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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF HUNGARY
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY HUNGARY**

(received on 17 September 2010)

REMARKS

on the opinion of the Advisory Committee on the Council of Europe's Framework Convention for the Protection of National Minorities concerning Hungary adopted on 18 March 2010

With regard to the third opinion (hereinafter: opinion) of the Advisory Committee on the Framework Convention (hereinafter: Advisory Committee) presented in Strasbourg on 18 March 2010 and registered under No. ACFC/OP/III(2010)001, evaluating the third country report (hereinafter: country report) approved by the Hungarian Government in Government Resolution 1074/2009. (V. 20.) on the execution in Hungary of the Council of Europe's Framework Convention for the Protection of National Minorities (hereinafter: Framework Convention), we present the following remarks.

First of all, we wish to declare that the parliamentary elections held in the spring of 2010 brought fundamental changes in the public life of Hungary. In close relation to it, we consider it important to describe the most important components of changes also affecting the Hungarian minority policy in order to supplement the current opinion of the Advisory Committee concerning the execution in Hungary of the Framework Convention.

(1) During the 2010 elections, the Fidesz Hungarian Civic Union (FIDESZ) and the Christian Democratic People's Party (KDNP) forming a coalition of 261 MPs acquired more than 2/3 majority in the Hungarian Parliament comprising 386 MPs. The Lungo Drom National Roma Advocacy and Civic Union is also a member of the FIDESZ-KDNP parliamentary coalition, which mandated to govern the country in May 2010. Flórián Farkas, President of Lungo Drom was elected deputy leader of the FIDESZ parliamentary group.

There are 3 Roma MPs among FIDESZ MPs. Two of them were also Members of Parliament in the previous term. In April 2010, László Berényi, President of the Somogy County Roma Minority Self-Government, became another FIDESZ Roma MP.

There is also a Roma MP in the new parliamentary party of Politics Can Be Different (LMP), which has 16 seats in Parliament. Ágnes Oszolykán, an LMP Member of Parliament, had been an employee of the Decade of Roma Inclusion Secretariat Foundation before she became an MP.

Mátyás Firtl, a member of the Croatian Minority Self-Government operating in a settlement close to the Western border of the country, is also an MP (KDNP). A renowned and respected figure in the public life of Hungary's Croatian community, he was elected deputy leader of the parliamentary group of the Christian Democratic People's Party in May 2010.

The Hungarian Parliament has a Romanian minority MP for the first time since the regime change. György Simonka, member of the Church Council of the Orthodox Romanian Episcopacy of Hungary and mayor of a settlement with an ethnic Romanian community in the south-east part of the country, was elected a FIDESZ MP in 2010. The new MP is the chairman of the Hungarian-Romanian Section of Parliament's Inter-Parliamentary Union.

(2) In the new Parliament, 3 MPs speak the Lovari and Beas languages of the Roma community, 127 MPs understand German, 3 MPs speak Croatian, 4 speak Romanian, 2 speak Serbian and 4 speak Slovak.

(3) One of the first decisions of the new Parliament was on issues of the representation of minorities in Parliament.

On 20 May 2010, Parliament amended Act XX of 1949 on the Constitution of the Republic of Hungary. Pursuant to the new act, the Constitution states that in excess of the 200 Members of Parliament up to an additional thirteen MPs may be elected for the representation of national and ethnic minorities.

As a further measure, Parliament adopted a resolution on the preparation of electoral reforms on 14 June 2010. Pursuant to Parliamentary Resolution 37/2010 (VI.16.), Parliament requested its Constitutional, Justice and Standing Orders Committee that, following wide-ranging public debates, it prepare its related recommendations by no later than 31 December 2011. In preparing for electoral reform, the principles and deadlines contained in the previously adopted parliamentary resolution on the representation in Parliament of national and ethnic minorities must be taken into account. Pursuant to Parliamentary Resolution 20/2010 (II. 26.), the new electoral law must enter into force to guarantee representation of minorities in Parliament formed after the parliamentary elections in 2014.

(4) The new Parliament has also passed laws regulating the functioning of public media. As an important aspect of minority policy, pursuant to Parliament's decision the Constitution now states that "In the Republic of Hungary, public media contribute to a sense of national self-identity and European identity, to fostering and enriching the Hungarian and minority languages and culture, to strengthening national cohesion and to satisfying the needs of national, ethnic, family and religious communities."

It is also important to highlight that with regard to amendments to the acts concerning the activities of the media, Parliament has also provided for the participation rights of national minority self-governments in public media organisations. Pursuant to Act LXXXII of 2010, these special national and ethnic minority rights may be enforced in a new organisation known as the "Public Service Board". The 14-member Board will exercise public supervision over the public media. The national self-governments of minorities may together delegate one member into the new organisation on a three-year rotation basis.

(5) The new Parliament has also confirmed by legislation that within the framework of a general census to be held in 2011, statistical data concerning ethnic affiliation may also be collected in Hungary.

Pursuant to Act XLIX of 2010, the census will collect the following data of natural persons: residential address, family status, education, source of livelihood of individuals and households, occupation, health condition, citizenship, religion, ethnic nationality, mother tongue and language skills. Data provision concerning religion, mother tongue and ethnic nationality will be voluntary.

(6) The new Government, formed after the parliamentary elections in 2010, began its activities by announcing its “Programme of National Cooperation” and the principles laid down in the document approved by 2/3 majority in Parliament.

For the purposes of executing the Framework Convention for the Protection of Minorities in Hungary, it is important to note that the Programme of National Cooperation dedicates a separate chapter to issues related to improving the living conditions and promoting the social inclusion of the Roma population.

The document declares that although the previous governments announced the inclusion of the Roma population, the situation of this group continued to deteriorate. The document considers it an deficiency that during the previous eight years, the problems of the Roma population were treated exclusively as a poverty issue. Inclusion attempts in schools also failed completely as they caused further segregation and increased social differences. Not only the education and employment situation of the Roma is catastrophic but their health status is also poor.

The Programme of National Cooperation, which lays down the core principles of the Government’s activities, states that the problems of the Roma population should be treated as a national issue. The only way out is to address their current misery and build the future at the same time. The use of budgetary resources allocated to inclusion must be made fully transparent.

(7) In the new government structure, established in May 2010, the Ministry of Public Administration and Justice is responsible for coordinating national administration matters related to Hungary’s national and ethnic minorities.

A Junior Minister’s Office for Church, Civil Society and Nationality Affairs was established at the new Ministry. The Office of the Junior Minister is headed by MP László Szászfalvi, who was the chairman of the Parliamentary Committee on Human Rights, Minority, Civic and Religious Affairs between 2002 and 2006.

A Deputy Junior Minister in charge of nationality issues was appointed at the Office of the Junior Minister for Church, Civil Society and Nationality Affairs. Dr. Csaba Latorcai is responsible not only for minority issues but also for civic society relations.

(8) In July 2010, the Office of the Junior Minister for Church, Civil Society and Nationality Affairs of the Ministry of Public Administration and Justice initiated a social dialogue to review legislation governing the rights of national and ethnic minorities. The purpose of the complex analysis is to reconsider the provisions of the Minority Act, adopted more than 15 years ago, and to review the operational effectiveness and future role of non-governmental organisations and minority self-governments.

The Government intends to perform this major project by involving representatives of minorities from the widest possible range of partners and relying also on specific contributions from the members, NGOs and institutions of various communities.

(9) The Ministry of Public Administration and Justice is also responsible for working out the policy concept of the social inclusion of the Roma and coordinating the implementation of the Government's inclusion agenda.

The new Government has developed the public administration structure by taking into account the difficult situation of the socially marginalised groups to the highest extent possible, and, because of the weight of the problem, created a Junior Minister's Office for Social Inclusion under the Ministry of Public Administration and Justice. The Office is headed by Junior Minister Zoltán Balog, MP, who was the chairman of Parliament's Committee on Human Rights, Minority, Civic and Religious Affairs during the previous term.

In its inclusion policy, the Government seeks to make a clear distinction between "Roma issues" - as special minority issues - appearing as social issues and problems which affect a large part of the Roma population not on ethnic grounds but because of their social situation. Thus, it is primarily activities related to the field of culture, the preservation of tradition and language, nationality education as well as anti-discrimination measures that the Government considers as "Roma issues". Instead of stressing the presumed ethnic and cultural "difference" of Roma people, it is their treatment as equal citizens that is reinforced in the public administration structure.

It is obvious to the new Government, which took office recently, that facts must be disclosed and support from the majority must be gained in order to restore the credibility of Roma policy. Roma inclusion is a task which cannot be implemented without majority support. The inclusion of the Roma population is in the best interest of the majority and is a national cause.

(10) In July 2010, a Ministerial Commissioner was appointed under the Ministry of Public Administration and Justice to promote the social inclusion of Roma people. Ministerial Commissioner Flórián Farkas is responsible for support for the Roma and for overseeing and monitoring the implementation of inclusion projects. The new Commissioner is also responsible for revising fund allocations made between 2002 and 2010 to Roma and other inclusion programmes, how those funds were used and how effective, efficient, transparent and lawful those initiatives were.

The Roma Ministerial Commissioner, who is President of the Lungo Drom Roma organisation and deputy leader of the FIDESZ parliamentary group, will present the findings of his investigation and his conclusions to the Government by the end of 2010.

(11) An Inter-Ministry Committee for Social Inclusion and Roma Affairs was established in August 2010, working alongside the Government. The permanent Committee coordinates and assists the activities of the various ministries concerning Roma people. The Committee will draw up a long-term national strategy and a short-term action plan on its basis in order to improve the living conditions, social position and inclusion of the Roma population and other people living in deep poverty. The 10-member Committee, led by the Junior Minister for Social Inclusion, comprises Junior Ministers from nine Ministries and the President of the Central Statistical Office.

Apart from the Inter-Ministry Committee for Social Inclusion and Roma Affairs, a Roma Coordination Centre will also begin its operation, promoting the potential involvement of Roma NGOs in government decisions.

(12) The Hungarian Government openly and clearly dissociates itself from statements, spokespersons and organisations driven by racism.

Concerning the statements made by the Advisory Committee in its opinion about the operation of the media, we think that the public perception of the Roma and their social status can be improved significantly only if there are not only effective government measures but also an objective and unprejudiced presentation by the media of their life.

The Government urges balanced media regulation, which guarantees transparent operation, and is committed to putting in place the conditions required for professional communication in the public media.

(13) Equal opportunities in education and non-discrimination are important priorities for the new Government. It is in this spirit that professionally sound programmes will be launched for the renewal of pedagogical methods, the expansion of work in kindergartens and the improvement of access to quality education. Particular attention will be paid to areas which were not stressed sufficiently in the previous years: sectoral cooperation, professional partnership, better recognition of teachers, and cooperation of parents and teachers.

Although the previous government took some steps to eliminate the segregation of children of Roma origin in schools and the legal environment was also transformed significantly, the measures failed to yield the expected results. This failure is significantly attributable to the rigid approach of the previous educational policy, which ignored local circumstances. It was obvious from the beginning that the chances of achieving that objective were strongly limited by the extremely uneven geographic distribution of the population living in deep poverty and also by the free choice of schools, which some groups of society that are capable of mobility tend to use to improve their own opportunities. A tendency has continued to grow since 2004, whereby an increasing number of non-Roma children are taken from settlements showing signs of ghettoisation to relatively higher prestige schools in sub-regional centres or higher prestige schools in some other large settlements nearby. The new Government will completely review the whole situation and come up with more effective and deliberate measures to resolve the issue.

(14) With regard to public health objectives for 2010-2011 of the Strategic Plan of the Decade of Roma Inclusion Programme, we note that in order to improve equal access to services in primary and specialised health care we will launch, among others, vocational training scholarship schemes in health care in support of the employment of young people of Roma origin.

It is clear that the objectives of the Decade of Roma Inclusion Programme cannot be achieved without putting in place and operating an effective monitoring system. Consequently, the new Government is ready to reconsider the components of the monitoring system and establish a regulatory framework required for its operation.

(15) The new Government seeks to introduce deliberate measures to promote inter-cultural dialogue and combat intolerance, continuing the previous Government's endeavours in this field with a more structured approach. We have begun to devise new government measures aimed to eliminate intolerance and promote inter-cultural dialogue, with special regard to police organisations, as the Advisory Committee also referred to

complaints about their members related to their treatment of minorities, including Roma people.

(16) The investigation of the series of murders in 2008-2009 (Roma people were attacked in Galgagyörk on 21 July 2008, in Piricse on 8 August, in Nyíradony on 5 September, in Tarnabod on 29 September, in Nagycsécse on 3 November, in Alsózsolca on 15 December 2008, in Tatárszentgyörgy on 23 February 2009, in Tiszalök on 22 April, in Kisléta on 3 August 2009) has been concluded. The case is now its indictment phase, and four suspects are awaiting court sentence under preliminary arrest.

(17) In relation to the Advisory Committee's opinion concerning the activities of the Independent Police Complaint Board, we intend to state that the national police commander-in-chief has not received any position statements in the previous two years according to which the Complaint Board conducted an investigation specifically on grounds of police bias against minorities.

(18) In response to the remarks of the Advisory Committee concerning the problem of minorities' use names in their native languages, we hereby wish to declare that in Hungary minorities can use their names according to the rules of their native languages under the effective laws and regulations. Names may also be indicated in two languages in their personal document. In such cases, whenever a legal regulation is applied in practice, at present the name in the Hungarian language has priority, and the names of citizens of minority origin may be indicated after the Hungarian name in the official documents.

Within the framework of the review of the legal regulations on minorities, which is on our agenda, we intend to assess whether or not the indication of names in the national language in the personal documents of minorities could be feasible in designing the layout of personal identification documents, also in view of the applicable EU regulations. In our opinion, this practice would make the issue of the use of minority names absolutely clear.

(19) In Hungary, the law sets a requirement for the state to ensure the publication of text books and production of teaching materials for minority education. In order to fulfil state obligations, the Ministry of Education has only used funds from the Hungarian budget to date. However, since December 2009 EU funds have also been available for the development of the education of various nationalities in Hungary.

The main objective of the EU project is to promote minority students, living in Hungary and having different skills and languages to be trained and educated in their native languages. Within the framework of this complex programme, the educational experts of the Roma, Croatian, German, Romanian, Serbian and Slovak communities formed textbook development consortia separately, while the Bulgarian, Greek and Slovenian minorities did the same in cooperation. This programme will result in the full range of up-to-date teaching materials required for the public education of minorities living in Hungary in their native languages.

During the current EU budgeting period approximately HUF 2.3 billion (approximately EUR 8.2 million) will be available for developing textbooks and teaching materials for minorities migrant students living in Hungary by 2013.

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(20) As it is known, between 1 January and 30 June 2011 Hungary will assume the Presidency of the European Council. The support of the inherited cultural diversity of Europe will be a main priority of the Hungarian Presidency.

The new Parliament launched an international photo contest in June 2010 with the professional partnership of the Hungarian House of Photography, under the title of “Co-existence”. The purpose of this contest is to present the co-existence of various European regions and people, focusing especially on the co-existence of the majority and the minority.

The best 100 photos will be displayed in an open-air exhibition of nationalities for several months in the centre of Budapest, in the square outside Parliament, from March 2011.

(21) In summary, we wish to declare that the Hungarian Government is committed to the cause of nationalities.

For Hungary, the effective execution of the international norms of minority protection is a major priority both in the national and international contexts. The Republic of Hungary wishes to become an active participant in the elaboration of the norms of international minority protection.

The Government, which took office in May 2010, puts special focus on the full and consistent implementation of the obligations included in minority protection conventions and recommendations of other international documents, on the transparency and international monitoring of the processes related to the position of minorities, and on government measures in that field.

We recognise the importance of the activities of the Council of Europe dedicated to minorities, the widest possible use of the experiences in this field and the strengthening of minority protection at international level.

The Hungarian Government is open to the continuation of close cooperation and continuous dialogue with the Advisory Committee on the Council of Europe’s Framework Convention for the Minority Protection.

30 August 2010, Budapest

dr. Tibor Navracsics
Minister