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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Third Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

HUNGARY

The Republic of Hungary belongs to the first signatories of the European Charter for Regional or Minority Languages of the Council of Europe (hereinafter: the Charter). As such, it presented its first report after the coming into force of the Charter in September 1999, and submitted its second periodical report to the Secretary General of the Council of Europe in September 2002.

After both reports, the Committee of Experts of the Charter gathered information in Hungary concerning the content of the report, and prepared a report for the Committee of Ministers of the Council of Europe (hereinafter: Committee of Ministers). Following this, the Committee of Ministers discussed the two documents and adopted recommendations for the Republic of Hungary, in which it phrased its expectations aimed at the strengthening the implementation of the Charter in Hungary.

The policy of the Republic of Hungary concerning regional or minority languages, and the basic legal regulations guaranteeing the protection of minority languages have not changed, however – just as a result of the ratification of the Charter, the commitments assumed upon ratification, and the implementation of the recommendations adopted by the Committee of Ministers – several amendments of legal regulations have been effected broadening the possibilities of the use of language, and several provisions defining more precisely the rights related to the use of language in certain areas of public life have also been issued.

The structure of our report has been adapted to the outline adopted by the Committee of Ministers, issued for the States Party. Our introduction includes basically general information concerning the Republic of Hungary and the minorities living here. In Chapter I we present the legal regulations, the official measures serving the protection of minority languages, and we describe the ways and the organisational background of the spreading of the information of on the Charter. The measures taken concerning the recommendations of the Committee of Ministers are also presented in this chapter. Chapter II of our report is basically a summary of the Hungarian interpretation of Part II of the Charter. Chapter III presents the implementation of our commitments assumed under Part III of the Charter.

INTRODUCTION

In the Republic of Hungary, the past three years have passed basically in the spirit of the accession to the European Union (hereinafter: EU). Both in the legislative processes, as well as in the economy, the most important aim of the effected measures was to adapt to the EU. Our country joined the EU on 1 May 2004.

On 1 January 2005, the population of Hungary numbered 10,096,000 persons. According to statistical data in 2003, the per capita GDP at purchasing power parity was 12,818 euros. In 2003, 3.3% of the country's GDP came from agriculture, 32.5% from industry, and 64.2% from services. 5% of those employed worked in agriculture, 33% in industry, and 62% in services. The ratio of unemployed was 6.1%.

Hungary is a parliamentary democracy. At the last elections (in 2002) four parties succeeded in getting elected into the Parliament, and the Government formed was based on a coalition between the Hungarian Socialist Party and the Alliance of Free Democrats.

The system of public administration of the Republic of Hungary is divided to cover 3200 settlements, traditionally 19 counties, and the capital, Budapest. The system of local self-government of the capital consists of two levels, with 23 independent districts, and the Municipality of Budapest coordinating the public administration of the capital. The system of minority self-government is presently lacking the county level, thus besides the local level minority self-governments, it is the role of the national level minority self-governments which is decisive from the point of view of the given minority. However, the representation of the minorities in the capital consists of two levels, besides the district minority self-governments the capital's minority self-governments are also present.

(We find it important to mention that Bill No. T/9126 on the amendment of certain laws related to the election of minority self-government representatives, and to national and ethnic minorities has been adopted by the Hungarian Parliament in the period of the finalisation of the present report. The law provides for the establishment of county level minority self-governments.)

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A common trait of the largest part of the national and ethnic minorities living on the area of the Republic of Hungary is that they have been living within the borders of the Hungarian State for centuries. With the exception of the Slovenian autochthonous inhabitants living in the South -Western part of the country, around Szentgotthárd, minorities have arrived to the area of present day Hungary in the past centuries, in several waves. One of their most important historic, social and ethnic determinants is that they have mostly left the original home of their ethnic group before the evolution of their standard literary language, thus the languages, dialects they speak today are usually archaic linguistic forms.

In the course of the centuries of historic coexistence with the Hungarian people, the individual national minority communities have integrated fully into the majority society, and their linguistic and cultural affiliation to the mother nation has weakened in several cases. Parallel to this, a new phenomenon, which we may call dual affiliation, appeared. Today, the vast majority of those belonging to the national minorities living in Hungary are bilingual, and often speak Hungarian better than the language of the given minority. Besides their relations to their own cultural heritage, a larger proportion of those belonging to the minorities also have close ties to the Hungarian culture they have become acquainted with, and which they have accepted during the centuries of coexistence.

An exception to the above are those minority communities, the presence of which on the territory of the country may also be several centuries old, but which in the past decades have either had continuous supply from their mother country, or the moving in of a larger sized group of the minority has increased the population of their community decisively. Such communities are especially the Bulgarian, the Polish, the Armenian, the Ruthenian, the Ukrainian, and the Greek communities.

As a result of the forced assimilation in the decades before World War II, the repression and the banning of education in minority language, the constraint after the war, and the partially voluntary displacements of the population, the until then more intact minority communities weakened, and the language of the community gradually ceased to be a cohesive factor. This was also complemented by the fact that the language of instruction introduced in minority education in the period after the war was not the archaic dialect used by the members of the given communities, but the literary language of the mother nation or mother country.

Since the change of the political system, the Republic of Hungary has been devoting special attention to ensuring the rights of the minorities living on its territory. The hidden assimilation policy of the period after World War II has been abolished, and measures have been taken to ensure the self-organisation of minorities, the safeguarding of their identity, the transmittal of their language. From among these measures taken, the one of outstanding importance is the enactment of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereinafter: Minorities Act). It is this legal regulation, which determines the minority policy of the Republic of Hungary up to the present day. With regard to the fact that the linguistic rights of minorities have received outstanding importance in its text, this law may be regarded as the first legal phrasing of the policy related to minority languages. The Act regards altogether thirteen minorities as autochthonous minorities in the territory of Hungary: these are the Bulgarian, the Roma, the Greek, the Croatian, the Polish, the Armenian, the Romanian, the Ruthenian, the Serbian, the Slovak, the Slovene, and the Ukrainian.

According to the wordings of the Minorities Act, not only individuals are subjects of minority language rights, but minority communities as well. The right to use the mother tongue in all areas of public life, the right to take part in education where the language of instruction is the minority language or the minority language is taught, the right to safeguard, to transmit and to develop the minority culture, and the possibility to maintain contacts with the mother nation, have all been phrased in the law as collective rights.

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Minorities in the mirror of the statistics

The latest census in the Republic of Hungary was held in 2001. The data gained then contained several pieces of relevant information that we shall also make use of when developing the framework for the use of minority languages.

An important aspect in the census was the establishment of the real number of the population of minorities. Just for this purpose, the national level self-governments of the minorities were also involved in the preparation of the census. As a result of several rounds of conciliation, the census data sheet was prepared to involve four questions, as compared to the previous two questions, which were aimed partly at the identity and the mother tongue, and partly at the cultural affiliation and the language used in the family and among

friends of those belonging to minorities. The four questions – which could be freely answered on the basis of the decision of the Data Protection Act – were the following:

- To which minority do you feel you belong?
- To the cultural values and the traditions of which minority are you affiliated?
- Which language is your mother tongue?
- Which language do you usually use in the family and communities with friends?

All four questions contained three answer choices each, to make it possible to mark multiple affiliations. Each person could decide whether to give only one or several answers to the questions on minorities, independent from their answers given to other questions. The names of the minorities living in Hungary were listed in alphabetical order, with the last choice in their list being the category “Hungarian”. As answering the above questions was not obligatory, the questionnaire finished in the case of all four questions with the category “No answer”. With regard to the fact that among the Roma people in Hungary, marked by the comprehensive name “Gypsy” in the Minorities Act, there are two languages (the Beash and the Romany) which this minority uses, in the questionnaire it was possible to mark both of these in the two questions on languages. The census questionnaire did not contain the name and the personal data of the answering person, thus it was not possible to identify the person by name later on.

The Central Statistical Office had the questionnaire translated, with the help of the national minority self-governments, to the language of the minorities, but experience showed that these were used only in certain villages, and there was no demand for their use in the cities.

Besides determining the population of the minorities as closely as possible to the real numbers, the processing of statistical data, according to expectations, may also bring us closer to mapping the regions and settlements inhabited to the greatest extent by the minorities.

Summarising the data on national and ethnic minorities of the census in 2001, 314,060 persons of the country’s then surveyed population of 10,198,315 persons assumed affiliation to a national minority, and 135,788 persons designated one of the 13 minority languages as their mother tongue. Examining the two new questions, 300,627 persons assumed affiliation to national minority cultural values and traditions, while 166,366 persons use the language of a minority in their family communities and among friends. (The minorities which are bolded are the ones to which the undertakings of the Republic of Hungary concerning Part III of the Charter refer.)

Minority	The number of persons belonging to each minority on the basis of the answers on			
	the mother tongue	affiliation to the minority	affiliation to minority cultural values and traditions	the language used in family and friendly communities
<i>Croatian</i>	14 326	15 597	19 687	14 789
<i>German</i>	33 774	62 105	88 209	52 912
<i>Romanian</i>	8 482	7 995	9 162	8 215
<i>Serbian</i>	3 388	3 816	5 279	4 186
<i>Slovak</i>	11 817	17 693	26 631	18 057
<i>Slovenian</i>	3 180	3 025	3 429	3 108
Roma	48 438	189 984	129 208	53 075
Bulgarian	1 299	1 358	1 693	1 118
Greek	1 921	2 509	6 140	1 974
Polish	2 580	2 962	3 983	2 659
Armenian	294	620	836	300
Ruthenian	1 113	1 098	1 292	1 068
Ukrainian	4 885	5 070	4 779	4 519

On the basis of the data of the census, it may be stated that the number of those declaring one of the minority languages as their mother tongue has slightly decreased, by 1.4 percent, as compared to the 1990 census. A significant decrease is experienced in the data of the Polish, Croatian, German and Slovak minority communities. The number of those declaring as their mother tongue Armenian, Slovenian, Greek, and Serbian, however, showed a considerable increase. The number of those, who declared their belonging to a minority, however, increased significantly, by nearly 50 percent. A similar tendency may be found in the case of almost all minorities, with a significant increase in the case of the German, Slovak, Slovenian, Roma and Serbian minorities. The only exception is the number of the Romanian minority: here a decrease of 25 percent was registered. This took place parallel to a minor, 2.8 percent decrease of those declaring Romanian as their mother tongue.

The number of the answers given to the new question on languages concerning the language used in the family and among friends was 22.5 percent higher than the number of answers replying to the question on the mother tongue. The great number of those answering implies that the mother tongue is really a close determinant of affiliation to a minority community. From among the "new" minorities in the history of Hungarian censuses, recognised in the Minorities Act since the previous census, it was especially the number of the Armenian, the Ukrainian, and the Ruthenian minority that increased, while it was only the number of the Polish minority that decreased if examined by the mother tongue.

The dynamic increase of those assuming Roma minority continued, as already experienced in the 1990 census, now there were almost two hundred thousand persons who declared affiliation to this community.

The difference between the mother tongue and the language used in the family and among friends is the greatest to the advantage of the language used in the communities in the case of those declaring German language as their mother tongue, however the number of those with German as their mother tongue decreased by one tenth. Two and a half times more persons declared affiliation to the cultural values and the traditions of the German minority than the number of those who declared German as their mother tongue, but their number is one and a half times more than that of those speaking German in the family and among friends, and almost one and a half times more than those declaring themselves belonging to German minority.

The number of those declaring themselves belonging to a minority is the highest in Borsod-Abaúj-Zemplén County. A large number of communities of minorities may also be found in Budapest, and Pest, Baranya, and Szabolcs-Szatmár-Bereg Counties. In three counties the proportion of minority population exceeds 5 percent of the population giving an answer on the merit of the question (Baranya County: 7.3%, Borsod-Abaúj-Zemplén County: 6.67%, Nógrád County: 5.53%). Most of those who speak the minority language as a mother tongue live in Baranya County. In this county, those who speak the minority language as a mother tongue give 5.57 percent of the population giving an answer on the merit of the question. There are also significant mother tongue communities in Budapest, and in Pest County. The majority of the members of the communities of historic minorities live in villages, whereas the minorities, which are “new” from the point of view of the census, may be found in Budapest and other cities.

The territorial distribution by counties of those speaking minority languages in Hungary may be found in Annex I. Annex II gives the number of those speaking a minority language, living in cities of county rank, within their distribution by counties.

The economic and social integration of minorities in Hungary may be considered as finished. Their indicators related to their education, employment and income generally do not differ from those of the majority population, living in the same region, under similar conditions.

The only exception is the Roma minority, the situation of which differs in many respects from other minorities in Hungary. In their case, social problems, and problems of training and education arise at a highly increased rate. Among the Roma minority, the number of those employed (22,179) hardly exceeds 10 percent of the total Roma population. In case of the other minorities this proportion is between 30 and 50 percent. The number of unemployed and inactive earner population is the highest among the members of the Roma community, and the number of the dependents is nearly 50 percent. According to educational data, almost 10 percent (16,706 persons) of the 7 years old and older Roma population have not even finished the first year of primary school. Hardly a half percent of them (832 persons) have obtained a high school or university diploma. All these show that the increasing of the integration possibilities of the Roma minority needs further special attention from the part of the society.

According to estimates prepared by the minority communities – and also accepted by the Hungarian minority policy – the population of the national and ethnic minorities in Hungary exceeds the data registered by the census: it amounts to altogether around 8-10 percent of the country’s population of 10 million. According to these estimates, they number from around half million (the Roma) to a couple of thousand. The estimates of the minority organisations concerning the population of their communities were based on their own data, on research results, and on the numbers received within the census to the questions asking for the knowledge of languages without affiliation to a minority.

The estimated data differs from the official statistical data to a different extent in the case of each minority, but in some cases, like in the case of the Serbian, the Slovenian, and the Ukrainian minorities, it comes close to the latter. (Bolded are the minorities to which the undertakings of the Republic of Hungary specified in Part III of the Charter refer.)

Minority	Estimated population
<i>Bulgarian</i>	3,000 – 3,500 persons
<i>Roma</i>	400,000 – 600,000 persons
<i>Greek</i>	4,000 – 4,500 persons
<i>Croatian</i>	80,000 – 90,000 persons
<i>Polish</i>	10,000 persons
<i>German</i>	200,000 – 220,000 persons
<i>Armenian</i>	3,500 – 10,000 persons
<i>Romanian</i>	20,000 – 25,000 persons
<i>Ruthenian</i>	5,000 – 6,000 persons
<i>Serbian</i>	5,000 – 10,000 persons
<i>Slovak</i>	100,000 – 110,000 persons
<i>Slovenian</i>	5,000 persons
<i>Ukrainian</i>	2,000 – 5,000 persons

The actual number of the population with a minority identity and affiliation is somewhere between the census data and the estimates in the majority of the cases. The difference between the estimated and the declared data may be explained partly by the historic, social, social-psychological characteristics of the Eastern Central European countries affecting the questions of minorities, and partly by the dilemmas of the minorities which have a dual/multiple emotional and cultural affiliation.

Good examples of dual affiliation may be found in settlements, where the proportion of the population with a minority affiliation is relatively high. There exist such minority settlements, where the overlapping of Hungarian and minority identity is almost 100%! For example in Pilisszentlélek (Hut), inhabited by Slovaks, 91.3 percent of the persons responding declared themselves Hungarian, but 70 percent also declared themselves to be of Slovak minority, while there were only 3.8 percent, who did not wish to answer. The situation was similar in a Croatian village in Vas County, Szentpéterfa (Petrovo selo), where 89.5 percent of those answering declared themselves Hungarian, with 75 percent declaring themselves Croatian at the same time, and only 1.3 percent of the population of the village not answering. In Ófalu, inhabited by Germans in Baranya County, 90.7 percent of the population declared themselves of German minority, with 95.6 percent declaring themselves of being Hungarian, and only 1.4 percent not answering.

The Research Institute of Ethnic and National Minorities of the Hungarian Academy of Sciences has started the analysis of the minority data of the census in 2001.

According to the researchers of the Hungarian Academy of Sciences, the most important tendencies identified by the 2001 census may be summarised in the following six points:

1. About two thirds of the Hungarian Roma continues not to declare themselves of Roma minority: as they do not feel themselves Roma. The high percentage of those of Roma origin and declaring

themselves Hungarian naturally does not empower anyone to designate assimilation as the only way of solution of the situation of the Roma.

2. The sliding into second place of the original mother tongue continues to be typical in the case of all minorities. Knowing this, the revitalisation of the minority languages may take place in the kindergarten and the school.
3. Parallel to the change of the language, through the consciousness of origin, the knowledge of the language, and the affiliation to the culture of the minority, since 1980 the affiliation to the minority has been appreciating continuously, which is perhaps the most important result of the positive practice of Hungary's minority policy, which has gradually reduced prejudice. The "relearning" of the mother tongue is a difficult, long process, however the revival of minority identity may take place rapidly in case the external conditions take a favourable turn.
4. The strengthening of minorities in Hungary in the cities and in the capital is an important development: this also shows that the self-government model is able to organise the settled minorities, in an urban environment as well, which used to work as a melting pot.
5. There is usually no significant decrease in the most important settlements of the traditional minority regions, at the most an internal restructuring, with the decrease in the use of the mother tongue, and the strengthening of the minority identity.
6. It is worthy of attention, however, that the number of one-two person "scattered communities" in non-traditional regions is increasing continuously in the case of all minorities: the background of this phenomenon may be the effects of choosing school, of looking for employment, of mixed marriage, and the conscious abandoning of the often backward minority regions.

The experts add the following main statements to the system of relations between the minorities and their mother tongue, in the case of the minorities to which the undertakings assumed concerning Part III of the Charter relate:

a.) German minority:

Taking into consideration the national data of the last three censuses, we may find considerable differences concerning minorities and their mother tongue. If we take a look at the national data declared by the minorities, we find that in 1980 and 1990 the ratio between those declaring their minority and those declaring a minority mother tongue shifted in favour of the mother tongue. In the 2001 census, however, this tendency reversed. There were almost twice as many persons declaring themselves as belonging to the German minority than the number of those who designated the German language as their mother tongue.

The declarations concerning the mother tongue showed an unbroken tendency until 2001, according to which there were always more persons declaring German as their mother tongue than those declaring themselves of German origin. The turnaround in 2001 concerning the language refers to strong language assimilation. The reason for this may be that the generations, which learned German at home in the context of primary family socialisation, also learning German in school, are slowly dying out. After World War II, the German language gradually retreated to the circles of the families and the relatives, and later on its role decreased even here, as a result of the language of instruction in school being Hungarian.

Summarising, we may state that, in the case of German minority, the number of those declaring German as their minority, as well as those declaring German as their mother tongue increased in all counties.

b.) Romanian minority:

In Hungary, the number of those declaring Romanian as their mother tongue decreased continuously in the past 20 years. More than 90 % of the population declaring Romanian as their mother tongue live in Békés County and Hajdú-Bihar County. In these counties the extent of the decrease exceeds the national average by far. Similarly to Budapest, in the cities the number of those declaring Romanian as their mother tongue increased.

In the period before 2001, the decrease in the circle of those declaring themselves belonging to the Romanian minority was much greater in the villages than in the cities, which shows partly the general

decrease in the number of those declaring their belonging to the Romanian minority, while also being a sign of a significant migration from the villages to the cities.

c.) Slovak minority:

In the 2001 census, there were much more persons who declared themselves of belonging to the Slovak minority than those who claimed Slovak as their mother tongue. The fact that the number of Slovak minority has almost doubled by 2001, was influenced by several factors. The Minorities Act adopted in 1993, the establishment of numerous Slovak twin cities relations, and the establishment of minority self-governments, all had a positive effect on the declaring of the belonging to the Slovak minority.

d.) Croatian minority:

The number and the proportion of those declaring Croatian as their mother tongue in the 2001 census decreased in all counties: to the smallest extent in Budapest, and among those living in scattered communities.

Parallel to the process of changing languages, the data registering minority identity show a minor decrease in the settlements inhabited by Croatians in Somogy and Vas Counties, while in the further four counties and in the capital, the number of the Croatian minority indicate a moderate increase.

e.) Serbian minority:

The largest group of the Serbian minority in Hungary is situated within the virtual “ethnic region” of the capital and Pest County, constituted by the Serbians living in Lórév on the Csepel Island, and in Pomáz. According to the census, the weight of the group increased further: already almost 50 percent of those with Serbian as their mother tongue belong to this group now. The minority and mother tongue data of the Serbians living in the Dél-Alföld region show a significant decrease, while the Serbian community in Deszk tries to maintain its remaining ethnic population within the rapidly developing settlement.

Concerning belonging to the minority and the mother tongue, the turnaround mentioned above has already taken place with the Serbian minority as well, according to the data, more persons declared their Serbian minority, than those declaring Serbian as their mother tongue.

f.) Slovenian minority:

The population of the minority community with the most closed settlement network grew according to minority data, and surpassed 3,000 persons. Of this, according to minority data, 56.11 percent of the community lives in five settlements of its own ethnic region (Szentgotthárd and its neighbourhood), involving 55.41 percent of the inhabitants by mother tongue.

The relation between belonging to the minority and mother tongue seems to be stabilising, and has practically become balanced in the past two decades. This, especially in the settlements inhabited by the community, is clearly the sign of an accelerating change of language. The process also reflects the assimilation of the younger generation and of those moving to the cities, as well as the ageing of the population, and the unfavourable demographic trends also affecting the Slovenian minority.

Definition of the term “person speaking a regional or minority language”

Besides the Constitution, a determining element of the policy of the Republic of Hungary related to minority languages is the Minorities Act, which determines, besides their other rights, the rights of the minority communities concerning the use of language.

In the Hungarian regulation, it is not the definition of the “**person speaking a regional or minority language**” that forms the basis of the establishment of the subject of linguistic rights, but the belonging to a “national and ethnic minority”.

The subjects of the linguistic rights guaranteed by the law are **the persons, communities belonging to the minorities living in Hungary.**

According to Article 42 of the Minorities Act, the languages used by minorities living in Hungary are the **Bulgarian, Roma (Romany and Beash), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovenian, and Ukrainian** languages.

The national or ethnic minorities speaking the above listed languages live scattered in the whole territory of the country. They live mostly in settlements where, even on a local level, they constitute a minority within the population. By reason of their number and local level presence, it is difficult to demonstrate any demand on the part of minorities living in Hungary in small numbers (such as **the Bulgarian, the Greek, the Polish, the Armenian, the Ruthenian, and the Ukrainian minorities**) related to the use of their languages and cultures, but even in their case the linguistic rights are guaranteed by the Minorities Act, even though their dispersion makes it impossible to define a geographical area or region where their languages are used. As the process of standardisation of the languages spoken by Roma in Hungary (**Romany and Beash**) advances, the demand arises to extend the undertakings assumed concerning the Charter to these languages as well. This process has already begun; the preparations will probably be ready by the end of the election cycle.

As far as Part III of the Charter is concerned, the Republic of Hungary assumed commitments only in connection with the languages of minorities living in more concentrated groups, generally in well definable regions of the country (*Romanian, Slovenian minorities*) or of those who, due to their numbers, have established educational and cultural structures in their mother tongue despite being scattered across several regions or counties (*Croatian, German, Serbian and Slovak minorities*).

The six national minority languages mentioned have undergone various changes over the past centuries. The independent language development followed only partially the mother nations' language reform movements. As a result, the everyday language spoken by the minorities has conserved archaic dialects that differ from the literary languages sometimes to a smaller, sometimes to a greater extent. Today we witness a process where since minority education is administered in the literary languages already incorporating the results of language reforms, the literary languages are superseding local regional minority dialects.

The geographical distribution in the territory of the country of the minorities falling under Part III of the Charter

The majority of **Croatians** in Hungary live in the southern and western counties of the country: in Baranya, Zala, Vas, Győr-Moson-Sopron, and Bács-Kiskun County, most of them in small settlements in these counties. However, their presence is marked in Budapest as well, due mainly to the system of minority self-government.

In the course of the 2002 minority elections, altogether 108 Croatian minority self-governments were formed in the territory of the country. Of this, 18 in Budapest, 11 in Bács-Kiskun County, 31 in Baranya County, 8 in Győr-Moson-Sopron County, 4 in Pest County, 6 in Somogy County, 11 in Vas County, and 11 in Zala County. The number of Croatian minority settlement self-governments is 20.

(According to the provisions of paragraph (1), Article 22 of the Minorities Act, a settlement self-government, in which more than half of the representatives in its elected body have been elected as the candidates of one national or ethnic minority, may declare itself minority settlement self-government.)

Those declaring themselves belonging to the **German** minority live in the greatest numbers, in decreasing order, in Baranya County, Pest County, Budapest, Tolna County and Komárom-Esztergom County, evenly divided into city- and village inhabitants.

The German minority in Hungary established altogether 340 local minority self-governments in 2002. Of this, 24 were formed in Budapest, 23 in Bács-Kiskun County, 85 in Baranya County, 8 in Békés County, 9 in Borsod-Abaúj-Zemplén County, 2 in Csongrád County, 16 in Fejér County, 11 in Győr-Moson-Sopron County, 20 in Komárom-Esztergom County, 2 in Nógrád County, 37 in Pest County, 5 in Somogy County, 7 in Szabolcs-Szatmár-Bereg County, 34 in Tolna County, 10 in Vas County, 43 in Veszprém County, and 4 in Zala County. As may be seen from the listing, the location of the German minority covers the whole territory of the country, as only in two counties of the 19 counties of the country did they not form a German minority self-government. The elected local bodies were transformed into German minority settlement self-governments in 34 settlements.

The **Romanian national minority in Hungary** may be found in the greatest numbers in Békés County and Hajdú-Bihar County, both bordering Romania, and in Budapest and Csongrád County.

At the 2002 elections, 44 Romanian minority self-governments were formed. 18 of these were established in Budapest, 12 in Békés County, 5 in Csongrád County, and 9 in Hajdú-Bihar County. In one settlement, the local body has been transformed into minority settlement self-government.

The **Serbian minority** lives in Budapest and its surroundings, as well as in the Southern counties of the country: in Csongrád County, Baranya County, Békés County, and Bács-Kiskun County, mainly in cities.

The number of the self-governments of the Serbian minority after the 2002 elections was altogether 44, of which 17 were established in Budapest, 3 in Bács-Kiskun County, 4 in Baranya County, 1 in Békés County, 3 in Fejér County, 10 in Pest County, 1 in Hajdú-Bihar County, and 1 in Tolna County.

The largest communities of the **Slovak minority living in our country** may be found in the cities of Békés County, in Pest County, and Komárom-Esztergom County, as well as in the villages of Nógrád County.

The Slovak minority living in Hungary has formed self-governments in 13 of the 19 counties of the country and in the capital at the last minority elections. Their self-governments number 115. Of this, 15 were created in Budapest, 3 in Bács-Kiskun County, 17 in Békés County, 17 in Borsod-Abaúj-Zemplén County, 3 in Csongrád County, 2 in Fejér County, 2 in Heves County, 9 in Komárom-Esztergom County, 20 in Nógrád County, 24 in Pest County, 1 in Szabolcs-Szatmár-Bereg County, and 1 each in Tolna County and in Veszprém County. Thus, the Slovak minority in Hungary constitutes the most scattered minority language community (after the German minority). The number of Slovak minority settlement self-governments is 8.

The number of those declaring themselves as belonging to the **Slovenian** minority has increased significantly since the last census, and the same is valid for the related categories. Most of them live in Vas County, a smaller part of them in Budapest and Pest County.

Slovenian self-governments were formed after the 2002 elections in Budapest (2), Borsod-Abaúj-Zemplén County (1), Fejér County (1), Győr-Moson-Sopron County (1) and in Vas County (8).

Minorities “speaking non-territorial languages” in the Republic of Hungary

The largest minority of the country continues to be the **Roma community**. They live in the largest numbers in the less developed North- Eastern region, in Borsod-Abaúj-Zemplén County, and in Szabolcs-Szatmár-Bereg County, but their number is above 10 thousand in Budapest, Heves County, Jász-Nagykun-Szolnok County, Pest County, and Hajdú-Bihar County as well. However, they are also represented by a population of at least thousand persons in all other counties.

Roma in Hungary belong to three large language groups: the Romungros speaking Hungarian (who call themselves Hungarian Gypsies, or musician Gypsies), the Olah Gypsies speaking both Hungarian and Romany languages, and the Beash Gypsies speaking Hungarian and the archaic Romanian language. Between 1971 and 1993, there was rather rapid language assimilation among the Beash and the Olah Gypsies. The conversion from the Beash and the Romany mother tongues to the Hungarian mother tongue took place in the context of bilingualism.

Between 1993 and 2003, the proportion of those speaking the Beash mother tongue within the Roma population decreased from 5.5% to 4.6%. However, among those speaking the Romany language, the change of languages did not continue, their proportion within the Roma population increased from 4.4% to 7.7%. Thus, a part of the Olah Gypsies changed from the conversion of languages to the re-conversion of language, which was also supported by the language and cultural programmes organised by the Roma organisations.

According to the data of the 2002 minority self-government elections, the geographical distribution of Roma in Hungary practically covers the whole territory of the country. In the course of the elections, Roma minority self-governments were formed in great number, altogether 999 local bodies were established. By far the most Roma minority self-governments were formed in Borsod-Abaúj-Zemplén County (152), but the number of Roma minority self-governments was above ten in all counties.

The vast majority of those belonging to the **Bulgarian** minority live in Budapest and its surroundings. Bulgarian minority self-governments were formed in Budapest (21), and in Baranya County, Győr-Moson-Sopron County, Hajdú-Bihar County, and Veszprém County (1 in each), and two in Borsod-Abaúj-Zemplén County, with 3 formed in Pest County.

The **Greek minority** also lives characteristically in Budapest and its surroundings, forming a community consisting of a couple of hundred persons besides this in Fejér County. Greek local minority self-governments were formed in Budapest (20), and in eight counties of the country (1 in each), and in Pest County (3).

Half of those belonging to the **Polish** minority live in the capital city. The community established altogether 51 local minority self-governments, of which 15 in Budapest, 12 in Borsod-Abaúj-Zemplén County, with the rest of them operating in further 12 counties of the country.

Two thirds of those belonging to the **Armenian** minority live in Budapest and Pest County. The number of their self-governments is altogether 31, of which 16 operates in the capital city, and the rest in eleven further counties of the country.

Half of the **Ruthenian** minority lives in Budapest and Pest County. 31 Ruthenian minority self-governments were formed, of which 15 operate in Budapest, 9 in Borsod-Abaúj-Zemplén County, 5 in Pest County, and one each in Baranya County and in Szabolcs-Szatmár-Bereg County.

The largest groups of the **Ukrainian** minority may also be found in Budapest and Pest County, and furthermore in Szabolcs-Szatmár-Bereg County. There are 13 Ukrainian minority self-governments operating, of which five in Budapest, two in Baranya County, and one each in six other cities.

It is not a condition of forming minority self-government for either the electors or the elected persons to speak the language of the minority. Thus, many minority self-governments were formed, where even the officers do not speak the language of the given minority,

In 2003, the Office for National and Ethnic Minorities conducted a survey examining among others the knowledge of national minority languages of the representatives elected to the minority bodies, affecting 130 settlements, covering among these all the villages with a transformed minority settlement self-government. There were 384 representatives elected into the bodies of the transformed minority settlement self-governments, of which 353 persons ran as minority candidates. 304 persons of the latter spoke the minority language of the settlement.

We also examined the situation of language knowledge within the settlement self-governments in minority settlements where the settlement self-government was not transformed into minority settlement self-government, but the presence of one of the minorities was marked within the given settlement. Here there were 77 persons running as minority candidates of altogether 517 persons. In spite of this, 362 persons know the language. The knowledge of the language may be considered good, still, according to the answers, the sessions are conducted (with 2 exceptions) in Hungarian, and the language of the minutes taken is also Hungarian. (In the case of the two settlements mentioned as exceptions, the sessions are held in two languages, in Hungarian and in the language of the minority, but the minutes are taken in Hungarian here as well.)

CHAPTER I

The most important laws and legal regulations serving the protection of minority languages

The situation of national and ethnic minorities in Hungary in the society is determined by paragraph (1), Article 68 of the **Constitution** of the Republic of Hungary (Act XX of 1949, hereinafter: Constitution), which states that the national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a **constituent part of the State**. The Constitution guarantees collective participation in public life for the minorities, grants them the right to establish local and national self-governments, to foster their culture, **to use their mother tongue, to have their mother tongue as the language of instruction, and to use their names in their own language.**

The **Minorities Act** guarantees individual and collective type of minority rights to the 13 minorities living in Hungary - the right to personal autonomy, and the right to establish self-governments. The Act deals in a separate chapter with the linguistic rights, the educational and cultural rights of the minorities, and ensures the right for them to use their names in their own language. The determining of educational and cultural rights as collective rights ensures the possibility for all minorities to create their own educational system and cultural life.

In its chapters on the rights of minority communities, and the tasks and competences of minority settlement self-governments and local minority self-governments, the Minorities Act ensures a rather broad scope of participation in educational and cultural affairs for minority self-governments. Besides determining the minority language as the language of instruction, it makes it possible for minority self-governments to participate in determining the tasks of local minority educational institutions, in appointing the head of the institution, and in evaluating the educational work.

We would like to note that the effect of all legal regulations listed below extends to cover all minorities listed in the Minorities Act.

With the enacting and the ensuing amendments of **Act LXXIX of 1993 on Public Education** (hereinafter: Public Education Act), the most important steps were taken to harmonising with the Minorities Act. Referring to the relevant section of the Minorities Act, the Public Education Act declared that, besides Hungarian, the language of education in kindergarten and tuition in primary school, as well as in boarding schools should be the language of the national and ethnic minorities. The relevant spheres of competences defined by the Minorities Act for minority self-governments were similarly adopted, thus allowing for them to make effective use of the possibility to influence the development, contents and form of minority education. It was also this regulation that created the National Committee for Minorities, which operates as the minister's advisory board in the field of minority education and consists of the delegates of all minorities.

The **Act on Radio and Television Broadcasting** (Act I of 1996, hereinafter: Media Act) made it an obligation for public service media to produce programmes presenting the life and culture of the minorities. Service providers performing public service functions are obliged to provide information in the mother tongues of the minorities.

Act CXL of 1997 on the Protection of Cultural Goods, Museum Institutions, Public Library Services, and Cultural Education defines the preservation of the national and ethnic minorities' cultural traditions, their continuation in a worthy manner, the improvement of personal, intellectual and economic conditions of community and individual education (culture), the promotion of activities which improve the quality of life of citizens, and the operation of institutions and organisations established to realise all of these points as common tasks of society as a whole.

Act XLV of 2002 on the Amendment of Law Decree No. 17 of 1988 on Registration, Marriage Procedures, and the Bearing of Names corrected, just in connection with the undertakings assumed in the Charter, the rules related to the bearing of names and the changing of names by minorities, and made it possible to conclude marriages in the language of the minorities.

Act XCVI of 2001 on the Publication of Business Advertisements, Shop Signs and Certain Announcements of Public Interest in the Hungarian language stipulates that all signs having a business advertisement nature, all shop signs, and communication of public interest must be published in the Hungarian language. In case of a sign in a foreign language, the Hungarian language advertisement or sign shall appear beside the foreign language sign in the same length, and with the same text.

The regulation accepts only one exception from under this general obligation. According to paragraph (4), Article 6 of the law *"The requirements laid down in the present Act do not affect the business advertisements and signs published in the languages of the minority languages determined in Article 42 of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities in settlements where a minority self-government of the minority with the affected mother tongue operates."*

Act I of 2002 on the Amendment of Act XIX of 1998 on **the Criminal Code** came into force on 1 July 2003, and harmonised the order of criminal proceedings and the provisions of the Charter. According to paragraph (2), Article 9 of the Code, "in criminal proceedings everyone may use in speech and in writing his mother tongue, the regional or minority language according to an international agreement promulgated by law, in a circle determined by that, or – in case the person does not know the Hungarian language – he may use another language designated by him as known".

The regulations of civil proceedings are provided for in **Act III of 1952 on the Code of Civil Procedure**. The law states that, on the one hand, “the language of the court proceedings is Hungarian. No one may be disadvantaged for the lack of knowledge of the Hungarian language..”, and on the other hand, it also contains that “in the court proceedings – in a circle determined by international agreement – everyone is entitled to use his mother tongue, regional or minority language.” In such cases “the court is obliged to use an interpreter (...)”.

In **Act CXL of 2004 on the General Rules of Official Procedure and Servicing in Public Administration**, there are separate paragraphs on minority rights related to the use of language. Worthy of emphasizing is the provision, according to which, in its order, the representative body of the minority settlement self-government, or the body of the national minority self-government may determine besides the Hungarian the official language of the official procedure falling into its competency. This legal regulation will come into force on 1 November 2005.

In the field of economic and social life, **Act XVI of 2002** amended Article 5 (regulating the prohibition of discrimination) of Act XXII of 1992 on the **Labour Code**. The amendment extended the prohibition of discrimination to cover the provisions, measures, conditions and the practices related to the procedure preceding and promoting the establishment of employment. Furthermore, the legal regulation was extended to include the category of indirect discrimination. The practice shall be regarded as such, if the affected circle of employees may be regarded as a mostly homogeneous (national, ethnic) group, and the provisions, measures, conditions and the practices related to the employment relationship, and formally formulating equal requirements to all or ensuring equal rights to all, are disproportionately discriminative to them.

Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereinafter: Equal Opportunities Act) also amended the mentioned Article of the Labour Code. Thus, only one reference to the requirement of equal treatment remained in the Labour Code, according to which “The requirement of equal treatment in the employment relationship shall be observed” and that “the consequences of the violation of the requirement of equal treatment shall be remedied adequately, and this shall not injure, or impair the rights of other employees.”

Since the amendment, the Equal Opportunities Act has been playing a more important role in the field of economic and social life, as it phrases generally, for the whole of the legal system, the content, the obligees and the obligors of equal treatment, as well as the possibilities of legal remedy for those affected. The effect of the Act extends to cover not only the employment relation and other service relations, but also other legal relations concerning to work (e.g. the legal relation established on the basis of an entrepreneurial contract, a commission contract, a part-time work contract, etc.). The Act specifies the cases in which special attention shall be paid to the observation of the prohibition of discrimination. Thus, for example: in access to work, in public advertisement for work, in contracting work, in the conditions of employment, in establishing and terminating a legal relation, in the calculation and the ensuring of wages, as well as in the enforcement of the liability for indemnification and the disciplinary obligations.

New measures taken by the State to foster the use of regional or minority languages

The Republic of Hungary assumed undertakings related to the whole of its territory upon ratifying the Charter. Though the concrete undertakings relate to altogether six of the minority communities living in Hungary, the measures oriented at the protection of minorities, and at minority policy are more general, equally affecting all communities, just in order to ensure also the development of communities presently in the status of “minorities not related to one region”. The effect of the below state measures extends to cover all minority communities listed in the Minorities Act, regardless of whether or not they were beneficiaries of our undertakings assumed upon our accession to the Charter. (When presenting measures, which relate exclusively to one certain minority, we shall indicate the given community.)

The amendment of the Constitution, adopted by Act LXI of 2002, promulgated in December 2002, and entered into force on 1 May 2004, intended to serve partly the broadening of the possibilities to use minority languages, and partly the expansion of the use of the mother tongues by the minority self-governments; however, its primary purpose was to make unequivocal the determination of the circle of those participating at the minority self-government elections. The amendment took out the text “*minority self-government*” from paragraph (1), Article 70 of the **Constitution**, thus taking out minority self-government elections from the effect of the regulations related to the election of representatives to the National Assembly and to local self-governments. The provision made unequivocal those phrased in paragraph (4), Article 68 of the Constitution, according to which the local and national minority self-governments may be established by the national and

ethnic minorities. Thus, the legislator, in the legal regulation related to the election of minority self-government representatives, determines the circle of those participating in the election of minority self-government representatives narrower than those provided for in the regulations on general voting rights. However, this narrowing makes it possible for the self-governments to be established by persons really directly affiliated to the minority languages and cultures.

After the amendment of the Constitution, partly as a result of this, the process of amending the Minorities Act also began. The direct basis for this was given by **Resolution 30/2003 (III.27.) of the National Assembly on the Necessity of the Revision of the Regulations Affecting Minorities**, which prescribed for the Government the execution of the elaboration of the law on minority voting rights and the amendment of the Minorities Act.

The elaboration of the amendment may also be related to a previous recommendation of the Committee of Ministers, according to which (the Republic of Hungary) shall continue the development of the possibilities inherent in the system of minority self-government, with regard to the fact that the system may contribute considerably to the support and the strengthening of minority languages.

Among the reasons for the amendment of both the Constitution and the Minorities Act, we shall speak about a phenomenon, the appearance of which after the first minority election surprised both politics and the minority communities. Minority self-government elections, arranged since 1994, have exerted a basically positive effect on the self-organisation of national and ethnic minorities in Hungary, they have contributed to the strengthening of the communities, nevertheless, from the very beginning, the acting in bad faith of certain individuals and groups may be identified, and the number of those, who have abused the special rights guaranteed to minority communities, kept growing. Abusing the argument of the free choice of identity, minority election initiatives were taken and minority self-government bodies were established in the name of such minorities, to the existence of which in the given settlement there is no reference, neither in the data of the census, nor in other data, for example in the existence of the given minority civil initiatives, or the operation of minority associations.

At the 2002 elections, the negative tendencies experienced at the previous elections continued and even strengthened. Besides the abuses related to the direct minority self-government elections, abuses of the preferential minority mandate also appeared. At the settlement self-government elections, it was often not the representatives of the minority communities, who ran for and won the preferential mandates ensured for the national and ethnic minorities, but the representatives of organisations, moreover sometimes parties, whose clear-cut aim was the influencing of the local status quo.

The continuously growing number of unauthorised persons intruding into the minority self-government system has strengthened the demand within a broad circle of minority communities, that only persons belonging to the given community shall be nominated and elected as minority representatives. The persistence of the negative tendency may result in the weakening of the traditional cultural organisations of the authentic minorities, and the diminishing of their legitimate base.

Besides eliminating the outlined negative phenomenon, the government has created the possibility, through the amendment of the Minorities Act, to establish the county level of minority self-government, which may help to designate the regions inhabited by minorities. The county minority self-governments to be elected at the next minority elections make it possible to clear up in which counties may the presence of a minority community be relevant. However, as may be seen in the table in Annex I, the designation of the regions is made difficult by the fact that by today most minorities are present in all counties of the country.

The amendment of Article 47 of the Minorities Act related to the amendment of the Public Education Act was of outstanding importance from the point of view of the take-over and operation of minority educational institutions by the affected minority self-governments, as the amendment details the legal framework concerning the take-over of public education institutions by minority self-governments, as well as the establishment, and the maintaining of these. The amendment determines the circle of the minority educational institutions, which the settlement self-government is obliged to hand over upon the request of the national self-government, and those, which may be handed over upon the request of the self-government. The details and the conditions of the transfer of the institution shall be stipulated by public education agreements concluded between the minister of education and the affected settlement self-governments.

The amendment in 2003 of the **Public Education Act** also altered the characteristics of institutions performing regional or national tasks with the purpose of helping minority educational institutions get into the

hands of minority management. (It should be mentioned here that the institutions performing the most successful minority education come from exactly these schools.)

A government measure relevant from the point of view of the use of minority languages was that the total sum of resources supporting minority education, culture and public life grew by a greater extent than the current inflation in all three years of the reporting period. The intention to increase the financing of minority education year-by-year, and to establish the framework for the operation of minority institutions, as well as to support cultural initiatives, may well be traced in the **Budget Acts** of the past three years. (Annex 3)

Act CXL of 2004 on the General Rules of Official Procedure and Servicing in Public Administration, besides listing the basic principles of the legal regulation, devotes a special subtitle to the regulations related to the use of language. This chapter regulates in detail the ways of proceeding in public administration procedures initiated in minority languages, the possibilities of using minority languages, as well as the rights in the public administration procedure of persons belonging to a minority. The legal regulation will come into force on 1 November 2005. (Annex 4)

Point 62 of the **Government Decree 1021/2004 (III.18.)** on the government programme promoting the social integration of Roma minority and measures related to this contains the expectation for the affected organisations to examine, with the coordination of the Office for National and Ethnic Minorities, the possibilities for the extension of the Charter to cover Roma languages spoken in Hungary. Depending on the results of the examination, the necessary measures shall also be taken.

National Assembly Decree 91/2004 (IX.28.) OGY on the ratification of the Agreement concluded between the Republic of Hungary and Serbia and Montenegro, on the protection of rights of the Hungarian minority living in Serbia and Montenegro, and the Serbian minority living in the Republic of Hungary, signed in Budapest on 21 October 2003 (and Government Decree 2252/2003 (X.15.) on the signature of the Agreement) contribute to the completion of linguistic rights of the Serbian community in Hungary.

Government Decree 2319/2003 (XII.13.) on the approval and the promulgation of the Agreement between the Government of the Republic of Hungary and the Government of the Slovak Republic on the mutual educational and cultural support of the national minorities determines the framework for the utilisation of the support coming to the Slovak minority in Hungary from the mother country.

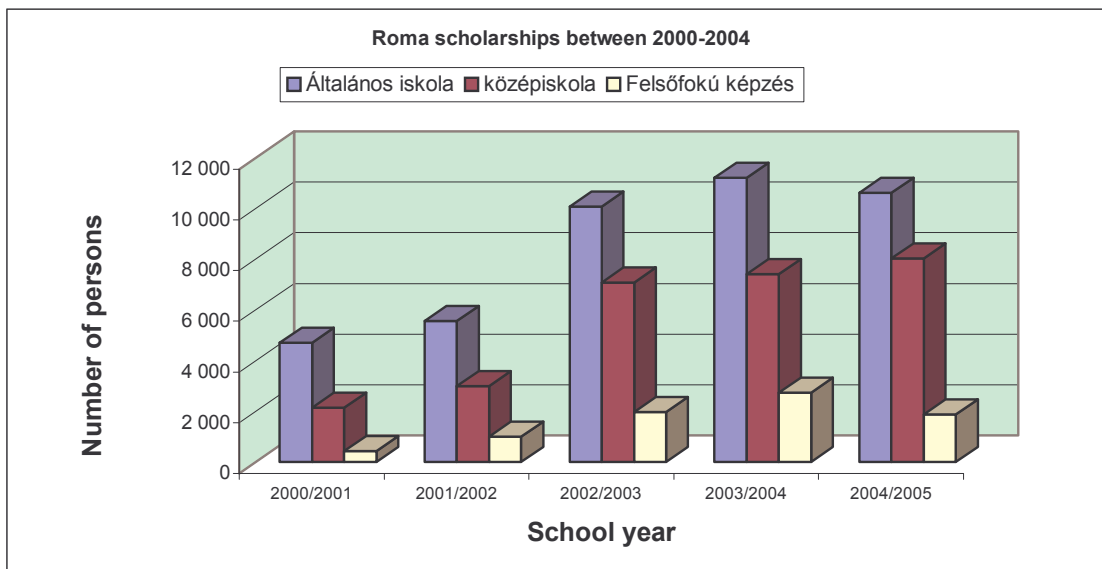
(The international agreements supporting the national minorities will be presented in detail in the relevant points of Part III.)

Starting with 2003, parallel to the founding of the budget line serving the supporting of the operation of minority institutions, all minorities with the exception of two (Armenian, Ukrainian) established at least one such institution. (Annex 5)

There were several developments in the field of minority education, which were due to the general processes in minority policy. In the point on education, we shall present more in detail the outstanding step taken – in the direction of the spreading of bilingual education – in Croatian minority education. Certain minorities speaking non-territorial languages have founded a national school for language teaching. Thus, by today, besides the Armenians, who have practically lost their mother tongue at the collective level, and the Ukrainians, who until now have been insistent on to their “Sunday school” outside of the public education system, all minorities in Hungary have school- based education.

Significant legal and practical steps have been taken with regard to the integrated, equal opportunity oriented education of the Roma minority, and as a result of several years of development work, Roma language minority instructional-educational work has begun in the educational, instructional institutions of several settlements.

The Roma scholarship programme, which ensures in the budget of the Public Foundation for the Roma living in Hungary a separate line for scholarships for young Roma, which may be used from the 5th year of primary school until the obtaining of a diploma, has continued in the reporting period.



With the help of the Public Foundation for the Roma living in Hungary, more and more Roma youngsters receive a chance to continue their studies.

Beginning with the 2005/2006 school year, the government launches a new scholarship programme in order to promote equal opportunities for disadvantaged students. One of the most emphasised target groups of the programme is that of Roma student living in a disadvantaged situation.

The Ministry of Education has invited applications for minority research institutions, higher education minority departments, department groups, for the elaboration of linguistic-methodological materials helping the teaching of Beash and Romany languages, and for the elaboration of an ethnographical curriculum. The introduction of these in the process of education is continuous since 2003.

An important novelty of the reporting period is that national minority self-governments could live for the first time with their official scope of authority when they created and adopted the **minority collection of first names** of the given community. The extremely serious professional work was complemented by the development of the bilingual registration documents and the informatics background, and the real possibility was created for the members of minority communities to use their family names and their first names according to the rules and the orthography of their mother tongue. To support the conceptual possibility in practice, the Government has forwarded the books containing the first names, free of charge, to all minority self-governments and to settlements with minority self-government. The Ministry of the Interior prepared the computer programme for minority registration, the training of registrars is continuous.

One of the dynamically developing areas of the predominance of the use of language rights is the Internet. The presentation of the home pages created by the minority communities, institutions takes place in three different forms: a) some of them publish three versions in three different languages, that is they give information in the mother tongue of the minority, in Hungarian, and in English; b) others inform in the mother tongue of the minority, and in Hungarian; c) and still others communicate only in the mother tongue of the minority.

Around 20% of the home pages created by minority communities, institutions appear only in Hungarian, while around 80% of them also have a version in the mother tongue of the minority. As far as texts translated to Roma – Beash, Romany – languages are concerned, we hardly find any such text published in the domestic Internet home pages oriented at minorities. English language versions, important from the point of view of the information of the international public, appear in only one third of these home pages, because of the lack of resources for translation. English language information is given by most Roma oriented home pages, and English language versions exist for example in the case of the Slovak and the Ukrainian home pages.

With the expansion of Internet, the Ministry for Informatics and Communications gives support to minorities to be able to prepare to meet the challenges of the information society. In 2003, the ministry gave support,

through inviting applications, to promote the mother tongue information–communication work of the minority self-governments. Within the framework of this, almost two thirds of the local minority self-governments, altogether 1,005 self-governments received informatics instruments.

As a result of the “Public Net Programme” (the establishment of broadband connection), altogether 2,004 community points of access were established in Hungary in 2004. The programme could be joined by the local minority communities, as well, through community houses, cultural centres.

The organisational background of the protection of regional or minority languages

Due to the consequent and continuous minority policy of the Republic of Hungary, the legal background necessary for the protection of minorities, and within this the protection of minority languages, has been established in Hungary. There are several national administrative bodies (including the self-governments of the minorities), and non-governmental organisations, the significant part of whose activities consist in protecting the mentioned languages and minorities. The **Committee on Human Rights, Minorities and Religious Affairs** of the Parliament supervises at the highest, legislative level that no violation of the principles protecting the minorities and, within that, those protecting linguistic rights of the minorities occur in the process of elaboration of legal provisions. The institution of the **Parliamentary Commissioner for National and Ethnic Minority Rights** reports exclusively to Parliament; the Commissioner examines the complaints addressed to him concerning the violation of linguistic rights and issues recommendations as to how to remedy the situation. The monitoring of the enforcement of minority rights, and within that the linguistic rights of the minorities makes also part of the duties of the Office for National and Ethnic Minorities.

The national and local minority self-governments have undertaken the task of the protection of the rights of the given minorities. Within this, the self-governments are the main advocates of the of enforcing the minority linguistic rights at local, regional and national levels. Recently, through the minority joint commissions, the issue of ensuring the collective exercise of linguistic rights by minorities has been also included in bilateral documents of the minority joint commissions, established for the follow-up of the situation of minorities, between the Republic of Hungary and the mother countries of the individual minorities.

It should be mentioned here that, parallel to our country’s accession to the EU, the Hungarian affiliate (HUBLUL – Hungarian Bureau for Lesser Used Languages) of EBLUL (European Bureau for Lesser Used Languages) was formed, the tasks of which include the collection and servicing of information, on a domestic and international level, on the linguistic rights of minorities in Hungary.

The following is a list of the organisations actively involved (also) in the field of protection of minority languages:

- **Committee for Human Rights, Minorities and Religious Affairs** of the Parliament of the Republic of Hungary
1054 Budapest, Széchenyi rkp. 19.
Chairperson: László Szászfalvi (Fidesz-MPSZ)
Tel.: (361) 268-5031 Fax: (361) 268-5986
Internet: www.mkogy.hu
- **Office of the Parliamentary Commissioner for Minority Rights**
1051 Budapest, Nádor u.22.
Parliamentary Commissioner: Dr. Jenő Kaltenbach
Tel.: (361) 475-7149, Fax: (361) 269-3542
Internet: www.obh.hu
- **Office for National and Ethnic Minorities**
1085 Budapest, Baross u. 22-26.
President: Antal Heizer
Tel.: (361) 266-6343, Fax: (361) 266-1225
Internet: www.icsszem.hu
- **National Croatian Self-Government**
1089 Budapest, Bíró Lajos u. 24.
President: Mihály Karagics
Tel.: (361) 303-5630, Fax: (361) 303-5636
Internet: www.croatica.hu

- **National Self-Government of Germans in Hungary**
1026 Budapest, Júlia u. 9.
President: Ottó Heinek
Tel.: (361) 212-9151, Fax: (361) 212-9153
Internet: www.ldu.hu

- **National Self-Government of Romanians in Hungary**
5700 Gyula, Eminescu u. 1.
President: Traján Kreszta
Tel., Fax: (3666) 463-951
Internet: www.patruroman.hu

- **Serbian National Self-Government**
1055 Budapest, Falk Miksa u. 3.
President: Milica Pavlov
Tel. Fax: (361) 331-5345

- **National Slovak Self-Government**
1114 Budapest, Fadrusz u. 11/a
President: János Fuzik
Tel. Fax: (361) 466-9463
Internet: www.slovaci.hu

- **National Slovene Self-Government**
9985 Felsőszölnök, Fő u. 5.
President: Márton Ropos
Tel. Fax: (3694) 434-032
Internet: www.slovenpages.hu

- **Bulgarian National Self-Government**
1093 Budapest, Lónyay u. 41.
President: Dr. Dancso Muszev Dimitrov
Tel.: (361)216-4210; Fax: (361) 215-5184
Internet: www.bul.hu

- **National Roma Self-Government**
1076 Budapest, Dohány u. 76.
President: Orbán Kolompár
Tel. (361) 322-8963; Fax: (361) 322-8501.
Internet: www.oco.hu

- **Greek National Self-Government**
1054 Budapest, Vécsey u. 5.
President: Theodorosz Szkevisz
Tel.: (361) 302-7275; Fax: (361) 302-7277
Internet: www.elines.hu

- **National Polish Minority Self-Government**
1102 Budapest, Állomás u. 10.
President: Konrad Sutarski
Tel./Fax: (361) 261-1798
Internet: www.polenia.hu

- **National Armenian Self-Government**
1025 Budapest, Palatinus u.4.
Vice-President: Ádám Szárkiszján and Gábor Szontágh
Tel: (361) 332-4970; 332-3943

- **National Ruthenian Minority Self-Government**
1147 Budapest, Gyarmat u. 85/B
President: Vera Giricz

Tel.(361) 468-2636; Fax: (361) 220-8005

- **National Ukrainian Self-Government**
1065 Budapest, Hajós u. 1.
President: Jaroslava Hartyányi
Tel./Fax: (361) 461-0111
Internet: www.ukrajinci.hu

- **EBLUL Hungarian Member State Committee**
1055 Budapest, Falk Miksa u. 3.
Secretary: Borisz Bekics
Tel. Fax: (361) 331-5345
E-mail: borisbek2003@yahoo.com

Organisations involved in the preparation of the report

The Office for National and Ethnic Minorities invited the *national self-governments* and *national NGOs* of the affected minorities, and *all the ministries* to participate in the preparation of the report. When compiling the final material, it asked for the help of *county public administration offices, the county courts, the county public prosecutor's offices, the Hungarian Central Statistical Office, the National Radio and Television Commission, the Hungarian Radio, and the Hungarian Television*. The draft report has been sent for comments, in the context of public administration conciliation, to all ministries, and to the Parliamentary Commissioner for National and Ethnic Minority Rights. The presidents of the national minority self-governments also received the draft text of the report – for making their comments.

Information provided related to the European Charter for Regional or Minority Languages

The Government of the Republic of Hungary, and the Office for National and Ethnic Minorities, as well as the Prime Minister's Office supervising it, and the Ministry for Youth, Family, Social Affairs and Equal Opportunities have made serious efforts in the period since the previous report in order to inform the representatives of the minorities living in our country, and the central, regional, and settlement offices, and the judiciary on the obligations assumed by Hungary. This goal was also served by the conference organised in June 2002, where we invited all organisations, from which we requested part materials or data for the present report.

In all three years of the reporting period, the colleagues of the Office participated regularly at county level, regional, or local trainings on minority public life, where the participants were informed, in the form of lectures, on the tasks originating from the implementation of the Charter, and on the process of implementation.

In October 2003, the professional conference titled "The Minorities Act is Ten Years Old" was organised, where both Hungarian and foreign lecturers emphasised the importance of the transmission and the fostering of minority languages within the context of the protection of minorities, referring to the relevant points of the Charter.

In 2004, the Office for National and Ethnic Minorities prepared a survey examining the use of minority languages, with the participation of 68 minority settlement self-governments, later complementing this circle with further 64 settlements. In the beginning of the survey, we asked the self-governments on a data-sheet on how extended minority language public administration was in these villages, and how much it was typical for demands related to this to appear, as well as on how much the conditions, which would enable the extension of minority language public administration, were at their disposal.

Naturally, we informed the self-governments we involved in the survey, in writing as well as in speech, on the undertakings the Republic of Hungary had assumed in this field.

Also in 2004, the Office for National and Ethnic Minorities and the Metropolitan Public Administration Office organised informative lectures in all districts of the capital, where – in the context of giving information on the

legal regulations on minorities - the Office's colleague presented the content of the Charter and the scope of the undertakings assumed by Hungary. We will continue to give the same information this year as well, in all counties of the country, narrowing the theme of the presentation to the rights related to the use of minority language, with special regard to the undertakings assumed upon ratifying the Charter.

Besides this, partly through the adoption of the previous Charter report, partly related to the visit to Hungary of the Committee of Experts, we presented at a press conference the undertakings assumed by Hungary and the process of their implementation.

Measures taken upon the recommendations of the Committee of Ministers

In the process of the second monitoring cycle, on the basis of the proposal of the Committee of Experts, the Committee of Ministers of the Council of Europe phrased five recommendations for the Republic of Hungary. These were the following:

“Recommends that the Republic of Hungary take account of all the observations of the Committee of Experts and, as a matter of priority:

1. Ensure that the necessary integration of Romany and Beash speakers which would allow their full participation in the economic, social and political life, also preserves their linguistic and cultural identity; strengthen the teaching of Romany and Beash at least at lower grades and contribute to the development of Romany as a written language, in particular through standardisation at European level.
2. Improve the present model of teaching regional or minority languages and move to forms of bilingual education for Part III languages and incorporate the current model of secondary language education into the curriculum for Part II languages.
3. Identify the territories in which the number of speakers justifies the effective implementation of Articles 9 and 10 and take further positive measures to encourage the use of minority languages in judicial proceedings and in dealings with the administration.
4. Strengthen the presence of minority languages in the media and, in particular, ensure that programmes in minority languages can be received on ordinary radio sets.
5. Continue to develop the system of minority self-government, in particular by improving the conditions for the transferral of educational and cultural bodies and institutions to minority self-governments.”

We received the final text of the recommendations in the second half of 2004, however, with regard to the fact that their content was already known to us, the Office for National and Ethnic Minorities already began the preparation of the steps to be taken related to the recommendations. In the case of certain recommendations, preparations have already been taken earlier, as we had reached a stage in the process of implementation, where we could phrase our tasks related to these.

Such an affair, in progress earlier as well, was the question of building the education of **Romany** and **Beash** languages into the school system. The amendment in 2002 of Ministry of Culture and Education Decree 32/1997 (XI.5.) MKM on the Issuing of the Guidelines on the School Education of National and Ethnic Minorities has stated that the obligatory time framework of the teaching of Roma languages is 2 hours per week; besides this, starting out from the realistic possibilities, the decree allows for the free regrouping of these hours throughout the school year, that is even for their teaching in one block at any point of the school year.

Annex 5 of Act LXII of 2002 on the 2003 Budget of the Republic of Hungary specified for the first time in the 2003/2004 school year, in the paragraphs presenting the titles for obtaining supplementary normative funding for minority education, that the maintainer of the school may apply for supplementary funding if the education of a Roma language is present in the institution. (In the previous regulation – from 1991, supplementary normative funding was available in the case of Roma minority education, similarly to the case of education of other minority languages. In this sense the specification of the this provision in 2003 may seem as a simply technical amendment, however, even thus, it signals a considerable change.) Naturally,

the law prescribes that in the case of education of the Romany and the Beash languages, the above-presented regulation shall be taken into account in the institution.

Due to the above regulations, the education of Romany or Beash language was started in 9 educational institutions of 6 settlements.

As far as the rest of the recommendations are concerned, their implementation will obviously demand more time.

Concerning the second recommendation, we would like to mention that on the basis of legal regulations, participation in minority education is voluntary, and it also depends on the decision of the pupil or the parent whether they choose the mother tongue, the bilingual, or the language-teaching form of education. National or regional schooling institutions with mother tongue or bilingual programmes are usually accompanied by boarding schools, to be able to receive the pupils choosing this form of education.

Nevertheless, we agree with the statement that the proportion of mother tongue or bilingual schools, giving a higher level knowledge of language, shall be increased. (Presently around 80% of the minority schools are language-teaching schools.) This goal is served by our decisions determining the financing of minority education, as a result of which today the supplementary funding of bilingual minority education is 70% higher than that of language-teaching education. Besides this, the Ministry of Education has invited special applications in each of the past two years for the necessary training of teachers in professional language.

As far as the building into the curriculum of the languages falling under Part II is concerned, their inclusion in the system of public education is possible since the amendment in 1999 of the Act on Public Education. However, because of the lack of interest of the parents, and of other conditions (well-trained teachers, textbooks), this took place only in a few places. There was already Bulgarian, Greek, and Ruthenian language-teaching in a couple of settlements (Budapest, Beloianisz, Mucsony). In the 2004/2005 school year, the Bulgarian, the Greek, and the Polish supplementary schools founded by the Bulgarian National Self-Government, the Greek National Self-Government and the National Polish Minority Self-Government began their operation, making possible the learning of these languages in the context of supplementary minority education in several settlements of the country. Supplementary minority education extends to cover only the teaching of the mother tongue and ethnography of the minority, the pupils perform their compulsory school attendance in other educational institutions. A great advantage of this form of education as compared to Sunday schools is that a certificate may be issued on the school studies, and that it entitles the participants to take an examination in basic culture, and a final examination and, in case the pupil continues his studies, the results may be added to his points. The supporting of the supplementary schools goes the same way as that of the language-teaching schools.

It also belongs here that the education of the Ruthenian language has been introduced in the local primary school in Komlóska, one of the traditional settlements of Ruthenians in Hungary.

What may be reported, on the basis of the census data, on the **regional distribution** of those speaking minority languages, is that in the case of all communities, a more narrow region may be delimited, where each minority lives typically in greater concentration. But we may also state besides this, that there is almost no county, or larger city in which one or another minority does not appear – even if only in very small numbers.

The internal migration of the persons belonging to minorities may be observed most of all in the change of the ethnic composition of the population of the capital, Budapest, but the situation is just the same in the majority of the suburbs around the capital. The suburbs and villages around the capital once all used to be inhabited by one minority or another, but by today have changed, almost without any exception, into multilingual, multicultural environment. However it does not follow from this directly that those living within one settlement and belonging to the same minority would organise themselves into a community and, as such, would phrase demands concerning fostering of their language and culture.

A similar situation was experienced in the course of the past decade in the county seats. As a result of the internal migration of the population, the towns of county rank have become multinational, and practically all minorities have appeared in the population of these cities. The numbers of the minority citizens, who moved in these cities, make it possible for them to organise themselves as communities and appear either in the civil sphere or in minority self-governance in the public life of the cities.

The **strengthening of the media presence** of the minorities has already received special attention as a result of the complaints and the initiatives of the minorities related to this. As a result of the complaints related to the possibilities in terms of broadcasting time and financing, the Hungarian Parliament Committee on Human Rights, Minorities and Religious Affairs conducted a hearing of the reports of the presidents of public service media institutions in November 2003, but there were no substantial consequences of this hearing.

Following this, in 2004, the Parliamentary Commissioner for National and Ethnic Minority Rights (hereinafter: Minority Ombudsman) examined the enforcement of minority rights in the media. On the basis of the examination, the Minority Ombudsman phrased proposals, recommendations, and initiatives. Among his proposals was the supervision and the rewriting of the legal regulations related to minority presence in the media, the amendment of the Act on Self-Governments, and the creation of a legal regulation, which makes it possible to archive minority programmes. The essence of the recommendations concerns the examination of the ways that minority language media market in Hungary could be expanded within the context of cooperation with the neighbouring countries; and the alternative technical and financial possibilities that could be elaborated to ensure the preparation and the broadcasting of minority language programmes at a higher quality than presently.

Besides the above, the Minority Ombudsman requested the Ministry for Informatics and Communications to clear up in what way the broadcasting of minority radio programmes could be ensured in the future.

The essence of the initiative phrased and addressed to the President of Hungarian Television and the President of Hungarian Radio was that the leaders of the two public service media should regularly conciliate with the representatives of the minorities concerning the questions of the operation of minority medias. Besides this, the Minority Ombudsman requested the President of Hungarian Television and the President of Hungarian Radio to take the necessary measures to ensure the safeguarding and the further development of the professional quality of minority programmes, to ensure the material conditions of preparing programmes, and to restructure the system of financing.

Besides this, on the basis of the investigation, the Minority Ombudsman requests the Hungarian Parliament Committee on Human Rights, Minorities and Religious Affairs to discuss the questions related to minority media, and to support the Ombudsman's proposals by its resolution.

After the initiative taken by the Minority Ombudsman, the President of the Office for National and Ethnic Minorities turned, in a letter in 2005, to the President of the Commission supervising public service media, the National Radio and Television Commission. In his letter, he proposed for the President of the National Radio and Television Commission to initiate conciliation between the President of Hungarian Radio and the 13 national minority self-governments concerning the problems related to minority programmes in the Hungarian Radio. He proposed, furthermore, for the President of the National Radio and Television Commission to initiate conciliation between the President of Hungarian Television and the representatives of the minorities in order to supervise the programme schedule and the programme time of minority television programmes. He also proposed that in case the resources of the National Radio and Television Commission make it possible, it could support, through inviting applications, the acceptance of minority language, mother country programmes into the programme schedule of cable servicing companies, which are present in settlements inhabited by minorities.

One of the possibilities for strengthening minority media presence may be the appearance, on the domestic media market, of radio studios established and operated by minorities. The Slovene minority has established its radio, "Radio Monoster", which broadcasts eight hours daily in the region inhabited by Slovenian minority; "Radio C" operates in Budapest with the support of the National Radio and Television Commission, with programmes oriented mainly to Roma audiences, in Hungarian and also in Gypsy language.

The **strengthening of the minority self-government system** is the firm intention of the Hungarian Government. This is reflected by the Constitution, as well as by the spirit and the provisions of the Minorities Act, adopted by a two-thirds majority. The basis for the minority self-governance was created by the provisions of the Constitution, however these provisions, besides guaranteeing the right to establish minority self-governments, did not determine precisely who exactly could establish minority self-governments. As the Minority Act also fails to determine the subjects of law exactly, and as after the past three minority elections there were equally unwanted phenomena, which questioned the essence of minority self-governance, in 2003 the Parliament amended the Constitution, stating that at the minority elections – as compared to the previous regulations – not all Hungarian citizens may elect and may be eligible, only those who belong to the given minority. (However, the Constitution does not determine the criteria for belonging to a minority.)

The task of defining the “minority voter” was thus transferred to the elaborators of the Minorities Act and the Act on the Election of Representatives in Minority Self-Governments. The intention of the legislators is clearly to tie the system of minority self-governments to the minority communities. This goal may only be attained if we determine the scope of the persons who may participate at the minority self-government elections as electors and as candidates to be elected.

The draft amendment of the law includes the schedule for the composition of the so-called list of minority voters, which, once it is prepared, will make it possible to limit more precisely the regions where one or another minority is traditionally present. According to the draft, the way this could be accomplished would be to have the citizens who intend to participate at the minority elections ask the chief administrator of the Mayor's office of the settlement, personally or in writing, for the registration in the minority voters' list. The clerk would be obliged to include the applicants in the minority voters' list. The only expectation concerning the voters' list would be that at least 30 minority voters would have to register their names in it in each settlement, because the minority self-government elections would be held at the given settlement only in this case.

Obviously, the amendment of the Minorities Act also involves other purposes. As we have already mentioned above, the more precise definition of the duties and the scope of authority of minority self-governments may contribute to the further development and the strengthening of the network of minority institutions. The summarising of the conditions and the processes related to the transfer of minority cultural institutions in the Act also serves the same end. (The Parliament has adopted, before the preparing of the present report, the law on the election of minority self-government representatives, as well as on the amendment of some acts concerning national and ethnic minorities.)

The establishment of minority institutions, and the ensuring of the financing of their operation also rank among the special minority policy goals. According to paragraph (1), Article 36 of the Minorities Act, national self-governments of national and ethnic minorities in Hungary may establish institutions to enhance the cultural autonomy of the minority represented by them. The establishment and the transfer of the institutions have already begun before the reporting period. It turned out soon that an adequate system of financing of the minority institutional system in Hungary is necessary for the establishment and the maintaining of minority institutions. According to the provisions of the Minorities Act, when deciding about the normative state contribution, the institutions operated by the national minority self-governments fall into the same category as nongovernmental organisations performing human services.

However, normative support may be a partial solution only in the case of a part of the institutions, notably for educational institutions, as funding on the basis of the norms determined in the Budget Act covers the financial demand for their almost full operation, only at these institutions. No normative funding is provided for in the budget for other institutions, and neither is the data on the minorities available, necessary for the effecting of normative type of funding.

Until 2003, there was no separate budget line for the financing of minority institutions. Thus, it was the assets and applications earmarked for minority purposes in the Budget Act that gave the possibility for the institutions of national minority self-governments to ensure the funds for their yearly operational costs. In the case of some specially treated institutions, to avoid the impossibility of their operation, the Government extended support to them from the budget line for minority coordination and intervention (Hercegszántó Croatian School Centre, research institutes), or from the reserves (Slovenian Radio).

In the course of planning the 2003 budget, the national minority self-governments marked as a priority among their needs the creating of a separate budget line for the development of a network of minority institutions, to make it possible to finance securely the already operating institutions, as well as to establish new institutions.

After conciliation, the Government created the budget line (HUF 429 million), in the 2003 Budget, for the take-over and the maintenance of minority institutions, and after the adoption and promulgation of the Budget Act, the Office for National and Ethnic Minorities elaborated the invitation for applications for the utilisation of the funds.

On the basis of the applications received in 2003, 21 minority institutions were granted funds for their operation or for investment. Preferential support was granted to the Roma, the Croatian, the German, the Slovak, and the Serbian national self-governments. From among the institutions, it is the Croatian Training and Educational Centre, the Pécs German Boarding School, the Serbian Cultural and Documentation

Centre, and the Slovak Documentation Centre, which deserve special mention, where the operation of the new institutions was based on significant investments.

The amendment in 2003 of Article 47 of the Minorities Act details the funds available for the take-over, establishment and maintenance of public educational institutions by minority self-governments. It determines the circle of institutions, which the settlement self-government is obliged to transfer upon the demand of the national self-government, and those, which may be transferred upon the request of the self-government. The details and conditions of the take-over of the institutions are stipulated in the public education agreements concluded between the Minister of Education and the affected settlement self-governments. A further guarantee of the operation of the public education institutions transferred to the minority self-governments is that the minority self-governments operating the institution may apply for the contributions, supports and supplementary contributions provided for in the Budget Act under the same titles and conditions as local self-governments. Furthermore, after each child, pupil provided for, they are entitled to the minority maintenance supplementary support (on the basis of a different procedure, depending on the type of the institution) to an extent yearly determined by the Budget Act. (*Annex 6*)

In 2004, the budget line for the support of the take-over and the maintaining of minority institutions totalled HUF 366.9 million, because of the austerity measures of the Government. Even thus, the strengthening and the broadening of the network of institutions continued successfully. The number of institutions, which were supported grew to 22, with several newly established institutions also beginning their operation this year – such were the Croatian Scientific Institute, the Library of Ruthenians in Hungary, the Public Museum Collection and Exhibition Place of Ruthenians in Hungary, and the Slovak Legatum Nonprofit Company. The support granted in 2003 and 2004 is summarised in *Annex 5*. It may be seen from the table that 11 national minority self-governments have established and operated minority institutions. In the course of the two years, the Government ensured HUF 795.9 million for the undisturbed operation of these institutions.

The 2005 budget, with HUF 439.2 million for this purpose, founds the successful continuation of the process of institutionalisation.

On the basis of experience collected in the first two years of the utilisation of the funds, we may state that, in spite of the contradictions experienced in the Roma areas, this form of support serves well the building of real cultural autonomy, and meets the requirement that there shall be a shift in the utilisation of public resources, from general financing to project oriented financing, even in the area of financing domestic minorities.

The draft amendment of the Minorities Act, which is presently in a parliamentary phase, regulates the conditions of the take-over of other minority institutions, primarily cultural institutions (cultural centres, public collections, libraries), and their operation by minority self-governments, similarly to the provisions set for the take-over of public education institutions. However, with regard to the fact that the amount of the central normative earmarked to ensure the cultural tasks is presently rather low, and that settlements may utilise it only on the basis of the number of their population, the way of financing transferred institutions in the future will have to be reconsidered after the passing of the amendment.

CHAPTER II

The general minority policy of the Republic of Hungary with special regard to the points of Chapter II of the Charter

It is a determinant element of the minority policy of the Republic of Hungary to make the society aware of the fact that the presence in the Carpathian Basin of the minorities recognised in the Minorities Act goes back several centuries. Their contribution to the development of the country is indisputable, their cultural values enrich the whole of the country's population. Since the change of the political regime, the prevailing governments' programmes also include the basic principles of minority policy, the framework of which is determined by international conventions and documents, the Constitution, as well as the already mentioned laws and other legal provisions.

A special characteristic of Hungarian minority policy is the operation of the minority self-government system. This system, looking back to a decade long past, taking into consideration the rather advanced state of the

assimilation of domestic minority communities, has contributed to establishment of legitimate representations by the dual identity communities, already weakened in their language and culture, in all such settlements, where they are still present as a community. This system, which has not been tried anywhere else before, has proved to work, the community life of the minorities has revived with the strengthening of the system of representation, sometimes also in settlements, which even the given minority has not registered as living communities. It is a special goal of the Hungarian government for the development of the minority policy, based on a political consensus until now, to remain continuous, and for the strengthening communities, self-governments of the minorities to institutionalise, as well as for the minority cultural autonomy, announced as a goal, to become reality.

* * *

Article 7 – Objectives and principles

1. *In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*
 - a) *the recognition of the regional or minority languages as an expression of cultural wealth;*
 - b) *the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*
 - c) *the need for resolute action to promote regional or minority languages in order to safeguard them;*
 - d) *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*
 - e) *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*
 - f) *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*
 - g) *the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*
 - h) *the promotion of study and research on regional or minority languages at universities or equivalent institutions;*
 - i) *the promotion of appropriate types of trans-national exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*
2. *The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*
3. *The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*
4. *In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups, which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*
5. *The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.*

The enforcement of minority rights is guaranteed, besides the already presented article of the Constitution, by the provisions of the Minorities Act in force. In its preamble, the Act phrases that „the language, the

intellectual and material culture, the historical traditions of the national and ethnic minorities who are Hungarian citizens and live in Hungary, and other characteristic qualities connected to their minority status are considered aspects of their identity as individuals and as a community. All these are special values, the preservation, nurturing and increase of which is not only a basic right of the national and ethnic minorities, but also in the interest of the Hungarian nation, and ultimately in that of the community of States and nations.”

The Minorities Act also stipulates that the Republic of Hungary refrains from any measure, as a result of which the linguistic, cultural, educational, or economic interests of minorities could be violated.

As a new means for the protection of the interests of those belonging to minorities, on 22 December 2003, the Parliament passed Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, with the aim of having the Republic of Hungary meet the requirements of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The basis of the regulation is paragraph (1), Article 70/A of the Constitution. However, as the referred provisions prohibit not only racial and ethnic discrimination, but establish some kind of a general prohibition, the Act, in accordance with the Constitution, prohibits all kinds of discriminative attitude.

The intention of the Act is to phrase the content, the obligees and the obligors of equal treatment, in a general way, just as the legal framework, on the basis of which the aggrieved party could raise a claim against the party violating the law. Its system of categories is analogous with those contained in the Council Directive, it extends to cover both direct and indirect discrimination based on racial and ethnic origin, also treating the notion of harassment.

The effect of the legal provisions extends to cover persons and groups in both the public and the private sector, also including state organisations in the sphere of labour, social protection, education, and access to goods and services.

The Act is of extreme importance in the protection of the rights of persons belonging to national and ethnic minorities. It also contains the basic regulations related to not only equal treatment, but also to equal opportunities. (The prior concept involves a negative obligation, while the latter supposes positive measures.) The regulation also provides for the prohibition of indirect discrimination, and introduces the possibility of public action (*actio popularis*), as well as the shift of the burden of proof, to promote the remedy of legal injuries.

Since 1 January 2005, the implementation of the principle of equal treatment is controlled and supported by a national public administration organisation, the Equal Treatment Authority.

Both the Minorities Act and other legal provisions make it possible for persons belonging to minorities, communities to keep contact with the states speaking the language of the minority, or with other communities belonging to a similar cultural circle. The institutionalisation of the relations is served by bilateral agreements on the protection of minorities concluded by the Republic of Hungary with the neighbouring states, the mother countries of certain minorities in Hungary; and by the operation of minority joint commissions with these states. Such bilateral agreements have been concluded with the Federal Republic of Germany, the Republic of Slovenia, the Republic of Croatia, the Slovak Republic, Romania, Ukraine and, in the beginning of 2005, with Serbia and Montenegro. All agreements provided for the establishment of bilateral (minority) joint commissions, which have sessions regularly, and whose primary task is the continuous monitoring of the situation of the affected minorities, and the initiation of measures, which serve their development.

Besides their relations with the mother countries, almost all minorities dispose of a broad system of international relations. The relations of the Roma minority, besides contacting Roma organisations living in neighbouring countries, also extend to cover, for example, active participation in the preparatory works of European Roma and Travellers Forum. The self-government of Bulgarians in Hungary is a member of the International Association of Central European Bulgarians. The Croatian minority's relations are extremely good with Croatian settlements in Austria and Slovakia. The National Polish Minority Self-Government is a member of the European Union of Polish Communities. German minority in Hungary has close relations with the German language countries and regions, with German minority organisations in Europe, and with minorities speaking other languages in German speaking countries. They have been having intensive and fruitful cooperation with the Germans living in Trentino-Südtirol Province for several years. Besides the German minority in Hungary, the organisations of the Romanian minority in the country and the National Slovak Self-Government are also members of the FUEN- Federal Union of European Nationalities. The

domestic Slovak minority also fosters intensive relations with the World Association of Slovaks Living Abroad, which includes six Slovak organisations from Hungary, as well as the organisations of the Slovaks living in Romania and in the countries of the former Yugoslavia. In the past decade, Ruthenians in Hungary have developed close relations with the Ruthenian organisations in the neighbouring countries, in Europe, and overseas. The National Ruthenian Minority Self-Government is a founding and active member of the Union of Ruthenians in Europe, and the World Council of Ruthenians. The Ukrainian community participates in the work of the European Congress of Ukrainians and the World Congress of Ukrainians. The listed system of relations also promotes the development of the language, the communication of domestic minority communities.

Domestic regulation makes it possible for persons not belonging to the minority community to have a possibility to learn the language of the given minority as well.

Paragraph (1), Article 48 of the Act states that “ Minority educational institutions may admit school children not belonging to the given minority only if the needs of the given minority have been met and additional capacity is available. Admission (enrolment) to such schools may take place according to rules made public in advance”.

Concerning the guaranteeing of the rights to language education of all the communities living in the settlement, paragraph (3) of the above cited Article states that “In settlements where inhabitants of Hungarian mother tongue or other national or ethnic minorities are in numerical minority, the local self-government is bound to guarantee the instruction of children in Hungarian mother tongue, in other minority mother tongue or instruction of other minority mother tongue, pursuant to the provisions of the present Act.”

Minorities and their languages are researched by the Research Institute of Ethnic and National Minorities of the Hungarian Academy of Sciences, already mentioned in the introduction, as well as by the minority research institutes established by the individual minorities, and financed by State funds. Presently it is only the Armenian minority, which does not have such a research institute.

The Republic of Hungary intends to create a social atmosphere, in which no minorities will have to suffer discrimination. In the course of the implementation of our minority policy, we rely on the active cooperation of the national and ethnic minorities, on the activity of their legitimate, elected bodies.

CHAPTER III

The accomplishment in the past three years of the undertakings assumed by the Republic of Hungary

With the ratification of the European Charter for Regional or Minority Languages, the Republic of Hungary assumed undertakings for six minority languages, involving the provisions of Part III of the Charter. With regard to the fact that the Minorities Act, elaborated and adopted parallel to our accession to the Charter, ensures the individual and collective rights of the minorities for the whole area of the country, including their rights related to the use of language, education and culture, the Government then decided that it would extend to the whole area of the country the undertakings it assumed in connection with the European Charter for Regional or Minority Languages. The undertakings are the same in the case of the six affected languages.

Languages: Croatian, German, Romanian, Serbian, Slovak, Slovenian

(The concrete undertakings assumed by the Republic of Hungary are included in italics within the individual points.)

Article 8 - Education

Paragraph 1

Sub-paragraph a):

“With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- (i) to make available pre-school education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or
- (iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
- (iv) *if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above.”*

The legal framework of pre-school education is defined – besides the Minorities Act and Public Education Act, by Government Decree No. 137/1996 (VIII. 28.) on Issuing the National Master Programme for Kindergarten Education, and by Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education on Issuing the “Guidelines on kindergarten education of national and ethnic minorities”. On the basis of the general context defined by the Decree on the issuance of the core programme for kindergarten education, the Guidelines on kindergarten instruction define the types of minority kindergartens and the contents of the education provided by them.

According to those phrased in the Guidelines, the purpose of minority kindergarten education is getting to know the language and the culture of the minority in a way which corresponds to the characteristics of the age group and the level of development of the individual, and the transmittal and development of the cultural traditions. To this end, the kindergartens ensure a mother tongue environment for the children, foster and develop the traditions and habits belonging to the minority way of life and culture, and prepare the children for the studying of the minority language in school, while also helping to create and to develop their minority identity.

Minority pre-school education in Hungary takes place in two types of institutions, in mother tongue (minority language) kindergartens, and in bilingual kindergartens involved in minority education. In mother tongue kindergartens the language of kindergarten education, and generally of kindergarten life, is the minority language. In bilingual kindergartens involved in minority education both languages, the minority language and the Hungarian language, are used, with the accent laid on the development of the minority language.

Minority kindergartens 2003/2004 school year

	Mother tongue kindergartens	Mother tongue children	Bilingual kindergartens	Bilingual children	Total kindergartens	Total children
German	5	178	231	14339	236	14517
Slovak	7	188	66	2946	73	2679
Croatian	2	137	25	1187	27	1324
Romanian	1	107	10	378	11	485
Serbian	2	102	5	141	7	243
Slovenian	-	-	4	71	4	71
Total	17	712	344	19150	361	19983

Source: Ministry of Education

Sub-paragraph b):

- (i) to make available primary education in the relevant regional or minority languages; or
- (ii) to make available a substantial part of primary education in the relevant regional or minority languages; or
- (iii) to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

(iv) to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

The minority rights related to minority education receive quite a great emphasis among the provisions of the Minorities Act. According to these provisions, local minority self-governments have a right of assent concerning any measure, which may affect the organisation and the content of minority education. After the adoption of the Minorities Act, these provisions were built into the Public Education Act as well.

Based upon the provisions of the Public Education Act, Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education was adopted concerning the issuing the "Guidelines of kindergarten instruction of national and ethnic minorities" (hereinafter: the Guidelines), which set the goals, organisational methods and types of minority education, as well as the minority-specific requirements of educational areas (mother tongue and literature, ethnography) concerning the given minority.

According to those phrased in the Guidelines, minority education in Hungary, in addition to meeting the general objectives and tasks of school education (as part of the public education), also ensures the teaching of the minority language, learning in the minority language, the dissemination of knowledge on the history, intellectual and material culture of the minority, the preservation and creation of traditions, the formation of self-awareness, and the presentation and exercise of minority rights.

Taking into account the different linguistic and cultural characteristics of the national and ethnic minorities living in Hungary, as well as the diversity of the minorities, minority education may be organised in the following forms:

- a) education in mother-tongue,
- b) bilingual minority education,
- c) language-teaching minority education.

On the whole it may be stated that the vast majority of the minority educational institutions in Hungary provide language-teaching minority education, in which the language of instruction is Hungarian, and the language and literature of the minority is taught in 4 hours weekly, in the case of German minority education: in 5 hours weekly, with the subject of ethnography being taught in one hour weekly.

From the point of view of the transmittal of the language and culture of the minorities, a much more efficient form is bilingual minority education, where 50% of the curriculum is taught in the minority language; and education in mother tongue where, besides the subject of Hungarian language and literature, the pupils acquire all knowledge in their mother tongue.

* * *

Parallel to the amendment of the Public Education Act in 2003, the provisions of the Minorities Act regulating the rights of national minority self-governments related to the transfer and the maintaining of institutions were also adjusted. With the purpose of supporting the take-over, the founding, and the operation by the national minority self-governments of minority institutions, the regulations of Act LXII of 2002 on the Budget of the Republic of Hungary presented the so-called budget line for minority institutions, which, since then, is at the disposal of the affected national minority self-governments with the same amounts yearly.

As a result of all this, starting with 1 July 2004, the National Self-Government of Germans in Hungary has taken over the maintenance of two institutions (the Valéria Koch German-Hungarian language Primary School and Secondary School in Pécs, and the German Minority Secondary School and Secondary Technical School in Economics in Pilisvörösvár), and founded one institution (the Valéria Koch Boarding School); the National Slovak Self-Government has taken over one institution (the Slovak Primary School, Kindergarten, and Boarding School in Szarvas), and is planning to take over the maintenance of one further school. And the conditions for the operation of the Croatian Primary School, Kindergarten, and Boarding School in Hercegszántó, taken over by the National Croatian Self-Government in 2000, have also improved following the amendment of the law.

An earlier amendment of the Public Education Act has established the National Minorities Committee, the consultation body of the Minister of Education competent in minority educational affairs. All national minority self-governments delegate one expert each to the named body. The National Minorities Committee may express its opinion concerning all bills falling into the competency of the Ministry of Education, and has a right of assent in questions that have a direct effect on minority education. The National Minorities Committee

holds a meeting every month, or more frequently, if necessary. In the past three years, it held 36 meetings and discussed almost 60 bills, amendments, and other questions related to minority education.

In 2003-2004, the Ministry of Education – conciliating with the national minority self-governments and the National Minorities Committee – reviewed the situation of national, ethnic minority education, its legal, financial, material, personal, and professional conditions, and its special characteristics, by which its situation differs from that of education in general. Building on this, it worked out a medium term development programme for mother tongue education to become a real alternative for the communities demanding it, promoting the expansion of education in mother tongue and bilingual education within minority educational work. A specially important goal of educational policy, in the spirit of cultural autonomy, was to promote the transfer of public education institutions to minority self-governments, as well as the establishment of mother tongue education for minorities, which previously did not have this. And in the spirit of the development of the quality of minority education, educational policy intended to create further possibilities for the increase of the share of bilingual and minority language minority education, through the education and further training of teachers, who have a knowledge of the professional language necessary for teaching minority subjects; and through the ensuring of concentrated expenditures to accelerate the effectuation of mother tongue textbook development programmes.

After the acceptance of the strategy, the difference of the amount of the minority supplementary normative, serving for the financing of minority education, spent between the different types of education increased further to the benefit of bilingual education and education in minority language. Partly as a result of this, from September 2004, 2 Croatian schools changed from language-teaching minority education – with 4 hours a week of minority language and literature, and the other subjects instructed in Hungarian – to minority bilingual education, where already 50% of the curriculum is taught in the minority – Croatian – language. This event is all the more so significant, as in the past one and a half decade there was no such shift in Croatian minority education, even though the supply of specialised teachers would perhaps have made this development possible.

The other emphasised element of minority education-development strategy is making available the necessary textbooks. The number of copies of minority language textbooks is low, their publishing shall not be arranged on a market basis. Therefore, it is the State, which finances these. However, with regard to the continuous reform of public education, and the limited capacities for writing textbooks, we may experience a serious backwardness in the publishing of minority textbooks. In order to help closing up, in 2003 the Ministry established a separate fund for financing the publishing of minority textbooks, which appears as a separate item in the prevailing Budget Act.

What Hungarian higher education may ensure for national, ethnic minority education is basically the training of minority kindergarten teachers, and primary school and secondary school teachers specialised in minority mother tongues and literature, in the existing minority teacher training places.

However, parallel with the reform of minority education, an increased demand arose for teachers teaching subjects of public knowledge in minority languages, in bilingual or mother tongue education, for almost all minorities. Therefore, in 2003 the Ministry of Education invited applications for the consolidation of the operating conditions of minority departments and department groups, and for the elaboration and launching of specialised programmes in minority professional languages. The competition was open not only to minority teacher training places, but also to national minority self-governments organising training in specialised subjects in minority languages. As a result of this, courses in specialised subjects were started in several minority teacher training places for future teachers participating in basis training, and further professional training courses were launched for teachers already practicing.

Another inviting for applications issued by the Ministry of Education also supports the further training of practicing teachers in professional languages, whereas it involves cooperation between the given minority teacher training institution and the institution of similar profile in the mother country, at sites in Hungary as well as in the mother country.

In the past three years, several provisions concerning public education were amended, which affect the content and the organisation of minority education. In 2003, the National Core Curriculum was amended and, following this, the regulation on the introduction and the application of the general curriculum was modified, in the spirit of decreasing the burden on pupils. After these two amendments, and on the basis of these, the modification of the guideline for minority education, and the amendment of the general curriculum for teaching minority language and literature, and minority ethnography were also effected.

Minority primary schools 2003/2004 school year

	Mother tongue school	Mother tongue pupils	Bi-lingual schools	Bi-lingual pupils	Language teaching schools	Language teaching pupils	Schools total	Pupils total
German	2	271	33	5390	270	41639	305	47300
Slovak	1	78	5	876	52	3777	58	4731
Croatian	1	333	3	334	27	1692	31	2359
Romanian	-	-	6	602	6	412	12	1014
Slovenian	-	-	-	-	3	96	3	96
Serbian	2	85	1	53	4	73	7	211
Total	7	801	48	7255	363	47715	418	55780

Source: Ministry of Education

Sub-paragraph c):

- “(i) to make available secondary education in the relevant regional or minority languages; or
(ii) to make available a substantial part of secondary education in the relevant regional or minority languages;
or
(iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
(iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;”

Similarly to the provisions on organising minority kindergarten education and primary school education, on the basis of the Minorities Act and the Public Education Act, the organisation of secondary education has also to be initiated by the parents of 8 pupils. As a result of the regionally scattered distribution of minorities in Hungary, in the previous decades, in the majority of secondary schools with a regional or national enrolment, secondary schools consisting of four classes, and ensuring general secondary knowledge, were formed. Through the years, the changes in education progressed, the requirements for teaching language and literature, as well as ethnography in minority secondary schools appeared, just as later on the minority secondary school general curricula. The amendment of these has also taken place, similarly to the provisions related to primary schools, and parallel with the new reform in public education.

The latest amendment, in 2004, of Government Decree No. 100/1997 (VI.13.) Korm. on the issuing of the regulations for the final examinations, presents in a separate title the regulations on final examinations in national, ethnic minority languages. Most of these regulations concern questions of organisation and evaluation; according to their most important content element: the person taking his final examination “besides taking an examination in the mother tongue (minority language) and literature, shall take a final examination in his national, ethnic minority language in at least two subjects from among the subject he has learned in the language of his national, ethnic minority”. The regulation strengthens considerably the position of minority languages in secondary school, as also according to it, if the person taking his examination “in a national, ethnic minority language has taken a successful, at least medium level, examination in at least two other subjects, (his certificate of final examination) qualifies as a document equivalent of a high level, “C” type state examination in the language concerned”.

The statistical data of minority institutions and pupils in **secondary school education** was the following in the 2003/2004 school year:

Secondary schools, 2003/2004

	Bilingual		Mother tongue		Language teaching	
	Institutions	Pupils	Institutions	Pupils	Institutions	Pupils
German	8	1673	-	-	8	515
Slovak	1	52	1	55	-	-
Croatian	2	188	-	-	-	-
Romanian	1	201	-	-	-	-
Serbian	-	-	1	99	-	-
Slovenian	-	-	-	-	1	18
Total	12	2114	2	154	9	533

Source: Ministry of Education

Sub-paragraph d):

- “(i) to make available technical and vocational education in the relevant regional or minority languages; or
(ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
(iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
(iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;”

The legal regulation background is the same in the case of technical and vocational education as well. Here too, it is sufficient for the parents of 8 pupils of minority origin to request for the group or individual class to be established or maintained. In recent years – with the intensification of economic relations, trade, tourism, etc., as a result of the free movement of person between countries – upon the demand of the parents, teaching the minority mother tongue has started to expand to technical and vocational training as well. This process continues in our days.

The expansion of minority education into technical and vocational training is a rather positive process, based clearly on local initiatives, and may give a perspective to primary school minority education, as well as possibly being a solution canalising the tensions caused by the changing of schools. In order to ensure the legal background for the outlined process, the guidelines for national, ethnic minority school education were amended, according to which any form of minority education (language teaching, bilingual, teaching in native-language) may also be extended to technical and vocational training. Because of the structure of technical and vocational training, according to the new provisions, the subjects of minority language and literature, as well as ethnography shall now be taught in the phase of preparing for the obtaining of the qualification in technical and vocational training and, in bilingual and mother tongue education, the education of the two minority subjects shall now be complemented by the minority language education of the professional subjects.

The table below contains statistical data on **vocational training** in three minority languages in the 2003/2004 school year:

Secondary vocational schools

	Bilingual		Mother tongue		Language teaching	
	No. of schools	No. of students.	No. of schools	No. of students.	No. of schools	No. of students
German	1	129	-	-	-	-
Slovak	-	-	1	17	-	-
Croatian	-	-	-	-	2	19
Total:	1	129	1	17	2	19

Vocational (skilled workers) training schools

	Bilingual		Mother tongue		Language teaching	
	No. of schools	No. of students	No. of schools	No. of students	No. of schools	No. of students
German	-	-	-	-	2	162
Croatian	-	-	-	-	1	105
Total:	-	-	-	-	3	267

Source: Ministry of Education

Sub-paragraph e:

i): to make available university and other higher education in regional or minority languages; or

ii): to provide facilities for the study of these languages as university and higher education subjects; or

iii): if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects.”

The Minorities Act entitles the minority communities to initiate the creation of the necessary conditions for the provision of higher education in/of the native language of the minority concerned, though neither this act nor Law LXXX of 1993 on Higher Education contains any specific provisions on the subject of this right or on the measures to follow the initiation.

In March 2005 Parliament adopted an amendment to the Higher Education Act, which includes – and after its entry into force will provide for – the rights of the national minority self-governments as representatives of the minority communities, the obligations of the State concerning higher education for the minorities, and the rights of minority students attending institutions of higher education.

In Hungary today there is no independent minority university or college. The reason is not primarily the lack of a specific legal background, but rather the number and scattered location of the minority populations. Although the Andrassy Gyula German Language University came into being in 2002 in Budapest with students from the German minority, this institution cannot be considered a minority institution or one which has been established with the specific aim to provide higher education for Hungary's German minority population.

What Hungary's present-day higher educational system is able to offer for the purpose of national and ethnic minority education is training in the existing minority teacher training departments for minority nursery school teachers, primary school teachers, and elementary and secondary school teachers teaching language and literature in the mother tongue. These are independent departments or departmental groups functioning in some universities and colleges.

The fact that due to the low number of the given minority, the number of students attending minority teacher training colleges is – except for the German-speaking students – generally small, increases specific costs well over the average. This has prompted the Ministry of Education to place minority subjects into a higher category of financing to help the fulfilment of educational tasks, and to introduce a minority supplementary normative support.

In 2003 the Ministry of Education invited entries for a HUF 150-million competition where the terms of reference included the consolidation of the operating conditions of the national minority departments and departmental groups as well as the preparation and launching of postgraduate courses about special terminology. Support amounting to HUF 110 million was granted to 21 departments providing national

minority teacher training and romological training in ten higher educational institutions. The support is available every year and can be utilized for the improvement both as regards personnel and facilities of the institutions, the preparation and implementation of programmes for basic and refreshment training in special terminology, and for the development of romological training.

In the wake of a new regulation on the higher education admittance procedure, there is now the possibility for minority students to sit the entrance exam in their mother tongue.

Number of students in higher education learning minority languages

Minority	No. of students in 2002/2003 academic year	No. of students in 2003/2004 academic year
Croatian	96	95
German	163	246
Romanian	94	82
Serbian	59	50
Slovak	137	143
Slovenian	6	6

Source: Ministry of Education

Sub-paragraph f):

“iii): if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education.”

Parallel with the acceleration of economic and social changes in Hungary demand for adult education is continuously growing. Adult education today is realised within the school system, and adult training outside the school system. The vast majority of the training schemes concern the acquisition of special qualifications with, however, a large proportion covering professional in-service training, employment-related training, and other, mostly language training.

Language training often covers on the initiative of the local minority self-governments or the minority organisations the teaching of minority languages in the first place to those interested members of the minority groups who no longer speak the language of the minority concerned or speak it insufficiently. As this kind of training is organised outside the school system and the aim generally is not a successful language exam, there is but little information about its efficiency and concrete results. The Public Foundation for the National and Ethnic Minorities in Hungary granted occasional support for extracurricular minority language instruction. During the period under review several Slovak (Budapest, Piliscsév, Esztergom, Szeged, Ecser, Sátoraljaújhely), Croatian (Szombathely, Szentpéterfa, Murakeresztúr, Selye, Szentendre), Romanian (Pocsaj, Sarkadkeresztúr, Csepel, Elek), and German (Gyulafirátót, Elek) language courses were organised for with the support of the Public Foundation, for adults.

Another area of minority adult education is closely related to the development of the local minority self-government system in Hungary. Several programmes have been launched with the participation of experts from various government agencies (e.g. Office for National Ethnic and Minorities, Ministry of Education, Ministry of the National Cultural Heritage, Ministry of Interior) and with support from the National and Ethnic Minorities Public Foundation to train minority public administration officials. A significant part of these programmes include courses in the minority languages. Practically all minority groups organised such thematic training at several places between 2002 and 2004.

Institutional adult education programmes in the minority language include (in Hungary and in the kin state) in-service training for teachers and professional and language refreshment courses for cultural officers. The teacher training institutions organise in-service training for teachers as a rule; they advertise their programmes, but must first get the programmes accredited in accordance with the relevant rules of the Public Education Act. The national minority self-governments have also appeared with accredited programmes providing professional in-service training for teachers.

Active teachers teaching their subjects in minority languages may find opportunities for training in special terminology problems among the calls for applications issued by the Ministry of Education. The essence of

training given by the ministry in special terminology problems is that applications may be submitted by university or college minority departments or national minority self-governments, where, on the basis of direct agreement concluded with the higher educational institution of the kin state, the programme offers active teachers teaching subjects with special terminology in bilingual or minority-language schools at least 40 hours of theoretical training plus 40 hours of classroom observation per semester.

In the past two years, intensive support continued to be granted for the further training of teachers teaching minority languages, literature and ethnography. Through open competition, the applicants organising ethnographic or linguistic-methodological training accredited in Hungary, and national minority self-governments arranging further training for teachers teaching in minority schools in Hungary, could receive double the participation fee. Support was granted both for projects based on direct agreements, related to the education of ethnography and the mother tongue in the mother country; and for applications on the basis of bilateral inter-ministerial agreements, arranging further training for teachers teaching in minority schools in Hungary.

The bilateral agreements ensure language and literature teachers and, most importantly, elementary school and nursery school teachers participation in language and methodological trainings in the kin state. Government Decree 277/1997 (XII. 22) on teacher-training, teachers special examination, and on the allowances and preferences of the participants in the training, lays down in Article 5 (2) b) that the period of training in the kin state can be taken into account in assessing the compulsory further training of teachers.

Sub-paragraph g:

“to make arrangements to ensure the teaching of the history and the culture which is reflected in the regional or minority language”

All the regulations on the content requirements and standards of the Hungarian public education – such as Government Decree 130/1995 (X. 26.) on issuing the National Core Curriculum; Government Decree 243/2003 (XII. 17.) on the issuing, introduction and application of the National Core Curriculum; the Decree of the Minister of Education on the procedure to be followed in issuing and approval of the Curriculum, and the amendment of certain legal rules concerning education; and Decree 40/2002 (V. 24.) OM of the Minister of Education on the detailed requirements for the final examination – contain provisions on the requirement of teaching the history and the culture of the national minorities living in the country.

The chapter *“Man and Society”* of the National Core Curriculum includes - at a level corresponding to the age-group - among the content requirements for all outgoing classes (grades 4, 6, 8, and 12) knowledge of the national and ethnic minorities living in the students' broader environment.

Subjects concerning minority issues also figure in the detailed description of the frame curricula. Qualification experts also check in the course of the approval procedure whether the curricula submitted satisfy the above requirements.

Tests on knowledge on minorities are a requirement included in the secondary school-leaving examination regulations in the case of several core subjects. Thus, knowledge on minorities living in Hungary is present in the curriculum to be learned for the examinations of both (medium and high) levels of the secondary school-leaving examinations, for instance in geography, Hungarian language and literature, citizenship or social studies, history, ethics, and the basics of culture and communication.

The same Decree also specifies – both in Hungarian and in the minority languages – the detailed requirements of the secondary school-leaving exams in minority language and literature, and ethnography.

The subject matter related to the history and culture of the national and ethnic minorities living in Hungary are comprised in the curricula prepared locally in compliance with the above-mentioned legal rules.

Sub-paragraph h:

“to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party”

In Hungary the State ensures the demands of minority kindergartens, primary and secondary schools for teachers educated in the language of the given minority, who are able to teach the language and literature of a given minority in the minority language. Such special training is provided at the independent department or departmental units of the competent universities and teacher training colleges, which also offer active teachers refreshment courses in language and methodology.

Parallel with the development of minority education the demand has grown for teachers who are able to teach the special subjects in the language of a given minority. The above-mentioned calls for applications of the Ministry of Education for participation in in-service training courses are intended to meet this demand.

Refreshment training for language and literature teachers, and elementary and kindergarten teachers is guaranteed under bilateral agreements concluded with the mother countries or with linguistic kin states. Pursuant to Article 5 (2) b) of Government Decree 277/1997 (XII. 22.) on postgraduate training of teachers the time spent learning in a kin state can be included in the period of further training a teacher must compulsorily produce.

The activity of readers from the kin countries employed in teacher training institutions, as well as guest professors employed in public education in Hungary is extremely useful from the point of view of teaching of minority languages, and teaching subject in minority language. Public education institutions with successful guest professor programmes have produced spectacular results in mother tongue education and training.

The following institutions of higher education enrol students preparing to teach national or ethnic minorities:

National and ethnic minority teacher training institutions

Language teacher training for secondary schools:

- ☐ Eötvös Loránd University, Faculty of Humanities – Budapest (German, Slovak, Croatian, Serbian, Slovenian)
- ☐ Pázmány Péter Catholic University – Piliscsaba (German, Slovak)
- ☐ University of Szeged – Szeged (German, Serb)
- ☐ University of Pécs, Faculty of Humanities – Pécs (German)

Teacher training:

- ☐ Juhász Gyula Teacher Training College of the University of Szeged – Szeged (German, Slovak, Romanian)
- ☐ Berzsenyi Dániel Teacher Training College – Szombathely (German, Croatian, Slovenian)
- ☐ University of Pécs, Faculty of Humanities – Pécs (Croatian)

Teacher training for primary schools:

- ☐ Eötvös Loránd University, Faculty of Elementary School Teachers' Training – Budapest (Serbian, German)
- ☐ Eötvös József College of Education – Baja (German, Croatian)
- ☐ University of Pécs, Illyés Gyula College of Education – Szekszárd (German)
- ☐ Apor Vilmos Catholic College – Vác (German)
- ☐ Tessedik Sámuel College, Körös - Faculty of Education – Békéscsaba (Slovak, Romanian)
- ☐ Vitéz János Roman Catholic Teacher Training College – Esztergom (German, Slovak)

Teacher training for pre-schools:

- ☐ Eötvös József College of Education – Baja (German, Croatian)
- ☐ University of Pécs, Illyés Gyula College of Education – Szekszárd (German, Croatian)
- ☐ University of Western Hungary, Benedek Elek College of Education – Sopron (German, Croatian)
- ☐ Tessedik Sámuel College, Brunszvik Teréz Kindergarten Teacher Training College – Szarvas (Slovak, Romanian).

As, due to the known demographical reasons, Hungarian higher education may only undertake the above mentioned tasks, the training of the minorities' mother tongue language intellectuals takes place in the higher educational institutions in the kin states, with Hungarian state grants, according to the conditions determined in the invitations for applications for state grants and fellowships issued by the Hungarian Fellowship Committee, depending on the receptiveness of the individual countries. The fellowships and grants may be

obtained for full-time study, part-time study and PhD programmes, in all disciplines. These possibilities, besides being objectively indispensable for the existence of minorities, also encourage bilingual and mother tongue education, mainly in secondary education.

Number of university students holding full-time study abroad fellowships in the kin states

Country	No. of students 2003	No. of students 2004
Croatia	11	9
Romania	19	24
Slovakia	1	2
Slovenia	3	3

Number of university students holding part-time study abroad fellowships in the kin states

Country	No. of students 2003	No. of students 2004
Croatia	7	4
Slovakia	8	11
Slovenia	3	-

Number of Hungarian PhD grant holders in the kin states

Country	No. of PhD students 2003	No. of PhD students 2004
Croatia	6	8
Romania	7	9
Slovakia	16	15
Slovenia	4	4
Germany	14	5

Source: Hungarian Scholarship Board

Sub-paragraph i:

“ to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”

In an effort to see to the responsibilities of the State towards the national and ethnic minorities living in Hungary, the Government has established the **Office for National and Ethnic Minorities (NEKH)** by virtue of Government Decree 34/1990 (VIII. 30.) Korm. The original decree regulating the legal status of NEKH has since been repealed by Government Decree 125/2001 (VII. 10.) Korm., which says that it is the task of the Office for National and Ethnic Minorities to meet the responsibilities of the State related to the national and ethnic minorities, and initiate related measures. The scope of authority of the Office is also to establish and maintain contact with international organisations and international institutions that deal with the protection of the rights of national and ethnic minorities. Accordingly, it keeps records of any progress made in the teaching of minority languages and prepares periodical reports on the subject (e.g. the biannual Government report on the situation of the national and ethnic minorities, the three-yearly periodical state report on the implementation of the European Charter for Regional or Minority Languages, and the five-yearly report on the implementation of the provisions of the Framework Convention for the Protection of National Minorities).

In the Ministry of Education the National and Ethnic Minority Education Department is responsible for the minority language teaching tasks of the Ministry. The tasks of the department include – in accordance with the effective Rules of Organisation and Operation - implementation of the content requirements of national and ethnic minority education and training; elaboration of the key documents concerning the national and ethnic minority education, training (e.g. the Directives, the requirements, the curricula and the examination requirements); monitoring the implementation of the textbook and teaching facilities development programme; and enforcement of all legal obligations concerning minority teacher-training.

In accordance with the relevant provision of the Hungarian Constitution, Parliament has elected the Commissioner for national and ethnic minority rights whose task is to investigate and to ask for investigation of any kind of abuse regarding the rights of national and ethnic minorities and to initiate general and special measures for their reparation. The Commissioner proceeds on cases provided for by the Minorities Act and reports to Parliament annually on his activities.

The Commissioner for national and ethnic minority rights has conducted investigations on several occasions in cases of abuses observed in minority education or in the enforcement of minority educational rights. If violations of minority language teaching rights, abuses or loopholes come to his attention, the Commissioner initiates measures by the competent authorities.

In accordance with his mandate provided by Article 93 (1) i) of the Public Education Act, the Minister of Education created the Office of the Ministerial Commissioner for Educational Rights by virtue of Decree 40/1999 (X. 8.) OM of the Minister of education. The Commissioner for Educational Rights may initiate investigation in affairs where the educational rights of pupils, parents, teachers, students, researchers, tutors or communities thereof are infringed or directly threatened within the context of education, as well as in other cases where such investigation or conciliation is necessary concerning other infringements, abuses or problems. Information on the responsibilities and rules of procedure of the Office can be found at www.oktbiztos.hu on the Internet in Hungarian, English, and in the languages of the minorities living in Hungary.

No complaint concerning the teaching of minority languages was filed with the Office of the Ministerial Commissioner for Educational Rights in the period under review.

Paragraph 2:

“With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

Article 86, paragraph (5) of the Public Education Act, provides for, as of September 1, 1999, the introduction of *supplementary minority education*, though its implementation in practice took place in the 2004/2005 academic year. This new type of education ensures small minority groups living in scattered communities to organise their mother tongue education as part of the Hungarian public educational system and on the same professional level. The supplementary education may only involve the teaching of the mother tongue and ethnography, while children attend other educational institutions. Nevertheless, the results pupils achieve in the subjects minority language and literature and ethnography may be included in the school reports, and will entitle pupils to take the basic exam, and school-leaving (matriculation) exam, and in the event further studies may be considered among the school results. Support for supplementary minority education is granted in the same way as in the case of language-teaching schools. The county municipality or the Municipality of Budapest shall – on the initiative of the national minority self-government concerned – organise supplementary minority education even if at a given settlement the number of applicants for minority education is below 8 as defined by the Minorities Act. Supplementary education can be organised in a given school, or by employing travelling teachers. The national self-government may not only initiate the organisation of supplementary minority education, but may also establish institutions effecting such type of education by itself.

Article 9 – Judicial authorities

Paragraph 1:

“The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

Sub-paragraph a:

“ in criminal proceedings:

“ ii): to guarantee the accused the right to use his/her regional or minority language”

As it had previously been mentioned, Act I of 2002 amending Act XIX of 1998 on the Criminal Procedure in accordance with the provisions of the Charter, entered into force on July 1, 2003.

The new Act on Criminal Procedure sets forth in Section 9, "In criminal proceedings everyone is entitled to use his/her mother tongue in speech and writing, and his/her regional or minority language {...} under an international treaty promulgated by a law, within the scope defined by it."

According to the same Act, Article 209 (3): "If the accused has no command of the Hungarian language that part of the indictment which concerns the accused shall be translated into his/her mother tongue or regional or minority language {...} and thus shall be submitted to the court".

During the period under review, according to the reports of the presidents of the county courts, there were no requests for the use of a regional or minority language.

" iii): to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language"

The above- mentioned rules guarantee that the proceeding court accepts documents submitted in regional or minority languages.

" iv): to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned"

Section 9 para (3) of the new Criminal Procedure Act, after the amendment makes it unambiguous that the court, prosecutor's office, or investigation authority that passed the decision or issued the official document shall see to the translation of the decision and all other official documents to be delivered in accordance with the law.

The amendment includes several provisions referring to documents to be translated for the accused who speaks regional or minority languages. In such cases, according to the law provisions, those parts of the indictment [Section 219, para (3)] and the decision [Section 262, para (6)] which concern the accused, must be translated for him.

The new law amends the provisions concerning on the employment of interpreters and prescribes that interpreters must be used even in case of a regional or minority language.. According to the amended rules, costs of translation and interpretation are borne by the State if the accused wishes to use his/her minority language during the proceedings. [(Section 339, (2)].

Sub-paragraph b:

"in civil proceedings:

"ij): to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense"

Act III of 1952 on Civil Procedure, concerning the use of mother tongue in court proceedings lays down in Section 6, para (2), "In judicial proceedings – within the scope defined by international treaties – everybody is entitled to use his or her mother tongue, or regional or minority language."

The same section provides that the court is obliged to use interpreter if that is required for the observation of the principle quoted above. Expenses thereof shall be advanced, or borne, by the State in accordance with Section 78, para (4) of the Act.

No interpreter is necessary if the proceeding council, or judge, has satisfactory command of the language used by the litigant party or the witness.

According to information given by the presidents of the country courts, persons speaking the minority languages (Romany, Croatian, Romanian and German) are often employed in counties with sizable minority populations (e.g. Fejér, Jász-Nagykun-Szolnok, Veszprém and Zala Counties) as well as in Budapest, and financial incentives, as well as work time allowance are granted to encourage colleagues to learn these languages.

“iii): to allow documents and evidence to be produced in the regional or minority languages,

“if necessary by the use of interpreters and translations;

Sub-paragraph c:

“ in proceedings before courts concerning administrative matters:

“ii): to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

“iii): to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;”

The legal background mentioned above allows everyone to use in the course of the judicial proceedings – in speech and writing – his or her mother tongue, regional or minority language.

The cited legal rules also provide that expenses arising from the employment of interpreters, for the use of language by the litigants, are borne by the State.

Paragraph 2:

“The Parties undertake

“a: not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

“b: not to deny the validity, as between the Parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on conditions that the contents of the document are made known to them by the person(s) who invoke(s) it; or

“c: not to deny the validity of, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.”

There is no legal provision Hungary to stipulate that the official State language is Hungarian. At the same time, the Minorities Act and various rules of procedural law contain the provision that everyone has the right to use his or her mother tongue in the different proceedings.

Article 10 – Administrative authorities and public services

In the last years, the Office of the Commissioner for national and ethnic minority rights and the Office for National and Ethnic Minorities monitored the situation of the minority language in public administration.

The Commissioner for national and ethnic minority rights, as a result of the monitoring found that, “A 2002 survey supported the sad trend of the loss of language: hardly a quarter of the minority self-governments answered that there is possibility and demand for the use of the minority language at the given settlement.” This proportion will make one think even if the survey covered only two counties, namely Baranya and Szabolcs-Szatmár-Bereg.

The Office for National and Ethnic Minorities conducted a similar survey in 2004 in the narrower circle of the transformed minority self-governments (i.e. minority settlement self-governments) and 64 other local self-governments. The data from the survey revealed in the circle of transformed minority self-governments a remarkably varied system of the application or local enforcement of minority language rights. The biggest obstacle to the use of minority languages in local public administration is the lack of personnel, including town or village clerks speaking minority languages. While in the circle of administrative officials respondents regarded training in minority languages or employing members of the given minority group as a realistic alternative, the lack of town and village clerks speaking minority languages is a problem to which most likely a solution can be found in only a very few cases.

Information received from the country public administration offices seldom include any reference to the use of minority languages, to possible demands, or initiatives regarding the use of these languages. Linguistic assimilation, as indicated above, may be an explanation to this problem.

Paragraph 1:

“Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

Sub-paragraph a:

“(v): to ensure that users of regional or minority languages may validly submit a document in these languages”

In accordance with the provisions of the Minorities Act, local self-governments- meeting the demands of the minority self-government operating on its area of competence - are obliged to ensure that the forms used in administrative proceedings are also available in the mother tongue of the minority, and after filled in, these are regarded as official documents.

Act CXL of 2004 on the General Rules of Official Procedure and Servicing in Public Administration emphasises among the fundamental principles of the law that “Everyone has the right to use in speech and writing his or her mother tongue in public administrative proceedings.”

The rules concerning to the use of language are comprised under a separate sub-title of the law. A separate paragraph lays down the following: “Minority organisations, and natural persons covered by the Minorities Act are entitled to use the language of the given minority in both speech and writing. Requests submitted in a minority language must be adjudged by a decision worded in Hungarian and, upon the request of the client, translated into the language used in the request. This provision also affects orders.”

Last year the Ministry of Interior issued all official forms of register in the minority languages, which are sent to the settlements in question according to demand.

In order to promote the use of minority languages in public administration, since 2004 the Office for National and Ethnic Minorities in cooperation with the Ministry of the Interior, regularly informs the members of the minority self-governments on the possibilities involved in the related regulations. The primary purpose of the presentations held in the capital and in all county seats is to inform those using minority languages about the possibilities offered by the Charter and the Minorities Act.

The aforementioned survey conducted by the Office has shown a continued increase of the number of civil servants speaking the minority language of the given settlement. The summary reports prepared by the county public administration office also support this trend.

The head of the Baranya County Public Administration Office has reported that the use of German-language printed forms is ensured, in the first place in tax matters in the county.

Sub-paragraph c:

„ to allow the administrative authorities to draft documents in a regional or minority language”

On the central level of public administration the Ministry of Education publishes all rules pertaining to minority education in the minority languages concerned. It has already been mentioned that information on the Office of the Commissioner for Educational Rights can be read also in the minority languages.

The Minorities Act in force stipulates that local public administration must – upon the initiative of the local minority self-government – get all local regulations and resolutions concerning the community translated and make them accessible into languages of the minorities living in the given settlement.

The above-mentioned law on the rules of the administrative procedures underlines in this respect that “ the representative body of the minority settlement self-government and the body of the national minority self-government may determine in a decree the official language, besides Hungarian, of the administrative procedure falling into its competency.

The local and national minority self-governments are free to decide on the language in which meetings will be conducted and the minutes will be drawn up. In spite of this fact, meetings minutes are drawn up in Hungarian in the majority of cases.

Paragraph 2:

“In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

Sub-paragraph b:

“ the possibility for users of regional or minority languages to submit oral or written applications in these languages”

In Hungary the minority language communities came into being well before the development of the literary language of the given community. Therefore, the language still spoken today within some minority communities is an archaic idiom whose renewal is taking place with the incorporation into the language of modern literary use. It is a result of this process that the use of the minority language is often limited to verbal communication.

The above finding is also reflected by the information received from the county administrative authorities. All the counties have reported that minority language oral requests are frequently communicated in all settlements traditionally populated by minorities. These requests are received by public servants recruited from the local minorities, or by others speaking minority language. At the same time, written petitions are almost never submitted in minority languages. The only rare exception is the use of German language, which is, however, used as the language of written communication principally by German citizens who moved to Hungarian settlements with a German minority, but is rarely used by the minority population of the locality.

Sub-paragraph e:

“the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State”

Here again the relevant provisions of the Minorities Act are determinant. The basic regulation is that in the Republic of Hungary anyone can use his or her mother tongue freely and anywhere, which is, of course, true for debates in the assemblies of regional authorities.

The language used in the debates of the county assemblies is Hungarian. Nevertheless, if anyone – a member or an invited guest - present at the assembly wishes to address the assembly in his/her minority language, he must indicate this intention in advance, in the period of convening the assembly to enable the organisers to arrange for the interpretation.

Sub-paragraph f:

“the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State”

Article 52, paragraph (2) of the Minorities Act says in this regard that the minority representatives also have the right to use their mother tongue in the body of representatives of the local self-government. In case a contribution was made in one of minorities' languages, its Hungarian version or summary is to be attached to the minutes of the assembly.

The above-mentioned survey conducted by the Office for National and Ethnic Minorities on the minority settlement self-governments that came into being through transformation shows that debates in the assemblies of the local self-government in the settlements concerned are most often conducted in the minority language or in two languages. At the same time, decisions and minutes are, for practical reasons, drawn up in Hungarian.

Local minority self-governments determine their official language themselves. In the majority of the cases, this is the language of the given minority, but these bodies also adopt their rulings in Hungarian, usually, and the language of the minutes of their meetings is also Hungarian.

Sub-paragraph g:

“the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages”

The Minorities Act stipulates that in settlements with minority populations it must be ensured that signs indicating the names of settlements and streets, public offices, and organs performing public services, or announcements relating to their operations - in addition to the Hungarian wording and spelling, with identical contents and form - could also be read in the mother tongue of the minority.

According to the results of the 2004 survey conducted by the Office for National and Ethnic Minorities, eight of the 68 settlements with transformed minority self-governments indicated that they had no bilingual place-name signs. The 64 other minority settlements covered by the survey reported that there are bilingual signs bearing the names of their settlements: in Hungarian and in the language of minority living in the given settlement. This, however, does not mean that the situation is so reassuring everywhere. The leaders of small settlements pointed out that in order to be able to set up bilingual signs they needed central support, which they won through competitions.

Concerning the choice of settlement and other geographic names corresponding to the traditional use, the point of departure is always the expert's opinion of the Board of Geographical Names of the Ministry of Agriculture and Rural Development, based on the names used by the local everyday language. The representative of the Office for National and Ethnic Minorities is also the member of the Board, and enforces minority interests consequently.

Paragraph 3:

“With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

Sub-paragraph c:

“ to allow users of regional or minority languages to submit a request in these languages”

Article 8 of Act LXV of 1990 on Local self-governments lists among the public services tasks of the local self-governments the guaranteeing of the enforcement of the rights of national and ethnic minorities, including the right to use minority languages in all areas of life.

The already mentioned provisions of the Minorities Act also guarantee the use of minority languages in all areas of life, and consequently it is up to the petitioner to decide what language he uses in writing his request.

Paragraph 4:

“With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

Sub-paragraph a:

“ translation or interpretation as may be required;”

Sub-paragraph c:

“ compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.”

Translation or interpretation is ensured if a preliminary request is submitted. If the documents submitted in a minority language have to be translated, civil servants employed in the minority settlement speaking that language make the translation.

Article 54 of the Minorities Act stipulates that in settlements where persons belonging to a minority are also living, in the course of filling the posts of local civil servants or public servants, advantage should be given to those who know the given minority language.

According to the chapter on the rules concerning the use of minority languages of the Act on General Rules of Official Procedure and Servicing in Public Administration, in proceedings conducted in a minority language the costs of translation and interpretation are borne by the proceeding administrative authority.

According to the survey conducted by the Office for National and Ethnic Minorities on the minority settlement self-governments established by transformation, there are one or more public servants knowing the local dialect in each of the 20 transformed Croatian settlements. The situation is similar in the case of German settlements: there is no public servant speaking German in only three of 29 transformed minority settlement self-governments. There is an administrator knowing the language of the local Slovak community in each of the 8 transformed Slovak minority settlement self-governments.

Since the last local elections, the local self-governments of only two Romanian settlements have transformed into settlement minority self-governments. One of them has civil servants speaking Romanian, but the other has no Romanian-speaking civil servant.

Two local self-governments have transformed into settlement minority self-governments, in settlements where Slovenian minority live. Both of them has language speaking civil servants.

The Serbians living in Hungary have no transformed settlement minority self-governments, though there were Serbian settlements in the control group (i.e. among the other minority settlements surveyed). Each of the three settlements examined has at least one public service employee who speaks the Serbian language.

The county offices of public administration have reported that the number of public service employees speaking minority languages, who have passed language examination, is continuously increasing in the counties with the greatest proportion of minority populations (Baranya, Tolna, Békés, Vas, Zala, and Pest) and in the Capital city of Budapest. The situation is the best concerning the German language knowledge, but it is almost as favourable the growing number of those knowing the Croatian language. In the Slovak-populated counties the number of Slovak-speaking civil servants is increasing only slowly; and that of Romanian- and Slovenian-speaking employees showed an increase primarily along the Hungarian-Romanian and Hungarian-Slovenian State borders, respectively, as well in Budapest in the last three years.

Paragraph 5:

"The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

Under Article 12 of the Minorities Act, a person belonging to a minority has the right to freely choose his/her own and his/her child's first name, to have his/her family name and first name registered according to grammatical rules of his/her mother tongue, and have them so recorded in official documents. In case of registering in non-Latin script, the simultaneous phonetic transcription of names in Latin characters as well is compulsory. On request, the registration of births and the issue of other personal documents may also be bilingual.

According to Government Decree 168/1999 (XI .24.) on interim rules concerning the issue and registration of identity cards, if a person belonging to a national or ethnic minority living in Hungary so requests, his/her name shall be entered in his/her identity card in two languages, based on a bilingual birth certificate, in compliance with the provision of the Minorities Act quoted above.

The Ministry of Interior has prepared the computer programs necessary for filling personal documents in minority languages and have started teaching employees of the local records offices application of the programs. The necessary translations of the certificates have also been prepared into the mother tongues and the printed forms will be available before the end of the year.

Decree 6/2003 (III. 17.) of the Minister of Interior on marriage procedure, and the use of names provides in Article 45, paragraph (3) that: "When the birth of a child is first entered in the birth register and the parents request to enter the child's family name in accordance with the rules of a minority mother tongue, or request a birth certificate in which the child's first name and family name are entered in the minority language, too, the proceedings described under Article 60, paragraphs (2)-(4) of this decree shall be followed, (...)."

Under the Hungarian legal regulations everyone has the right to change his/her first name or family name and to change them back. To do this a simple request must be submitted to the Ministry of Interior. Experiences show that such changes are approved without any difficulty.

According to Article 60 of the above quoted Ministry of Interior decree, the first name or family name change must be recorded by the registrar under "Post-entry" in the birth register.

The correcting of the child's first name into a minority first name, the correcting of family name as it was at birth into a name written in accordance with the rules of the minority native language, and the registration of first name and family in minority language must be entered under "Post-entry" of the register.

According to the Ministry of Interior only an insignificant number of requests for name changes have been submitted for the past three years.

Article 11 - Media

Paragraph 1:

"The Parties undertake, for the users of the regional or minority languages within the territories in which these languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the independence and authority of the media:

"a: to the extent that radio and television carry out a public service mission:

"(iii): to make adequate provision so that broadcasters offer programmes in the regional or minority languages"

In Hungary laws ensure and regulate the operation of media in the mother tongue of the minorities. According to these legal provisions the Hungarian State recognises the rights to free expression in their

mother tongue of the minorities and ensures them access to mass communication media. The most important venues of the observation of the media rights of the minorities are public service institutions.

Act I of 1996 on the Radio and Television Broadcasting defines those types of programmes to which State support can be granted. According to Article 25 of the Act, these include programmes in the minority languages and those presenting the life and culture of the national and ethnic minorities.

The same act says that public service broadcasters are obliged to promote the nurturing of the culture and mother tongue of the national and ethnic minorities living in Hungary, and to provide them regular information in their mother tongue. Public service broadcasters carry out this mission by offering through national, regional, or local broadcasts - depending on the geographical area where the given minority lives - programmes meeting the demands of minorities, subtitled or multilingual.

The National Radio and Television Commission (ORTT) invites applications for Hungarian broadcasters. It is worth mentioning that applications can be submitted in the minority language of the applicant if the application concerns broadcasting in the mother tongue of a minority, which has local minority self-government in Hungary. ORTT on its own expenses asks for the translation and authentication by the National Translation and Authentication Office of the application submitted in minority languages. ORTT will also ensure at its own expenses, for the applicant using a minority language an interpreter during the application procedure.

The same document provides that ORTT can prescribe as a condition of application a certain proportion of public service programmes or minority programmes to be offered if, taking into account all broadcasts together, the free provision of or free access to information do not get across or the requirement of cultural multiplicity is not observed in a given reception area.

Hungarian public service radio and television had built up a mother tongue programme structure serving all the minorities of the country already preceding the current period under review. Supported chiefly by the Public Foundation for National and Ethnic Minorities, the organisational frame and system of institutions of the written minority press have also been established.

Sub-paragraph b:

"(ii): to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis"

Hungarian Radio has been broadcasting programmes in the minority languages for 50 years. In 2003, Croatian and Serbian broadcasts celebrated their 50 years anniversary, German-language broadcasts their 45 years, Slovak broadcasts their 25 years, and Romanian broadcasts their 20 years anniversary.

In 2002, the leadership of the Hungarian Radio created a job for a minority officer to co-ordinate the work related to minority programmes.

Public service radio in Hungary regularly broadcasts programmes in the minority languages. Radio Kossuth, broadcasts 11 hours each of Croatian and Slovak, 10,5 hours each of German and Romanian, and 10 hours of Serbian regional programmes weekly.

National broadcasts are transmitted in Radio Kossuth during 3,5 hours weekly in the above minority languages, and 30 minutes weekly in Slovenian language.

In an effort to call attention to its minority programmes, Hungarian Radio has opened a separate minority page at www.radio.hu on the Internet, where interested listeners can find information about the minority language programmes, together with contents and introductory notes, and reports on major minority events.

ORTT, in 2003 invited applications in order to support Radio and Television programmes concerning our accession to the European Union and granted support for the following programmes of the Hungarian Radio Minority Editor's Offices :

Applicant	Title of permanent programme	Grant awarded
Hungarian Radio	Vstupujeme do Európy – Our Road to Europe – In Slovak	HUF 10,450,000
Hungarian Radio	A Shared Homeland – On Minorities in Hungarian	HUF 4,838,761
Hungarian Radio	Unitate prin diversitate: Uniunea Europeană – Unity in Diversity: The European Union – In Romanian	HUF 4,850,000

Source: National Radio and Television Commission

Slovenian minority was the first in Hungary to establish a regional radio station of their own, called “ *Radio Monoster*”, which receives state support from the above- mentioned institutional frame. The radio operated by the National Slovenian Minority Self- Government transmits Slovenian language programmes in the region inhabited by the Slovenian minority in eight hours a week.

Sub-paragraph c:

"ii): to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis"

Several minority television programmes marked their anniversaries in the past three-year period. The Croatian, German, and Serbian minority programmes of Hungarian Television celebrated their 25 years anniversary in 2003. The leaders of the editor’s offices were awarded a high state distinction by the President of the Republic of Hungary on that occasion. The 20-year anniversaries of the Romanian-language and the Slovak-language broadcasts of public service television were celebrated in 2002 and 2003, respectively.

The minority programmes are prepared in country - the Croatian and German broadcastings in Pécs, the Romanian, Serbian and Slovak ones in Szeged, and the Slovenian in Szombathely. The broadcasting time has been the same for the past period: 26 minutes a week for each minority, except Slovenian minority for whom a 26-minute broadcast is available biweekly.

The president of Hungarian Television and the presidents of the national minority self-governments in April 2000 signed a cooperation agreement. This agreement which lays down that the leaders of the national minority self-governments and the president of Hungarian Television meet at least twice a year to coordinate their views regarding the minority programmes of public service television and to examine the situation of minority broadcasts. A recurring topic of the talks is the broadcast band for minority programmes. At present, it is between 2 PM and 3 PM on weekdays in the first, ground, station of Hungarian TV, and it is repeated in the same band on the second, satellite programme.

Hungarian Television appointed in September 2004 an Ombudsman for Equal Opportunities. The concrete responsibilities of the ombudsman are now being defined. He may have an important role in increasing the proportion of appearance of minority subjects within the other programmes of Hungarian Television.

In October 2004 the minority programme band was transposed as part of the development of the new programme structure of public service television. This has considerably limited access to minority programmes of the Hungarian Television. The television leadership carried out the change without having consulted the national minority self-governments and the editors of the minority programmes. The persons concerned pointed out this on several forums, and requested the TV leadership to withdraw the measure.

The Office for National and Ethnic Minorities in 2004 conducted a representative survey at 100 Hungarian settlements that are mostly inhabited by minority communities where minority settlement self-governments have been formed. The survey evaluated the situation concerning the provision of local cable TV and community cable TV broadcasting in the minority mother tongue. The responses revealed that only 31% of the settlement that are mostly inhabited by minorities have access to community cable TV networks and local cable TV reception in the minority languages. It is to be pointed out that no cable TV network has yet been built in the villages where Romanian and Slovenian minority settlement self-governments have been elected, and there is no community cable TV to provide minority language services in the settlements mostly inhabited by Serbian minority.

With regard to these facts, the Office for National and Ethnic Minorities initiated consultations with representatives of National Radio and Television Commission concerning the possible increase of the budgetary sources to be utilised for the development of the community cable networks of minority settlements, and on the ensuring of the necessary professional background.

Sub-paragraph e:

"i): to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages"

The Croatian, German, Romanian, Serbian, and Slovak minorities living in Hungary have weekly newspapers published for decades. The Slovenian-language minority newspaper appears fortnightly, and its weekly publication is planned as from the middle of 2005. All these minority newspapers are State financed and the board of trustees of the Public Foundation for National and Ethnic Minorities in Hungary (hereinafter: Public Foundation) on the basis of calls for applications assigns support for the publications.

The newspapers appearing in the minority languages are owned by the national self-government or a national non-governmental organisation of the given minority.

Apart from the newspapers distributed at national level, several regional or local papers also publish articles in the minority languages, which are also supported by the Public Foundation on application basis.

Sub-paragraph f:

"i): to cover the additional costs of those media which use minority or regional languages, wherever the law provides for financial assistance in general for the media"

Hungarian Radio finances the preparation and broadcasting of radio programmes in minority languages from its own budget. Though the funds for minority programmes do not represent a separate title in the budget of the institution, preparing and broadcasting in minority languages is continuously secured.

The situation is similar in Hungarian Television. Owing to financial problems of the Hungarian Television however, its regional studios of Hungarian Television preparing the minority programmes also had to face a difficult situation. In an effort to improve the situation, ORTT, the National Radio and Television Commission granted relatively significant financial support to these studios in 2003 on application basis. The table below contains the supported programmes.

Applicant	Title of permanent programme	Grant awarded
Hungarian Television	Ecranul nostru (Romanian)	HUF 9,324,195
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 (Slovak)	HUF 9,553,161

In 2002 and 2003 the Public Foundation supported programmes in the minority languages in the local and regional media on application basis. A significant proportion of the support went to applications aimed at the preparation and operation of websites providing information on the local, regional and national level of the minorities.

Altogether six Croatian, eight German, four Serbian, eight Slovak, and three Romanian applications received support from the above fund in 2002, and 12 Croatian, 13 German, 3 Serbian, 10 Slovak, 1 Slovenian and 4 Romanian applicants won financial support in 2003 for local or regional programmes, and in electronic media in the minority mother tongues.

As it has already been mentioned that newspapers in the minority languages are almost exclusively financed by the State through the Public Foundation for National and Ethnic Minorities in Hungary.

The inviting applications issued in 2004 by the Minorities Board of the National Cultural Core Programme served to complement the budgetary support given to minority papers by the State. The Programme ensured altogether HUF 21.5 million for the publication of the weeklies and two occasional publications of the German and the Romanian communities; for the publication of the weeklies and one periodical each of the Croatian and the Slovak minorities; and for the publication of 1 Slovene periodical.

Sub-paragraph g:

"to support the training of journalists and other staff for media using regional or minority languages"

The Republic of Hungary sends on bilateral basis scholars to the mother countries of the minorities for full time university training (Croatia, Romania, Slovakia, Slovenia), and for partial training (Croatia, Germany, Romania, Slovakia, Slovenia), in the context of which those interested may participate in training in the mother country for journalists. According to our data, however, in the past three years, only one Slovak student applied to participate in journalist training.

The Public Foundation issues invitations for applications regularly for the training of experts of minority public life. Within this, in 2002 there was one (Croatian), while in 2003 there were four minority journalists trained (2 Germans, 1 Croatian and 1 Slovak) in this kind of training. The trainings are mostly organised by the publishing offices of the minority journals, with a partial or full financial support of the mother country, in cooperation with their experts, and perhaps arranged in the mother country itself.

Paragraph 3:

"The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media."

According to the law on the radio and television, the minorities may delegate, in a rotational system one member annually to the Board of Trustees of the Hungarian Television Public Foundation. In the three-year period under review, the minority delegates took their places in the social board of trustees of Hungarian Television (National Armenian Self-Government, National Self-Government of Romanians in Hungary), of the Hungarian Radio (National Self-Government of Germans in Hungary, National Croatian Self-Government, National Slovak Self-Government), and of the Hungária Television Public Foundation.

Article 12 - Cultural activities and facilities

Paragraph 1:

"With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

Sup-paragraph a:

" to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages "

According to Article 55, paragraph (3) of the Minorities Act, the Government shall establish a public foundation to promote activities aimed at the preservation of the identity, nurturing and transmitting of the traditions, fostering and development of the mother tongue, guarding of the intellectual values and relics, and attenuating the cultural and political disadvantages emanating from the minority status of the minorities. The Public Foundation invites for applications annually for the promotion of the mother tongue culture of the minorities, including minority cultural events, publication of works in the minority mother tongues, research in the minority languages, and theatre performances produced in these languages.

Another important sponsor beside the Public Foundation is the Ministry of National Cultural Heritage, which supports minority theatres, the publication of literary works and papers on the results of ethnographical research, as well as major cultural events through applications invited annually. The Minority Cultural Council was set up as an advisory body to the Minister of Culture to facilitate activities related to minority cultures.

The National Cultural Core Programme appeared as a new sponsor of events and publication in the minority languages. Its Interim National and Ethnic Minority College is responsible for the distribution of minority funds. The College has allotted last year altogether HUF 100 million through competitive applications.

Filmmakers belonging to the minorities also may apply for financial support at the Hungarian Motion Picture Public Foundation and the Hungarian Historical Film Foundation. According to information received, support for a documentary film in each of the past three years was awarded to a Slovak minority applicant.

As part of the efforts to develop cultural autonomy, the national minority self-governments are entitled to establish and operate such minority institutions as, for instance, theatres, museum exhibition halls, public collections involving collectors from all parts of the country, libraries, publishing houses, and national cultural, art and scientific institutes. A separate fund to support institutions established or taken over and maintained by the national minority self-governments was earmarked in the central budget for the first time in 2003. This support is a financial basis for the promotion of cultural autonomy. The applicant national self-government spent a substantial part of the funds, earmarked yearly, for the maintenance and the renovation of the public educational institutions operated by them. The support granted to these public educational institutions totalled HUF 216 million in 2003, and HUF 266 in 2004.

Principal organisers of the minority cultural events are mainly the minority non-governmental organisations or local minority self-governments. On the local, regional or national events usually feature cultural

associations, choirs, orchestras, dance groups, and amateur and professional theatre companies active in the locality

Publications in the minority languages are forwarded to the institutions of minority library supplies, to the National Foreign Language Library and the county library centres coordinating minority library supplies, as well as directly to settlement and school libraries, by the publishers - the national minority self-governments, non-governmental organisations, local minority self-governments and associations. Interested persons can have access to all the publications issued in the minority languages in Hungary through this State financed library network.

The Croatian, German, Serbian and Slovak minorities have professional theatre companies of their own.

Deutsche Bühne, the German-language theatre that has been active for 20 years in Szekszárd has since January 1, 2004, been maintained jointly by the Tolna county self-government and the National Self-Government of Germans in Hungary. The theatre receives a certain amount of support allocated to it annually in the current State Budget Law.

The Croatian Theatre of Pécs, and the Serbian Theatre in Hungary were established ten years ago. They are regularly offering performances, itinerating in settlements populated by Croatian and Serb minority, respectively. They are assisted by an allocation of the Ministry of National Cultural Heritage, earmarked for this purpose.

Vertigo - Slovak Theatre came into being in 2003 on the foundations of an amateur theatre tradition and is maintained by the National Slovak Self-Government. It offers a new performance each year and regularly appears at the local, regional, and nationwide cultural events of the Slovak community.

The Slovenian community in Hungary has an amateur theatre group of its own, and a secondary school in Gyula, is the base institution for Romanian theatre productions.

A festival of minority theatre companies was arranged in 2003 again after 1993 on the initiative of the board of trustees of the Public Foundation in the hope that it will create a tradition. Under the motto *Minorities Greeting the European Union*, a meeting of the Hungarian Minority Theatres was organised between April 16 and 22, 2004 in the Thalia Theatre in Budapest. The Public Foundation played host to the meeting, which was sponsored by the Ministry of National Cultural Heritage, the Prime Minister's Office, the Equal Treatment Authority, and the Municipality of Budapest.

With the financial support of the Ministry of National Cultural Heritage and the Office for National and Ethnic Minorities, and with the cooperation of significant cultural sponsors from Germany, the Hungarian Television organised in 2002 and 2003 an International Minority Film Festival. On that event, which took place in one of Budapest's most popular cinemas, the most successful minority-related productions of the period were presented.

The minority community houses, cultural centres developed into a network in the past three years are the main venues of the cultural activities of the minorities living in Hungary. Thanks to the priority central support granted in the past two years, today the Slovak Cultural Centre has seven premises in the regions of the country inhabited by the Slovak minority. The cultural network of the German minority is coordinated from a Budapest centre by *Ungarndeutsches Kulturzentrum*, the Hungarian German Cultural Centre established by the national self-government in 2003, which offers professional assistance. In 2004, the Serbian National Self-Government set up a Cultural and Documentation Centre embracing six provincial institutions. The Documentation and Information Centre of the National Self-Government of Romanians in Hungary, which arranges for cultural events, was also brought into being with state support in 2004, and the Slovenian Cultural and Information Centre in Szentgotthárd, supplies cultural demands of for Slovenes living in the region.

The collection, documentation, and presentation of the material culture of the minorities is ensured by the previously established "base museums", with a national area of collecting, but forming a part of the county network of museums. The German Minority Museum in Tata for Komárom-Esztergom County, the Munkácsy Mihály Museum in Békéscsaba collecting Romanian and Slovak material in Békés County, and the Kanizsai Dorottya Museum in Mohács having Croatian and Serbian collections from Baranya County operate under the maintenance of the respective county self-governments. There are also several local collections, exhibitions and houses presenting objects typical of the life and art of the minorities; they are operated by the settlement or local minority self-governments as a rule.

The German minority in Hungary has about 60 village museums. Entitled *German Regional Houses and Memorial Rooms in Hungary*, the national self-government has published a comprehensive work. Rich collections presenting the religious life of the minorities are possessed by the Hungarian Orthodox Church Museum in Miskolc, the Serbian Orthodox Ecclesiastical Art and Scientific Collection in Szentendre, and the Serbian Collection of Ecclesiastical Art.

About 50 "regional" houses, village museum, and ethnographic collections speak of the traditional lifestyle of Hungary's Slovak population. Most of these are maintained by the local minority self-governments with professional and financial support from Legatum Non-profit Company founded by the National Slovak Self-Government.

Sub-paragraph b:

"to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities"

A decisive part of the publications supported by the Public Foundation and the Ministry of National Cultural Heritage appear in two languages (Hungarian and the minority language concerned). The financial support is granted to both versions.

Programmes presenting the culture of minorities are shot in the language of the given minority in the Hungarian Television, but are broadcasted with Hungarian subtitles. Thus the audience, which does not speak the language of the given minority, but is interested in its culture, receives a chance to follow the life of the minority.

The Serbian minority theatre occasionally translates and presents some of its Serbian-language productions in Hungarian, or adapts for its repertoire plays translated from a third language, and shown in Serbian as well as in Hungarian.

Sub-paragraph c:

"to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities"

Translation into minority languages of works produced in other languages - in this case most often in Hungarian - is supported by the Public Foundation, and when the given minority language is at the same time the language of a neighbouring country, support for translation also comes occasionally from the National Cultural Core Programme, as well. Works published in the past three years with the help of this kind of support include two novels translated into the Slovak language by Pál Závada, a writer of Slovak descent though writing in Hungarian, and the Slovak translation of a collection of short stories depicting how the Jewish and the Slovak communities once lived together in Tótkomlós. Works originally written in Hungarian by German writers (Márton Kalász, József Mihaleisz) have also been translated into German in the past three years.

Paragraph f:

"to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities"

Members of the decision-making Board of Trustees of the Public Foundation are representatives of all the national and ethnic minorities living in Hungary. They have a decisive role in the decision-making.

As it has already been mentioned, the Ministry of National Cultural Heritage set up in 2004 the Minority Cultural Council, its consultative body also consisting of delegates of the national minority self-governments, which plays a key role in the fulfilment of its tasks related to minority cultures. The Council participates in the preparation and implementation of the decisions concerning support to be granted to minority cultural activities of the Ministry of National Cultural Heritage.

It has also been indicated before that the Board of Trustees of the National Cultural Core Programme has set up the Interim College of National and Ethnic Minorities, which is responsible for the distribution of grants

towards minority cultural programmes. The College consists of delegates of the national minority self-governments.

Sub-paragraph g:

“to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages”

In the recent years, several minorities indicated their wish to take control over the collection, documentation and accessibility of works produced in the language of the given minority and established their own institutions for this purpose. These institutions are financed by the State.

The House of Germans living in Hungary opened in autumn 2000 in Budapest, which – besides other activities – is collecting and making accessible literary works and written documents with a reference to Germans living in Hungary. Established in 2003, the Cultural Centre of Germans living in Hungary coordinates the activities of the German community houses on a country level.

The National Self-Government of Romanians Living in Hungary established a Documentation and Information Centre in Gyula, which was inaugurated in October 2, 2004.

The National Serbian Self-Government founded the Serbian Documentation and Cultural Centre in 2003. According to the Deed of Foundation, the institution has, apart from the Budapest headquarters, six regional centres, of which the ones in Baja, Pécs, and Szeged have already started their activity, and work on the putting into operation of those of Battonya, Lórév and Szentendre is underway.

The Slovak Documentation Centre, a significant investment is operating in the central office building the National Slovak Self-Government as one of its new institutions. It is responsible for collecting, processing, and making accessible to students and researchers works published by or on Slovak minority living in Hungary. The Centre has, in cooperation with Hungarian Radio, started the digital processing of archive material from the Radio's Slovak-language editor's office and will keep one copy of each production.

Paragraph 2:

“In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of the users of a regional or minority languages justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”

Croatian, German, Romanian, Serbian, Slovaks and Slovenian minorities live in scattered communities all over the territory of Hungary. This is the main reason why Hungary does not link its undertakings to regions. The initiators of the cultural activities described above are the minority associations and local minority self-governments, established and operating on the whole territory of the country, that are eligible to participate in the applications for grants to support minority cultural activities independent of their geographical location.

The summary document attached to this report reveals that minorities live in concentrated communities in the Capital City Budapest on the one hand, and in some county seats on the other hand, where they establish – usually commonly used – minority houses with the assistance of the local minority self-governments. These institutions have by now become for the local minority community the centres of public life and cultural activities. Such minority houses have opened in several districts of Budapest, in Szeged, and in Baja. The Public Foundation and the Ministry of National Cultural Heritage provides financial support for their operation and cultural programmes on a competitive basis.

Paragraph 3:

“The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”

Hungary is making efforts to achieve that Hungarian cultural institutes operate in the capitals, and if possible in all the major cities, of the kin countries of all the minorities living in the country. Government Decree 101/1997 (VI. 13.) on the Hungarian Cultural Institutes Abroad sets forth under Article 2, paragraph (2), subparagraph h) that the Hungarian cultural institutes operating abroad assist in the presentation of the educational and cultural achievements of the national and ethnic minorities living in Hungary, and in the nurturing of institutional contacts which promote this objective. Hungarian cultural institutes related to the minorities operate in Berlin, Stuttgart, Bratislava and Bucharest. Programmes presenting the culture, the new works of art of the affected minority (German, Slovak, Romanian) are also organised regularly.

The Public Foundation regularly supports programmes presenting the products of the culture of minorities in the kin countries. The State financed minority institutions also arrange regularly programmes to introduce to the kin countries the personalities of minority cultural life in Hungary.

The Croatian, the Serbian and the Slovak theatres, for instance, present their latest productions to audiences in the kin countries in each season very often at several localities. These performances are usually followed with great interest and are amply covered by the media of the countries concerned. Last year the Research Institute of Slovaks in Hungary presented a two-day programme in the Slovak National Museum.

Article 13 – Economic and social life

Paragraph 1:

“With regard to economic and social activities, the Parties undertake, within the whole country:

“a. to eliminate from their legislation any provision prohibiting or limiting without any justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products and installations”

Three legal provisions affect to some extent the use of minority languages in economic and social life. One of them is Act XXII of 1992 on the Labour Code, which says under Article 5, “the requirement of equal treatment shall be observed in employment relations”.

A more detailed provision is contained in Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, which mentions among the forms of discrimination cases where 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 affiliation to a national or ethnic minority. The law prohibits all such practices and provides for the possibility of legal redress for the person concerned.

Article 22 of the same act, however, says, “The following shall not mean infringement of the requirement for equal treatment:b) The distinction based on national or ethnic identity, arising directly from the spirit fundamentally determining the nature of the organisation, justified by the content or nature of the occupation concerned, and based on a proportionate and real occupational need”.

Law XCVI. of 2001 concerning Publication of business advertisements, shop signs and certain announcements of public interest in Hungarian language contains specific provisions on the use of language by actors of the economy. While prescribing the use of the Hungarian language in the cases listed, the law mentions as exceptions the settlements where there are local minority self-governments.

There are no laws relating to the use of language in social life. It is up to those participating in economic or social life to decide on what language(s) to use in their contacts.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the field of culture, education, information, vocational training and permanent education;*
- b. for the benefit of regional or minority languages, to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

Hungary has concluded bilateral agreements with the kin States of the minorities living in its territory. In earlier reports, we have given an account of the activities of the Hungarian-Croatian, Hungarian-German, Hungarian-Romanian, Hungarian-Slovak, and Hungarian-Slovenian Minority Joint Commissions, which were set up under the bilateral agreements mentioned. In the past three years, work in the joint commissions has continued, with both Hungary and the States concerned devoting special attention to the expression of the interests and fulfilment of the requirements of the minorities concerned.

As an act of outstanding importance in bilateral relations, the Hungarian Parliament ratified in autumn 2004 the bilateral agreement on the protection of minorities, which was signed between Hungary and Serbia and Montenegro in October 2003. Belgrade had ratified the agreement earlier, so it entered into force immediately following ratification by Budapest. The agreement provides that government agencies, organisations of public and private law, as well as citizens of the Contracting Parties may, within the framework set by international law, grant assistance to organisations of the national minorities living on the territory of the other Contracting Party, and to persons belonging to these national minorities, and these organisations and persons shall be entitled to receive such assistance. The Contracting Parties shall refrain from the policies aimed at assimilation of persons belonging to the national minorities. They shall refrain from measures which may change the proportions of the populations in the areas inhabited by persons belonging to the national minorities, and which restrict the exercise of rights of persons belonging to the national minorities. In December 2004, the Hungarian-Serbian Intergovernmental Joint Commission on National Minorities was set up in compliance with the provisions of the agreement. The members of the Hungarian delegation to the commission are representatives of those ministries and national agencies, which contribute to the implementation of tasks related to minorities. The National Serb Self-Government is also represented in the commission.

* * *

The successive governments of the Republic of Hungary have always paid distinguished attention to ensuring the minority and linguistic rights of all the minorities living in its territory. In the process of the implementation in Hungary of the European Charter for Regional or Minority Languages – and as part of the legislative procedure - provisions which ensure the minorities the right to use their native languages in the different field of life on a higher level appear in the texts of the new laws and legal regulations. The monitoring system of the implementation of linguistic rights is gradually being developed and strengthened. Besides the state- organisations, the monitoring, initiating role of the minority self-governments is increasingly highlighted. Consensus regarding minority policies is developing between the political parties on various levels of public life. However, the completion of the conditions for the enforcement of linguistic rights is not enough in itself to change the practice of the use of minority languages. What is needed, as well, for the use of the living minority languages in public affairs is the individual and collective activity and initiative of the persons belonging to the minorities. It seems that the past 15 years was not enough to realise this objective.

List of annexes to the present report (separate documents)

Annex 1: The distribution by counties of those speaking minority languages in Hungary

Annex 2: The distribution by counties of those speaking minority languages and living in cities of county rank

Annex 3: Budget lines serving the support of minority education, culture, and public life (2002 - 2005)

Annex 4: The provisions related to the rights of the use of languages of Act CXL of 2004 on the General Rules of Public Administration Procedure and Servicing

Annex 5: Support for the takeover and maintenance of minority institutions in 2003 and 2004 in HUF

Annex 6: The Amendment of the Minorities Act in 2003