extended further by amendment to the Public Education Act in 2003. (In our First State Report we described the system of institutions of minority education in detail. In this State Report we inform about the second monitoring period.)

(1) Simultaneously with the amendment to the Public Education Act in 2003, Section 47 of the Minority Act was also amended. The essence of that amendment is to define the conditions of assigning, receiving and maintaining the right for operation of institutions of minority education.

Accordingly, maintenance of institutions of minority education with local enrolment can be taken over under a public education agreement with the maintainer also by local and national minority self-governments in the future, too. However, a new factor is that national minority self-governments enter into an agreement on the take-over of a school or college in charge of regional or national tasks with the Minister of Education. This provision must be applied also to schools and colleges performing district tasks if those schools or colleges cannot perform national or regional tasks due to the location of the individuals belonging to a minority within the country. The regulations provide a guarantee for granting the resources required for maintenance of the institutions. The minority self-governments maintaining a public education institution may apply for the supports subject to the Act on Budget and may participate in all tenders invited for local self-governments by the same virtue and on the same conditions as the local self-governments. The real estates and movable property serving for

such tasks should be put into free use by the minority self-governments which operate the educational institution concerned.

In the second monitoring period, the National Self-government of the Germans living in Hungary and the National Self-government of the Croats living in Hungary took over and established a new institution of minority education, respectively. In December 2003, the National Slovak Self-government announced, in accordance with the provisions of the amended Public Education Act, its intention to take over the Slovakian Primary School, Nursery-school and Dormitory in Szarvas as of 1 July 2004.

With a view to implement the efforts serving for the cultural autonomy of minorities and to operate the new institutions taken over in own management or established by the national minority self-governments, the Government provided substantial budgetary resources as of 2003. Such resources are managed by the Minorities Office (the related detailed information is provided among that concerning Article 5).

(2) Considering the proposals raised in the opinion of the Advisory Committee, we provide information also on the following facts:

In the autumn of 2003, an agreement was made on the foundation of a 12-class bilingual Chinese-Hungarian school in Budapest. The said school, which will start its operation in September 2004, will provide an opportunity for the children of Chinese families living provisionally or permanently in Hungary. The Hungarian Government contributes to establishment of the said institution by providing the building.

Article 14

1. The Parties undertake to recognise 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 referred to in paragraph 1 of Article 14 of the Framework Convention is included in the Minority Act and the operation of the related network of institutions was described when evaluating Article 12.

(1) The frameworks of instruction in the native language or of the native language are laid down in the Public Education Act, too. Upon ratification of the Language Charter, Hungary undertook the commitments related to training with respect to the six languages (German, Slovakian, Slovenian, Croatian, Serbian and Romanian) listed in the confirmation.

Upon ratification of the Language Charter, Hungary did not undertake a commitment to instruct the Romani and Beas languages. However, in recent times a larger and larger demand has arisen on the extension of these commitments to the Romani and Beas languages and the revision of feasibility of these real demands has been closed with a favourable result. The Ministry of Education created an opportunity for actual integration of instruction of the Romani and Beas languages into school education. This theme was set out in detail when evaluating Article 6. We would like to emphasize at this point that while previously there were only 3 public education institutions in which Roma children could learn their Romani

minority language, owing to the amendments, instruction of the Romani language was started in September 2003 in the following settlements: Tarnaörs, Tiszabő, Csobánka, Húgyag, Nagyecsed, Nagyrábé, Jászapáti, and Sárkeresztúr. The Beá language has been instructed since September 2003 in the primary schools of the following settlements: Csapi, Gyulaj, Darány, Magyarmecske, Gilvánfa, Kétújfalú, Vásárosdomb, Gödre, Tereske, Nagyharsány, and Barcs.

(2) We provided information on the new form of education providing a solution also for the minorities which have no institutions of public education, i.e. the opportunity for organization of supplementary minority native language instruction when evaluating Article 12 of the Framework Convention.

(3) In December 2001, the Parliament adopted Act CI of 2001 on Adult Training, which provides for the legal frameworks of implementation of adult training or retraining, if such demand arises, in regional or minority languages.

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.

The scope of authority and responsibility of the local and national minority self-governments, the new form of representation in international protection of minorities of primary importance for the purposes of implementation of the requirements set out in this Article and established by codification of the Minority Act were described in detail in our First State Report.

The related changes as well as the results and experience of the minority self-government elections held in 2002 and 2003 are set out in detail in Chapter III/1 of this State Report covering the second monitoring period.

(1) The support of local minority self-governments from the central budget for operating purposes is regulated by the Parliament in the Act on Budget for the relevant year. The supports granted in the recent 3 years for this purpose can be summarized in the following table:

Year	Number of local minority self-governments	Subsidy (HUF)
2001	1,326	829,300,000
2002	Cycle change 20 October 2002	900,000,000
2003	1,840	1,263,500,000

Source: Ministry of the Interior

The national minority self-governments received the following direct supports for operating purposes between 2001 and 2003. (Self-governments may receive support from various additional resources, simultaneously with the support for operation shown below. In this respect, the line of support provided by the Public Foundation for Minorities exceeding half billion HUF per annum, which was described in detail when evaluating Article 5, should be underlined.)

Operational subsidy/year/million HUF	2001	2002	2003
Bulgarian National Self-government	22.0	24.2	34.3

National Roma Self-government	171.2	188.3	214.9
Greek National Self-government	21.2	23.3	33.3
National Croatian Self-government	63.3	69.7	84.4
National Polish Minority Self-government	21.1	23.3	33.3
National Self-government of the Germans living in Hungary	125.8	143.5	165.6
National Armenian Self-government	21.2	23.3	33.3
National Self-government of the Romanians living in Hungary	33.5	36.9	48.3
National Ruthenian Minority Self-government	16.1	17.7	27.2
Serbian National Self-government	31.1	34.2	45.3
National Slovakian Self-government	64.0	70.4	85.1
National Slovenian Self-government	25.0	27.5	38.0
National Ukrainian Self-government	16.1	17.7	27.2
Total:	631.3	700	870.2

Source: Minorities Office

(2) In connection with the enforcement of the participation rights of minorities on a national level we can provide you with the following information:

Since the establishment of representation by minority self-governments in 1995, the system of meetings between the presidents of national self-governments and the highest executive of the Government has been established gradually.

On 6 June 2002, the Prime Minister of the Government, taking up his post following the latest Parliamentary elections, met the presidents of national minority self-governments. At this meeting, the Prime Minister promised to hold meetings annually for the purposes of continuous dialogue with the leaders of minorities and half-yearly meetings of the presidents of minority self-governments with the ministers in charge of individual specific fields in order to promote the consultation in professional issues belonging to the scope of responsibility of individual ministries. Such meetings are organized with a view to involve the representatives of self-governments in the preparation of the legal regulations directly affecting the minorities.

Apart from the meetings of the Ministers and the presidents of national minority self-governments, maintenance of relations with the minorities has been established in the practices of three ministries in an institutional form. In the Ministry of Education the National Committee of Minorities, established according to the Public Education Act, has been operating for the longest time from among those institutions. The National Committee of Minorities, apart from being a decision-preparing, reporting and recommending body of the Minister for issues of public education-policy in the educational affairs of minorities, has also a right of approval in this field. The National Committee of Minorities is a body operating as a board in which the national self-governments of each minority delegates a member.

The organizational frameworks of maintenance of relations for the self-governments of minorities have been set up also by the Ministry of Informatics and Communications (hereinafter as MIC). The MIC defined cooperation with minorities, preservation of their language and culture as well as promotion of their integration into the information society as significant tasks. In accordance with the aforesaid, the Ministry concluded a cooperation

agreement with the national self-governments of minorities in December 2002 as a result of which the Information Technology College for National Minorities (hereinafter as the College) has been established. The College is a board supposed to prepare decisions, to give advice, to make recommendations and opinion, and to assist working relations in information and communication affairs affecting the minorities, the members of which are the Political State-Secretary of the MIC, the Minister's personal private secretary, the individuals delegated and authorized by the national self-governments, and the representatives of the ministries interested in implementation of the Government's minority policy. At the meetings of the College, the MIC informs the national minority self-governments of its prominent initiatives as well as the current issues of the information society and international cooperation related to EU integration. In the course of planning and setting up the project systems for supporting purposes and the utilization of project funds, the MIC will consult with the minorities.

The Ministry of National Cultural Heritage started to set up a similar advising – reporting organization in the middle of 2003, as well. The Minority Cultural Council so established is responsible for coordination of the cooperation between the Ministry and the national minority self-governments, for mutual conveying of the needs and interests related to minority culture, and for the survey of the possibilities of cooperation.

In view of the fact that Subsection (1) of Section 38 of the Minority Act authorizes national self-governments to express their opinions on the bills concerning the minorities they represent in such a capacity, the Ministry of Finance will organize annual consultations – in the period of planning of the budget – for the presidents of national minority self-governments.

(3) In addition to the forms of cooperation listed above, in several cases a bilateral cooperation evolves between the ministries concerned and the national self-government of a specific minority, even in an institutionalized form. The most well-known example for this is the system of agreements between the National Roma Self-government and several ministries – such as the Ministry of Agriculture and Rural Development, the Ministry of Health, Social and Family Affairs, the Ministry of Education, etc. The cooperation agreement concluded by the Ministry of Employment and Labour Affairs and the National Roma Self-government on 11 December 2003 on the management of Roma-related labour tensions can be highlighted among these agreements. The ministry concerned undertook to organize regular conferences for evaluation of the programs by regions. In addition, the Ministry of Labour Affairs undertakes to draw up informative methodology booklets annually for Roma organizations and Roma minority self-governments. The parties shall evaluate implementation of the objectives and tasks set out in the cooperation agreement until 31 May each year. The cooperation agreement was signed by the Minister of Employment and Labour Affairs and the president of the National Roma Self-government.

Further mechanisms of consultation specially related to the Roma minority are set out in detail in Chapter III/6 of this State Report. In relation to this Article, we intend to set forth the following:

(4) In the period of preparation of Hungary's accession to the European Union, the Government deems it essential to be acquainted with the opinions of minorities also in fields such as the implementation of the National Development Plan (hereinafter as NDP) or utilization of Phare and/or EU supports, also for the reason that partnership is one of the most

significant basic principles of Structural Funds. In accordance with Article 8 of Regulation 1260/1999/EC on Structural Funds, the principle of partnership shall extend to the preparation, financing (implementation), monitoring and evaluation of Community supports. The Office for National Development Plan and EU Supports (hereinafter as ONDP) operating within the framework of the Prime Minister's Office, which has been functioning since 1 January 2004 as a public administration institution with the national authority named as National Development Office (hereinafter as NDO), is responsible for the coordination of the European and national development plans and preparation of Hungary's strategic development plan.

In the course of compilation of the National Development Plan, ONDP enforced the principle of partnership so that social partners were given a prominent role in preparation of and reporting on the NDP. Nevertheless, the consultation process played an important role in allowing for the information activity and publicity connected with Structural Funds. (Detailed information on partnership is available on the Internet on www.nfh.hu home page.)

Social partners are potential subjects of both benefits and supports. For their purposes, participation in preparation of the National Development Plan is the first phase of preparation for the receipt of Structural Funds (hereinafter as SF). In this phase, 15 Roma civil organizations were requested to take part in the consultation on the strategy of the National Development Plan.

For further widening of the institutional frameworks of cooperation, the Office for National Development Plan and EU Supports and the National Roma Self-government entered into a cooperation agreement on 23 September 2003.

In the phase of monitoring and evaluation, Roma organizations take part in the follow-up of the receipt of SFs as full members of all the monitoring committees. The Foundation for Educated Roma Youth, the National Organization of Roma Graduates, and the National Council for Roma Affairs each delegated one representative in individual monitoring committees.

On 11 December 2003, the Ministry of Employment and Labour Affairs and the National Roma Self-government entered into an agreement on the management of the Roma-related labour tensions. The said Ministry agreed to organize regular conferences on the evaluation of the programs by regions. The Ministry of Labour agrees further to draw up annual informative booklets on methodology for the Roma organizations, Roma minority self-governments for the issues directly associated with employment. The parties shall evaluate the implementation of the objectives and tasks set out in the cooperation agreement until 31 May each year. The cooperation agreement was signed by the Minister of Labour and the president of the National Roma Self-government.

(5) Since 1999 Roma organizations have taken part in the decision-making bodies of institutions in charge of regional development through their elected representatives holding consultation rights.

Councils for county regional development continuously arrange for the organization of regional (county, small region) Roma strategic and operative programs, in accordance with their development concepts and programs, which lay the foundation for the use of further supports for regional development.

The National Regional Development Council (NRDC) keeps the position of the Roma minority on the agenda each year. In recent years, upon the NRDC proposal, the Political State-Secretary for regional development has provided extra contributions (regional development contribution, regional adjustment development contribution) to the supports that can be awarded from various project appropriations.

The NRDC provided the following supports to the National Roma Self-government: 200 million HUF in 2000, 230 million HUF in 2001, 250 million HUF in 2002, 150 million HUF in 2003. These supports were devoted to regional development projects destined for the improvement of the living conditions of the Roma minority in a project system.

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.

Pursuant to Subsection (1) of Section 4 of the Minority Act, the Republic of Hungary prohibits any policy which is aimed at the alteration of the national or ethnic conditions of territories inhabited by minorities to the disadvantage of the minorities. The information relating to this issue was set out when evaluating Article 6 of the Framework Convention.

Pursuant to Subsection (2) of Section 4 of the Minority Act, the Republic of Hungary, through its international relations, undertakes to ensure against any political intentions that might result in any of the consequences listed above. It also strives to provide protection against such a policy through international legal instruments and by international agreements.

Pursuant to Act on Election of Representatives and Mayors of the Local Self-Governments, 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 organisations, both at the national and international levels.

The Minority Act reaches beyond the provisions set out above by stipulating in its Section 14 that persons belonging to any minority have the right to establish contacts with State and community institutions of their mother country, and with minority groups from other countries, as well.

(1) The international conventions prepared by the various ministries concerned pay a distinguished attention to the right of persons belonging to minorities to establish and maintain cross-border relations. (We provide information on the commitments undertaken in this Article also when evaluating Article 18.)

(2) We emphasize that in the second country report submitted to the European Council on the implementation of the Language Charter in Hungary we provided information on the latest events of the relations between the Croatian, German, Serbian and Slovakian minorities with their mother countries.

(3) With respect to the international relations of minorities, we provide information by bringing the work of the National Ruthenian Minority Self-government performed in this field as an example. The said self-government entered into cooperation with the Carpathian-Ruthenian Centre in Canada as well as the Association of the Sub-Carpathian Ruthenians in Pittsburg, the Association of Ruthenians in Minnesota, and the representatives of the Scientific Centre of Sub-Carpathian Ruthenians in Florida in the United States with a view to make Ruthenian cultural values popular, to coordinate scientific research, and to preserve the identity of Ruthenian young people. It fosters close relations also with the Ruthenian organizations operating in Sub-Carpathia in Ukraine and their experts provide assistance in the domestic Ruthenian language instruction. Through the said international relations, a group of Ruthenian children from Hungary could take part in a language camp organized in Poland in the summer of 2003.

The relations between the National Self-government of the Germans living in Hungary and the South-Tyrol Autonomous Province render assistance in native language instruction (as set out also when evaluating Article 18). The support provided by their fellow organizations operating in the EU Member States to the organizations of German minority for preparation for the European Union is remarkable.

The cooperation between the National Self-government of the Romanians living in Hungary and the State University operating in Arad, Romania, which is aimed at rendering direct assistance in regular retraining of pedagogue teaching in Romanian minority schools in Hungary should be underlined.

The National Slovakian Self-government maintains good relations with the Catholic and Evangelic churches in Slovakia as a result of which a Catholic priest was delegated from Slovakia into Hungary to facilitate the religious life of the Slovakian community in Hungary in its native language.

Through the financial assistance of the Upper House of the Parliament of Poland, the full reconstruction of the Polish House in Budapest was accomplished in 2002. The said institution, nationalized in 1950 and re-transferred to the possession of the St. Adalbert Association of Polish Catholics in Hungary in 1998, reconstructed by the financial resources from the Republic of Poland, was consecrated by the primate of the Polish Catholic Church in 2002.

(4) The so-called “Euroregions” represent specific forms of regional cooperation. As they are located alongside the borders, the minorities living near the borders play an important role in their work. In September 2001, the Congress of Minorities of the ‘*Carpathian Euroregion*’ was held for the second time in September 2001 in Nyíregyháza, attended by the Polish, Hungarian, Romania, Slovakian, and Ukrainian minorities. The Roma Day in the ‘*Vág-Danube-Ipoly Euroregion*’ was organized on 24 August 2001 in Tata. The ‘*Alps-Adria Panel*’ was attended by 5 counties of Hungary. The Panel is seated in South-Tyrol.

The information concerning the undertaken commitments set out in paragraph (2) is provided also in Chapter I of this State Report and when evaluating Articles 2, 5, 7, and 8.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring 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.

In the First State Report we set out the basic treaties concluded with the mother countries of minorities in Hungary and the system of operation of intergovernmental joint committees in detail.

When elaborating the visa agreements, the agreements on cross-border cooperation, and the agreements on the control of frontier traffic, Hungary pays a prominent attention to the minority-related issues. Accordingly, the said agreements, owing to their content and objectives, provide opportunities also for the minorities living on the territory of the contracting parties to establish and foster cross-border relations. In some cases, such agreements specify the issues relating to minorities.

In association with the Article under review, we wish to emphasize the following when evaluating the second monitoring period.

(1) With the nearing membership of Hungary in the European Union, a new situation is going to evolve in the relations of the minorities living in our country with their mother countries. No administrative reason must impede maintenance of relations for those minorities the mother countries of which are currently the Member States of the EU or which are expected to access to the European Union simultaneously with Hungary. So nothing will hinder the relations of Greek, Polish, German, Slovakian and Slovenian minorities with their mother countries.

For the minorities the mother countries of which may access to the EU at a later time, Hungary intends to pursue a visa policy which takes the maintenance of relations of the minorities concerned with their mother countries the best into account.

On 9 April 2003 an agreement was signed between Hungary and Romania on the mutual elimination of the visa obligation. Accordingly, citizens having a valid travelling document may enter and leave the territory of the other State without a visa.

Please note that, by entering into the visa agreements between Hungary and Ukraine as well as Hungary, and Serbia and Montenegro, the Hungarian Government has fulfilled its obligation undertaken in the course of the EU accession negotiations: by the introduction of the visa obligation we joined to the common visa policy of the European Union.

Hungary, and Serbia and Montenegro as well as Hungary and Ukraine signed visa agreements in October 2003 according to which Hungarian citizens may continue to enter the territory of Serbia and Montenegro or Ukraine without a visa and the citizens of said States may visit Hungary with a free visa according to the conditions defined in the relevant agreements.

The visa agreement represents a favourable change also for those who belong to the Ukrainian minority in Hungary as the previous constraints laid down in the Soviet-Hungarian agreement

will cease to exist upon the entry of the territory of Ukraine. Pursuant to the new agreement, there will be no need for a letter of invitation or a voucher certifying accommodation and meal.

(2) The agreement between the Government of Hungary and the Government of Ukraine on the cross-border cooperation, promulgated in 1999, facilitates development of economic, cultural and social relations. The agreement makes several references to the relevant Articles of the Framework Convention and the obligations undertaken by the signatories.

The agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovakia on the cross-border cooperation between their local self-governments and public administration organs, signed on 23 April 2003 in Budapest, specifies the minority-related fields of cooperation.

(3) In relation to the agreements on the control of frontier traffic we can provide you with the following information.

In accordance with the agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovenia on the control of frontier traffic by road and rail, promulgated in 2001, the parties, in a reasonable case, may permit crossing by individuals and assets of the common border for a specified period of time, even outside the permanently operating border crossing points.

The agreement between the Government of the Republic of Hungary and the Government of the Republic of Croatia on the control of frontier traffic by road, rail and waterway was signed in September 2003. In accordance with the said agreement, the Governments concerned are authorized to enter into international treaties for the development of cultural, economic and social relations between the two States, for the participation in State and religious holidays, as well as with a view to see the ancient monuments and the natural values in the frontier region and to use tour paths. The agreement covers also the border crossing points where the common border can be crossed even outside the permanent border crossing points.

The agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovakia on the control of frontier traffic by road, rail and waterway was signed on 9 October 2003. It provides also an opportunity, in the cases if it is justified by economic or social interests, for the competent authorities of the Contracting Parties to authorize crossing of the border even outside the permanent border crossing points.

(4) When evaluating Article 2 of the Framework Convention, we mentioned as a significant event that the agreement between Hungary, and Serbia and Montenegro for the protection of minorities had been signed on 21 October 2003. In accordance with the provisions of the said document, the joint committee of Hungary, and Serbia and Montenegro in charge of the protection of minorities will start its operation soon.

(5) It should be mentioned in relation to the Article of the Framework Convention under review that Hungary deems it as an obligation to ensure the rights of minorities living in Hungary and to create the conditions required for exercising of such rights. At the same time, we welcome the professional assistance provided by the mother countries of the minorities in the satisfaction of the specific cultural, linguistic, and educational needs of the minorities.

We have to mention that the education of minorities is associated with vocational tasks that cannot be implemented without the help of the mother countries of minorities. Therefore, the Ministry of Education endeavours to create the requisite requirements in the bilateral interdepartmental working plan. Such working plans were concluded or renewed in the second monitoring period with the Croatian, Polish, Romanian, Slovakian, Slovenian, and Ukrainian Ministries of Education. In the Serbian relation, there has been no valid working plan and the relevant agreement is now under finalization.

The limits of participation in full-time and partial training in the mother country, the possibilities of participating in retraining of minority pedagogues, and the conditions of reception of lecturers and guest teachers from the mother country are laid down in bilateral intergovernmental agreements on education (such issues were set out in detail also when evaluating Article 12).

The system of relations of the German minority with its mother country slightly differs from the above. In accordance with the common declaration signed by the Government of the Republic of Hungary and the Government of the Federal Republic of Germany in 1992, the Federal Republic of Germany supports the preservation of the cultural and linguistic identity of the German minority in Hungary by vocational and language retraining courses and scholarships as well as educational aids. In addition to the implementation of this master program, the German minority in Hungary takes part also in the work of the joint committees of the German provinces and the Hungarian Government and of the German-speaking countries. So, in cooperation with the South-Tyrol Autonomous Province in Italy, a large number of educational aids and handbooks have been prepared.

(6) The public-service Hungarian Television continuously extends its agreements with the public-service televisions of other countries, mainly of the neighbouring countries. These agreements consider the possibilities of cooperation of minority columns and editorial offices of the mother countries. In the framework of the bilateral agreements, the public-service Hungarian Television undertakes to transfer its minority programmes to the television of the mother country performing similar tasks. So the Slovenian minority magazine in Hungary has been broadcast by the public-service television of Slovenia since 2002. The exchange of programmes to be implemented in the framework of the program serving for the best knowledge of the mother country will be extended in the future, too.

(7) Bearing the interests of the minorities in mind, several counties of Hungary foster good relations with foreign representations operating in county seats or in the region, so the self-government of Baranya County with the Honorary Consulate of Germany, the Consulate of the Republic of Austria, and with the Chief Consulate of the Republic of Croatia, Békés County with the Chief Consulate of Slovakia seated in Békéscsaba and with the Chief Consulate of Romania operating in Szeged.

The Chief Consulate of Slovenia in Hungary operates in Szentgotthárd near the Western border of the country and its activity extends to two counties. According to the evaluation of the National Slovenian Self-government, the Chief Consulate maintains excellent relations with the Slovenian minority self-governments and civil organizations in Hungary.

Arts summer camps for the preservation of traditions coupled with recreation are frequently organized, in many cases, in the mother countries. So, for example, Bács-Kiskun county organized arts camps, public education camps, and reading camps in 2001 in Slovakia,

Germany, Croatia, and Yugoslavia. The Committee for National and Ethnic Minorities of the General Assembly of Bács-Kiskun County had an initiative in 2001 that the self-government of the county should enter into partnership relations with a county of Croatia and Slovakia and should facilitate that the minorities concerned acquire a significant part in international relations which have an impact also on the economic and cultural life of the county. In this county, the International Scientific Conference on Ethnography, discovering the traditions of ethnic groups living in the Danube-Tisza Interfluve, was organized in 2002 already for the fifth time where twenty well-known domestic and foreign ethnographers presented the folk traditions characteristic of the minorities in the relevant region.

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.

In the light of the information provided to the evaluation of certain Articles of the Framework Convention and of the provisions of legal regulations set out in the First State Report in detail, the Hungarian law provides a wider scope of authority for the minorities than the Framework Convention under review itself at several points.

Should Article 19 of the Framework Convention be infringed, the injured party is entitled to lodge a personal complaint to the Constitutional Court.

Hungary did not apply limitations, restrictions or derogations in the course of implementation of the principles enshrined in the Framework Convention in the second monitoring period either.

Articles 20 to 23

In relation to the Articles of the Framework Convention referred to above, we have no relevant comment on the second monitoring period.

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 has made no restrictive declaration on the territorial effect of the Framework Convention in the second monitoring period either.

III. Specific questions raised in the resolution of the Committee of Ministers to Hungary, as a party to the Framework Convention, according to the opinion of the Advisory Committee and the guidelines of the Committee of Ministers

1. Please outline the results of the latest minority (local and national) self-government elections for all minorities and make an explanation or comment on the trends and tendencies that could be observed at the election, with reference to the 'cuckoo problem' and the measures that might be taken for its elimination.

At the time when the Hungarian Parliament codified the Minority Act in 1993, it regulated the rights of the minorities living in Hungary and the organizational and institutional framework for exercising such rights in a unique way. Pursuant to such legal regulations, the system of local and national minority self-governments of minorities have been established in the recent ten years.

(1) The main statistical data for the local minority self-government elections held already for the third time within the monitoring period evaluated in this State Report are indicated in the following tables.

DESCRIPTION OF MINORITY	ELECTIONS INITIATED			ELECTIONS HELD		
	1994	1998	2002	1994	1998	2002
Year of election	1994	1998	2002	1994	1998	2002
Bulgarian	1	16	31	1	14	30
Gypsy/Roma	513	932	1,124	431	816	1,053
Greek	4	19	31	1	18	30
Croatian	53	75	107	42	63	100
Polish	1	40	56	1	34	50
German	128	267	337	104	247	321
Armenian	10	30	31	8	25	30
Romanian	11	34	50	11	33	45
Ruthenian	1	11	35	1	10	32
Serbian	18	36	44	18	34	43
Slovakian	36	77	120	32	71	111
Slovenian	6	10	15	4	10	12
Ukrainian	0	7	16	0	6	13
Total	782	1,554	1,997	654	1,381	1,870

Source: Ministry of the Interior

On the occasion of the minority self-government elections held on 20 October 2002 simultaneously with the general local self-government elections, 1870 minority self-government elections were held in 1308 settlements of the country.

Minority	Number of successful elections		
	1998	2002	Increment (%)
Bulgarian	15	30	100.0
Gypsy/Roma	767	1,004	30.9
Greek	19	30	57.9
Croatian	57	100	75.4
Polish	33	50	51.5
German	242	318	31.4
Armenian	25	30	20.0
Romanian	30	43	43.3
Ruthenian	10	31	210.0
Serbian	35	43	22.9
Slovakian	68	108	58.8
Slovenian	7	12	71.4
Ukrainian	5	12	140.0
Total:	1,313	1,811	37.9

Source: Minorities Office

The above tables summarize the results of direct local minority self-government elections. The fairly high proportion of elections held in 2002, i.e. 96.8% were successful. More than 50% of the minority self-governments elected at that time were elected to represent the Roma minority. As concerns the increment in percentage into account, the Ruthenians and the Bulgarians can be mentioned.

Furthermore, we would like to mention that in further 75 settlements of the country minority self-governments were established by the representatives elected indirectly.

These include the 68 local minority self-governments which were set up in villages where the majority of representatives elected into the local self-government of the settlement were elected as candidates of local minorities. (In the previous cycle, the number of local minority self-governments was 62.) Currently there operates 2 Gypsy/Roma, 20 Croatian, 33 German, 2 Romanian, 9 Slovakian and 2 Slovenian local self-governments in Hungary.

In the course of the self-government elections in 2002, 74 mayors were elected on the aggregate, who took part as minority candidates in various settlements of the country.

Minority	Minority mayors	
	1998	2002
GypsyRoma	1	3
Croatian	8	20
German	30	34
Romanian	2	1
Slovakian	8	12
Slovenian		4
Total:	49	74

Source: Minorities Office

The electors' meetings intended for the election of metropolitan and national minority self-governments were held in January and February 2003. Owing to the elections held in Budapest, 11 minority self-governments were set up in Budapest. The Romanian and Slovenian communities did not establish a board in Budapest. As a result of the elections held under the supervision of the National Election Commission, all the 13 minorities in Hungary were able to set up their national self-governments. We remark that the National Roma Self-government could be elected at the electors' meeting repeated pursuant to a judicial decision.

Since 1 November 2003, 1840 minority self-governments have been operating in Hungary. The following minorities have local self-governments elected and set up in a direct or indirect manner as follows: Bulgarian – 31, Gypsy/Roma – 986, Greek – 31, Croatian – 108, Polish – 51, German – 341, Armenian – 31, Romanian – 44, Ruthenian – 32, Serbian – 44, Slovakian – 115, Slovenian – 13, Ukrainian - 13.

(2) Based on the experience of the recent 10 years, it can be stated that the minority self-government elections conducted since 1994 have exerted a favourable impact on the self-organization of the minorities in Hungary and contributed to strengthening of the communities. Nevertheless, the negative tendencies found at the previous elections continued, what is more, enhanced during the minority elections in 2002. In some cases it was not the persons belonging to a minority who became the representatives of minority self-governments. In addition to the abuses connected with direct minority self-government elections, preferential minority mandates were abused of. At the local self-government elections, in many cases it was not the representatives of minority communities who entered for and won the preferential mandates provided to minorities but the representatives of organizations and parties the clear purpose of which/whom was to influence the local power relations.

(3) When compiling this State Report, in order to provide information in connection with the issues concerned, as conceived in the resolution of the Committee of Ministers, the National Election Commission controlling the legitimate organization of the minority elections (hereinafter as the Board) confirmed, too, that it had found several problems at the minority

elections that can be explained, in its opinion, by the deficiencies of the current legislative background. Accordingly, it deems as necessary to codify the rules for minority elections again. In the opinion of the Board, all the rules for election of national minority self-governments, which are now laid down partly in a Decree of the Minister of the Interior, should be raised to the legislative level. In the opinion of the National Election Commission, it would be advantageous to lay down all the rules for minority elections in an act, enhancing the transparency of the legal acts for those whom they concern. In the opinion of the Board, the term '*belonging to a minority*' should be defined as precisely as possible.

(4) In the resolution of the Parliament dated 27 March 2003, the Government set revision of the Minority Act, the rules of minority self-government elections under substantive law, and Act C of 1997 on the Election Procedure and submission of the necessary amendments to acts to the Parliament as main objectives. The resolution of the Parliament stipulates that the Government should involve the national self-governments of minorities, the Minority Ombudsman, and the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament into the preparatory works.

In course of the preparation of legislation commenced in May 2003, a series of consultations with the coordination work of the Minorities Office was commenced with the participation of the delegation of national minority self-governments, the experts of the Government, the Minority Ombudsman, and the representative of the Committee for Human Rights, Minorities and Ecclesiastical Affairs of the Parliament and then, as a result of this, the concept relating to amendment to the Minority Act and elections of minority self-governments was outlined.

(5) In accordance with the concept for the amendment to the Minority Act, it is not required to codify a new act rather the existing legislation should be modernized and systemized. Accordingly, the connection points of local minority self-governments as well as local minority and national minority self-governments should be identified while preserving the essence of self-governance and ensuring their independence. The scope of responsibility and authority of minority self-governments should be specified more precisely as well as the legal status of the representatives of minority self-governments and the rules of economic management of minority self-governments should be defined. The complete system of criteria for the operation of institutions should be laid down, including the complete range of financial and organizational conditions.

(6) According to the concept for minority self-government elections, the rules of election of representatives of minority self-governments under substantive law should be laid down in a separate act. The concept desires to establish, by direct elections and introduction of the institution of a minority register of names, a system of substantive law and procedural law rules which allows the members of minority communities to make a decision on setting up their self-governments.

(7) The concept of amending the legal regulations directly related to the minorities as outlined above was adopted by the Government on 18 October 2003. After this, the Ministry of Justice and the Ministry of the Interior commenced to draft the text of amendments. The representatives of national minority self-governments and the Minority Ombudsman are also participating in the codification process.

The Government intends to establish in the first half of the present election cycle legal guarantees that would allow minorities to make a decision of their own on setting up their

own self-governments. The elaboration of the legal regulations required for further strengthening of the system of minority self-governments and for widening of the cultural autonomy of minorities is also a definite endeavour. In the course of this work, the Government should continuously consult with the self-governments of minorities. At the same time, the Government declared its intention to submit the necessary amendments even if no consensus is made with all the minorities in all the issues.

(8) Support of the Parliament's opposition parties is indispensable for the adoption of the laws under review, so the necessary consultations between the parties of the Parliament were commenced on 4 December 2003. The Government takes the position to submit, subsequent to the adoption of the acts referred to in the previous paragraphs, also its proposals to the Parliament for the settlement of preferential representation of the minorities in the Parliament.

We mention also at this point that we could not settle the question of representation of the minorities in the Parliament in the second monitoring period either. The National Self-government of the Germans living in Hungary deems it essential in the document sent to the Minorities Office on its opinion of the second monitoring period that *'from among the recommendations made by the Committee of Ministers in its standpoint No. Res/CMN(201)4 the one relating to the representation in the Parliament has not been implemented'*.

(9) The information on the issues relating to the amendment to the Constitution in association with Hungary's accession to the European Union in relation to the minority self-government elections is set out in Chapter III/6.

2. Please outline and comment on the results of the 2001 Population Census, with special regard to the responses given in relation to affiliation to a minority and the use of a minority language and evaluate the changes that can be observed.

In Chapter I of this State Report we mentioned that a general population census had been held in Hungary in the second monitoring period. According to the provisions of Act CVIII of 1999 on the 2001 Population Census (hereinafter as the Census Act), the general census of the population was carried out between 1 and 21 February 2001 in our country.

(1) It should be mentioned that the census questionnaire used at the 2001 Population Census did not indicate the name and personal data of responders, so they could always keep their anonymity.

(2) In order to prepare appropriately the questions of the census directly related to minorities, the Minorities Office, the Parliamentary Commissioner for Data Protection (Data Protection Ombudsman) and the Central Statistical Office held continuous consultations with each other. The national self-governments of minorities were also involved in the said consultations. There were national and regional negotiations held with participation of experts.

As a result of a consultation with minorities, the entry program of the 2001 Population Census, in deviation from the practices applied so far, included four independent questions in connection with minorities as follows: (1) *Which is the nationality group you feel you are belonging to?* (2) *Which is the nationality group the cultural values and traditions of which you are affiliated with?* (3) *Which language is your native language?* (4) *What language do you use in the family and among friends in general?*

The census questionnaire indicated the naming of the 13 minorities referred to in the Minority Act besides all the four questions, in the Hungarian alphabetical order. For the Roma minority, two languages (Bea and Romani) were indicated on the questionnaire. The list included also the word *'Hungarian'*. (The respondent could indicate affiliation to any other minority group or language in addition to those listed.)

For all the four questions, respondents could indicate three nationality groups or languages, considering their affiliation, if any, to several minorities or languages. So the respondent could decide whether to indicate one or two or three nationality groups or languages for the questions relating to affiliation to a minority group or language.

In all the four cases, the questionnaire was concluded by indication *'does not intend to respond'*.

(3) In the course of previous censuses, the response was compulsory to all questions for minority affiliation. When drafting the questionnaires for the 2001 Population Census – bearing in mind also the provisions of Act XLVI of 1993 on Statistics, Act LXIII of 1992 on Data Protection (hereinafter as the Data Protection Act), and the Minority Act – a more prudent procedure had to be chosen. In accordance with the Data Protection Act, certain personal data, including the ones relating to national or ethnic affiliation, are provided with special protection. The questions relating to national or ethnic affiliation – similarly to those relating to religion, denomination or deficiency – were indicated at the end of the personal questionnaire as to be answered optionally. It was particularly stressed that answering to those questions was not compulsory.

(4) In Chapter I of this State Report we referred to the fact that the Minorities Office, in the period preceding the 2001 Population Census, approached the members of minority groups in a notice published in the media in order to receive a real picture of the issues related to the minorities in Hungary. It was laid down in the notice that although minority rights were granted irrespective of the census data, the knowledge that could be obtained from the census was essential both for state institutions and minority communities. Therefore, the Minorities Office requested the citizens of the country to declare their affiliation to their native language and their cultural identity.

(5) Based on the responses recorded on the census – and in the light of the circumstances outlined in paragraph (3) – it can be stated that the project of the 2001 Population Census intended for the survey of national minorities was successful. We can provide you with the information that 95% of the recorded population answered the questions associated with minority and native language affiliation and not to be answered compulsorily. (However, it can be presumed that non-responders to the questions for minority affiliation included several persons whose nationality was not Hungarian. Such persons include both those who did not intend to answer the questions concerned and those whose answers were unknown because they had failed to answer the questions concerned.)

(6) At the censuses carried out in various years, the question for *'nationality'* was put by the same method as used till 1990. In 2001, the change lied in the number of responses that could be given.

The question of *'native language'* has been included in the project of each Hungarian census since 1880. The methodology of entry – apart from the fact that since 1930 frequent

languages have been pre-printed on the questionnaires and that in 2001 three responses could be entered optionally – practically no change has occurred during the 120 years elapsed.

In 2001 the question of '*national cultural affiliation*' was included in the project of Hungarian censuses for the first time. It was entered upon the proposal of researchers studying the national affiliation, assimilation, and the binding force of certain minority groups. Survey of the responses will make our knowledge of the numerical proportion of minorities, conceived also in the opinion of the Advisory Committee, more precise.

The question for the '*language used in the family and among friends*' was also a new question at the 2001 Population Census. The experience of researchers studying minorities shows that the families belonging to a nationality group who live in a non-minority linguistic environment contact with one another within the family, in general, in their native language.

(7) The KSH had the questionnaire translated into the minority languages with the assistance of the national minority self-governments and the interviewers had them with themselves, however, the experience showed that they had been used only in certain villages and they had not been needed in towns.

Summarizing the answers received from the 2001 Population Census, 314,060 persons of the country's total population of 10,198,315 undertook their affiliation to a minority group in Hungary according to their national identity and 135,788 persons according to their native language.

When examining the two new questions, 300,627 persons declared their affiliation to minority cultural values and traditions and 166,366 persons the use one of the minority languages in the family and among friends.

Comparing the figures of 1990 with the ones of 2001, it can be stated that the number of those who declared one of the minority languages as their native language had decreased by 1.4% on the aggregate. However, a considerable decrease can be seen in the figures for native languages of Polish, Croatian, German and Slovakian minority communities. Nevertheless, the proportion of persons whose native language is Armenian, Slovenian, Greek and Serbian increased considerably.

However, the number of those who undertook their affiliation to a minority group considerably increased. A similar tendency is demonstrated in the case of almost all minorities and the increase is remarkable for the German, Slovakian, Slovenian, Gypsy/Roma, and Serbian minorities. The only exception is the number of people belonging to the Romanian minority where a 25% decrease could be registered while the number of those whose native language is Romanian decreased by 2.8%.

The sudden increase in the number of those who undertook their affiliation to the Gypsy/Roma minority continued.

The number of responses to the new questions, e.g. for the language used in the family and among friends exceeded the number of responders to the question for native language by 22.5%. The large number of responders shows that the native language is a determining factor of affiliation to a national community, indeed.

The greatest difference could be observed in the language used as a native language and the language used in the family and among friends for those who declared the German as their spoken language, in favour of the language used in the community and the number of people whose native language is German decreased by one-tenth. The number of those who declared their affiliation to German nationality cultural values and traditions was twice and a half times more than that of those who declared themselves to speak the German as their native language but their number is more than one and a half times more than that of those who speak German in the family and among friends and almost one and a half times more than that of those who belong to the German nationality.

(8) With respect to geographical distribution of minorities, it can be stated that their aggregate nominal number is the higher in Borsod-Abaúj-Zemplén County. In seven counties the proportion of minority population reaches, moreover, considerably exceeds 5 per cent of the total population (Baranya County: 10.5%, Tolna County: 7.3%, Borsod-Abaúj-Zemplén County: 7.1%, Nógrád County: 6.9%, Békés County: 6.2%, Komárom-Esztergom County: 5.8%, Szabolcs-Szatmár-Bereg County: 5%). The most of inhabitants speaking in a minority language live in Baranya County. The population speaking in minority languages accounts for 5.25% of the total population of Baranya County. In addition, there are minority language communities in Tolna (2.65%), Békés (2.48%), and Somogy (2.33%) Counties. The number of those who live in minority communities in Budapest and Pest County is relatively high.

(9) The economic and social integration of the minorities in Hungary can be considered accomplished. Their educational, employment and earnings indexes, in general, do not differ from those relating to the majority population living in the same regions under similar circumstances.

The only exception is the Roma minority the position of which differs from that of other minorities in Hungary in many respects. In their case social, vocational and educational problems are raised in a redoubled way. The number of employed Roma people hardly exceeds 10% of the total Roma population (19,227 persons). This rate is between 30 and 50% for other minorities. The most unemployed and inactive wage-earners are among the members of the Roma community and the rate of dependants is almost 50%. According educational data, from among the 190 thousand persons who declared themselves of Roma nationality at the 2001 Population Census, only 1.4% has at least a G.E.C. and only 583 persons (0.3%) have a higher education certificate (of which 395 persons graduated from a university or college). All this confirms on the one hand that the society has to pay a special attention to the enhancement of the integration opportunities of the Roma minority and it points out the deficiencies of voluntary data supply on the other.

(10) The brief report drawn up by the Institute of Ethnic and National Minority Studies of the Hungarian Academy of Sciences drawn up on comparison of the minority census data is set out below (the independent home page of the Research Institute is available at www.akm.tti.hu).

According to the researchers, two-third of the Roma population in Hungary is presumed not to declare themselves of Gypsy/Roma origin: either because they do not feel themselves Gypsy/Roma or because they do not want or dare to declare themselves Gypsy/Roma.

In general, there is no substantial decrease in the major settlements of traditional minority regions, at the most some internal restructure which shows everywhere falling of the use of

native language into the background, however, strengthening of minority identity at the same time.

Strengthened appearance of the minorities in towns and in Budapest is a significant tendency: it demonstrates also that the self-government model is able to organize immigrant minorities even in a city environment, which operated previously as a melting-pot.

A continuously increasing number of '*sparse groups*' consisting of one or two persons appearing in the non-traditional regions is worth mentioning for all minorities: the background of this tendency can be explained by the conscious leaving of nationality regions being often in a disadvantaged position, in addition to the selection of school, employment and mixed marriage.

The Minority Study Institute provided the following summary on the census data relating to the Croatian, German, Romanian, Serbian, Slovakian, and Slovenian minorities (Hungary has undertaken special commitments in relation to these minorities when signing the Language Charter):

The Croatian community can be considered one of the strongest ethnic groups holding ethnic reserves and hinterland in Hungary. Nevertheless, the repression of the Croatian language can be observed even for them. Younger generations consider Hungarian their native language.

For the German minority, taking the national data of the latest three censuses into account, considerable differences can be observed in respect of nationality and native language. Whilst previously the proportion of people whose native language was German was higher than those who declared their German nationality, this tendency turned around at the 2001 Population Census. The number of those who declared themselves as German exceeded the number of those who declared German as their native language almost twice. The social and political processes of the past ten years is the reason for the fact that during the 2001 Census the number of people declaring themselves German was by 54% higher than that of the persons declaring German their native language. Undertaking of an ethnic identity was advantageously affected by the Minority Act adopted in 1993 by the opening of the gates of the country towards Western Europe, by the establishment of several sister town relations with towns in Germany, and by the German ethnic identity strengthened on the part of the Germans in Germany. However, for the German minority the decline in the number of people the native language of whom is German could not be stopped.

A similar tendency could be observed also for the Romanians in Hungary. The number of people who declared the Romanian as their native language has continuously diminished in the recent 20 years. More than 51% of the inhabitants who declared the Romanian as their native language live in Békés and Hajdú-Bihar Counties and the number of people speaking Romanian has decreased to an extent exceeding the national average just in this region. However, in Budapest and in other towns, the proportion of those whose native language is Romanian has risen. The decrease – 25% on the average – in the number of those who declared their Romanian nationality in the period between 1990 and 2001 was much higher in villages than in towns. It means also that a considerable migration has taken place towards towns.

The largest group of the Serbian minority in Hungary is constituted by the Serbs living in Pest County, which constitutes a virtual '*ethnic region*' jointly with Budapest. According to the

data of the 2001 Population Census, the weight of the group living in this region increased further: nearly 50% of those whose native language is Serbian were registered in this region. The number of those living in sparse groups has increased only by 22% for 20 years which seems to be contradictory to the rumours about the migration wave of thousands of people of Serbian nationality or, at least, it does not seem to prove the permanency of the migration consequences of the Yugoslavian war. As concerns nationality and native language, the turn mentioned above has already taken place on a national level for the Serbs. According to the 2001 data, the number of inhabitants who declared themselves of Serbian nationality exceeded the number of those who declared the Serbian as their native language.

For the Slovakian minority, similarly to other minorities, taking the national data of the latest three censuses into account, considerable differences can be observed with respect to nationality and native language. The tendency shows that while the number of inhabitants belonging to the Slovakian minority increases, the number of those whose native language is Slovakian decreases. Between 1980 and 2001 the number of inhabitants of Slovakian nationality almost doubled. The establishment of several sister town relations and of minority self-governments might have had a favourable impact on undertaking of nationality.

The minority living in the most enclosed sites of settlements in Hungary, i.e. the Slovenian minority has grow, considering the related figures. In their case the proportion of nationality population and native language seems to become stable and has become practically well-balanced in the recent two decades.

(11) We wish to mention in relation to the census results that several minority research workshops have commenced control surveys the results of which may further modulate the above picture.

(12) The related bibliographic list of the Central Statistical Office is indicated in Annex V to this State Report and the detailed figures obtained from the 2001 Population Census for the minorities are set out in further 10 independent tables in the Annex attached hereto.

3. Please provide information on the official reaction on the allegations raised against the authorities for forced sterilization of Roma women.

In the professional opinion of the Ministry of Health, Social and Family Affairs contacted when compiling this State Report and asked to answer this question, the charges against the authorities due to the forced sterilization of Roma women did not overreach the level of press rumour and were not conceived in any form owing to which any reaction should or could have been given. The Ministry of Health is prepared to investigate the cases arisen in connection with the forced sterilization of Roma women. Currently consultations are carried on with the civil organizations and institutions of legal protection which have raised this problem.

4. Please report on implementation and amendment to the content of the “ Status Law”.

Act LXII of 2001 on the Hungarians Living in Neighbouring Countries (hereinafter as the Law on Preferences) was adopted by the Hungarian Parliament on 19 June 2001 by a majority of 92%. The Law on preferences was construed as the enforcement of the responsibility of the Republic of Hungary for the Hungarians living abroad and with a view to promote the maintenance and development of their comprehensive relations with Hungary.

Therefore, the Law on Preferences does not affect the minorities living in Hungary in a direct manner.

(1) As we have already mentioned in the previous Chapters of this State Report, the Hungarian Government considered enforcement of the rights of minorities within the country and creation of the conditions for exercising such rights as a specific task. Nevertheless, we welcome and deem it in many cases indispensable that their mother countries should render assistance to us in order to preserve and develop further the culture and language of minorities and strengthen the professional activities of their institutions.

(2) In our opinion, it should be emphasized that the Prime Minister of Romania has pointed out his position several times that Hungary's policy pursued in the interest of its minorities living abroad and its system of institutions could be a model for all those countries which intend to support the cultural and educational activity of their minorities living abroad.

Furthermore, we can provide you with the information that the document between the Governments of Hungary and Slovakia signed in association with the Law on Preferences Act (see also paragraph 4 below) deals not only with the Hungarians in Slovakia but also with the Slovaks in Hungary as the cooperation regulates the educational and cultural support granted to the Hungarian minority in Slovakia and to the Slovakian minority in Hungary by their mother countries. Pursuant to that agreement, the Hungarian minority in Slovakia can be assisted by the mother country through the Pázmány Péter Foundation established in Slovakia and the support of the mother country to the Slovakian minority in Hungary is received by the Foundation of Associations of Slovaks in Hungary.

In accordance with the request conceived in the resolution of the Committee of Ministers, we provide hereby information on the issues directly related to the Law on Preferences.

(3) When supporting the Hungarians living abroad, the Hungarian Government intends to assist the Hungarians living abroad in preserving their self-identity, in fostering their language and culture, and in their ability to live in their native land with full dignity. It intends to implement such assistance in cooperation with the governments of the neighbouring countries, enriching international relations also thereby.

Our Government deems it essential to carry out the support of the Hungarian minorities in accordance with European norms. Taking into account the full enforcement of the basic principles outlined in the previous paragraph on the one hand and Resolution 1335 of the Parliamentary Assembly of the Council of Europe, the Venice Commission recommendations of October 2001, the Recommendations of the OSCE High Commissioner on National Minorities and of the European Commission on the other, the Parliament adopted Act LVII of 2003 on the Amendment to the Law on Preferences on 23 June 2003.

Most of the implementation orders revised in accordance with the amended Status Act have come into force.

The most significant elements of amendment are the following:

Notwithstanding that the original Act also referred to the respect of the international commitments of Hungary and to documents relating to the international protection of

minorities, these are indicated in the amended Act in more details and a separate reference is made to the principles set out in the recommendations of the Venice Commission.

The provision relating to the European Union was also amended: the Law on Preferences was applied in accordance with the *'acquis communautaire of the European Union'*.

The procedure connected with the applications for Hungarian certificates has also been amended. In accordance with the amended Act, considering the recommendations of the Venice Committee, the Hungarian consulates in the neighbouring countries shall participate in the application for certificates. The consulates are only entitled to ask for information from the social organizations established by the Hungarian national community in the event it cannot be demonstrated by a document that the applicant complies with the criteria for eligibility for the document.

In the course of the amendment, bearing also the recommendations of the Venice Commission in mind, the criteria for eligibility for a Hungarian document (knowledge of the Hungarian language, membership in a Hungarian organization, Hungarian nationality registered by the State or a church) were integrated item by item into the text of the amended Act.

It is pronounced in the amended Act that the certificate shall not qualify as a certificate for personal identification or a travelling document and shall not entitle to cross the border.

It is a further alteration that the Act binds travelling preferences to a specific target i.e. henceforth the preferences may be used with a view to strengthen the affiliation to the Hungarian language and culture.

It is reasonable to specify separately the preferences which are provided by the Act to foreign individuals whose nationality is not Hungarian but learn the Hungarian language or deal with the Hungarian culture in order to promote the Hungarian language and culture.

The student who learns in an institute of primary or secondary education of a neighbouring country in the Hungarian language or carries on studies in an institute of higher education of a neighbouring country in the Hungarian language or studies the subject of Hungarian culture, is entitled to the student preferences in Hungary and to the education benefit provided in his/her native land.

The pedagogue or teacher who instructs in an institute of primary, secondary or higher education of a neighbouring country in the Hungarian language or instructs a subject related to Hungarian culture is entitled to the pedagogue or teacher preferences in Hungary and to participate in preferential pedagogue training in Hungary.

(4) When amending the Law on Preferences, the Government intended to make a legal regulation which can actually be applicable in the practice and at the same time it intended to give evidence of its concept that the future of Hungary can only be guaranteed based on a cooperation with its neighbours, in accordance with the spirit of Europe, through mutual agreements, and it noted the obstacles raised by the international environment in the course of the implementation of its objectives.

In view of the fact that, from among our neighbours, only Romania and Slovakia have raised complaints on the Act, any possible disputable issues had to be cleared primarily with these

two countries during consultations. Our other neighbours have appeared to be open for the principles set out in the Act – in particular the justification of the support of minorities living abroad – and have not raised any hindrance to the implementation of the Act.

Subsequent to several consultations with Romania, the Hungarian and the Romanian Prime Ministers signed an agreement in Bucharest on 23 September 2003 on the application of the amended Law on Preferences in Romania. The approval and promulgation of the agreement between the Government of the Republic of Hungary and the Government of the Republic of Romania on the conditions for the application of the act on Hungarians living in the neighbouring countries relating to Romanian citizens are laid down in Government Resolution 2320/2003. (XII.13.) Korm.

The document, drawn up subsequent to the intensive consultation in the framework of the Hungarian-Slovakian minority joint committee set up by the Basic Treaty between the two countries, was signed on 12 December 2003. The approval and promulgation of the agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovakia on the mutual educational and cultural support of national minorities are regulated in Government Resolution 2319/2003.(XII.13.) Korm.

(5) Please note that up to 5 January 2004 more than one-fourth of the Hungarian minority living in the neighbouring countries, i.e. 730 thousand individuals submitted applications for a Hungarian certificate. More than half of the applications were received from Romania, however, the highest interest in the Hungarian certificate could be observed in Sub-Carpathia where 70% of the Hungarians living there submitted an application. Applications are continuously processed and produced. Till now 630 thousand certificates have been received by their holders.

5. Please report on all legal and constitutional measures which are aimed at adjusting the relevant laws to the norms of the Community of the European Union and which might have an effect on the norms of protection of minorities.

When introducing the Hungarian minority policy evaluated in relation to the Framework Convention, we mentioned the changes in legal regulations and the related measures for the preparation of Hungary's accession to the European Union at several points in Chapters I and II of this State Report. We would like to supplement our introduction with the following information.

(1) In the framework of the amendment work associated with accession of the Republic of Hungary to the European Union certain provisions of the Constitution were also amended. Amendment to the Constitution by Section 7 of Act LXI of 2002 relates to the election of minority self-governments. The amendment is aimed at making the definition of the participants in the minority self-government elections evident. The amendment took over the passage '*minority self-government*' from Subsection (1) of the Constitution. So the minority self-government elections were removed from the scope of the rules relating to elections of members of the Parliament and representatives of local self-governments. This provision made the provisions of Subsection (4) of Section 68 of the Constitution – according to which local and national minority self-governments may be established by national and ethnic minorities – evident. Therefore, the legislator specifies the range of participants in the election of representatives of minority self-governments in a narrower range in the legal regulation for election of representatives of minority self-governments compared to the provisions for general voting rights. The amendment was made in accordance with the provisions of the Framework Convention, taking the resolution of the Committee of Ministers and the opinion

of the Advisory Committee into the fullest account. The amendment will come into force simultaneously with the act on promulgation of the international treaty on the accession of the Republic of Hungary to the European Union, i.e. on 1 May 2004.

(2) The bill of the new act on public administration regulates the right of clients for minority language use in public administration procedures in accordance with the relevant norms of the European Union. According to the said regulation, the official language of public administration procedures shall be the Hungarian language, however, it provides free minority language use for minorities and lays down detailed guarantees that the nationals of the Union can take part in the procedures pursued by Hungarian authorities by using their own native languages.

(3) The Act on Equal Opportunities includes Euroconform regulations, too. In connection with Chapter II/4 of this State Report it was mentioned that the Act, with a view to suppress discrimination and extend equal opportunities, took Directives 2000/43/EC and 2000/78/EC into account. It is laid down in the Act on Equal Opportunities that any action as a result of which a person or group receives such a treatment which is more disadvantageous than that given to a person or group being in a comparable situation, *inter alia*, due to the belonging of such person or group into a national or ethnic minority shall qualify as direct discrimination. The Act imposes sufficiently rigorous sanctions on discrimination.

6. Please report on further evolvments affecting the situation of the Roma minority.

In all sections of the State Report on the implementation of certain provisions of the Framework Convention in Hungary, compiled according to the decision and guidelines of the Committee of Ministers and the Advisory Committee's opinion, dealt with so far we detailed the government measures connected with the Roma minority, i.e. the largest minority in Hungary, the latest developments related to the Roma population, and the measures implemented in the second monitoring period. (The full text of the related Act on Equal Opportunities is indicated in Annex 1 to this State Report.)

Below we would like to provide information on the government measures not mentioned in the previous Chapters of this State Report.

(1) In the first half of the second monitoring period, the coordination of the tasks related to the social integration of the Roma population belonged to the scope of authority of the Minorities Office under the supervision of the Ministry of Justice. In accordance with the government program adopted in the summer of 2002, a new structure has been constructed by a considerable organizational restructure. Based on the new distribution of government tasks, the coordination of the public administration tasks related directly to the Roma has been brought under the supervision of the Minister leading the Prime Minister's Office.

In the summer of 2002, the Government appointed a Political State-Secretary for Roma Affairs and established the Office for Roma Affairs assisting his work. In the Ministry of Education, under the management of a Ministerial Commissioner, the Integration Office for Disadvantaged and Roma Children started its operation and in the specific competent ministries Roma executives take part in the coordination of the Roma-related tasks of the branch. The performance of these tasks was assigned to Roma experts. In the Ministry of National Cultural Heritage, a Ministerial Commissioner for Roma cultural affairs was appointed on 1 February 2004.

The appointment of the Minister without portfolio for Equal Opportunities in 2003 gave rise to a further change in the Government's work. The new Minister of the Government performs the governmental tasks appearing in the field of promotion of social integration and improvement of the living conditions of the Roma minority as well as of maintenance of relations with its organizations with participation of the Political State-Secretary for Roma Affairs.

From among the tasks of the Minister without portfolio for Equal Opportunities we can highlight the following:

- in cooperation with the Ministers concerned, preparation of the drafts of the resolutions of the Government, associated with the measures related to the Roma integration,
- coordination of the implementation of the Roma-related tasks of the Government arising from European integration, of the projects for international supports serving for development of social integration of Roma, participation in the organization of integration relations of the Government,
- elaboration, operation and development of the national information and data supply system associated with the PHARE integration program,
- analysis and evaluation of the social-policy and economic processes associated with the Roma integration,
- elaboration of proposals for projects for development of research, coordination of the development programs which can serve as models in relation to the social integration of Roma.

On 1 January 2004, a Government Office for Equal Opportunities started its activity under the supervision of the Minister without portfolio for Equal Opportunities. Accordingly, the activity of the Office for Roma Affairs has been integrated into the organizational structure of the new institution. Pursuant to Decree 222/2003. (XII.12.), the Government Office for Equal Opportunities performs the following Roma-related tasks:

- elaboration of the concepts and projects promoting the social integration of Roma, preparation of the related strategic decisions and proposals, involving the public administration organs concerned, the National Roma Self-government, the councils for regional development, and civil organizations,
- preparation of legal regulations and other legal instruments of state control which serve for liquidation of disadvantages inflicting the Roma and for creation of equal opportunities,
- initiation of measures for promoting the social closing up of the Roma, in particular in the field of equality before the law, improvement of the quality of life, education-training, employment, strengthening of identity, and social communication,
- maintenance of continuous relations with the Roma Ministerial Commissioners employed by the ministries, executives for Roma affairs,
- coordination for harmonization of Roma projects in the processes of various special fields,
- planning, establishing and operating utilization of domestic and international resources serving for the promotion of the social integration of the Roma,

- initiation and maintenance of multilateral dialogue with a view to receive wide support for Roma integration and to shape the public opinion, and paying of special attention to conflict-managing tasks,
- coordination of overall communication projects in the printed and electronic media with a view to reduce existing social prejudice and discrimination.

The new organizational structure established made the restructuring of the Interdepartmental Committee for Roma Affairs (hereinafter as the Interdepartmental Committee) set up in the previous governmental cycles reasonable (its tasks and work were described in the First State Report). Pursuant to the amendment of 2003, the chairman of the Interdepartmental Committee is the Minister without portfolio for Equal Opportunities and its vice-chairman is the Political State-Secretary for Roma Affairs. The ministries are represented by Deputy State-secretaries and the work is attended also by the president of the Minorities Office. The secretary tasks connected with operation of the Interdepartmental Committee for Roma Affairs are performed by the Government Office for Equal Opportunities.

We can provide you with the additional information that the Government set up the Council for Roma Affairs (hereinafter as the Council) in August 2002 which is a reporting, proposing and advising consultative board consisting of recognized Roma and non-Roma experts and individuals of public life. The Council is chaired by the Prime Minister.

The scope of responsibility of the Council for Roma Affairs is the following:

- expression of preliminary opinion and taking of a position on the significant proposals for regulations and measures directly related to the living conditions and social position of Roma minorities,
- participation in the establishment of the Government's strategy aimed at influencing the position of Roma communities, monitoring, analysis and evaluation of implementation of the strategy and initiation of consultation to this end,
- maintenance of relations with operating non-governmental organizations and Roma minority self-governments with a view to protect the interests of Roma communities, to improve their living conditions, to create their equal opportunities in the society, and to promote evolution of a non-discriminative public life,
- analysis, elaboration and conveying of the opinions and proposals of such organizations to the Government.

(2) The Government's measures taken for the promotion of social integration of the Roma minority and in the field of economic, political and cultural life are based on Government Resolution 1047/1999. (V.5.) about medium-term measures to improve the living conditions and social position of the Roma population, adopted in May 1999. The package of measures referred to above conceives six priorities, such as education, culture, employment, agriculture, regional development, social, health and housing programs, anti-discrimination programs and communication. The document set out the Government's tasks by public administration sectors. The package of measures was revised and supplemented by the Government by Government Resolution 1073/2001.(VII.13.).

(3) For the purposes of further extension of the package of measures, a government program promoting equal opportunities of the Roma minority until 2006 is under preparation. The program associated with the Roma, however, not eliminating others is the first element of the Government's endeavour to create equal opportunities of all social strata that might fall

behind. The Government's program is elaborated under the following main priorities: equality before the law, improvement of the quality of life, education, employment, identity and social communication.

The independent and multi-sector monitoring system eligible for following up and evaluating both financial utilization and professional implementation and for making proposals for the necessary changes will form an essential part of the Government's program.

(4) Below we intend to inform you about the '*Roma Social Integration Program*' initiated by the Minorities Office for the purposes of efficient cooperation between Roma and non-Roma as well as the promotion of tolerance and dialogue between various cultures, which was commenced in the year of the millenary and is implemented under the European Union's Phare program.

(Roma-related information associated with the Phare programs was disclosed also when evaluating Articles 4, 6, 7, 9, and 15 in Chapter II of this State Report. At this point we wish to emphasize that, within the framework of the Phare program, the projects of the Ministry of Education and the Ministry of Social and Family Affairs were granted support in 1999 and 2001 for the promotion of integration of disadvantaged among them young Roma people into the society.)

The Phare program for Roma social integration elaborated by the Minorities Office won the support in 2000. (Financing Memorandum concluded between the Government of the Republic of Hungary and the European Commission on COP'00-12. September, 2000. Since 2002, the operation of the program has been supervised by the Government's Political State-Secretary for Roma Affairs and with the current participation of the Government Office for Equal Opportunities.)

The Roma Social Integration Phare Program is aimed at strengthening the social cohesion, the relations between the Roma and non-Roma population, the improvement of communication and cooperation by elaborating complex micro-region development models, anti-discriminative activities, and promoting better flow of information. The allocation for the program was originally 3.35 million EUR (of which 2.5 million EUR are provided by a Phare support and 850 thousand EUR by domestic co-financing). On 5 September 2002, the delegation of the European Union in Hungary increased the allocation by further 475 thousand EUR and, in line of that, the amount of domestic co-financing increased by further 250 thousand EUR. So the final allocation has become 4.075 million EUR.

The innovative welfare program implemented under the project was aimed at the implementation of complex development of colonies and colony-type residential sites serving as a model in 4 micro-regions, selected through tendering, in accordance with local needs. The investment in infrastructure in disadvantaged settlements and regions (construction of roads and pavements, reconstruction and enlargement of schools and nursery-schools, reconstruction of cultural and community houses, reconstruction of consulting-rooms etc.) was accompanied by local community developing activities in cooperation with local self-governments, Gypsy/Roma minority self-governments, and civil organizations.

Through the anti-discriminative project, an opportunity presented itself for developing institutions by offices for protection of rights, dealing with the management and prevention of conflicts, protection of rights and interests, representation of interests and other institutions

and organizations. The project supported the equipping of 11 already operating and 4 newly established offices for protection of rights. The offices which received the support had been selected through tendering.

With a view to prevent or reduce discriminative practices, the training program provided anti-discriminative preparation for those who worked in the field of employment, social affairs, housing policy, education, public administration, public safety. The training program was attended by the members of the Roma minority as well as public executives, public servants, and civil experts who often meet Roma people in the course of their work. The project allowed for the training of 420 persons altogether. The training started in January 2003 and ended in June 2003. By the end of the training course, the participants had elaborated personal micro-projects for preventing discriminative cases against the Roma people living in their own environment and for strengthening tolerance.

By the implementation of the information supply project, a central information database has been set up in the Government Office for Equal Opportunities which is joined by eight Roma Community Houses as regional information centres and further 32 information points. The portal is established with a view to provide continuous updated information to citizens and to create a continuous and mutual data-flow among the Gypsy/Roma minority self-governments, Roma organizations, government and social organizations. In addition to collecting existing information, the project intends to stimulate further the targeted collection and systematization of information within the Roma and non-Roma population. The operation of the information database was started on 1 May 2003 at www.romaweb.hu. (This homepage was mentioned also when evaluating Chapter II/9 of this State Report.)

(5) The 2002 Phare program intended for reducing discrimination against the Roma and for strengthening tolerance intends to support elaboration of pedagogical programs serving for the reduction of the prejudice against the Roma minority, the strengthening of tolerance and implementation of the national campaign for tolerance and the programs promoting local social cohesion. The final financial contract for the project was signed on 14 October 2002. The total allocation for the project was 3.93 million EUR of which 3 million EUR were provided by a Phare support and 930 thousand EUR by domestic co-financing. The project should be implemented until 30 November 2005.

Within the framework of the project, campaigns for tolerance, researches, PR campaigns, and a pedagogical program will be carried out. The research program is aimed at the organization of a series of research for discovering opinions and stereotypes connected with the Roma minority.

Through the PR program, a wide-range campaign will be organized for strengthening tolerance, by using professional PR means, aimed at the reduction of prejudice and negative stereotypes against the Roma population on the long run.

A tolerance strengthening training program will be introduced for primary schools aimed at the prevention of evolvment of intolerance among little school children against minority groups and the reduction of intolerance appears in some cases among the teenagers. The program includes compilation of a training package and training of 250 pedagogues in order to convey the program to pupils.

Local programs for tolerance will also be implemented. The project is aimed at the promotion of minority civil organizations and the stimulation of local tolerance strengthening initiatives in the field of the media, education and employment.

(6) The 2002 Phare Institution Development Program facilitates the setting up of a coordinating and monitoring unit within the Government Office for Equal Opportunities supervised by the Minister without portfolio for Equal Opportunities in order to enhance the efficiency of the projects and institutions promoting social integration of the Roma minority. This board is supposed to coordinate the Roma-related measures financed from the EU resources attached to the National Development Plan, however, belonging to the scope of authority of various ministries, subsequent to Hungary's accession to the European Union. The allocation for the Institution Development Program is 850 thousand EUR of which 500 thousand EUR are provided by a Phare support and 350 thousand EUR by domestic co-financing.

The Institution Development Program is implemented within the framework of the '*twinning cooperation*' which is aimed at taking over of the related experience and knowledge of the Member States of the European Union in the course of activities and training projects provided to experts in such cooperation.

In the line of the activities to be performed through the twinning cooperation, *inter alia*, a study will be prepared on the present structure of institutions related to Roma projects and on the factors which hinder the appropriate cooperation and monitoring activity in Roma affairs. The study will propose to set up a system for monitoring Roma projects and for facilitating the efficiency of future Roma projects.

The allocation for the Twinning Covenant is 700 thousand EUR of which 500 thousand EUR are provided by a Phare support and 200 thousand EUR by domestic co-financing. The partner in the European Union, Spain and the relevant expert were chosen in September 2002 and the implementation of the project was started in May 2003. The allocation for the office equipment purchasing tender required for setting up the board is 150 thousand EUR, which is provided fully by domestic co-financing.

(7) We can provide you with the information that the International Bank for Reconstruction and Development (World Bank) awarded a non-refundable support of 347 thousand USD from its Institution Development Fund to Hungary to be used in the period between 2003 and 2006 under the coordination of the Minister without portfolio for Equal Opportunities.

The criteria for the use of the support are included in the Letter of Agreement of the World Bank dated 23 June 2003. The support provides a technical assistance in the extension of capacity of the local expert's network of the Government Office for Equal Opportunities, in the organization of conflict-management training projects, and in the elaboration of analyses associated with development of a minority policy assisting Roma integration. It contributes to the elaboration of Roma-related strategic plans as well as to development of professional skills and widening of experience of experts in Roma affairs. Furthermore, it renders assistance in the elaboration of community development projects, which intend to provide efficient support to small settlements with less than 1000 inhabitants.

The said support contributes to the efficient operation of the monitoring and evaluating system aimed at controlling the performance of the tasks conceived in the government

program facilitating equal opportunities and by elaborating of background studies and analyses assists in the work of the Intergovernmental Committee for Roma Affairs and the Council for Roma Affairs.

It promotes uniform and successful elaboration of the Government's Roma-related communications and the development of the communication faculties of the roma public characters and staff of the Government Office for Equal Opportunities and contributes to training of the staff in the regional communication centres.

(8) When this State Report was drawn up, the Ministry of Employment and Labour Affairs (hereinafter as the Labour Ministry) provided the following information on the issues within its authority:

The Labour Ministry endeavours to replace, for the purposes of social integration of the Roma minority, the unemployment benefits and the aids and allowances by active labour projects within the shortest possible time so that the Roma people could have a better opportunity to assimilate or re-assimilate themselves into the realm of work. Therefore it considers the increase of the number of closing-up and vocational labour projects, reduction of geographical disadvantages and discriminative phenomena, and the enhancement of the efficiency of active facilities its most significant tasks.

When surveying the related legal frameworks, Act LIII of 2002 on the Amendment of Act IV of 1991 on Job Assistance and Unemployment Benefits (hereinafter as Job Assistance Act), which extended the range of job assistance supports, should be underlined. According to the amendment, the said Act authorizes the Minister of Labour to lay down rules for the improvement of the labour position of persons over the age of 45 and those of Roma origin, which are more advantageous than those set out in that Act.

From among the job assistance measures of the Labour Ministry we provide you with the information about the following. In 2003, the county labour centres entered into and are currently entering into agreements on job assistance and on exchange of labour information with the local minority self-governments, their county associations and alliances prepared for cooperation as well as the representations of the National Roma Self-Government in counties.

The number of complex labour projects in process implemented by the county labour centres is 11. Under these projects, Roma executives, Roma community organizing assistants, and Roma job organizers perform their tasks in conjunction with minority self-governments and civil organizations.

In connection with the Phare projects coordinated by the Labour Ministry we provide you with the following information:

Within the framework of project '*Fight against elimination from the realm of work*', the Labour Ministry renders assistance to potential applicants in preparing successful project applications.

The intention of the '*Equal*' project is the elaboration and dissemination of innovative methods, which contribute to liquidation of discrimination and inequality attached to the labour market, meaning that the Roma minority is its significant target group. Construction of

the project documentation is in accordance with the legislation for Structural Funds and the rules for methodology of the European Commission..

In accordance with Government Resolution 1047/1999. (V. 5.), a project was invited for the '*Public work program serving for the employment, subsistence and living conditions of socially disadvantaged, permanently unemployed population, primarily of Gypsy/Roma origin*'. Based on the judgement score criteria, 229 applications complied with rigorous requirements. Finally, the support was awarded to the applications which gained the most scores (72), in a value of some 1,588 million HUF. To the account of a separated sum, the disadvantaged counties invited county tenders. The supports awarded under the national project solve the employment of some 3,000 public workers for a period of 4 to 8 months. The proportion of Roma employment is around 60-70% according to estimated figures.

Currently a public work project is being implemented, with the Tisza Region Water Management Administrations involved. The funds appropriated for this purpose amount to 500 million HUF. 30-60% of the participants, i.e. some 1000 workers in this public work project are Roma. The Roma minority self-governments and civil organizations are consortium partners in its implementation. Labour centres provide premium supports for non-profit employment of Roma people.

The National Employment Fund operating under the coordination of the Labour Ministry elaborated and announced an independent project for increasing Roma employment in 2000-2003. During this period, altogether 24 Roma civil organizations and minority self-governments received a support as a result of which 417 workers were employed.

The 2003 projects of the National Employment Fund directly related to Roma organizations and serving specifically for employment of Roma unemployed were the following:

- support of employment and training of Roma unemployed (37 persons) in institutions of public education,
- project aimed at the preparation of the staff of the county and regional advising and organizing offices of the National Roma Self-government (121 persons),
- support to financing the costs of project management and the supplementary pay during training in the Integrated Roma Employment Project of the Labour Centre of Pest County (250 persons),
- within the framework of the employment project common with the Autonomy Foundation, support to the development of earning capacity of Roma families (100 persons).

(Hereby we refer to the fact that in 2003 the Minorities Office provided an amount of 40 million HUF for the preparation of the staff of the county and regional advising and organizing offices of the National Roma Self-government).

The Labour Ministry endeavours to arrange for the employment of as many Roma public servants in the county labour centres as possible. (The information about the cooperation agreement between the said Ministry and the National Roma Self-government was set out in Chapter/15 of this State Report.)

(9) In the second monitoring period, the Phare Office of Ministry of Agriculture and Rural Development ran two Roma-related EU projects, i.e. '*Eligibility for employment and*

promotion of employment of cumulatively disadvantaged groups’ in 2000 and *‘Fight against elimination from the realm of work’* in 2002.

(10) In the period between 2000 and 2002, the Ministry of Transport and Water Management contributed to the implementation of the Roma-related projects of the Government by surveying the environmental-health position of the Roma population living in the Eastern region of the country. The said Ministry entered into a cooperation agreement with the National Roma Self-government according to which it has created possibilities of work on the territory of the national park administrations with a support amounting to 50 million HUF for Roma workers. In 2003, the Ministry of Transport and Water Management provided 86 million HUF for achieving the objectives of the project *‘to diminish environmental damage in Roma colonies’*.

(11) In Chapter II/15 of this State Report we have already mentioned the activity of the National Development Office (NDO) responsible for the coordination of European and national development plans and preparation of Hungary’s strategic development plan as well as its work associated with the Roma minority. Hereby we would like to provide information on the following issues directly related to the Roma minority through the National Development Plan (NDP) coordinated by the NDO.

The objectives laid down in the National Development Plan include the promotion of the enhanced presence of the Roma minority on the labour market, the support of training of young Roma people, the fight against social exclusion and closing up social groups falling behind.

It is conceived in the NDO that, in the course of the implementation of the active programs under the employment policy, Roma should be treated with positive discrimination. Special attention should be paid to labour integration of unregistered unemployed. Steps should be taken for the liquidation of bad living conditions appearing mostly in the territories inhabited by the Roma, in the settlements and parts of settlements with bad infrastructure and law status.

(The detailed list of the Roma-related measures of the National Development Plan, finalized by the National Development Office in January 2004, will be described in Annex XI of this State Report.)

(12) The Ministry of Defence contacted when evaluating implementation of the provisions of the Framework Convention in Hungary provided the following information in relation to the issue concerned:

Government Resolution No. 1047/1999 (V.5.) about medium-term package of measures to improve the living conditions and social position of the Roma population assigns some tasks to the Ministry of Defence in the field of employment. Since December 2002, the tasks related to the Roma minority have been performed by a Roma executive and a Roma employee. Performance of the wide-range tasks are assisted by the Social Committee for Roma Affairs set up in 2003 with 10 members.

In order to promote the social integration of the Roma population, the Ministry of Defence carried out the following tasks in the field of education, employment, and social communication:

In order to increase the proportion of Roma soldiers, it informs continuously Roma communities, based on its relations maintained with Roma minority self-governments and Roma organizations, about the possibilities of contractual and professional military service. It pursues recruiting activity at several Roma events.

In Debrecen, in cooperation with the local National Roma Self-government and Labour Centre, a defence and special pre-training program was organized for Roma people in accordance with the needs of the Hungarian Army. During such training, unemployed Gypsy/Roma applicants, who undertook military service, could obtain a driving licence.

Direction of young Roma people to the military profession and their preparation for the secondary school specialized in national defence, the sub-officer training special school, and the National Defence University were underlined.

In the framework of direction to military profession and apart from recruiting work, a highly successful military-type survivor camping was also organized for Roma students of secondary schools.

The Ministry of Defence announced a scholarship project providing equal opportunities for the Gypsy students choosing the military profession.

Since 2003 the instruction of Roma ethnography has been integrated into the curriculum of sub-officer training and officer training and in the retraining projects of commanders.

(13) In the previous paragraphs of this State Report we provided detailed information on the measures of the Ministry of the Interior related to the Roma minority. At this point we would like to mention the following:

In 1999 the National Roma Self-government and the National Police Headquarters entered into a cooperation agreement. In accordance with the provisions of the agreement, all police officers have institutionalized relations by the appointment of a liaison officer for Roma affairs and a coordinator in the minority self-government in each county.

Owing to the agreement, *inter alia*, common sports and cultural events are organized. Therefore, on 30 May 2003 the National Roma Self-government in Örkény organized a football tournament which was attended not only by the 13 Roma teams but also the 2 teams of the National Police Headquarters.

However, in order to obtain a total picture, we have to mention that, unfortunately, the police-Roma cooperation is sometimes characterized by problems. Several police offices have reported that the divided nature of Gypsy/Roma organizations caused difficulties and endangered cooperation.

(14) In Chapter I of this State Report we have already mentioned that, in reply to the invitation of the Hungarian Prime Minister, a large-scale international Roma conference entitled '*Roma in the enlarging Europe – challenges of the future*' was organized in Budapest in June 2003 by the World Bank, the Soros Foundation's Open Society Institute, and the European Commission. The conference was attended by the Prime Ministers of Hungary, Macedonia, Romania, Serbia-Montenegro, and Bulgaria, the Deputy Prime Ministers of the

Czech Republic and Croatia, and several representatives of Roma and non-Roma civil organizations, civil groups, and international organizations. The President of the World Bank, the Chairman of the Soros Foundation, the President of the Open Society Institute, the European Commissioner for Labour and Social Affairs, and the Deputy Secretary General of the Council of Europe were also present.

The organizers draw the attention to the specific challenges of the economic development of the Roma living in the region and the necessity of elaboration of policies aimed at the efficient management of poverty and discrimination.

The conference laid an emphasis on the discussion of potential strategies through which the governments, the Roma and civil organizations, and other operators of the society could undertake an active role in the suppression of poverty and the improvement of the quality of life. The participants indicated the areas of education, employment, residence, health provision, and discrimination as priorities and emphasized the necessity of implementation of the complex programs.

The conference provided an opportunity for becoming acquainted with the major Roma projects of the recent decade, for transferring and summarizing experience, for the introduction of new institutions dealing with the problems of the Roma and other minorities, and for the expansion of relations.

The participants discussed the alternatives of involvement of Roma leaders in the process of economic development, the possibilities for establishing relations, and the potential solutions aimed at the creation of the conditions of communication between Roma leaders and politicians.

When evaluating the experience of the event, the Hungarian Prime Minister announced the conference '*2005-2015: The Decade of Roma Integration*', a program which was aimed at the acceleration of the processes targeting improvement of the economic and social situation of the Roma population.

'The Decade of Roma Integration' project should be implemented primarily by the States individually. In Hungary, the detailed elaboration of the project is coordinated by the Minister without portfolio for Equal Opportunities and the Political State-Secretary for Roma Affairs.

The representatives of the States participating in the project held a consultation in Budapest on 11-12 December 2003. At the conference held at ministerial level, persons responsible for the project of each country were elected. At the conference, the Minister without portfolio for Equal Opportunities and the Political State-Secretary for Roma Affairs pointed out that, although the project was targeted for a period of 10 years, shorter program sections, i.e. milestones would be defined so that interim results may be checked, enabling individual governments to submit reports on the success of the work performed so far.

(15) In Hungary, the social integration of the Roma population is not only an issue of minority protection. In the opinion of the Government, Hungary will not become a modern European State without rising and closing up of the Roma community. However, closing up of the Roma population cannot be the responsibility of the Hungarian State only. The settlement of this issue requires Pan-European, what is more, an even wider participation.

ANNEX

Annex I

**Act CXXV of 2003
on Equal Treatment and Promotion of Equal Opportunities**

The Parliament,

acknowledging the right of all people to live with equal dignity,
guided by the intention to provide efficient protection to those who suffer from
discrimination,

declaring that promotion of equal opportunities is primarily the obligation of the State,
taking Subsection (1) of Section 54 and Section 70/A. of the Constitution as well as the
international obligations of the Republic of Hungary and the achievements of the European
Community law into account, hereby passes the following Act:

Chapter I
GENERAL PROVISIONS

Section 1. According to the requirement for equal treatment, natural persons, the
groups of national persons as well as legal entities and organizations without legal entity
residing in the territory of the Republic of Hungary shall be treated, in accordance with the
provisions of this Act, with the same respect and care, taking individual aspects to the same
extent into account.

Section 2. The provisions defined in separate provisions of law relating to the
requirements of equal treatment shall be applied in accordance with the provisions of this Act.

Definition of Terms

Section 3 For the purposes of this Act,

a) *employment legal relationship* shall mean any employment, public service legal
relationship, public servant's legal relationship, judicial service legal relationship, service
legal relationship of judicial employees, service relationship of Public Prosecutors,
professional and contractual service legal relationship, professional foster parent's legal
relationship,

b) *other legal relationship intended for work* shall mean any outworking relationship, any
legal relationship intended for work, entered into according to a contract of undertaking and
procuration, any membership in a specialized group, and the elements of a membership in a
cooperative and a corporate activity under economic and civil law involving personal
participation intended for work,

c) *state support* shall mean providing any free or preferential funds or any other
preferences from the budget of the state budget's subsystems in any form on the
understanding that such provision implies a loss of state revenue or a state expenditure,
including any state guarantee as well as any funds, grants and aids provided by the European

Union, international organizations, and other States in case they are disbursed through the central budget,

d) public service shall mean any service intended for fulfilling the fundamental needs of the population as a contractual obligation, so in particular electric power supply, gas, heat, water, waste-water and waste management services, public sanitation, postal and telecommunication services, as well as passenger transport in public traffic by vehicles running on a regular schedule,

e) social and interest-representation organization shall mean any social organization or foundation in the statutes or deed of foundation of which the promotion of social equal opportunities of disadvantaged groups or the protection of human and civil rights are included in the objectives of the organization as well as, for the purposes of a specific national and ethnic minority, any minority self-government, and any trade union in the cases associated with material, social and cultural as well as living and working conditions of employees,

f) relative shall mean any relative as defined in Paragraph *b)* of Section 685 of Act IV of 1959 on the Civil Code (hereinafter as the Civil Code), not including the fiancé/fiancée.

Scope of the Act

Section 4. The requirement of equal treatment shall be fulfilled by

- a) the Hungarian State,*
 - b) the local and minority self-governments, and their bodies,*
 - c) the organizations exercising an official authority,*
 - d) the armed forces and the law enforcement agencies,*
 - e) the public foundations and the public corporations,*
 - f) the organizations providing public services,*
 - g) the institutions of public education and higher education (hereinafter collectively as ‘institutions of education’),*
 - h) the persons and institutions providing social and child protection care as well as child welfare services,*
 - i) the museum institutions, libraries, institutions of general education,*
 - j) the voluntary mutual insurance funds, the private pension funds,*
 - k) the providers of health provision,*
 - l) the parties, and*
 - m) the budgetary organs not listed under Paragraphs *a) to l)**
- when establishing legal relationships, in their legal relationships, and in the course of their procedures and measures (hereinafter collectively as ‘legal relationships’).

Section 5. In addition to those set out in Section 4, the requirement of equal treatment shall be fulfilled in respect of a legal relationship by

- a) those who make an offer or invite offers for conclusion of a contract to persons not defined in advance,*
- b) those who provide services or sell goods in their premises accessible to clients,*
- c) private entrepreneurs, legal entities or organizations without legal entity which receive a state support in respect of their legal relationships to be entered into in the course of utilization of a state support, as from the date of use of the state support until the date when utilization of the state support can be controlled by the body entitled to do so in accordance with the relevant rules, and*
- d) employers, in respect of an employment relationship, and by persons entitled to give instructions in respect of other legal relationships aimed at work and of directly related legal relationships.*

Section 6. (1) The scope of this Act shall not extend to

- a) family law relationships
- b) legal relationships between relatives,
- c) legal relationships of ecclesiastical legal entities directly related to the activities of churches associated with religious life, and
- d) unless otherwise provided for by law, in the course of application of Section 4 of this Act, legal relationships between social organizations, legal entities, and the members of organizations without legal entity, in association with the membership.

(2) Paragraph *d*) of Subsection (1) shall not apply in respect of

- a) the establishment and termination of a membership, and
- b) the legal relationships of parties, with the exception of the property defined in Paragraph *j*) of Section 8.

Section 7. (1) Direct discrimination, indirect discrimination, harassment, illegal isolation, retortion, and any instruction to make such acts, in particular as defined in Chapter III, shall mean infringement of the requirement of equal treatment.

(2) Any behaviour, measure, condition, failure, instruction or practice (hereinafter collectively as ‘action’) based on the properties listed in Section 8, which can be reasonably justified under objective consideration in association with the legal relationship, shall not infringe the requirement of equal treatment.

Discrimination

Section 8. Any action as a result of which a person or group receives such a treatment which is more disadvantageous than that given to a person or group being in a comparable position on the grounds of the real or presumed

- a) gender,
- b) race,
- c) colour,
- d) nationality,
- e) affiliation to a national or ethnic minority,
- f) native language,
- g) deficiency,
- h) health condition,
- i) religious or ideological belief,
- j) political or other opinion,
- k) family status,
- l) maternity (pregnancy) or paternity,
- m) sexual orientation,
- n) sexual identity,
- o) age,
- p) social origin,
- q) property status,
- r) part-time character or determined term of an employment legal relationship or other legal relationship aimed at work,
- s) belonging to an interest group,
- t) other position, properties or characteristics (hereinafter collectively as ‘properties’)

of such person or group shall qualify as direct discrimination.

Section 9. Any action other than a direct discrimination, apparently complying with the requirement of equal treatment, by which certain persons or groups who or which have the properties defined in Section 8 are put into a substantially more disadvantageous position compared to other persons or groups being in a comparable position shall qualify indirect discrimination.

Harassment,, Illegal Isolation, Retortion

Section 10. (1) Any behaviour insulting human dignity which is associated with the property of the person concerned, defined in Section 8, and the aim or impact of which is evolution of an intimidating, hostile, humiliating, dishonourable or aggressive environment shall qualify as harassment.

(2) Any behaviour which gives rise to isolation of certain persons or group of persons based on their properties defined in Section 8 from others – without a reasonable ground under objective consideration – shall qualify as illegal isolation.

(3) Any behaviour which gives rise to a legal injury to a person who lodges a complaint or brings or participates in legal proceedings due to infringement of the requirement of equal treatment in association with such person's such act and which is aimed at causing or threatens to cause a legal injury shall qualify as retortion.

Preference

Section 11. (1) The action aimed at liquidation of unequal opportunities of a specified social group based on an objective consideration shall not qualify as infringement of the requirement for equal treatment provided that

a) it is based on law or on a government decree issued upon authorization of law or a collective agreement and lasts for a determined period of time or until occurrence of a definite condition or

b) it is enforced in a manner as defined in a party's statutes in course of election of the party's administration and representative body and in course of nomination of a candidate of the party for the elections defined in the Act on Procedure of Elections.

(2) The action defined in Subsection (1) shall not infringe any fundamental right, shall not provide any unconditional preference, and shall not exclude consideration of individual aspects.

Chapter II

*PROCEEDINGS BROUGHT DUE TO INFRINGEMENT OF THE REQUIREMENT OF
EQUAL TREATMENT*

Section 12. Any claims arising due to infringement of the requirement for equal treatment shall be enforceable in course of the proceedings defined in this Chapter and in separate legal regulations, so in particular in the course of inherent rights actions, labour actions, actions of authorities in charge of consumer protection, labour or minor offences.

Procedure for Infringement of This Act

Section 13. (1) Fulfilment of the requirement of equal treatment shall be supervised by an administrative authority of national competence (hereinafter as the ‘authority’).

(2) The authority shall operate under the control of the Government and shall be supervised by an appointed member of the Government.

(3) The authority shall not be instructed in respect of the scope of its responsibilities defined in this Act.

(4) The authority is a budgetary organ authorized to use budget headings and its budget represents an independent title within the budget heading of the Prime Minister’s Office.

Section 14. (1) The authority shall

a) carry out investigation upon a request or *ex officio* in the cases defined in this Act in order to determine whether the requirement for equal treatment has been infringed and shall make a decision based on such investigation;

b) institute a legal action by virtue of its right for enforcement of claims of public interest in the protection of persons and groups the rights of whom and which have been injured;

c) make an opinion on the bills concerning equal treatment;

d) make a proposal for government decisions and legal regulations relating to equal treatment;

e) regularly inform the general public and the Government on the situation connected with enforcement of equal treatment;

f) cooperate with social and interest-representation organizations and the state agencies concerned in course of performing their tasks;

g) provide those concerned with regular information and shall render assistance in the action against infringement of equal treatment;

h) participate in preparation of government reports to be drawn up in connection with the requirement for equal treatment for international organizations, in particular for the Council of Europe;

i) participate in drawing up of reports on harmonization of the directives on equal treatment for the Commission of the European Union;

j) draw up annual report for the Government on the authority’s activity and its experiences gained during application of this Act.

(2) When applying Paragraph *a)* of Subsection (1), the authority shall act in accordance with the provisions of Act IV of 1957 on the General Rules of State Administration Procedure with the differences provided for in this Act.

(3) The authority shall perform its tasks indicated in Paragraphs *c)* to *j)* of Subsection (1) in cooperation with the advisory board which has prominent experience in the protection of human rights and in the enforcement of the requirement for equal treatment, and consists of the members called on by the Prime Minister.

Section 15. (1) The investigation of infringement of the requirement for equal treatment within the meaning of this Act shall be conducted, at the discretion of the injured party, either by

- a) the authority or
- b) another administrative organ which has authority to adjudicate infringement of the requirement for equal treatment according to a separate law.

(2) The authority shall notify the administrative organ having competence according to a separate law and that administrative organ shall notify the authority on the initiating of proceedings.

(3) In the event a procedure has been instituted before an administrative organ pursuant to Subsection (1), another administrative organ, in the same case, shall

- a) not act in the infringement committed against the same person,
- b) suspend its own proceedings brought due to an infringement committed against another person until final adjudication of the case.

(4) In the event the case has been adjudicated by an administrative organ, the other administrative organ, in the same case, shall

- a) not act in the infringement committed against the same person,
- b) act in its own proceedings brought due to an infringement committed against another person based on the statement of fact established in the final decision.

(5) The authority shall act also *ex officio* if there are no proceedings in process in the case concerned before another administrative organ in connection with infringement of the requirement for equal treatment by the organs defined in Paragraphs a) to d) of Section 4.

(6) The authority shall not examine the decisions and measures made or taken by the Parliament, the President of the Republic, the Constitutional Court, the State Audit Office, the Parliamentary Commissioner for Civil Rights, the Parliamentary Commissioner for National and Ethnic Minority Rights, and the Parliamentary Commissioner for Data Protection as well as the Courts and the Public Prosecutor's Office by virtue of their public power.

(7) In the course of judicial revision of the administrative decision made by another administrative organ in connection with the requirement for equal treatment, the authority may participate in the legal action as an intervening party.

Section 16. (1) If the authority has ascertained infringement of the provisions guaranteeing the requirement for equal treatment set out in this Act, it may

- a) order termination of the infringing state,
- b) prohibit to continue the infringing behaviour,
- c) publish its decision stating that infringement,
- d) impose a fine,
- e) apply the legal consequences defined in a separate law.

(2) The legal consequences defined in Subsection (1) shall be specified taking all the circumstances of the case – particularly the injured parties, the consequences of the injury, the duration of the infringing state, the repeated demonstration of the infringing behaviour, and the infringer's capacity – into account.

(3) The legal consequences defined in Subsection (1) may be applied also collectively.

(4) The fine imposed according to Paragraph *d*) of Subsection (1) shall be between fifty thousand HUF and six million HUF. The fine shall be due to the budgetary appropriation to the Equal Opportunities Project of the Republic.

Section 17. (1) The decision of the authority is not subject to an appeal under an administrative proceeding.

(2) The decision of the authority made on the infringement of the requirement for equal treatment shall not be altered or annulled by virtue of its supervisory power.

(3) The decision of the authority shall be subject to a judicial review in accordance with the general rules for administrative decisions. The action falls into the competence and exclusive jurisdiction of the Metropolitan Court of Budapest.

(4) The Metropolitan Court of Budapest shall act within a council consisting of three professional judges.

Representation

Section 18. (1) In proceedings brought due to infringement of the requirement for equal treatment, social and interest-representation organizations and the authority may act, unless otherwise provided for by law, upon authorization of the injured party, as a representative.

(2) In an administrative proceeding brought due to infringement of the requirement for equal treatment, social and interest-representation organizations shall be deemed as holding the rights of a client.

Rules for Evidence

Section 19. (1) In an administrative proceeding brought due to infringement of the requirement for equal treatment, the injured party or the party entitled to enforce a claim of public interest shall prove that

- a*) the injured person or group has been injured and
- b*) the injured person or group had one or more properties defined in Section 8 at the time of the infringement, either actually or as presumed by the infringer.

(2) In the event the facts referred to in Subsection (1) have been proved, the other party shall arrange for evidencing

- a*) to have fulfilled or
- b*) not to have been obliged to fulfil, in respect of the legal relationship concerned, the requirement for equal treatment.

(3) The provisions set out in Subsections (1)-(2) shall not apply to criminal proceedings and proceedings for minor offences.

Enforcement of Claims of Public Interest

Section 20. (1) Legal action for infringement of inherent rights or a labour law action before a court due to infringement of the requirement for equal treatment may be brought by:

- a) the Public Prosecutor,
- b) the authority,
- c) the social and interest-representation organization

if the infringement of the requirement for equal treatment was based on a property which is an essential property of the individual's personality and the infringement affects a larger group of persons that cannot be precisely defined.

(2) The compensation established in a legal action by application of Subsection (1) and the fine of public interest shall be due to the central budget.

Chapter III

ENFORCEMENT OF THE REQUIREMENT FOR EQUAL TREATMENT IN CERTAIN FIELDS

Employment

Section 21. Infringement of the requirement for equal treatment shall be, in particular, if the employer applies direct or indirect discrimination against the employee, in particular upon determination and/or application of the following actions:

- a) in access to the job, in particular in a public job advertisement, in admission to a job, in terms of employment;
- b) in any action associated with the procedure carried out prior to and promoting the establishment of the employment legal relationship or other legal relationship aimed at work;
- c) in the establishment and termination of the employment legal relationship or other legal relationship aimed at work;
- d) in connection with the training prior to or in course of the work;
- e) in establishing and providing for working conditions;
- f) in establishing and providing the benefits due on the basis of the employment legal relationship or other legal relationship aimed at work, so in particular the wages;
- g) in the organizations of the employees in connection with their membership or participation;
- h) in the system of promotion;
- i) in the enforcement of compensation and disciplinary responsibility.

Section 22. The following shall not mean infringement of the requirement for equal treatment:

- a) the proportionate distinction justified by the character or nature of the job and based on any essential and legal condition that can be taken into account at employment,
- b) the distinction based on a religious or other ideological belief or national or ethnic identity, arising directly from the spirit fundamentally determining the nature of the organization, justified by the content or nature of the occupation concerned, and based on a proportionate and real employment requirement.

Section 23. The law, a government decree adopted upon authorization of law or a collective bargaining agreement may impose a preference obligation for a certain group of employees in association with the employment legal relationship or the other legal relationship aimed at work.

Social Security and Health

Section 24. The requirement for equal treatment shall be enforced in association with the social security, in particular when

- a) benefits financed from social security schemes, and
- b) social benefits or child protection benefits in cash and in kind, and those providing personal care are applied for and provided.

Section 25. (1) The requirement for equal treatment shall be enforced in association with health provision, in particular in course of providing health services, including

- a) participation in programs for the prevention of diseases and in screening tests,
- b) therapeutic-preventive provision,
- c) use of premises serving for residence purposes,
- d) satisfaction of needs in food and other needs.

(2) The law or a government decree adopted upon authorization of law, in accordance with the provisions of this Act, may impose additional benefits within the framework of the social and health provision scheme to certain groups of the society on the grounds of their health condition or deficiency or of the property defined in Section 8.

Residence

Section 26. (1) The following shall be infringement of the requirement for equal treatment, in particular on the grounds of the properties defined in Section 8:

- a) punishment by direct or indirect discrimination, in association with providing state or self-government supports, preferences or interest subsidies granted for assisting residence,
- b) bringing of certain persons in a disadvantaged position in course of determination of the terms and conditions of selling or letting flats and building sites owned by the state or a self- government.

(2) Refusal or subjecting to a condition of the issue of an occupation permit or other permit of the building authority shall not be based, either directly or indirectly, on the properties defined in Section 8.

(3) Definition of the criteria for allocation of flats shall not be aimed at separation of certain groups in a settlement or part of settlement on the grounds of the properties defined in Section 8 artificially, unless it is based on the voluntary decision of that group.

Education and Training

Section 27. (1) The requirement for equal treatment shall extend to any education, instruction, and training

- a) which is conducted in accordance with the requirements approved or prescribed by the State or
 - b) the organization of which
 - ba) is assisted by the State by providing direct normative budgetary subsidy or
 - bb) is assisted by the State indirectly, so in particular by cancellation or settlement of public charges or by a tax credit (hereinafter collectively as ‘education’).

(2) The requirement for equal treatment shall be enforced in association with the education defined in Subsection (1), in particular, when

- a)* determining the criteria for integration into education and adjudging applications for admission,
- b)* determining and setting the requirements for education,
- c)* evaluating performance,
- d)* providing and using education-related services,
- e)* accessing to education-related benefits,
- f)* providing for accommodation and meal in dormitories and hostels,
- g)* issuing certifications, certificates, and diplomas that can be obtained in education,
- h)* accessing to vocational guidance, and
- i)* terminating a legal relationship associated with participation in education.

(3) The following shall mean infringement of the requirement for equal treatment, in particular, with respect to a certain person or group:

- a)* illegal separation in an institution of education or in the section, class or group established within that institution,
- b)* restriction to a training or education or establishment or maintenance of a system or institution of training or education the standard of which does not reach that prescribed in the published professional requirements and/or does not comply with professional rules and, due to the above, does not provide the generally expectable possibility of preparing and preparation required for pursuance of studies and passing of state examinations.

(4) The institutions of education shall not operate study circles, student circles or other organizations of pupils, students, parents or any other organizations the objective of which is to discredit, stigmatize or exclude other persons or groups.

Section 28. (1) The requirement for equal treatment shall not be deemed as infringed if education is organized only for pupils or students of only one sex provided that participation in such education is voluntary and the participants in such education are involved in no disadvantage for this reason.

(2) The requirement for equal treatment shall not be deemed as infringed if

- a)* in an institution of public education upon the parents' initiative and at their discretion,
- b)* in an institution of higher education under the students' voluntary participation

minority or nationality education is organized on the grounds of any religious or other ideological belief, the objective or curriculum of which justifies to establish separated classes or groups; provided that the participants in such education are involved in no disadvantage for this reason and if such education complies with the requirements approved, prescribed or assisted by the State.

(3) With respect to institutions destined for preservation of linguistic or cultural self-identity, religious, minority or nationality education, another legal regulation may stipulate provisions, which differ from Paragraph *a)* of Subsection (2) of Section 27.

Section 29. The law or a government decree adopted upon authorization of law may impose a preference obligation for a specified group of persons participating in education within or beyond the school system in association with the education and training.

Trade in Goods and Use of Services

Section 30. (1) The following shall be deemed as infringement of the requirement for equal treatment, in particular - on the grounds of any property defined in Section 8, in premises accessible to clients, with special regard to public catering and trade premises and institutions established for education and entertainment - :

- a) refusing or failing to provide services or sell goods,
- b) provision of services or sell goods in a quality other than those available at the place concerned,
- c) posting a notice or sign which allows to draw a conclusion that some person is or some persons are excluded from the services provided or the goods sold there on the grounds of any property defined in Section 8.

(2) Entry into any facility, established for the members of a group that can be defined according to the properties defined in Section 8 serving for fostering traditions and maintenance of culture and self-identity and open for a restricted audience, may be restricted or subjected to membership or special conditions.

(3) The restriction described in Subsection (2) shall be evident from the description of the facility and from the circumstances of use of the services; it shall not be carried out in a manner eligible for humiliation of any persons not belonging to the specific group or for offending honour and shall not give rise to abuse of law.

Chapter IV

EQUAL OPPORTUNITIES PROJECT OF THE REPUBLIC

Section 31. (1) The Equal Opportunities Project of the Republic (hereinafter as the 'Project') is aimed at the prevention of discrimination in every field of life and at the promotion of equal opportunities of the members of certain social groups.

(2) The Project includes all the government measures serving for the purpose described in Subsection (1).

(3) The central budget line of the Project shall be ensured by the Act on the Budget of the Republic of Hungary.

Section 32. (1) The Project shall be approved by the Parliament two-yearly upon the recommendation of the Government, subsequent to a consultation with the social and interest-representation organizations, and of employers' and employees' interest-representation organizations and on the proposal of the Minister in charge of the coordination of affairs of equal opportunities.

(2) The Project is attached to the Resolution of the Parliament.

Section 33. (1) The Project analyses the tendencies of the position of the social groups concerned and determines the objectives which promote equal opportunities.

(2) The Project includes

- a) the measures required for alteration of the social attitude into a favourable direction,
- b) the awareness measures relating to the possibilities of actions against infringements,
- c) the measures required for improvement of the position of disadvantaged groups on the labour market and reduction of labour disproportions,
- d) the measures required for increase of participation of disadvantaged groups at all levels of decision-making,
- e) the State measures enhancing employers' interest in the success of the Project,
- f) the measures required for the promotion of access of disadvantaged groups to the services related to the information society,
- g) the measures required for increasing the participation of disadvantaged groups in public and higher education, and
- h) the specification of the legislative tasks required for the implementation of the objectives set.

Section 34. The Government shall inform the Parliament about the implementation of the Project within one year following the period under review.

Section 35. Local self-governments, in accordance with the objectives set in the Project, may adopt a local project for equal opportunities in which they analyze the tendencies of the position of disadvantaged groups living in the settlement concerned and determine the objectives promoting equal opportunities of these groups. The project for equal opportunities of the self-government includes, in particular, the objectives related to local public affairs and the tasks performed by the local self-government, the funds needed for their implementation, and the planned schedule of their implementation.

Section 36. Budgetary organs and legal entities in majority ownership of the State which employ more than fifty employees shall adopt the Equal Opportunities Project defined in Section 70/A of Act XXII of 1992 on the Labour Code (hereinafter as the Labour Code).

Chapter V *AMENDING PROVISIONS*

Section 37. Section 76 of the Civil Code shall be amended as follows:

"Section 76. Infringement of inherent rights shall be, in particular, infringement of the requirement for equal treatment, infringement of the freedom of conscience and illegal restriction of personal freedom as well as injury of corporeal integrity and health and offending of honour and human dignity."

Section 38. Subsection (3) of Section 2 of Law-Decree 11 of 1979 on implementation of penalties and measures shall be replaced by the following provision:

"(3) The requirement for equal treatment shall be fulfilled in respect of convicts."

Section 39. The first sentence of Section 2 of Act IV of 1991 on Job Assistance and Unemployment Benefits shall be replaced by the following provision:

"When providing for job assistance and unemployment benefits, the requirement for equal treatment shall be fulfilled."

Section 40. Subsection (1) of Section 42 of Act I of 1992 on the Cooperatives shall be replaced by the following provision:

"(1) In accordance with the principle of open membership, when admitting members and determining the members' rights and obligations, the requirement for equal treatment shall be fulfilled."

Section 41. (1) Section 5 of the Labour Code and the preceding subtitle shall be replaced by the following provision:

"Requirement for Equal Treatment"

Section 5. (1) In respect of employment, the requirement for equal treatment shall be fulfilled.

(2) The consequences of infringement of the requirement for equal treatment shall be properly remedied which remedy shall not give rise to infringement of or prejudice to other employee's rights."

(2) In Subsection (2) of Section 68 of the Labour Code, the passage "of the rules for discrimination" shall be replaced by passage "of the requirement for equal treatment".

(3) The Labour Code shall be supplemented by the following new subtitle and Section 70/A:

"Equal Opportunities Project"

Section 70/A. (1) The employer and the trade union which has representation with the employer – or in default of a trade union the works council – may adopt jointly and for a determined term an equal opportunities project.

(2) The Equal Opportunities Project shall include analysis of the employment status of disadvantaged groups of employees employed by the employer, so in particular of

a) women,

b) employees over the age of forty,

c) the Roma,

d) disabled persons, and

e) employees rearing two or more children under the age of ten or single employees rearing one child or more children under the age of ten,

in particular their wages, working conditions, professional promotion, training, and preferences related to rearing of children and their parental role, as well as the objectives of the employer conceived for the relevant year for providing equal opportunities and the means required for achieving such objectives, with special regard to any programs for training and labour safety and those used by the employer in relation to the criteria of employment.

(3) The special data required for elaboration of the Equal Opportunities Project may only be managed, in accordance with the provisions of Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Data of Public Interest, based on the voluntary data supply of the person concerned, up to the last day of the period covered by the Equal Opportunities Project."

(4) The passage "prohibition of discrimination" in Paragraph *a)* of Subsection (3) of Section 100 of the Labour Code shall be replaced by passage "requirement for equal treatment".

(5) The passage "principle of equal treatment of men and women and prohibition of discrimination" in Paragraph g) of Subsection (1) of Section 106/A of the Labour Code shall be replaced by passage "requirement for equal treatment".

(6) The passage

a) "making any unreasonable distinction between employees shall be prohibited" in Subsection (1) of Section 142/A of the Labour Code shall be replaced by passage "the requirement for equal treatment shall be fulfilled",

b) "could not give rise to discrimination between employees (Section 5)" in Subsection (4) of Section 142/A of the Labour Code shall be replaced by passage "shall comply with the requirement for equal treatment (Section 5)".

(7) Paragraph c) of Subsection (5) of Section 193/G of the Labour Code shall be replaced by the following provision:

(During the period of performance of work the borrower shall qualify as an employer)

"c) requirement for equal treatment,"

(and with respect to adherence to the rules for their registration.)

(8) Subsection (2) of Section 212 of the Labour Code shall be supplemented by the following new Paragraphs h)-j):

(This Act includes regulations which are, in accordance with Section 3 of Act I of 1994 on Promulgation of the Agreement and with respect to the European Agreement on establishment an association between the Republic of Hungary and the European Communities and their Member States, signed in Brussels on 16 December 1991, compatible with the following legislation of the European Communities)

"h) Council Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women,

i) Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding,

j) Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC."

Section 42. (1) The passage "prohibition of discrimination [Subsections (1)-(2) and Subsection (4) of Section 5 of the Labour Code]," in Paragraph a) of Subsection (3) of Section 60 of Act XXIII of 1992 on the Legal Status of Civil Servants (hereinafter as the LSCS) shall be replaced by passage "requirement for equal treatment (Section 5 of the Labour Code),".

(2) Paragraph a) of Subsection (2) of Section 71 of the LSCS shall be replaced by the following provision:

(The provisions of the Labour Code shall be applied, in accordance with the following:)

"a) Subsections (1) to (4) of Section 3, Section 4, Sections 5 to 12, Sections 15 to 19/A, Sections 21 to 28, Section 70/A, Section 74, Section 77, Section 84/A, Section 85, Sections 86/B to 86/D, Section 97, Subsections (1) to (3) of Section 102, Subsections (1)-(2) and Subsection (4) of Section 103, Subsections (4)-(5) of Section 104, Section 107, Subsection (1) of Section 117, Subsection (5) of Section 117/B, Subsection (2) of Section 118, Subsections (4)-(5) of Section 118/A, Subsections (1)-(2) and Subsection (5) of Section 119, Sections 120 to 121, Sections 123 to 126, Subsections (1)-(2) and Subsections (6)-(7) of Section 127,

Subsection (1) of Section 128, Section 129, Subsection (2) of Section 130, Subsections (1) to (3) of Section 132, Section 133, Sections 135 to 140/A, Section 142/A, Subsection (1) of Section 144, Subsections (2) to (4) of Section 151, Sections 152-153, the first and third sentences of Subsection (1) of Section 154, Sections 155 to 157, Sections 159 to 164, Subsection (2) of Section 165, Subsection (2) of Section 166, Subsections (1) and (3) of Section 167, Sections 168 to 1569, Sections 171 to 172, Section 174, Sections 176 to 183, Subsections (1)-(2) of Section 184, Sections 185 to 187, Sections 204-205, Section 207;"

Section 43. The passage "prohibition of discrimination (Section 5 of the Labour Code)" in Paragraph a) of Subsection (3) of Section 34 of Act XXXIII of 1992 on the Legal Status of Public Servants shall be replaced by passage "requirement for equal treatment (Section 5 of the Labour Code)".

Section 44. The first sentence of Subsection (2) of Section 94/E of Act III of 1993 on the Social Administration and Social Benefits shall be replaced by the following provision: "When providing social services, the requirement for equal treatment shall be fulfilled."

Section 45. (1) Subsections (7) to (14) of Section 4 of Act LXXIX of 1993 on Public Education (hereinafter as PEA) shall lose its force and simultaneously the numbering of Subsection (15) shall be changed to Subsection (7).

(2) The PEA shall be supplemented by new Section 4/A:
"Section 4/A. (1) Persons participating in the organization, management, operation and implementation of the tasks of public education shall fulfil the requirement for equal treatment when making their decisions and taking their measures in relation to children, pupils or students.

(2) According to the requirement for equal treatment, each child, pupil or student participating in public education shall have the right to receive services on the same conditions and at the same standard as other persons being in a comparable position with him/her.

(3) The consequences of infringement of the requirement for equal treatment shall be properly remedied which remedy shall not give rise to infringement of or prejudice to the rights of other children, pupils or students.

(4) Infringement of the equal treatment shall be remedied under the procedure provided for in this Act. Irrespective of its result, conducting of the procedure provided for in this Act shall not exclude the possibility to enforce inherent rights before the court or institution of another procedure eligible for stating responsibility and its legal consequences.

(5) When applying this Section, the provisions of Act on Equal Treatment shall also be applied."

(3) Paragraph a) of Subsection (1) of Section 81 of the PEA shall be replaced by the following provision:

(In the event the institution of education-training is maintained by an institution other than the local self-government or a state organ)

"a) the institution of education-training may operate also as an institution committed from the point of view of religion or ideology and, accordingly, may subject admission of the

children, pupils or students to adoption of a specific religion or ideology, may integrate the philosophical, ethical and cultural knowledge complying with that religious or ideological commitment to its training and/or pedagogical program as well as may restrict or prohibit exercising of the right provided for in Paragraph *d*) of Subsection (1) of Section 19 of this Act and may establish in the regulations rights and obligations for the children, pupils or students in relation to practice of religion;"

(4) The passage "infringing the prohibition of discrimination" in Subsection (7) of Section 84 of the PEA shall be replaced by passage "infringing the requirement for equal treatment and the passage "the prohibition of discrimination" in Subsection (4) of Section 95/A shall be replaced by passage "the requirement for equal treatment".

Section 46. The passage "the prohibition of discrimination" in Subsection (1) of Section 6 of Act LXXX of 1994 on the Public Prosecutor's Service Relationship and the Data Management in Public Prosecutor's Offices shall be replaced by passage "the requirement for equal treatment".

Section 47. The passage "cause their unreasonable discrimination in any other manner" in Subsection (5) of Section 40 of Act XL of 1995 on Public Procurement shall be replaced by passage "infringe the requirement for equal treatment".

Section 48. (1) Section 6 of Act XLIII of 1996 on the Conditions of Service for Members of the Regular Armed Forces (hereinafter as the RSA) and the preceding subtitle shall be replaced by the following provision:

"Requirement for equal treatment

Section 6. (1) In any service relationship, the requirement for equal treatment shall be fulfilled.

(2) The armed body shall provide, considering solely the professional capacities, the practice and the performance as well as based on the period of time spent in service the rank and position constraints, promotion possibilities for the member of the professional staff without discrimination."

(2) The passage "the prohibition of discrimination" in Subsection (7) of Section 197 of the RSA shall be replaced by passage "the requirement for equal treatment".

Section 49. (1) Subsection (4) of Section 16 of Act XLIV of 1996 on the Service Relationship of Soldiers Liable to Military Service (hereinafter as the LMSA) shall be replaced by the following provision:

"(4) Participation in or absence on religious exercises or religious ceremonies shall not give rise to any infringement of the requirement for equal treatment."

(2) Subsection (2) of Section 30 of the LMSA shall be replaced by the following provision:

"(2) The membership or lack of membership of a soldier liable to military service in an interest-representation organization shall not give rise to any infringement of the requirement for equal treatment against him."

Section 50. (1) The passage "the prohibition of discrimination" in Paragraph *a*) of Subsection (2) of Section 1 of Act LXXV of 1996 on the Monitoring of Employment (hereinafter as the MEA) shall be replaced by passage "the requirement for equal treatment".

(2) Paragraph *d*) of Subsection (1) of Section 3 of the MEA shall be replaced by the following provision:

"*d*) the requirement for equal treatment,"

(3) Subsection (4) of Section 8 of the MEA shall lose its force.

Section 51. Section 61 of Act CXVI on the Atomic Energy shall be replaced by the following provision:

"Section 61. When applying the provisions of this Chapter, the requirement for equal treatment shall be fulfilled."

Section 52. Subsection (2) of Section 3 of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship shall be replaced by the following provision:

"(2) When protecting children, the requirement for equal treatment shall be fulfilled."

Section 53. Section 2 of Act CXL of 1997 on Museum Institutions, Public Library Services and Cultural Education shall be replaced by the following provision:

"Section 2. When enforcing the rights defined in this Act, the requirement for equal treatment shall be fulfilled."

Section 54. (1) The passage "without discrimination" in Subsection (1) of Section 7 of Act CLIV of 1997 on Health (hereinafter as the HA) shall be replaced by passage "complying with the requirement for equal treatment"; simultaneously, Subsection (4) of Section 7 shall lose its force.

(2) The passage "discrimination" in the first sentence of Subsection (4) of Section 9 of the HA shall be replaced by passage "infringement of the requirement for equal treatment".

(3) Subsection (5) of Section 30 of the HA shall be replaced by the following provision:

"(5) The legal representative of patients shall pay special attention to the patients' rights protection of those who are defenceless due to their age, corporeal or mental deficiency, health state or social position and to the complaint relating to enforcement of the requirement for equal treatment and shall represent the patient in course of an official procedure brought for stating infringement of that requirement."

Section 55. Subsection (6) of Section 25 of Act XXVI on the Rights and Equal Opportunities of Persons with Disabilities shall be replaced by the following provision:

"(6) The National Council for Disabled Persons and the national interest-representation organizations of disabled persons may bring a legal action against those who infringe the rights of disabled persons provided in law in order to enforce the rights due to disabled persons even if the infringement concerns a larger group of persons that cannot be accurately defined."

Section 56. (1) Subsection (1) of Section 1 of Act XLIII of 1999 on Cemeteries and Burials (hereinafter as the CBA) shall be replaced by the following provision:

"(1) Everybody is entitled to a fair and due burial and to the right to pay tribute before the place of repose."

(2) Subsection (2) of Section 17 of the CBA shall be replaced by the following provision:

"(2) The operator shall fulfil the requirement for equal treatment with respect to providers of burial services."

Section 57. (1) The passage "enforced also without unreasonable distinction" in Subsection (1) of Section 90 of Act LXXVI of 1999 on Copyright (hereinafter as the CA) shall be replaced by passage "complying with the requirement for equal treatment".

(2) Subsection (4) of Section 90 of the CA shall be replaced by the following provision:

"(4) When applying the tariffs the requirement for equal treatment shall be fulfilled."

Section 58. The last sentence of Subsection (2) of Section 46 of Act CXLI of 2000 on New Cooperatives shall lose its force and, simultaneously, Section 51 shall be supplemented by the following Subsection (3):

"(3) When admitting members as well as determining the rights and obligations of the members, the requirement for equal treatment shall be fulfilled."

Section 59. Section 6 and the preceding subtitle of Act No XCV of 2001 on the Legal Status of Professional and Contractual Soldiers of the Hungarian Army shall be replaced by the following provision:

"Requirement for equal treatment

Section 6. The requirement for equal treatment shall be fulfilled with respect to the service relationship."

Section 60. (1) The passage "free of discrimination" in the Preamble of Act CX of 2001 on Electric Energy (hereinafter as the EEA) shall be replaced by passage "complying with the requirement for equal treatment".

(2) The passage "without application of discrimination" in Subsection (1) of Section 33 of the EEA shall be replaced by passage "without prejudice to the requirement for equal treatment".

(3) The passage "shall not apply discrimination" in Subsection (3) of Section 43 of the EEA shall be replaced by passage "shall comply with the requirement for equal treatment".

(4) Subsection (2) of Section 50 of the EEA shall be replaced by the following provision:

"(2) In course of the permit procedure, the requirement for equal treatment shall be fulfilled."

Section 61. (1) The passage "involve or would give rise to any discrimination" in Subsection (3) of Section 69 of Act CXX of 2001 on the Capital Market (hereinafter the CMA) shall be replaced by passage "infringe the requirement for equal treatment".

(2) The passage "make any discrimination" in Subsection (4) of Section 74 of the CMA shall be replaced by passage "infringe the requirement for equal treatment".

(3) The second sentence of Subsection (2) of Section 225 of the CMA shall be replaced by the following provision:

"The Rules shall not infringe the requirement for equal treatment with respect to individual members of the Fund and shall not jeopardize safe management of the Fund."

(4) Subsection (5) of Section 317 of the CMA shall be replaced by the following provision

"(5) The regulations of the stock exchange shall fulfil the requirement for equal treatment with respect to individual stock brokers and issuers."

(5) Subsection (4) of Section 345 of the CMA shall be replaced by the following provision:

"(4) The business regulations and rules shall provide for fulfilment of the requirement for equal treatment with respect to the clients of the organization pursuing clearing-house activity."

Section 62. The passage "free of discrimination" in Subsection (3) of Section 30 of XLII of 2003 on Natural Gas Supply shall be replaced by passage "complying with the requirement for equal treatment", the passage "shall not involve unreasonable distinction" in Subsection (5) of Section 30 shall be replaced by passage "shall not infringe the requirement for equal treatment", and the passage "and taking the prohibition of discrimination into account" in Subsection (15) of Section 33 shall be replaced by passage "and considering and according to the requirement for equal treatment".

Chapter VI ***CLOSING PROVISIONS***

Section 63. (1) This Act, with the exceptions defined in Subsections (2)-(3), shall come into force on the 30th day following its promulgation.

(2) Sections 13 to 17, the passage " , and the authority" in Subsection (1) of Section 18, and Paragraph *b*) of Subsection (1) of Section 20 of this Act shall come into force on 1 January 2005.

(3) Sections 31 to 34 of this Act shall come into force on 1 January 2004.

(4) The Project shall be submitted by the Government to the Parliament for the first time so that it may come into force on 1 January 2005. The Project for 2004 – applying in accordance with Subsection (2) of Section 33, upon the proposal of the Minister in charge of coordination of equal opportunities affairs – shall be approved by the Government. Subsection (2) of Section 31 shall not apply to the Program for 2004.

(5) The Equal Opportunities Projects referred to in Section 36 of this Act shall be adopted for the first time by 31 December 2004 at the latest.

Section 64. The Government is authorized to define the detailed rules for the organization and procedure of the authority in a decree.

Section 65. This Act according to the provisions concerning legal approximation of the European Agreement on establishment of an association between the Republic of Hungary

and The European Communities and their Member States, signed in Brussels on 16 December 1991, promulgated by Act I of 1994, includes regulations which are compatible with the following legislation of the European Communities:

- a) Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working, and the amending Council Directive 2002/73/EC,
- b) Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security,
- c) Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security systems,
- d) Council Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood,
- e) Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex,
- f) Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
- g) Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

Annex II

Act LXXIX of 1993 on Public Education

(Excerpt from certain Sections providing for integration of disadvantaged children, pupils and students)

Section 4. (7) When making their decisions and arrangements, the persons participating in the organization, management, operation, and implementation of the tasks of public education shall take the first and foremost interests of children into account. The first and foremost interests of children shall mean in public education, in particular, that

- a) the services defined in this Act are provided to them to the appropriate standard so that the use of such services should not impose any disproportionate burden on them,
- b) they receive all assistance as defined in this Act in putting forth of their capacities and talents, development of their personalities, and continuous updating of their knowledge,
- c) the decisions made in their affairs are made fairly and humanely, taking all the factors into account, while considering the interests of other children, pupils and students, choosing the most favourable for them from among the available alternatives.

Section 84. (7) Any decision made under the maintainer's control and/or within an institutional authority, which infringes the requirement for equal treatment and is contrary to the first and foremost interests of children shall be null and void. Any person may refer to the invalidity of the null and void decision without setting any time limit.

(8) With the exception defined in Subsection (10), establishment of nullity may be requested from the court in the procedure regulated in Subsection (4) provided that there is no possibility to contest the decision according to Subsection (4). Prior to bringing of the judicial procedure, the person entitled to bring the procedure shall initiate preliminary consultation with the decision-maker.

(9) Establishment of nullity may be applied for by the person whom the decision concerns or, if it cannot be stated, by anyone. Establishment of nullity may be applied for without setting a time limit provided that, in the case defined in Subsection (8), the preliminary consultation with the decision-maker has not been successful.

(10) The provisions set out in Subsection (8) shall not apply if the decision has been made by the local self-government or its agencies provided that the right for legal control is exercised in the given case by the head of the administrative Office in accordance with Paragraph a) of Subsection (2) of Section 98 of the Act on Local Governments. In this case for the contestation of the decision the provisions of the law on local self-governments shall be applied.

(11) In the procedure brought with a view to establish nullity, the decision-maker shall evidence that the reason for nullity does not exist.

(12) In the event a decision to be made under the maintainer's control is subjected by law to a preliminary opinion, consent or expertise, the decision made by failure to obtain such may be contested. The successfully contested decision shall become null and void as from the date when the decision was made. The right of contest may be exercised by the injured party and the person who is legally interested in such contest. The contest shall be notified within three months in writing and then, if such notification has remained unsuccessful, shall be enforced within fifteen days. Establishment of nullity may be initiated in accordance with the provisions of Subsections (8) and (10). The time limit of three months shall start at the date of notification of the decision to the party concerned. If that date cannot be ascertained, the date of notification shall be the fifteenth day of the date when the decision was made. The time limit for contest shall involve forfeiture of right and no certificate can be accepted.

(13) Establishment of nullity or invalidity (hereinafter as 'infringement') shall not affect any rights acquired and exercised in good faith.

(14) Should nullity or invalidity be established, the court may

a) order the termination of the infringement and may ban the infringer from any further infringement;

b) order that the infringer provide a remedy by a statement or in any other appropriate manner and to make such appropriately public at its own cost;

c) order the restoration of the state before the infringement by the infringer or at its own cost as well as the annihilation of the thing produced by the infringement or termination of its infringing nature;

d) order payment of the amount saved by the infringement, calculated for the relevant budgetary year, to the Public Education Development Earmarked Appropriation Fund.

(15) The infringing decision may be declared to be valid if the reason for nullity or invalidity can be terminated.

Annex III

Government Decree 107/2003. (VII. 18.) Korm. on the scope of responsibility and authority of the Minister for Equal Opportunities without portfolio (Excerpt)

Based on the authorization set out in Subsection (2) of Section 37 of the Constitution, the Government defines the scope of responsibility and authority of the Minister for Equal Opportunities without portfolio as follows:

Section 1. (1) The Minister for Equal Opportunities without portfolio (hereinafter as the ‘Minister without portfolio’) shall participate in the activities intended for the liquidation of inequalities affecting women, disabled people, Roma people, children, and old people, in the reduction of exclusion of certain social groups, in planning and elaborating the governmental projects for creation of opportunities as well as shall represent and enforce equal opportunities aspects in the activity of the Government and shall maintain relations with the civil society in order to reduce prejudice and to create opportunities, which are her main tasks.

(2) The coordinating activity of the Minister without portfolio shall extend to the liquidation of discrimination affecting various groups of the society, in particular women, disabled people, Roma people, children, and old people, to the government measures aimed at creation of opportunities, and to coordination of plans and projects made for such purposes. Accordingly, she shall elaborate proposals for the measures serving for the enforcement of equal treatment and equal opportunities of any disadvantaged.

(3) The activity of the Minister without portfolio is intended for the reduction of exclusion of disabled people and for the enforcement of the principle of human dignity and equal treatment in as wide range as possible. To this end, she shall maintain relations and cooperate with the Parliamentary Commissioner for Civil Rights, the Parliamentary Commissioner for National and Ethnic Minority Rights as well as Hungarian and international organizations for interest and legal protection.

(4) In order to implement the strategy reflecting the basic principle of the Government, i.e. ‘a State which considers the autonomous civil society as a partner’, the Minister without portfolio shall coordinate the activities of the Ministries connected with the civil society, shall participate in legislation for non-profit organizations, shall supervise the operation of the National Civil Basic Programme, and shall cooperate with the representatives of the civil society and organizations.

Section 2. (1) The Minister without portfolio shall

a) plan governmental tasks for the creation of opportunities and shall develop and initiate the relevant projects;

b) coordinate the activities of the Ministries aimed at creation of opportunities, shall monitor and analyze these activities;

c) organize the cooperation between the Government and disadvantaged social groups as well as non-governmental organizations;

d) organize the communication and social representation of the policy and action for creation of opportunities;

e) elaborate a proposal for creating an Equal Opportunities Network and shall arrange for its establishment and operation;

f) operate, not affecting the scope of responsibility of another Minister, the national forums of social dialogue for equal opportunities as initiated by the Government.

(2) Within the scope of her responsibilities, the Minister without portfolio shall perform the tasks associated with European integration.

(3) In order to represent and enforce aspects of equal opportunities, the approval of the Minister without portfolio will be required for putting forward the proposals relating to the living conditions of disadvantaged social groups, as such, to the Government.

Section 3. (1) The Minister without portfolio shall, with participation of the Political State-Secretaries in charge of specific professional tasks, carry out the government tasks arising in the field of the

a) organization and development of social (civil) relations,
b) promotion of social integration and improvement of the living conditions of the Roma population and the maintenance of relations with its/their organizations.

(2) The scope of responsibilities and authorities of the Minister defined in Paragraphs *a)* and *b)* of Subsection (1) are specified in *Schedules 1* and *2* to this Decree.

(3) The Political State-Secretary participating in the professional tasks defined in this Decree under the general control of the Minister without portfolio shall perform its activity while collaborating in exercising of the Minister's scope of responsibilities and authorities.

Section 4. (1) The Minister without portfolio, acting within her scope of responsibilities and authorities, shall

a) prepare the drafts of decisions belonging to the scope of authority of the Parliament and the Government;

b) make an opinion on the drafts of proposals to the Government and ministerial decrees;

c) make a decree in issues requiring legal regulation, upon authorization of law or a government decree;

d) carry out the tasks connected with representation of the Government in the Parliament and shall cooperate with the competent committees of the Parliament;

e) represent the Government in its external relations and international organizations and shall organize international cooperation;

f) operate the Council of Women Representation dealing with the issues of equal opportunities of men and women.

(2) The Minister without portfolio shall regularly inform the Government of her activity.

Section 5. (1) The work of the Minister without portfolio shall be assisted by the Cabinet and the Office.

(2) The budget of the Cabinet of the Minister without portfolio and the Office shall be appropriated in the budget of the Prime Minister's Office.

(3) The legal status of the Office controlled by the Minister without portfolio shall be regulated in a separate government decree.

(4) Unless otherwise provided for in law or in a government decree, the Minister without portfolio shall exercise employer's rights and shall determine the rules of the Office.

Section 6. Where a government decree, a ministerial decree or a government resolution issued prior to the entry of this Decree into effect refers to

- a) the Political State-Secretary in charge of organizing social (civil) relations,
 - b) the Political State-Secretary in charge of promoting social integration and improving the living conditions of the Roma population and of maintaining relations with its organizations or
 - c) the Minister heading the Prime Minister's Office or the Prime Minister's Office with respect to the scope of responsibilities mentioned in Paragraphs a) and b),
- the Minister without portfolio shall be understood.

Schedule 1 to Government Decree 107/2003. (VII. 18.) Korm.

Scope of responsibilities and authorities related to development of social and civil relations

The Minister without portfolio shall, with the participation of the Political State-Secretary in charge of this task as a governmental commissioner, arrange for the development of the policy of the Government for maintenance of relations with citizens, social organizations, foundations, public bodies, and public utility organizations (hereinafter collectively as the 'civil society') and for coordinating the implementation of this policy.

The Minister without portfolio shall arrange for the

- a) elaboration of the Government's strategy aimed at development of the relations with the civil society and for creation of its conditions;
- b) operation of the Civil Basic Program;
- c) coordination of the conceptions and decisions at ministerial level affecting the civil sphere and the integration of the information concerning the civil sphere into the Government's decision-preparing processes;
- d) coordination of the development tasks of the government organs related to the civil society;
- e) elaboration of the service and developing programs promoting strengthening of the civil society as well as the development and operation of information technology systems providing dialogue with the civil society;
- f) launching of research studies and training projects serving for the development of civil relations;
- g) elaboration of a monitoring system assisting following up of social movements;
- h) professional supervision of the European Union's PHARE Access Program and performance of the secretariat tasks for the Heading Monitoring Committee;
- i) operation of the Interdepartmental Committee for Civil Coordination;
- j) coordination of the government tasks related to public foundations.

Schedule 2 to Government Decree 107/2003. (VII. 18.) Korm.

Scope of responsibilities and authorities related to the social integration of the Roma population

The Minister without portfolio shall, with participation of the Political State-Secretaries in charge of this task,

- a)* elaborate the conception of the Roma policy and, as a part of it, the development, modernization and social conception as well as the related strategy and decision-making proposals;
- b)* in cooperation with the Ministers concerned, prepare the drafts of the Government's decisions associated with the measures related to Roma integration;
- c)* take part in the preparation of legal regulations related to Roma integration and aimed at the elimination of discrimination;
- d)* coordinate the implementation of the Government's Roma-related tasks arising from the European integration, the international support projects for development of social integration of the Roma population, and shall participate in the organization of integration relations of the Government;
- e)* initiate a multilateral dialogue in order to obtain wide social support of Roma integration;
- f)* establish, operate and develop the national information and data supply system attached to the PHARE integration program;
- g)* analyze and evaluate the social-political and economic processes associated with Roma integration;
- h)* make proposals for research and development programs and shall coordinate the development programs for social integration of the Roma population which can serve as models;
- i)* coordinate comprehensive communication programs by involving the facilities of the media in a wider range and in order to reduce prejudice appearing in the majority society and discrimination;
- j)* manage the intervention line related to Roma integration;
- k)* pay prominent attention to conflict-managing tasks and shall cooperate with the Anti-discriminative Network of the Ministry of Justice and other organizations for legal protection and protection of interests.

Annex IV

Major further legal regulations directly related to the Roma minority

- Government Resolution 1051/2002. (V.14.) Korm. on the uniform professional and financial follow-up system for the implementation of Government Resolution 1047/1999. (V.5.) about medium-term package of measures to improve the living standards and social position of the Roma,
- Government Resolution 2217/2002. Korm. on the utilization of the general reserves of the central budget for 2002 and on the supplementary provision of the scholarship line for supporting young Roma people,
- Government Resolution 1140/2002. (VIII.12.) Korm. on the establishment of the Council for Roma Affairs,
- Government Resolution 1186/2002. (XI.5.) Korm. on the guidelines and organizational framework of the government cooperation promoting social integration of the Roma population,
- Government Decree 107/2003. (VII. 18.) Korm. on the scope of responsibility and authority of the Minister of Equal Opportunities without portfolio.

Annex V

Publication issued by the Central Statistical Office including the census data for minorities

2001 Population Census, 4. National Minority affiliation, Data of national and ethnic minorities

Figures based on aggregated numbers of persons

2001 Population Census, 6. Territorial data, Evaluation of data

Budapest, individual counties, summarized data (national)

(The publication is accompanied by a CD-ROM which includes, in addition to worded analysis, the census data already published for the territory concerned (country, capital, county) and the colour diagrams and cartograms demonstrating individual topics. The CD-ROM displays the data in two ways, partly in a way well traceable and legible on the screen and partly in a form eligible for further processing.)

Nationality composition of inhabitants of the settlement

Gazetteer of the Republic of Hungary

(The official Gazetteer has been available on the Internet since 1 January 2003 free of charge on <http://helynevtar.ksh.hu>.)

Native language data

2001 Population Census, 6. Territorial data, Volume I

Budapest, individual counties, summarized data (national)

1.1.9. Population by native language, nationality and gender, 1930-2001.

2.1.10. Population by native language, major demographic and employment data and gender

2.1.14. Citizenship by major age groups, native language and nationality.

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

Nationality data**2001 Population Census, 6. Territorial data, Volume I**

Budapest, individual counties, summarized data (national)

1.1.9. Population by native language, nationality and gender, 1960-2001.

2.1.8. Population by nationality, major demographic and employment data, and gender

2.1.12. Factors influencing nationality affiliation of the population

2.1.14. Citizenship by major age groups, native language and nationality

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

2001 Population Census, 8. Boarding schools and boarding households

3.14. Boarding schools according to the nationality of the persons living there, their intended purpose and the economic management of the maintainer

Data for languages used in the family and among friends**2001 Population Census, 6. Territorial data, Volume I**

Budapest, individual counties, summarized data (national)

1.1.10. Population according to the language used in the family and among friends, affiliation to cultural values and traditions, and gender

2.1.11. Population according to the language used in the family and among friends, major demographic and employment data, and gender

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

Data for affiliation to cultural values and traditions of a nationality group**2001 Population Census, 6. Territorial data, Volume I**

Budapest, individual counties, summarized data (national)

1.1.10. Population according to the language used in the family and among friends, affiliation to cultural values and traditions, and gender

2.1.9. Population according to affiliation to cultural values and traditions of a nationality group as well as major demographic and employment data and gender

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

Data for „Declaration of belonging to a minority” (according to at least one alternative criteria of nationality, affiliation to cultural values and traditions, native language, language used in the family and among friends)

2001 Population Census, 6. Territorial data, Volume I

Budapest, individual counties, summarized data (national)

1.1.10. Population according to the language used in the family and among friends, affiliation to cultural values and traditions, and gender, 2001.

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

3.1.9. Population belonging to domestic minorities groups according to citizenship and gender

4.1.11. Population according to nationality status.

Data for language command (native language and language spoken other than the native language together)

2001 Population Census, 6. Territorial data, Volume I

Budapest, individual counties, summarized data (national)

1.1.11. Population by language command (languages appearing in Hungary relatively frequently) and gender, 1960, 1980-2001)

2.1.13. Population by language command, major demographic and employment data, and gender

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

3.1.8. Population by language command (languages appearing in Hungary relatively frequently), age groups and gender.

Data for spoken language other than native language

2001 Population Census, 6. Territorial data, Volume I

Budapest, individual counties, summarized data (national)

1.1.11. Population by language command (languages appearing in Hungary relatively frequently) and gender, 1960, 1980-2001)

2.1.13. Population by language command, major demographic and employment data, and gender.

2001 Population Census, 6. Territorial data, Volume II

Budapest, individual counties, summarized data (national)

3.1.7. Factors influencing nationality affiliation of the population

3.1.8. Population by language command (languages appearing in Hungary relatively frequently), age groups and gender.

Annex VI**Latest major publications for minority policy**

- *Szalayné Sándor Erzsébet*: System of international legal institutions of protection of minorities in the 20th century (MTA Minority Studies Institute – Gondolat Publishers' Circle)
- National and ethnic minorities in Hungary at the end of the 20th century (Osiris – MTA Research on Minorities Workshop)
- Where to go? Political and human rights of Roma in a changing world (Lucidus Publisher Minority Studies books)
- Roma/Gypsy and the invisible economy (Osiris- MTA Research on Minorities Workshop)
- Gypsies in the Social Land Project (Gondolat Publisher)
- *Béla Pukánszky*: German citizens in Hungarian land (Lucidus Publisher Minority Studies books)
- *Gyula Kristó*: Non-Hungarian peoples in Hungary in the Middle Ages
- *Emil Niederhauser*: Hungary and Europe (Lucidus Publisher Minority Studies books)
- Can identity be registered? (Gondolat Publisher – MTA Institute for legal Studies)

Annex VII

Bibliographic (selective) data for the publications of the Research Institute for Linguistics of the Hungarian Academy of Sciences on the minorities in Hungary published between 1999 and 2003

- *Csilla Bartha*: Social and linguistic practices and different patterns of language shift. In: Fenyvesi, Anna and Sándor, Klára (eds.) Language contact and the verbal complex of Dutch and Hungarian. Working papers from the 1st Bilingual Language Use Theme Meeting of the Study Centre on Language Contact, November 11–13, 1999, Szeged, Hungary. Copied in Szeged University of Szeged, Teacher Training College. 15-31.
- *Csilla Bartha*: Possibilities of preservation of minority languages and education. (Eds Orsolya Nádor, László Szarka), Language rights, minorities, and language policy in Eastern-Central Europe. Akadémia Publisher, Budapest, 2003, pp 56-75
- *Csilla Bartha*: Die Möglichkeiten der Bewahrung der Minderheitensprachen in Ungarn. Über eine soziolinguistische Zweisprachigkeitsuntersuchung im Landesmasstab. In: Herausgeben von Ferenc Glatz, Sprache und die kleinen Nationen Ostmitteleuropas. Studien von Cs. Bartha, A. Borbély, M. Erb, F. Glatz, A. Gyivicsán,

O. Nádor, Zs. Ritoók, L. Szarka, Gy. Szépe, B. Vizi. Budapest, 2003, Europa Institut. (Begegnungen, Band 21.) 225-236.

- *Anna Borbély*: Factors influencing language maintenance and language shift in the Romanian community of Hungary, In: Sociolinguistica 16. International Yearbook of European Sociolinguistics. Language policy and small languages, (Eds Ammon U, Mattheier KJ, Nelde PH), Max Niemeyer Verlag, Tübingen, 2002, pp 94-109
- *Anna Borbély*: Some data about the language rights of Romanians in Hungary, In: Hungarians and language laws. Library of Hungarology 26. (Eds Kontra M, Hattyár H), Teleki László Foundation, Budapest, 2002, pp 61-72
- *Károly Gerstner*: Dialekterscheinungen in ungarndeutschen geographischen Namen, In: "und Thut ein Gnügen Seinem Amt" Festschrift für Karl Manherz zum 60, (Eds Erb M, Knipf E, Orosz M, Tarnói L), ELTE Institute of Germanics, Budapest, 2002, pp 63-69
- *Krisztina Menyhárt*. Năkoi aspekti na dvuezicieto pri balgarite v Ungariâ. In: Vincze-Peneva, L. and Petkova, A. edit.. Bălgari v Ungariâ, Budapest, 1997. Bulgarian National Self-government, Budapest, 1999, 113-120.
- *Anna Orsós*: Hungarian – Beas Concise Dictionary. Vorbé dá ungur. Csokonai Vitéz Mihály Teacher Training College: Kaposvár, 1999. 114 p.
- *Anna Orsós*: Gypsy languages in Hungary, In: The culture and psychology of the Roma community, PTE BTK Institute of Psychology and Division of Romology, Pécs, 2002, pp 201-230
- *Andrea Szalai*: Linguistic Human Rights Problems among Romani and Boyash Speakers in Hungary with special attention to education. In Miklós Kontra, Tove Skutnabb-Kangas, Robert Phillipson and Tibor Várady (szerk.): Language: A Right and a Resource. (Approaching Linguistic Human Rights.) Budapest, 1999, CEU Press, 297-315.
- *Jarovinskij Alekszandr*: Lexical-semantic representation of students in Hungarian-Slovakian bilingual secondary grammar schools. Linguistic Bulletins, 2001. 98. vol. 235-249. p.
- *Miklós Kontra*: Language rights, linguistic planning, and problems of use of native languages as languages of instruction, In: International Seminar of Gypsy Languages, (Ed. Cserti Csapó T), PTE BTK Division of Romology, Pécs, 2002, pp 35-45

Annex VIII

Latest research studies of the National Institute of Criminology operating as the scientific research body of the Chief Prosecutor's Office of the Republic of Hungary related to the Roma minority (selective digest)

- *Szilveszter Póczik*: External and internal ethnic problems and the Roma minority in criminological point of view. The 12th Baltic Criminological Seminar to "Crime and criminology at the turn on the 21st Century". St. Petersburg. Org. by the Russian Academy of Science, Department of Law of St. Petersburg State University. 28-30. June 1999.
- *Szilveszter Póczik*: Romas - eine schwer benachteiligte, von Kriminalisierung und Viktimisierung besonders bedrohte Minderheit. Mitteleuropäische Polizeiakademie. Budapest, 22.05.2000.
- *Szilveszter Póczik*: Ausländische Straftäter in Ungarn in den letzten 10 Jahren. Internationale Tätergruppen. Seminar der Mitteleuropäischen Polizeiakademie. Legionowo / Szczytno, Polen. 13-15.09.2000.
- *Szilveszter Póczik*: Ausländer und problematische Minderheiten in der Kriminalität in Ungarn. Internationaler Fortbildungskurs der Mitteleuropäischen Polizeiakademie. Budapest, 17. Mai 2001.
- *Szilveszter Póczik*: Illegale Einwanderer, Ausländer und problematische Minderheitsgruppen in Kriminalität und Kriminologie. Eine Präsentation für deutsche Juristen der Referendarzeit. Nationales Institut f. Kriminologie. Budapest, 31. Mai 2001.
- *Szilveszter Póczik*: Criminological study on Roma offenders. Summarized results of empiric prison studies in 2000-2002 (OKRI-1500).

Annex IX

(Selective) list of literature of educational aids used by secondary schools specialized in law enforcement

- *Zoltán Ács*: Gypsies (National minorities in historical Hungary)
- Introduction to the culture of the Gypsy in Hungary (Calibra Kiadó Kft.)
- *Péter Szuhay*: Culture of the Gypsy in Hungary
- *Róbert Győri Szabó*: Change of regime in minority policy in Hungary
- Gypsy in Europe (ELTE publication)
- *Szilveszter Póczik*: The Gypsies and aliens

Annex X

Institutions of minority pedagogue training in Hungary

Training of secondary school language teachers:

- Eötvös Lóránt University of Arts and Sciences (ELTE) Faculty of Arts (BTK) – Budapest (German, Slovakian, Croatian, Serbian, Slovenian, Bulgarian, Polish, Greek, Ukrainian)
- Pázmány Péter Catholic University – Piliscsaba (German, Slovakian)

- József Attila University of Arts and Sciences – Szeged (German, Serbian, Bulgarian, Ukrainian)
- Pécs University of Arts and Sciences BTK (Faculty of Arts) – Pécs (German)

Secondary school teacher training:

- Szeged University of Arts and Sciences Juhász Gyula Teacher Training College Faculty – Szeged (German, Slovakian, Romanian)
- Berzsenyi Dániel College – Szombathely (German, Croatian, Slovenian)
- Nyíregyháza College – Nyíregyháza (Ukrainian)
- Pécs University of Arts and Sciences BTK (Faculty of Arts) (Croatian)

Primary school teacher training:

- ELTE Teacher Training College Faculty – Budapest (Serbian, German)
- Eötvös József College – Baja (German, Croatian)
- Pécs University of Arts and Sciences Illyés Gyula College Faculty of Pedagogy – Szekszárd (German)
- Apor Vilmos Catholic College – Zsámbék (German)
- Tessedik Sámuel College, College Faculty of Pedagogy – Szarvas (Slovakian, Romanian)
- Vitéz János Roman Catholic Teacher Training College – Esztergom (German, Slovakian)

Nursery-school pedagogue training:

- Eötvös József College of Pedagogy – Baja (German, Croatian)
- Pécs University of Arts and Sciences Illyés Gyula College Faculty of Pedagogy – Szekszárd (German, Croatian)
- University of West-Hungary Benedek Elek College Faculty of Pedagogy – Sopron (German, Croatian)
- Tessedik Sámuel College Brunszvik Teréz College Faculty of Nursery-school Pedagogue Training – Szarvas (Slovakian, Romanian)

Institutes of higher education engaged in Roma pedagogue training:

- ELTE BTK Division of Training Science – Budapest (Gypsy Division Group)
- ELTE BTK Division of Cultural Anthropology – Budapest (program)
- Pécs University of Arts and Sciences BTK Division of Romology - Pécs
- Nyíregyháza College – Nyíregyháza (special college)
- Kaposvár University – Kaposvár (postgraduate training in romology)
- Apor Vilmos Catholic Colleges – Zsámbék (Gypsy Division)
- ELTE Teacher Training College Faculty – Budapest (special college)
- Miskolc University Comenius Teacher Training College Faculty – Sárospatak (special college)
- Miskolc University BTK Division of Cultural Anthropology – Miskolc (special college)
- Kölcsey Ferenc Teacher Training Calvinist College – Debrecen (postgraduate training in romology)
- Tessedik Sámuel College, College Faculty of Pedagogy – Szarvas (special college)
- Eötvös József College – Baja (special college)
- Debrecen University Wargha István College Faculty of Pedagogy – Hajdúböszörmény (special college)

Annex XI

The Roma-related measures of the National Development Plan (information from the National Development Office, January 2004)

Operative Program for Development of Human Resources

Measure 1.1: Prevention and management of unemployment

This measure provides for financing of training projects organized by 20 county employment centres. Within its framework, the following activities can be supported:

Training:

- Personality development and motivation training,
- Training providing basic skills for commencement of special training, closing-up training,
- Vocational training (training preparing for a specific job, IT training, development of entrepreneurial knowledge and faculties, acquisition of knowledge required for pursuing a professional activity at a higher level, training for subjects of staff reduction, retraining),
- Language training.

Services and benefits promoting employment and eligibility for employment:

- Customized information and advising services (vocational guidance, training consultancy, job consultancy, job hunter club, training of job hunting techniques),
- Services promoting territorial mobility of labour (e.g. refund of certified travelling costs),
- Employment supports, supports promoting part-time employment and acquisition of practical experiences.

The Roma minority is represented over and above the target group of this measure. Roma minority self-governments and Roma civil organizations have been involved in the planning of the measure in order to reach the appropriate target groups. Under this measure it is also allowed to implement projects targeting specifically the Roma minority.

Available sum: EUR 116,866,644

Measure 1.2: Development of employment service

Under this measure, projects specifically aimed at the integration of the Roma minority on the labour market can be implemented.

Activities eligible for support:

- Development of the system of placement work through consultancy and extension of job-hunting services,
- Improvement of the quality of services of the employment service through training of the staff, involving Roma employees, too,
- Providing the clients with current information on the labour market and training opportunities, accompanied by career consultancy,

- Support of regional and local cooperation (with civil organizations, offices providing services to the youth, social, educational and training institutions, Roma organizations etc.).

Roma employees should be involved in the preparation of Roma projects in as many number as possible. This may contribute to increasing the opportunities of the participants to find a job on the primary and secondary labour market.

Available sum: EUR 32,000,015

Measure 2.1: Providing equal opportunities for socially disadvantaged pupils and students in the system of education

This measure is aimed at the prevention of school failure and drop-out of disadvantaged pupils and students, primarily of Roma origin and with specific needs of training, and the development of integrated training. By this, the labour opportunities and social integration of Roma pupils and students may be improved. Its further aim is to liquidate segregation and to introduce anti-discriminative integrated education practices in public education. Applications may be submitted by self-governments, civil organizations, churches, non-profit organizations.

1. Training of experts involved in the training of disadvantaged pupils and students, primarily of Roma origin and with specific needs of training, and the development of curricula and methodology for integrated training:
 - Development and introduction of teacher training programs,
 - Development and implementation of expert and teacher retraining projects,
 - Training exercises and training projects enhancing social sensibility and positive attitude to integrated education for local decision-makers and non-teaching pedagogues,
 - Development of the know-how of integrated education, creation of a methodology databank and elaboration of service-providing program packages,
 - Elaboration of new methods for preventing the early leaving of school and for the early recognition of the risk of drop-out.
2. Support of adaptation of projects of integrated education in individual institutions:
 - Adaptation of training methods, modules and curricula,
 - Adaptation of out-of-lesson activities with a view to prevent the drop-out of disadvantaged children and to promote their school success (out-of-lesson learning groups, talent developing projects),
 - Adaptation of measuring and evaluating systems,
 - Development of intercultural communication,
 - Development of horizontal learning and thematic information networks, workshops and seminars.

Integrated, person-oriented and differentiated education of pupils and students of different social positions will improve mutual understanding and recognition and will, as a result, reduce prejudice.

Available sum: EUR 30,356,702

Measure 2.2: Promotion of social acceptance through training experts in the field of social affairs

The program of this measure serves for the integration of disadvantaged social groups. For this measure no special program targeting Roma people has been elaborated since the implementation of integrated programs are more efficient both in professional and social terms. However, people of Roma origin have been over-represented in the target group involved in the programs included in this measure. So the whole of this measure considerably affected the better provision, preparation, employment, and the social integration of Roma people. Applications may be submitted by self-governments, civil organizations, churches.

Activities eligible for support:

- Training, retraining,
- Mental hygiene training, conflict management training, meditation training,
- Supervision, labour - market knowledge,
- Acceptance of EU skills and practices, computer skills, electronic learning,
- Establishment of cooperation relations, elaboration of training topics and curricula, elaboration of methodologies.

Available sum: EUR 16,630,977

Measure 2.3: Improvement of employment opportunities of disadvantaged people, including Roma people

The prominent target group of this measure is the Roma minority. The primary aim of the supported projects was to involve, motivate, and train Roma people and to provide for their (re)integration in the labour market, taking the special needs of Roma people into account. This measure may be implemented – even in phases of planning, implementation and evaluation – with active participation of the Roma population.

Target group-oriented activities:

- Finding up, involve, and motivate the target group,
- Integration and re-integration into education and training and/or promotion of placement,
- Elaboration and implementation of individual development plans (including improvement of corporeal and mental condition, strengthening motivation to learn and work, development of key competencies and basic knowledge),
- Assisting convicts, persons in detention and released from prison in their social and labour integration by training as well as labour and social services.

In order to ensure integrated approach, development, training and employment activities should be implemented always in organic unity with psycho-social supporting services.

Activities of professional assistance character in order to improve the professional conditions of organizations implementing the projects:

- Training and supervision of the staff of organizations implementing the projects,
- Establishing and developing local partnership and cooperation,
- Network development and introduction of a sector-specific quality management model.

Applicants:

1. Main applicants: non-profit organizations (associations, foundations, public utility companies, church institutions),
2. Members of consortiums: non-profit organizations (associations, foundations, public utility companies, church institutions), local governments, local minority self-governments, undertakings, budgetary organs and institutions.

Available sum: EUR 40,014,442

Measure 3.1: Stimulation of the development of faculties, capacities and competencies required for life-time learning

This measure does not target specifically the Roma people, however, when evaluating applications, preference is given to disadvantaged pupils and students, in particular of Roma origin.

- Development and introduction of new curricula, training program packages, educational aids and methodologies in the spirit of competence-based education:
- In nursery-schools and primary education (ISCED 0, 1, 2), in the field of basic faculties (counting, writing, reading), social and way-of-living competencies, basic IKT faculties and career-building competencies,
- At secondary level (ISCED 3), in the field of further development of basic faculties, a higher level of IKT and career-building competencies, and foreign language competencies,
- Elaboration of curricula for pedagogue training and retraining, methodology and projects,
- Development and adaptation of measuring and evaluating procedures required for competence-based education,
- Retraining of teachers for competence-based education,
- Training of teachers, experts in education and heads of institutions in the field of quality improvement,
- Training of heads and advisory boards of institutions of education and training for the implementation and evaluation of this measure.

Available sum: EUR 73,164,702

Measure 3.2: Content, methodology and construction development of vocational training

This measure may render assistance to those who work in the social field:

- Establishment of institutional relations (system of cooperation) between institutions for vocational training and other local market operators (chambers of commerce, maintainers, social partners),
- Determination of the selection criteria for participants in the project through applications,
- Establishment of the system of cooperation with experts of vocational training institutions, chambers of commerce, maintainers, and social partners involved in developing activities,
- Elaborating and making available digital curricula and, if required, other curricula for training and retraining projects (to be integrated into the uniform electronic database system elaborated in Hungary),
- Testing and monitoring efficiency and eligibility in the practice.

Available sum: EUR 42,515,345

Measure 3.4: Training projects promoting the creation of jobs and the development of entrepreneurial faculties

This measure is not intended specifically for the Roma minority, however, it can provide good opportunities also for Roma applicants owing to its nature.

Support of training programs associated with job creating projects:

- Elaboration and implementation of training, retraining, partial training, company-specific training courses related to job creating investments and change of corporate technology,
- Support of adult training programs to be implemented in regional corporate headquarters,
- As supplementary activities to training courses related to job creating projects and change of corporate technology, the following may be supported:

Development of entrepreneurial faculties

- Training projects providing acquisition of knowledge required for up-to-date entrepreneurial knowledge and for the efficient organization of course of business,
- Training projects for the knowledge related to the European Union,
- IT training and development of skills,
- Rendering assistance in compliance with the requirements for labour health and safety through training and information services.

It is required in the projects to involve Roma employees and working places employing Roma people and/or owned by Roma entrepreneurs.

Applicants: institutions of education, research institutions

Available sum: EUR 66,752,815

Measure 4.2: Infrastructural development of services supporting social acceptance

This component may be attached to Measure 2.2 of the Operative Program for Development of Human Resources because the training projects described there can be attended by the staff of new institutions. So provision in infants' nursery can be supplemented by flexible daytime provisions to be carried out with EU support.

Applicants: self-governments, local minority self-governments, civil organizations, public utility foundations

This measure serves for the integration of disadvantaged social groups. Its essence is the creation and improvement of the infrastructural background of services aimed at social integration, which does not include institutions supposed to provide only for the Roma minority. However, people of Roma origin have been over-represented in all the target groups involved in the programs included in this measure. So the whole of this measure mainly affected the better provision, preparation, employment, and, as a result, the social integration of Roma people.

Regional Development Operative Program

Measure 2.2: Rehabilitation of town areas

In the territories to be supported, numerous Roma people live in a deteriorated physical environment. Disadvantages are often accompanied by environmental problems. The target areas of action may be the centres or sub-centres of settlements which lose their function where a great part of economic and social activities are concentrated or the parts of settlements where the introduction of new functions contributes to the social and economic renewal of the area concerned.

Activities eligible for the support:

- Support of appearance of new economic, community and social functions and strengthening of the old functions in deteriorating town areas inhabited mostly by disadvantaged groups in order to renew the area and consolidate social cohesion.
- Renewal of deteriorated town areas, liquidation of Roma colonies, and establishment of an attractive town environment, which stimulates further private investment.
- Reusing brown-field areas in order to promote their changing functions and their integration into the settlement structure as well as to reduce the territorial needs arisen by green-field investment.

Available sum: EUR 92,666,421

Measure 3.1: Capacity-building of local public administration and civil organizations

Target groups of this measure includes the representatives of minority self-governments, including the Roma minority self-government. During its implementation, this measure stimulates the participation of the Roma minority in various training projects, in particular in those which improve the project developing capacity of Roma organizations, contributing in that way to the efficient preparation and implementation of projects aimed at the improvement of the Roma minority's position.

Activities eligible for support, with respect to the institutions concerned in regional development and with a view to develop the capacities of civil operators:

- Conducting training courses
- Development of knowledge associated with planning and implementing projects aimed at the utilization of Structural Funds and the Cohesion Fund (e.g. project planning and development),
- Strategic planning and general management,
- Equal opportunities,
- Knowledge required for the operation of public administration and the public sphere, and for assuming public services,
- Knowledge related to the European Union,
- Project preparation, development, implementation and financial management,
- Arranging for availability of funds,
- Controlling communication and information systems related to diversity and anti-discrimination.

Activities eligible for support with a view to stimulate cooperation at regional and small-region level:

- Conducting partnership-building and communication training projects,
- Organizing training and workshops aimed at the establishment of cooperation-partnership networks at small-region and regional level,
- Conducting training projects aimed at the development of exemplary cooperation models at regional and small-region level,
- Conducting training programs built on wide-range partnership and aimed at the establishment of integrated projects.

Available sum: EUR 26,937,915

Measure 3.2: Support for local employment initiatives

This measure is aimed at the promotion of local coordination of employment-promoting activities, elaboration of local/small-region/regional employment strategies, and entering into agreements. Furthermore, it promotes the establishment of cooperation networks at local/regional level aimed at the stimulation and coordination of local employment initiatives and the creation of their conditions of operation.

Moreover, this measure improves the labour-market position of the Roma population. The proportion of Roma people within the permanently unemployed is rather high. The employment project to be implemented in the framework of this measure would provide job opportunities also for them. It will stimulate the projects to be carried out with the participation of Roma people.

Activities eligible for support:

- Education, vocational and teaching training, renewal of knowledge,
- Employment of employees participating in the program, including rehabilitation,
- Consultancy activity and other services aimed at the improvement of eligibility of participants in the program for employment,
- Providing supplementary services, which promotes the remaining of the beneficiary in employment, including the dependant members of the family,
- Creating the infrastructural background and purchasing the devices and equipment required for the employment project,
- Use of the services necessary for the successful implementation of the project,
- Training of experts controlling the local employment projects and of experts and project managers rendering professional assistance in the projects,
- Professional and management consultancy in order to promote the successful implementation of local employment projects,
- Providing advisor training services promoting the introduction of quality improvement – controlling systems to the civil organizations acting in the social economy,
- Disseminating good practices, providing for awareness and publicity through preparing publications and organizing events.

Available sum: EUR 23,757,745

Agricultural and Rural Development Operative Program

Measure 1.4: Support of vocational retraining and rehabilitation

Under this measure vocational training might be supported which contributes to the development of professional skills and professional aptitude of farmers and other persons pursuing agricultural or forestry activities. This will cover also the expedient retraining of teachers which does not form a part of the general training system and which is supported neither by the European Social Fund, by the Operative Program for Development of Human Resources nor by the Regional Development Operative Program. This measure is aimed at the development of training programs by the elaboration of new curricula and the adaptation of the existing programs and curricula, as required, and through supplementing it by EU/CAP and regional curriculum in the special fields associated with agriculture and forestry.

Activities eligible for support:

- Expedient retraining of technical teachers participating in education,
- Organization of training and rehabilitation courses for those engaged in agriculture and forestry,
- Organization of special training courses promoting alternative earning capacity of women living in the provinces,
- Organization of special training courses promoting alternative earning capacity of women living in the provinces,
- Organization of special training courses for the improvement of the opportunities of Roma communities pursuing disadvantaged agricultural activity.

This measure prominently supports the training projects covering the following special fields:

- Ecological and organic farming, farming providing for soil and water protection, utilization of manure and pesticides,
- Methods providing for the preservation and enrichment of landscape and the protection of the environment;
- Farm operation methods in forestry and fishery,
- Farm management knowledge,
- The European Union and its agricultural system, CAP regulation systems, requirements for farming,
- Opportunities for people living in to provinces to gain supplementary earnings from alternative sources,
- Special needs of disadvantaged Roma communities pursuing agricultural production.

Available sum: EUR 7,100,000

3.4 LEADER+

Although this measure does not specify the Roma communities as a target group, it is eligible for developing these communities. LEADER+ intensifies human, community and economic mechanisms which are able to mobilize the internal abilities of a certain region in order to implement programs elaborated by involving and with participation of the local community. This is required for sustainable development, bearing the quality of life in mind, in which the concealed reserves of certain regions and local communities can be revealed and through which the systems of human, economic and information relations between local communities, still missing nowadays, can be established.

4.1. Acquisition of faculties

- Organization of training courses, events, workshops, awareness programs, elaboration of studies, publications and handbooks relating to the region concerned, elaboration of the integrated territory-based development strategy of (pre-selected) potential Local Action Groups in a limited number, based on community participation and partnership,
- Informing and training the local population to take a more active part in the development process,
- Establishment of representative local development partnership and cooperation. Methodological and administrative preparation of local cooperation for planning and implementing LEADER+ type measures,
- Development of capacities of local communities, community leaders, members of the potential Local Action Group and of experts,
- Preparing and disseminating methodological materials. Preparing publications, organizing events.

4.2 Experimental, integrated rural development strategies

- Implementation of experimental integrated approved rural development programs for local areas, elaborated by the Local Action Groups, through local tendering,
- Promotion of establishment and operation of Local Action Groups up to 10% of the support available for local rural development programs.

4.3. Support of interregional and international cooperation

- Support of developments established and implemented by cooperation of two or more regions, which cooperation may be entered into either within Hungary or between the rural regions of various Member States (if financed by own funds, even rural regions might become partners which are not subject to the LEADER+ program).
- Support may be provided to the implementation of specific common projects, planned by the regions jointly and affecting both (possibly more) rural regions.

4.4. Establishment of a communication network at European, national and regional level

- Establishing the national coordination unit,
- Connection of rural regions into the network and providing for continuous and efficient operation of the network.

Available sum: EUR 23,900,000

Annex XII

Case description: the ‘Gyöngyös’ and ‘Valkó’ cases (Source: Ministry of the Interior)

Below we describe two cases which created a stir and were hotly discussed recently in the media.

On 1 November 2002 at 13.16, the security service of the Bugát Pál Hospital in Gyöngyös received a notification that at the surgery class of the hospital, on the third floor, a mass of

some 40 to 50 people had gathered and annoyed the calm of patients with their loudness. They came together because one of the members of their family, the mother of the family of 82 years of age had died. The relatives, a lot of them in a drunken condition, rushed into the room and stroked and pulled the deceased. The patients and nurses took fright and there was a just operated patient who left the room with fear, even in a reduced condition, barefoot.

The police was notified by the security service. The policemen arriving called upon the blustering relatives to leave the building. Some of the company tried to comply with this notice, though reluctantly, but the lift could not start due to its overload. The policemen tried to direct the mass through the staircase when temper got out of hand. One of the fuglemen raised his hand to blow and grasped the clothes of one of the policemen. After this a scuffle began because the policemen tried to help their colleague and from the company more and more people joined in the events. One of the fighters took a jack out of his pocket while the mass was scanning that they would beat the policemen to death.

The policemen took first two and then three persons of the fighters to the Police Headquarters in Gyöngyös.

The case was investigated by a committee set up on the instruction of the High Commissioner of the Hungarian National Police, which took exception, among others, to the shortcomings of radio communication and the work of the policemen on duty. The committee stated that the development of said situation had partly been due to the shortcomings of the police work, therefore the Commissioner of the Police Headquarters of Heves County initiated a disciplinary procedure against six policemen.

It should be mentioned, however, that the Public Prosecutor's Investigation Office of Heves County qualified the police action as legal and discontinued also the proceedings brought due to the complaint lodged against the policemen on maltreatment in an official procedure.

On 13 June 2003 between 07.00 and 19.00, on the territory of Valkó, Vácszentlászló, Zsámbok and Dány, i.e. in the area supervised by the Police Headquarters of Gödöllő, two policemen carried out patrol service by car and held road traffic control in the internal area of Valkó in the course of which the policemen took an action and initiated a complaint against four persons due to a minor offence.

In Kossuth Lajos Street of Valkó, the acting policemen intended to stop a van type ZUK at 09.00 by a regular arm signal 'Stop'. The driver of the van neglected the police signal in order to evade the police action, stepped on the gas and drove further as a result of which the policeman had to step on the roadside for the protection of his own safety. The policemen dashed off with their service car after the ZUK van, which stopped not far from the site of the action. The driver of the van, jumping out of the vehicle with a crowbar in his hand, showed an aggressive attitude against the policemen approaching on foot.

Seeing this situation, one of the policemen took his service gun out of its case and raised it in front of himself without cocking the trigger. The driver of the van dropped the crowbar and ran towards the door of a house but it was closed. So the policemen could arrest the withstanding man by force whom they escorted to the service car and whom they intended to handcuff in order to avoid his further withstanding. The handcuff was already on his right hand when they observed that a group consisting of some 30 to 40 persons (men, women and children) – coming out of the houses of the street – had surrounded them while shouting and

aggressively threatening them. Meanwhile, a man around 40, ran out of one of the houses and stroke a blow at the shoulder of one of the acting policemen. This act made the successful completing of the police action impossible because the policeman concerned had to lose hold of the driver of the van in order to keep his balance so he could not finish handcuffing alone, due to the withstanding of the person under police action.

In the meantime, an unknown child in the mass around 12-13, making use of the engagement of the policemen with the police action and the numerous group, pierced the right front tyre of the service car.

Due to the aggressive action of the ever increasing group equipped with various devices (hoes, scythes, forks) and the lynch feeling evolved, the policemen gave up their further action in order to protect their own safety, left the site with the service car, and then notified the duty of the Police Headquarters of Gödöllő.

When investigating the case, it was stated by the Police Headquarters of Pest County that the policemen had taken regular actions. However, with respect to technicality, it came to light that the officer on duty had made an improper inquiry from the patrol notifying the event. This is why the extraordinary event was not treated in accordance with its significance. They took the necessary measures only upon the instruction of the Commissioner of the Headquarters who had been informed of the events by the mayor of Valkó by phone.

As a result of the investigation, the Commissioner of the Police Headquarters of Gödöllő initiated criminal proceedings with the Public Prosecutor's Investigation Office of Pest county on the grounds of the well-grounded suspicion of committing violence against an official person and disciplinary measures against the patrol partners and the officer on duty. The Quality Improvement and Control Service of the Police Headquarters of Pest County proposed to draw up a case study in order to avoid similar events.

Annex XIII

Statistical data for minority education by using the information published by the National Institute of Public Education in its 'Report on the Hungarian Public Education, 2003'

Change in the number of students in various levels of minority education, 1995/96 and 2001/02

Language	Primary school		Secondary grammar school		Secondary spec. school		Higher education	
	1995/96	2001/02	1995/96	2001/02	1995/96	2001/02	1995/96	2001/02
Croatian	2 657	1 527	214	179	–	–	83	98
German	41 029	39 692	825	2 685	–	601	200	167
Romanian	1 041	824	114	177	–	–	92	107
Serbian	281	476	75	110	–	–	56	68
Slovakian	4 317	3 269	145	127	52	33	132	165
Slovenian	116	251	8	12	3	–	7	4
Total	49 441	46 039	1 381	3 290	55	634	570	609

Source: Statistical Yearbook of Hungary 2002, KSH

Proportion of pupils in the 5th and 8th classes who participate in minority education and undertake their national identity according to their declared native language, 1999/2000 (%)

Native language	Gypsy	Croatian	German	Romania	Serbian	Slovakian	Total
National minority	27.8	59.2	4.8	57.7	84.6	10.0	32.6
Hungarian	72.2	40.8	95.2	42.3	15.4	90.0	68.3

Source: National Institute of Public Education

Minority language command of pupils in the 5th and 8th classes who participate in minority education and undertake their national identity, 1999/2000 (%)

Description	Gypsy	Croatian	German	Romania	Serbian	Slovakian	Total
<i>Do you speak your minority language?</i>							
Yes	52.9	68.2	75	78.3	90.9	72.7	73.7
Understands but does not speak	17.6	15.6	10	21.7	9.1	27.3	12.9
Does not understand and speak	29.4	15.9	15.0	–	–	–	13.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<i>Level of language communication *</i>							
Native language level	27.3	40.0	4.8	35	81.8	22.2	25.7
Very good	18.2	20.0	46.8	20.0	–	11.1	29.1
Medium	36.4	34.3	43.5	40	9.1	55.6	38.5
Poor	18.2	5.7	4.8	5.0	9.1	11.1	6.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: National Institute of Public Education

* In the group of pupils declaring themselves as speaking their minority language.

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Summary table of
the 2001
Population Census

Table 1

Minority groups in Hungary	Number of citizens who undertake to use native language		Change in the number of citizens who undertake to use native language in %	Number of citizens who undertake their nationality status		Change in the number of citizens who undertake their nationality status	Number of citizens who are associated with ethnic cultural values and traditions	Number of citizens who use their own languages in the family and among friends
	1990	2001		1990	2001		2001	2001
	Bulgarian	1 370		1 299	-5,18		..	1 358
Roma	48 072	48 685	1,28	142 683	190 046	33,19	129 259	53 323
Greek	1 640	1 921	17,13	..	2 509	6 140	1 974	
Croatian	17 577	14 345	-18,39	13 570	15 620	15,11	19 715	14 788
Polish	3 788	2 580	-31,89	..	2 962	3 983	2 659	
German	37 511	33 792	-9,91	30 824	62 233	101,90	88 416	53 040
Armenian	37	294	694,59	..	620	836	300	
Romanian	8 730	8 482	-2,84	10 740	7 995	-25,56	9 162	8 215
Serbian	2 953	3 388	14,73	2 905	3 816	31,36	5 279	4 186
Slovak	12 745	11 817	-7,28	10 459	17 693	69,17	26 631	18 057
Slovenian	2 627	3 187	21,32	1 930	3 040	57,51	3 442	3 119
Ruthenian	674	1 113	1 098	1 292	1 068	
Ukrainian	..	4 885	5 070	4 779	4 519	
Total:	137 724	135 788	-1,41	213 111	314 060	47,37	300 627	166 366

Source: Central
Statistical Office

2001
Populations

Census
4.
Nationality
affiliation

**Population
reaction on
questions
inquiring
about
nationality
affiliation,in
2001**

Table 2

Question for identification of nationality status	Total answers	Real answers	Average real answers per 1000 persons	Citizens providing one answer		Citizens providing two answers		Citizens providing three answers		Citizens providing no answer			
				number	proportion (per mille)	number	proportion (per mille)	number	proportion (per mille)	no intention	unknown answer	total number	prop. (per mille)
Nationality	10 316 723	9 746 186	956	9 510 631	932,6	115 886	11,4	1 261	0,1	543 317	27 220	570 537	55,9
Tying to ethnic cultural values and traditions	10 349 808	9 721 480	953	9 423 111	924,0	142 259	13,9	4 617	0,5	591 373	36 955	628 328	61,6
native language	10 239 552	9 698 446	951	9 616 410	942,9	40 361	4,0	438	0,0	513 089	28 017	541 106	53,1
Language spoken in the family and among friends	10 337 821	9 779 575	959	9 505 691	932,1	129 250	12,7	5 128	0,5	522 176	36 070	558 246	54,7

Source:
Central

Statistical
Office

2001
Populations
Census
4.
Nationality
affiliation

**National minority
population in territorial
breakdown in 2001**

Table 3

Territory (county)	Total number of citizens of the national minorities in Hungary	National minorities in Hungary												
		Bulgarian	Roma	Greek	Croatian	Polish	German	Armenian	Romanian	Ruthenian	Serbian	Slovak	Slovenian	Ukrainian
Budapest	29 884	784	12 273	1 522	771	1 185	7 042	364	1 205	430	996	1 528	359	1 425
Bács-Kiskun	13 780	28	6 026	13	1 695	83	4 476	6	175	34	307	614	66	257
Baranya	28 388	54	8 552	75	4 608	125	14 205	13	155	22	324	70	46	139
Békés	14 931	22	4 989	13	30	47	964	19	3 233	19	316	5 022	113	144
Borsod-Abaúj-Zemplén	48 899	55	45 525	136	16	185	1 159	8	137	168	18	1 150	57	285
Csongrád	5 379	40	2 844	57	129	91	560	18	441	25	580	359	43	192
Fejér	7 097	16	3 755	324	65	122	2 151	23	162	37	69	133	45	195
Győr-Sopron-Moson	5 720	16	1 368	26	1 954	95	1 808	8	99	11	36	84	77	138
Hajdú-Bihar	12 322	21	10 836	32	15	74	319	20	669	32	16	48	32	208
Heves	12 924	9	12 095	16	6	61	219	5	145	23	7	222	18	98
Jász-Nagykun-Szolnok	12 396	18	11 679	16	12	49	218	4	112	21	16	70	26	155
Komárom-Esztergom	10 870	32	2 337	37	40	126	5 119	5	140	22	28	2 795	56	133
Nógrád	11 969	10	9 209	6	9	34	744	5	58	11	3	1 778	29	73
Pest	28 533	187	11 252	177	344	355	10 343	52	557	116	884	3 472	193	601
Somogy	11 601	7	9 440	11	720	68	965	14	101	19	71	29	44	112
Szabolcs-Szatmár-Bereg	27 257	21	25 612	13	6	47	727	20	121	29	12	146	31	472
Tolna	12 021	11	4 783	8	84	43	6 660	14	126	12	82	72	27	99
Vas	6 688	5	1 378	8	2 321	36	1 023	6	73	16	11	29	1 706	76
Veszprém	5 885	14	2 054	11	61	97	3 077	10	224	36	22	60	33	186
Zala	7 516	8	4 039	8	2 734	39	454	6	62	15	18	12	39	82

Total:	314 060	1 358	190 046	2 509	15 620	2 962	62 233	620	7 995	1 098	3 816	17 693	3 040	5 070
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Source: Central
Statistical Office

2001
Populations
Census
4. Nationality
affiliation

**Number of citizens
associated with ethnic
cultural values and
traditions in territorial
breakdown in 2001**

Table 4

Territory (county)	Total number of citizens of national minorities in Hungary	National minorities in Hungary												
		Bulgarian	Roma	Greek	Croatian	Polish	German	Armenian	Romani	Ruthenian	Serbian	Slovak	Slovenian	Ukrainian
Budapest	35 372	961	9 381	3 145	1 117	1 650	11 161	488	1 539	476	1 345	2 362	425	1 322
Bács-Kiskun	15 724	26	5 202	111	2 541	106	5 603	13	210	43	509	1 044	67	249
Baranya	32 960	64	7 257	203	5 797	181	18 414	17	205	29	508	83	60	142
Békés	16 628	31	3 668	119	40	59	1 435	14	3 567	21	418	6 946	160	150
Borsod-Abaúj-Zemplén	29 025	69	24 430	278	25	256	1 711	11	165	215	32	1 513	66	254
Csongrád	5 778	50	2 378	197	161	119	856	20	500	25	734	503	52	183
Fejér	8 485	27	3 074	458	106	176	3 809	27	203	48	110	194	62	191
Győr-Sopron-Moson	7 268	19	1 131	118	2 609	106	2 785	13	123	13	44	106	74	127
Hajdú-Bihar	9 693	74	7 768	145	19	122	519	35	639	31	24	83	38	196
Heves	8 984	11	7 779	77	13	84	317	6	156	23	13	389	24	92
Jász-Nagykun-Szolnok	7 361	14	6 369	92	16	66	352	2	138	21	27	81	26	157
Komárom-Esztergom	14 968	32	1 865	171	51	162	7 754	22	192	23	51	4 416	88	141
Nógrád	11 016	9	6 766	37	13	43	926	4	74	19	10	2 978	53	84
Pest	33 529	231	8 603	564	585	444	14 817	72	678	154	1 144	5 477	233	527
Somogy	10 478	10	7 752	79	907	86	1 212	22	93	25	75	44	55	118
Szabolcs-Szatmár-Bereg	16 825	19	15 137	57	15	52	749	23	119	43	21	152	31	407
Tolna	14 378	16	4 140	95	123	61	9 410	15	154	13	120	101	31	99
Vas	7 263	4	1 113	49	2 635	42	1 363	7	88	10	28	42	1 810	72
Veszprém	7 338	19	1 716	100	95	125	4 607	21	253	45	41	92	38	186
Zala	7 554	7	3 730	45	2 847	43	616	4	66	15	25	25	49	82

Total:	300 627	1 693	129 259	6 140	19 715	3 983	88 416	836	9 162	1 292	5 279	26 631	3 442	4 779
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Source: Central
Statistical Office

2001
Populations
Census
4. Nationality
affiliation

Number of national minorities speaking their own language, in territorial breakdown in 2001

Table 5

Territory (county)	Total number of citizens of national minorities in Hungary	National minorities in Hungary												
		Bulgarian	Roma	Greek	Croatian	Polish	German	Armenian	Romani	Ruthenian	Serbian	Slovak	Slovenian	Ukrainian
Budapest	16 061	755	3 063	1 185	630	1 059	3 511	162	1 173	382	893	1 513	394	1 341
Bács-Kiskun	9 061	25	3 372	9	1 332	85	3 096	6	201	56	263	310	60	246
Baranya	21 389	41	5 602	61	4 388	120	10 478	11	156	26	265	50	52	139
Békés	9 882	11	1 276	6	31	28	319	18	4 018	23	345	3 567	94	146
Borsod-Abaúj-Zemplén	2 925	42	1 236	90	12	90	305	3	120	110	11	547	77	282
Csongrád	3 617	39	1 306	35	100	82	334	2	525	30	556	369	45	194
Fejér	4 004	19	1 877	296	61	117	1 008	13	168	46	63	96	41	199
Győr-Sopron-Moson	5 111	13	807	12	2 036	78	1 713	8	114	24	29	62	96	119
Hajdú-Bihar	4 294	18	3 287	26	14	70	210	8	336	30	16	29	33	217
Heves	2 049	10	1 223	6	7	57	185	1	146	28	5	237	23	121
Jász-Nagykun-Szolnok	2 379	22	1 713	9	9	43	189	2	114	31	9	49	31	158
Komárom-Esztergom	5 012	35	904	23	27	91	2 212	8	100	32	20	1 384	50	126
Nógrád	3 007	7	1 802	2	10	30	212	0	59	8	4	769	22	82
Pest	12 631	202	4 030	124	188	319	2 956	13	582	129	748	2 629	184	527
Somogy	7 810	13	5 858	7	784	64	704	13	107	20	57	24	46	113
Szabolcs-Szatmár-Bereg	4 972	18	4 049	6	6	39	147	12	111	39	12	61	38	434
Tolna	6 619	8	2 383	1	56	38	3 798	8	92	11	55	37	43	89
Vas	5 971	6	771	7	2 286	39	885	2	79	16	13	20	1 768	79
Veszprém	2 876	8	995	9	55	94	1 150	4	210	59	16	46	40	190
Zala	6 118	7	3 131	7	2 313	37	380	0	71	13	8	18	50	83
Total:	135 788	1 299	48 685	1 921	14 345	2 580	33 792	294	8 482	1 113	3 388	11 817	3 187	4 885

Source: Central
Statistical Office

2001
Populations
Census
4.Nationality
affiliation

Number of national minorities speaking their native language in the family and among friends in territorial breakdown in 2001

Table 6

Territory (county)	Total number of citizens of national minorities in Hungary	National minorities in Hungary												
		Bulgarian	Roma	Greek	Croatian	Polish	German	Armenian	Romanian	Ruthenian	Serbian	Slovak	Slovenian	Ukrainian
Budapest	21 958	667	3 697	1 217	664	1 089	8 327	159	1 340	398	1 171	1 570	427	1 232
Bács-Kiskun	10 227	23	3 550	10	1 690	71	3 520	6	148	32	412	457	76	232
Baranya	22 126	32	5 490	53	4 273	131	11 366	11	160	32	324	31	77	146
Békés	12 367	8	1 404	5	40	36	749	11	3 488	25	303	6 010	141	147
Borsod-Abaúj-Zemplén	3 776	22	1 357	80	11	97	641	4	102	163	16	952	83	248
Csongrád	4 547	35	1 526	55	125	85	765	5	526	34	809	357	43	182
Fejér	5 057	11	2 044	313	61	128	1 851	14	205	38	71	113	42	166
Győr-Sopron-Moson	7 347	14	981	12	2 027	89	3 758	8	130	13	49	89	65	112
Hajdú-Bihar	5 149	30	3 771	28	15	92	492	9	365	18	22	38	37	232
Heves	2 472	7	1 397	4	9	63	393	1	145	24	13	297	25	94
Jász-Nagykun-Szolnok	2 741	16	1 945	17	10	40	348	1	128	13	9	39	35	140
Komárom-Esztergom	7 998	29	1 007	26	22	98	3 922	8	132	24	29	2 529	68	104
Nógrád	4 371	7	2 382	2	7	25	474	0	43	4	1	1 315	37	74
Pest	17 123	146	4 545	128	204	327	5 536	27	592	121	758	4 043	208	488
Somogy	7 931	22	5 423	2	880	75	1 191	12	78	24	55	20	51	98
Szabolcs-Szatmár-Bereg	6 380	13	5 410	4	3	30	231	14	89	32	10	74	39	431
Tolna	7 198	6	2 207	3	49	27	4 553	5	103	8	60	32	48	97
Vas	6 508	4	930	8	2 139	21	1 632	2	96	16	28	20	1 546	66
Veszprém	4 193	13	1 004	3	47	96	2 469	2	248	38	28	50	37	158
Zala	6 897	13	3 253	4	2 512	39	822	1	97	11	18	21	34	72

Total:	166 366	1 118	53 323	1 974	14 788	2 659	53 040	300	8 215	1 068	4 186	18 057	3 119	4 519
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Source: Central
Statistical Office

2001
Populations
Census
4. Nationality
affiliation

Table 7

Distribution
of national
minority
population by
types of
settlements
in 2001

Territory (county)	Total number of citizens of national minorities in Hungary	National minorities in Hungary												
		Bulgarian	Roma	Greek	Croatian	Polish	German	Armenian	Romanian	Ruthenian	Serbian	Slovak	Slovenian	Ukrainian
Number of national minority population														
Budapest	29 884	784	12 273	1 522	771	1 185	7 042	364	1 205	430	996	1 528	359	1 425
Towns	115 262	396	69 366	588	4 144	1 215	24 022	203	2 813	407	1 650	6 783	1 210	2 465
Villages	168 914	178	108 407	399	10 705	562	31 169	53	3 977	261	1 170	9 382	1 471	1 180
Total:	314 060	1 358	190 046	2 509	15 620	2 962	62 233	620	7 995	1 098	3 816	17 693	3 040	5 070
Number of citizens associated with ethnic cultural values and traditions														
Budapest	35 372	961	9 381	3 145	1 117	1 650	11 161	488	1 539	476	1 345	2 362	425	1 322
Towns	115 520	519	51 759	2 106	5 563	1 622	33 813	258	3 444	512	2 394	9 836	1 324	2 370
Villages	149 735	213	68 119	889	13 035	711	43 442	90	4 179	304	1 540	14 433	1 693	1 087
Total:	300 627	1 693	129 259	6 140	19 715	3 983	88 416	836	9 162	1 292	5 279	26 631	3 442	4 779
Number of citizens														

speaking their own native nationality languages														
Budapest	16 061	755	3 063	1 185	630	1 059	3 511	162	1 173	382	893	1 513	394	1 341
Towns	53 973	379	21 882	396	3 849	1 046	12 561	105	2 911	492	1 472	5 199	1 288	2 393
Villages	65 754	165	23 740	340	9 866	475	17 720	27	4 398	239	1 023	5 105	1 505	1 151
Total:	135 788	1 299	48 685	1 921	14 345	2 580	33 792	294	8 482	1 113	3 388	11 817	3 187	4 885
Number of citizens speaking their nationality language in the family and among friends														
Budapest	21 958	667	3 697	1 217	664	1 089	8 327	159	1 340	398	1 171	1 570	427	1 232
Towns	66 920	280	24 307	400	3 664	1 123	20 652	105	2 795	429	1 927	7 866	1 117	2 255
Villages	77 488	171	25 319	357	10 460	447	24 061	36	4 080	241	1 088	8 621	1 575	1 032
Total:	166 366	1 118	53 323	1 974	14 788	2 659	53 040	300	8 215	1 068	4 186	18 057	3 119	4 519

Source:
Central
Statistical
Office

2001
Populations
Census
4. Nationality
affiliation

Table 8

**Data for
economic
activity and
employment
of the
national
minorities in
Hungary
according to
nationalities
in 2001**

Nationality	Total	Employed	Executive, intellectual	Other intellectual	Service	Agricultural	Industrial, building industrial	Other	Unemployed	Inactive wage-earner	Dependant
			employee								
Bulgarian	1 358	613	266	120	98	29	79	21	35	381	329
Roma	189 984	19 227	637	984	2 229	1 229	7 833	6 315	22 492	53 326	94 939
Greek	2 509	893	300	227	164	14	147	41	89	797	730
Croatian	15 597	5 984	1 310	1 061	989	228	1 900	496	468	6 274	2 871
Polish	2 962	1 465	512	374	236	12	254	77	107	584	806
German	62 105	25 046	7 934	5 309	3 088	703	6 748	1 264	1 545	23 696	11 818
Armenian	620	299	157	62	46	1	24	9	18	152	151
Romanian	7 995	3 069	591	382	452	256	1 083	305	371	2 664	1 891
Serbian	1 098	487	203	110	62	12	70	30	43	334	234
Slovak	3 816	1 417	511	300	247	55	236	68	126	1 194	1 079
Slovenian	17 693	6 141	1 517	1 125	817	313	1 801	568	487	8 244	2 821
Ruthenian	3 025	1 235	211	208	187	39	462	128	75	1 220	495
Ukrainian	5 070	2 227	534	449	380	46	654	164	204	1 385	1 254
Total:	313 832	68 103	14 683	10 711	8 995	2 937	21 291	9 486	26 060	100 251	119 418

Source:

Central
Statistical
Office

2001
Populations
Census
6. Territorial
data
6.21.

**Data for
the
highest
school
qualificat
ion of
the
minoritie
s in
Hungary,
accordin
g to their
nationali
ty, in
2001**

Table 9

Nationality	Total	Primary school		Secondary school		University, college, etc.		from 7 to X years
		less than 8 classes	8 classes	without G.C.E.	with G.C.E.	without diploma	with diploma	
Bulgarian	1 358	173	194	117	304	64	460	1 312
Roma	189 984	81 099	58 610	13 035	2 157	188	395	155 484
Greek	2 509	349	494	347	571	267	399	2 427
Croatian	15 597	3 288	4 410	2 966	2 649	281	1 513	15 107
Polish	2 962	287	325	501	806	139	811	2 869
German	62 105	11 160	13 412	11 652	13 222	1 818	9 110	60 374
Armenian	620	70	57	43	135	37	256	598
Romanian	7 995	1 450	1 898	1 764	1 637	120	836	7 705
Serbian	1 098	97	152	147	249	45	374	1 064
Slovak	3 816	581	743	554	889	148	722	3 637
Slovenian	17 693	3 793	5 048	2 958	3 151	308	1 914	17 172
Ruthenian	3 025	544	975	666	448	39	258	2 930
Ukrainian	5 070	591	1 000	1 010	1 123	105	1 017	4 846

Total:	313 832	103 482	87 318	35 760	27 341	3 559	18 065	275 525
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Source:
Central
Statistical
Office

2001
Populations
Census
6.
Territorial
data
21.06.20
04

**National
minorities
in
Hungary
according
to major
age
groups
in 2001**

Table 10

Nationality	Total	0-14	15-39	40-59	60-X	7-X	0-6
		years of age					
Bulgarian	1 358	128	455	468	307	1 312	46
Roma	189 984	67 652	82 004	31 985	8 343	155 484	34500
Greek	2 509	270	998	642	599	2 427	82
Croatian	15 597	1 456	4 431	5 373	4 337	15 107	490
Polish	2 962	298	962	1 381	321	2 869	93
German	62 105	5 591	17 910	21 246	17 358	60 374	1731
Armenian	620	66	258	187	109	598	22
Romanian	7 995	739	3 555	2 158	1 543	7 705	290
Serbian	1 098	89	417	390	202	1 064	34
Slovak	3 816	436	1 413	1 035	932	3 637	179
Slovenian	17 693	1 501	4 304	5 832	6 056	17 172	521
Ruthenian	3 025	247	872	1 076	830	2 930	95
Ukrainian	5 070	527	2 235	1 485	823	4 846	224
Total:	313 832	79 000	119 814	73 258	41 760	275 525	38307

Source:
Central
Statistical
Office

2001
Populatio

n Census
6.
Territorial
data
6.21.