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

**COMMENTS OF THE GOVERNMENT OF
HUNGARY ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON
THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN HUNGARY
(received on 25 April 2005)**

Concerning the Opinion (hereinafter: Opinion) adopted on 9 December 2004 by the Advisory Committee for the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter: Advisory Committee) on the evaluation of the second State Report (hereinafter: State Report) as accepted in Resolution No. 1010/2004.(II.26.) of the Government of Hungary, on the implementation in Hungary of the Framework Convention for the Protection of National Minorities (hereinafter: Framework Convention), we make the following comments.

1. First of all, we would like to lay down that the Republic of Hungary assumes responsibility for the protection and development of the specific cultural values and the languages of the minorities living within its territory. With this purpose, Hungary strives to create the relevant legal framework, as well as the budgetary sources necessary for their implementation. Hungary became a full member of the European Union from 1 May 2004 together with her minorities, and the values created with them. It is to our pleasure that in the past one and a half decade Hungary's minority policy has received a positive international appraisal. We appreciate that, on the whole, the Opinion of the Advisory Committee acknowledges this positive sign.

2. The Equal Treatment Authority, operating as a public administration body with a national scope of authority, has started its work on 1 January 2005, on the basis of Government Decree No. 362/2004. (XII.26.), with the aim of monitoring the effective implementation of those contained in Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities. Presently the establishment of the Advisory Council of the Equal Treatment Authority is under way and 6 members of the council receive their mandate on the basis of recommendations by NGOs.

3. In the National Assembly, the amendment of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities has been put on the agenda. The aim of the amendment is the regulation of the problems phrased by the Advisory Committee, thus especially the improvement of the regulations relating to the election of minority self-governments, and the establishment of the conditions for the operation and financing of the cultural autonomy of minorities. The question of the representation of minorities in the Parliament may be solved through the adoption of the related law.

4. The Hungarian Central Statistical Office continuously publishes the professional publications analysing the detailed results of the general census in 2001 servicing comprehensive data on the proportions of minorities. The individual volumes contain data processed by the most different aspects. Thus, we may find, among others, the data on the distribution of minorities by gender and by regional location, as well as the data on the distribution by age (age pyramid), education, marital status, qualification, employment, etc. of those affected.

The Research Institute of Ethnic and National Minorities of the Hungarian Academy of Sciences, also supported by the Office for National and Ethnic Minorities, runs a special program in the framework of which it prepares studies on the demographic situation of the minorities, with the purpose of the most extensive processing and spreading of the data as possible.

In accordance with the proposal of the Advisory Committee, urged in order to be able to monitor the implementation of the Framework Convention, and involving the method of the collection of data related to health care, in 2005, the Ministry of Health initiated a research project oriented at

the exploration of the factors impeding the access of excluded groups to the basic health care system.

5. Concerning the question of sterilisation mentioned in the Opinion, it would be advisable to specify more closely the relevant recommendation, in order to be able to take concrete measures.

6. In order to deal with the practice of segregation in housing affairs, the Ministry of Youth, Family, Social Affairs and Equal Opportunities has initiated the model programme aiming at the housing and social integration of those living in Roma settlements.

7. According to our position, corresponding to those phrased in the Opinion, it is an urgent task to alleviate, terminate prejudice against the Roma. Our project called "*For the Creation of a Solidary Society*", effected with the direction of the Ministry of Youth, Family, Social Affairs and Equal Opportunities, also serves this goal, among others.

8. From among the measures taken for the enforcement of the media rights of minorities, we here underline that the President of Hungarian Television appointed an Equal Opportunities Ombudsman, in September 2004. Within public television, a Democracy Channel is being started, thus shifting the broadcasting periods for national minorities programmes to a more favourable time interval on the public cable television.

9. The Ministry of the Interior and the Office for National and Ethnic Minorities have delivered free of charge the publications containing the first names used by minorities, to the local government offices of all settlements inhabited by minorities.

10. With regard to the statements made concerning the segregation of Roma pupils in school, we intend to call the attention to that a difference shall be made between segregated, discriminatively separated education, as compared to pedagogical, educational, and free time programmes designed to help Roma pupils to close up, and to increase their equal opportunities. We find it important not to let the circle of these programs designed for creating equal opportunities and closing up to narrow down in the course of the fight against discrimination. The child welfare departments, in cooperation with local public educational institutions, assume a role in several such programmes, these programmes form a part of the preventive protection of children.

The experience of child welfare departments show us that the right of children arriving from socially backward, disadvantaged families to a free choice of school may be injured. We deem it important that in all such cases an expert's opinion shall decide about the operation of special classes or classes with reduced membership, and that the correctness of the expert's opinion shall be controlled. However, we cannot go along with the opinion of the Advisory Committee, according to which "*the local child welfare departments are joining* " with the authorities in this respect.

11. When evaluating the situation of minority education, we find it important to underline that the Hungarian State, just as the Advisory Committee, urges the spreading of bilingual education, and the extension of minority native language schools. The institutions, which take on such a type of education, receive a higher level of budgetary support (170% of the basic amount) than the institutions which perform general programmes. It shall be laid down that since the handing in of the State Report, two more minority schools have introduced bilingual

(Croatian and Hungarian) education; the National Self-Government of Germans Living in Hungary has taken over the operation of three educational institutions; and the National Self-Government of Slovaks has taken on the independent operation of a new school centre.

In 2004, the Ministry of Education has ensured the funds, in the context of a target tender, for the professional language training of teachers teaching subjects of public interest in minority languages.

12. In accordance with those fixed in the Convention for the Protection of Minorities concluded between Hungary and Serbia and Montenegro, a mixed committee for minorities has begun its work in December 2004, with the participation of legitimate representatives of the Serbian and the Hungarian minorities living in the two countries.

13. We continue to be open to cooperation with the Council of Europe. We support the position that monitoring the enforcement of those contained in the Framework Convention shall be practiced as broadly as possible, in accordance with the proposals of the Advisory Committee, and with the participation of the legitimate representatives of regional and local communities.

Budapest, 4 April 2005