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European Charter for Regional or Minority Languages

Second Periodical Report by Hungary presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter

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The Republic of Hungary was among the first signatories of the European Charter for Regional or Minority Languages of the Council of Europe (hereafter referred to as the Charter). Accordingly, after the entry into force of the Charter, it submitted its first report on the implementation of the Charter to the Secretary General of the Council of Europe in September 1999. Following some additional information and an "on-the-spot visit", the Committee of Ministers took note of the report last year.

The policy of the Republic of Hungary concerning regional or minority languages has not changed over the recent period. Essentially, the fundamental laws guaranteeing the protection of minority languages did not change, but (due exactly to the ratification of the European Charter for Regional or Minority Languages of the Council of Europe and the obligations Hungary assumed under the Charter) a number of amendments extending the possibilities for the use of these languages were adopted and regulations further clarifying the understanding of the rights related to the use of minority languages in certain areas of public life were also issued.

I. Introduction ▲

For centuries, numerous national communities have been coexisting on the territory of the Republic of Hungary. In modern times, the ethnic and language composition of this part of the Carpathian Basin was greatly marked by an extensive loss and restructuring of the population during the Ottoman-Turkish occupation, and the subsequent large scale spontaneous migrations and organised settlements during the 17th - 18th centuries.

A common feature of most national and ethnic minorities living on the territory of today's Hungary is that they have been living within the framework of the Hungarian state for centuries. Except for the autochthonous Slovene inhabitants of the southwestern part of the country around Szentgotthárd, minorities arrived to the current territory of Hungary in several waves over the past centuries. A key component of their historic, social and ethnic character is that they mostly left behind the original territory of their ethnic group prior to the birth of a regulated standard language and for this reason their currently spoken languages and dialects generally tend to be archaic language variants.

The integration and then the assimilation of the minorities settled on the current territory of Hungary into the majority nation was sometimes fast and aggressive, sometimes slower and less forcible over the passing centuries. The forced population transfers and voluntary translocations after World War II strongly eroded minority communities. These processes resulted in a weakened identity, cultural ties and educational base for almost all minorities in Hungary, as well as the acceleration of their assimilation. Although minority policy prior to the change of political system in 1989 recognised a few minority communities (all of which currently fall under the force of the Charter) and supposedly supported the bequeath of minority cultures and the establishment of the relevant educational bases yet, instead of pro-active measures, the cultural assimilation, the decreasing role of minority languages and the elimination of the identity of the minorities basically continued.

As a result, most of the minorities living within the territory of the Republic of Hungary have dual or multiple cultural ties. Their ties to Hungarian language and culture are nearly as strong as (sometimes even stronger than) their bonds with their original national minority language and culture.

Nonetheless, the change of the political system brought about an increasing activity among the minority language communities. Minorities that had been earlier officially regarded "non-existent" (the Roma/Gypsies, the Bulgarians, the Greeks, the Polish, the Armenians, the Ruthenians and the Ukrainians) created their organisations and associations and were soon actively participating in the development of the principles of a democratic minority policy. It is to a large extent due to the

active role of the minorities that the Act on the Rights of National and Ethnic Minorities was in place already by 1993. To date, this same law lays down the minority policy of the Republic of Hungary. Considering the fact that its text specially emphasises minorities' linguistic rights, the Act can be regarded as the first systematic wording of Hungary's policy with regard to minority languages.

The recognition of the common history and the historic co-existence is an important element of the definition given in the Act on the Rights of National and Ethnic Minorities, providing the basis of Hungary's minority policy. The law defines the notion of national or ethnic minority by integrating the so-called Capotorti definition and the elements of the Council of Europe's minority concept. According to that, *"a national or ethnic minority"*, recognised in Hungary as a constituent part of the state, *"is an ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history."*

It should be noted that this definition concerns minority communities and not individuals belonging to a group, many of whom speak hardly, if at all, the language.

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The latest census in the Republic of Hungary was carried out in 2001. According to the data gathered, the total population of the country was 10 198 000 at the turn of the millennium. Within that, the portion of men was 47.6% and that of the women 52.4 %. The portion of children (0-14 years) was 16.6 %, that of the middle-aged (15-59 years) was 63.0% and the portion of senior citizens (above 60 years) was 20.4%. (At the time of the previous census in 1990 the portion of the population declaring themselves to be of Hungarian nationality was 98.5 %. The 2001 data are not yet available). The population of minority language communities, as well as their portion within the total population is very low. When evaluating the data, however, one could not ignore the fact that it was not compulsory to respond to the questions about belonging to a minority and that negative historic experience of minorities still casts a shadow over the willingness to confess one's minority identity.

The age composition of Hungary's national/ethnic minority population - with the exception of the Roma/Gypsies - is generally unfavourable even compared to the country's overall ageing population. Taking the distribution by age groups we find a steady decrease of the numbers towards the younger generations. The previously characteristic families with several children have been replaced by ageing households.

According to the 1990 census data, the schooling indicators of the minority population are less advantageous than those for the population as a whole. This might be explained first of all by the high portion of older people, that is, of those who obtained only a lower level of schooling over the past decades. This is further confirmed by the fact that schooling indicators of the school-age groups of the national and ethnic minorities tend to be generally better than those of the total population. A survey conducted by the Ministry of Education shows that the schooling indicators

of Roma pupils have now become close to the overall country average, i.e. some 90% graduate from primary school and about 85% of them continue in secondary school.

The economy of the Republic of Hungary has been growing dynamically in recent years. Over the past three years the rate of growth exceeded the average rate of the EU member states. The geographical distribution of economic growth, however, is uneven, as it is mainly concentrated around the capital and the western part of the country. The government has made serious efforts in recent years to include also the eastern part in the economic growth, but the results so far are quite limited. Hungary's economy is a functioning market economy presenting all the relevant characteristics this implies. The main trading partners of the Hungarian economy are the member states of the European Union.

The economic and social integration of the minorities in Hungary - with the exception of the Roma minority - can be considered complete. Their schooling, employment and income indicators generally do not differ from those of the majority population living within the same region and under the same conditions.

Parliamentary democracy and the rule of law in the Republic of Hungary are supported by a stable institutional framework, as the annual reports of the European Union equally ascertain. The legislative, executive and judicial powers function independently from one another and co-operate suitably.

The development of the public administration and the decentralisation of administrative tasks are in progress. Over the recent years the Government has paid a special attention to the development and strengthening of regional public administration, and to the evolution of public services as well as civil servants' career opportunities.

I.1. Definition of the term "user of a regional or minority language"

Besides the Constitution, an important political instrument of the Republic of Hungary concerning minority languages is the amended Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereafter referred to as the Minorities Act), which, among others, defines the language rights of the minority communities. In the preamble of the Minorities Act, the following wording is used: *"The mother tongue, 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, which support their minority status are considered aspects of their identity as individuals and as a community. All these are special values, the preservation, cultivation and augmentation 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."*

In Hungarian law, the subject of linguistic rights is not identified on the basis of the definition of a **"user of a regional or minority language"** but on the fact of a person's belonging to "a national or ethnic minority."

Thus, the subjects of the linguistic rights guaranteed by law are ***the persons and communities belonging to the minorities living in Hungary*** and meeting the above definition.

According to Article 42 of the Minorities Act, the languages used by minorities living in Hungary are the following: **Bulgarian, Gypsy (Romani and Beas), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovene and Ukrainian.**

The national or ethnic minorities speaking the above-enumerated languages are scattered throughout the country's whole territory. In the majority of the cases they live at settlements where they form a numerical minority of the local population. There is scarcely any demand on the part of minorities living in Hungary in relatively small numbers (such as **the Bulgarians, the Greeks, the Polish, the Armenians, the Ruthenians and the Ukrainians**) related to the use of their languages and cultures, but even in their case the language 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. The standardisation of dialects spoken by the Roma/Gypsies of Hungary (**the Romani and the Beas**) has begun and it is expected that when the process will be complete these languages shall appear in Hungary's public life.

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 (*Romanians, Slovenians*) 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 (*Croatians, Germans, Serbs and Slovaks*).

In view of the foregoing, when preparing for the signature of the Charter and relying on the suggestion of the expert committee responsible for the preparation, the Government of the Republic of Hungary decided that under the given conditions it shall commit itself to protect the languages of six of the above enumerated thirteen minorities: **the Croatian, the German, the Romanian, the Serbian, the Slovak and the Slovene** minority languages.

Naturally, this does not mean that the Government does not take actions to protect the rest of the minority languages. It merely means that it shall implement such measures outside the framework of the Charter. The Government is making constant efforts for the development of the Romani and the Beas languages independently of the fact that it has not yet assumed specific commitments in connection with these languages within the framework of the Charter.

The six national minority languages mentioned have undergone various changes over the past centuries. Their independent 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 standard languages sometimes to a smaller, sometimes to a larger extent. Today we are witnessing that since minority education is administered in the standard languages already incorporating the results of language reforms, the standard languages supplant local regional minority dialects.

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As it was already mentioned above, it is difficult to define the exact geographical locations of the minorities living in Hungary. In the next part those geographical regions are listed that can be directly linked to a particular minority. However, relevant information will also be provided for each minority as to the number of their minority self-governments in each county, since that kind

of information allows a more accurate understanding of the presence of the minorities. (In the capital Budapest, the minorities can elect local self-governments in each district and the members of such district level minority self-governments can create capital level minority self-governments, too. In this way, each minority may elect a total of 24 minority self-governments within the capital.)

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In Hungary, the legal framework provides much broader possibilities for the use of the languages of the minorities than is actually utilised. At 64 settlements the local government is in fact a minority self-government (a so-called transformed minority local government) because most of the local representatives were elected as minority candidates. At such settlements it is possible to pass local decrees (on the basis of national legislation) that ensure a high level use of the minority languages in public administration and public life at a local level. Still, the minorities utilise only part of the given possibilities.

I.2. Data concerning minority populations in Hungary based on the 1990 and 2001 year census data and according to minorities' estimates

Minority	Population (1990) (according to mother tongue) 1)	Population (1990) (according to belonging to a minority) 1)	Estimated population 2)
Croatian	17,577	13,570	80,000 - 90,000
German	37,511	30,824	200,000 - 220,000
Romanian	8,730	10,740	25,000
Serbian	2,953	2,905	5,000 - 10,000
Slovak	12,745	10,459	100,000 - 110,000
Slovene	2,627	1,930	5,000

Source: 1) Central Statistical Office

2) National minority self-governments

A great majority of the *Croatians* in Hungary (a total of almost 16 thousand people) live in the southern and western counties of Baranya, Zala, Vas, Győr-Moson-Sopron and Bács-Kiskun, and most of them reside at smaller settlements. The number of persons declaring their Croatian

cultural ties is a little more than that, while the number of those stating that Croatian is their mother tongue or that they use it for communication within the family is somewhat less.

At the 1998 minority elections (the next elections are due in October 2002) a total of 75 Croatian minority self-governments were formed in the country, 15 of those in Budapest, 10 in Bács-Kiskun County, 18 in Baranya County, 5 in Győr-Moson-Sopron County, 3 in Pest County, 5 in Somogy County, 10 in Vas County and in 9 Zala County. The number of the transformed Croatian local governments is 18.

The greatest numbers of the population declaring themselves to be of **German** nationality (a total of 62 thousand people) live in Baranya County, Pest County, in Budapest, in Tolna and in Komárom-Esztergom Counties (in descending order), distributed more or less evenly among the urban and rural populations. The same applies to people declaring their ties with the cultural values and traditions of the German minority. The latter are more numerous (88 thousand) than those who declare their nationality. In the case of the declared mother tongue (34 thousand) a 10% decrease has been registered since 1990, but significantly more people (53 thousand) stated that they used the German language for communication within the family and with friends.

The Germans living in Hungary created a total of 271 local minority self-governments in 1998 - 24 of them in Budapest, 17 in Bács-Kiskun County, 56 in Baranya County, 7 in Békés County, 8 in Borsod-Abaúj-Zemplén County, 2 in Csongrád County, 15 in Fejér County, 10 in Győr-Moson-Sopron County, 16 in Komárom-Esztergom County, 2 in Nógrád County, 33 in Pest County, 3 in Somogy County, 4 in Szabolcs-Szatmár-Bereg County, 26 in Tolna County, 10 in Vas County, 36 in Veszprém County and 2 in Zala County. From this list it is clear that the German minority is spread all across Hungary's territory since from the total 19 counties there are only three without any local German minority self-government. The elected local bodies were transformed into German minority local governments at 30 settlements.

The most significant population of the **Romanian** national minority in Hungary (of a total population of 8000) live in Békés and Hajdú-Bihar Counties, close to the Romanian border, as well as in Budapest and in Csongrád County. Compared to the previous census, their number has reduced both in terms of declaring their nationality and their mother tongue.

At the time of the 1998 minority elections 31 so-called Romanian minority self-governments were set up. 13 of those were formulated in Budapest, 8 in Békés County, 1 in Borsod-Abaúj-Zemplén County, 2 in Csongrád County and 7 in Hajdú-Bihar County. At three settlements the local bodies were transformed into minority local governments.

Half of the **Serbs** (nearly 4000 people) live in or around Budapest, while the other half lives mainly in the cities of the southern part of the country, in Csongrád, Baranya, Békés and Bács-Kiskun Counties. In their case the data again show that less of them declared Serbian as their mother tongue, while more people use it with the family and also more declared cultural ties.

The total number of Serbian minority self-governments following the 1998 elections is 36, of which 15 are in Budapest, 2 in Bács-Kiskun County, 2 in Baranya County, 1 in Békés County, 4 in Fejér County, 9 in Pest County and 1 was created in Tolna County.

The *Slovaks* living in Hungary (nearly 18 thousand people) are mostly concentrated in the cities of Békés County and in the villages of Pest and Komárom-Esztergom Counties. In the case of the Slovakian minority the number of people declaring their cultural ties is pleasingly high (nearly 27 thousand people did so) and less than half of that (12 thousand people) speak Slovak as their mother tongue. The number of those declaring the use of Slovak among family and friends is about as many as the number of people declaring themselves to belong to the Slovakian minority.

The Slovaks living in Hungary created minority self-governments in 11 of the 19 counties and in the capital after the last minority elections. Of a total of 75 minority self-governments, 9 are in Budapest, 3 in Bács-Kiskun County, 13 in Békés County, 10 in Borsod-Abaúj-Zemplén County, 2 in Csongrád County, 1 in Fejér County, 2 in Heves County, 8 in Komárom-Esztergom County, 13 in Nógrád County, 12 in Pest County, 1 in Szabolcs-Szatmár-Bereg County and 1 in Tolna County. These numbers show that the Slovaks represent the second most scattered minority language community after the Germans. The number of the transformed minority local governments is 8.

The number of people declaring themselves as belonging to the *Slovene* minority (3000 people) has significantly increased compared to the data of the previous census and the numbers concerning the related criteria also tend to be similar. The major part of them live in Vas County, while smaller communities live in Budapest and Pest County.

Slovene self-governments were set up in Budapest (1), in Győr-Moson-Sopron County (1) and in Vas County (8) after the 1998 elections.

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At the time of the 2001 census an important consideration was given to reduce the gaps between census and estimation data. For this reason the national self-governments of the minorities were closely involved in the preparation of the census. As a result of several rounds of consultations, the census data sheet (translated to all minority languages and distributed by the Central Statistical Office to the census-takers) contained four questions (as opposed to an earlier two in 1990) that specifically asked information about the identity, the mother tongue, the cultural ties and the language used in the family and with friends of interviewees belonging to minorities. The four questions that the interviewee could answer optionally, in line with the stipulations of the Act on the Protection of Personal Data, were as follows:

- To what nationality do you feel you belong?
- Which nationality's cultural values and traditions do you identify with?
- What is your mother tongue?
- What language do you use within the family and with friends in general?

At the suggestion of organisations and researchers dealing with minority issues, several answers could be given, in view of the potentially existing multiple ties. Representatives of the minorities had also been involved in wording the questions, agreed with their final formulation and were also actively involved in the preparation of the census. Above all, they tried to explain to members of their own respective communities the importance of the census and also worked in order to

achieve that the highest possible number of local minority people are involved in the taking of the census.

Besides the above questions directly investigating minority affiliations, further indirect information could be gained from the answers given to the question concerning the interviewee's religious ties. The data for this question, however, are not yet available.

The official summary report of the data concerning the minorities obtained in the 2001 census is not yet available. According to preliminary **unofficial** summary data provided by the experts of the Central Statistical Office, the figures derived from the answers concerning people's ties with minorities, languages and culture for the total population included in the census (and not just for Hungarian citizens) are as follows:

Minority	Number of people belonging to a particular minority according to answers given to the question concerning			
	the mother tongue	belonging to the minority	ties with national cultural values, traditions	the language used in the family and with friends
Croatian	14,345	15,620	19,715	14,788
German	33,792	62,233	88,416	53,040
Romanian	8,482	7,995	9,162	8,215
Serbian	3,388	3,816	5,279	4,186
Slovak	11,816	17,692	26,631	18,056
Slovene	3,187	3,040	3,442	3,119

The questions of the 2001 census further refined the understanding of the Charter's term for "user of a regional or minority language" for Hungary. As opposed to the data so far obtained on the basis of the free and voluntary declaration of belonging to a particular minority (which is essentially in the spirit of the Minorities Act), it is now possible to obtain a much more precise picture about the number and location of the people identifying themselves with the language and cultural traditions of specific minorities. In the future, these figures and their regional breakdown will allow us to see which regions should the government concentrate on when formulating and developing its minority policy.

I.3. Minorities "speaking non-territorial languages" in the Republic of Hungary

The Minorities Act recognises 13 native minorities living on the territory of the Republic of Hungary. The individual minorities live rather scattered, and their communities are essentially present across the whole country. However, these communities differ in terms of numbers, language and cultural possibilities as well as their needs. Considering the traditions, languages, cultural and identity situation of the minorities, when signing the European Charter for Regional or Minority Languages, as far as Article 3 was concerned, the Republic of Hungary assumed commitments for the above discussed six minorities out of the thirteen.

Naturally, this does not mean that in the medium-term these commitments could not be extended to the other national and ethnic minorities. The Government's minority, educational and cultural policies are all formulated in a manner so as to enable the minorities which are not covered by the commitments related to the Charter to develop their languages, to strengthen their cultural identity and to make it also possible for Hungary to extend its commitments to the languages of these minorities.

In the light of the aforementioned, the minorities speaking a "non-territorial" language are the Bulgarian, the Roma/Gypsy, the Greek, the Polish, the Armenian, the Ruthenian and the Ukrainian minorities. Their numbers have been evaluating over the last two censuses (1990 and 2001) as follows:

Minority	Population (1990) according to mother tongue 1)	Population (1990) according to belonging to a minority) 1)	Population (estimation) 2)
Roma/Gypsy	48,072	142,683	400,000 - 600,000
Bulgarian	1,370	No data	3,000 - 3,500
Greek	1,640	No data	4,000 - 4,500
Polish	3,788	No data	10,000
Armenian	37	No data	3,500 - 10,000
Ruthenian	674 together with the Ukrainians	No data	6,000
Ukrainian	674 together with the Ruthenians	No data	2,000

Source: 1) Central Statistical Office, 1990 census

2) National minority self-governments

As indicated above, the official summary of the 2001 census minority figures has not yet been published until the preparation of the present report. For this reason the data in the table below are preliminary and unofficial.

Minority	Number of people belonging to a particular minority according to answers given to the question concerning				
	the mother tongue	belonging to the minority	ties with national cultural values, traditions	the language used in the family and with friends	
Roma/Gypsy	48,689	190,046	129,259	53,323	
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	

The largest minority living in Hungary continues to be the Roma/Gypsy community (190 thousand people, according to the 2001 declarations). The largest Roma/Gypsy community lives in the less developed northeastern region, i.e. in Borsod-Abaúj-Zemplén County (45 thousand people) and in Szabolcs-Szatmár-Bereg County (26 thousand), but their numbers exceed 10 thousand even in Budapest and in Heves, Jász-Nagykun-Szolnok, Pest and Hajdú-Bihar Counties. Their communities also form a couple of thousand strong populations in all other counties. Nearly 50 thousand declared to use Roma/Gypsy dialects (Beas and Romani), both as a mother tongue and as the language used for communication within the family, while a much higher number declared their affinity to the Roma/Gypsy culture (almost 130 thousand people).

According to the 1998 minority self-government election data, the geographical location of the **Roma/Gypsy minority** practically covers the whole territory of Hungary. As a result of the elections, a large number of Roma minority self-governments were created in all counties, in total

766 local bodies were set up. By far the largest number of Roma minority self-governments was established in Borsod-Abaúj-Zemplén County (129) but at least 10 local Roma minority self-governments were set up in almost every county.

The largest population of the **Bulgarian** minority (1400 people) lives in and around Budapest. Bulgarian minority self-governments were set up in Budapest (9), one in each of the following counties: Baranya, Borsod-Abaúj-Zemplén and Hajdú-Bihar, and two in Pest County.

The population of the **Greek minority** (2500 people) also tend to concentrate in and around Budapest, but there is also a community of a couple of hundred people living in Fejér County. Greek minority self-governments were set up in Budapest (10) and one in each of eight counties around the country.

Half of the population of the **Polish** minority (3000 people) live in the capital. This community created a total of 33 minority self-governments, 10 of which are in Budapest, 11 in Borsod-Abaúj-Zemplén County, while the remaining twelve self-governments operate in ten other counties.

Two-third of the total **Armenian** minority (620 people) live in Budapest and Pest County. They have 25 self-governments, 16 of which in the capital, and the rest operate in eight counties.

Some half of the total **Ruthenian** minority (1100 people) lives in Budapest and in Pest County. A total of 10 Ruthenian minority self-governments were set up, six of which are in Budapest, 3 in Borsod-Abaúj-Zemplén County and 1 in Pest County.

The largest communities of **Ukrainians** (5100 people) also live in Budapest and in Pest County, but their groups are also present in Szabolcs-Szatmár-Bereg County. Only 5 Ukrainian minority self-governments came into being, three of that in Budapest, and the remaining two in two rural cities.

It is true for the Bulgarians, the Greeks, the Polish and especially the Armenians that their cultural affinity tends to be stronger than regarding themselves as belonging to a specific minority, at the same time the knowledge and use of the minority language is less general among them.

It is not a precondition for the creation of a minority self-government that either the voters or the elected members should actually speak the particular minority language. For this reason, there are a number of minority self-governments whose officials do not speak the given minority language.

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Since the submission of the previous report, Hungary's intention of safeguarding regional or minority languages has been integrated into several laws and law amendments, which have been elaborated and published in the last three years. The Committee for Human Rights, Minorities and Religious Affairs of the Hungarian Parliament set up an ad hoc committee with a view to review the legislation on minority issues. Upon the ad hoc committee's suggestion, work has begun to modify the most important piece of legislation with a general scope that is the **Act on the Rights of National and Ethnic Minorities**. In the course of this work an important emphasis was given to further precise minority language rights, primarily in the fields of education and public administration but also in the area of realising the minorities' cultural autonomy and providing the

necessary conditions for minority institutions. Minorities were invited several times to give their opinions on the draft amendment, which was then submitted to Parliament by the Committee for Human Rights. However, the draft could not be discussed in Parliament before the April 2002 general elections.

Another draft law has been prepared on the **election of members of minority self-governments**, also as part of the review of the minority related legislation, and partly in the light of experience gained during the previous minority elections. The objective of the bill coincides with the wish to strengthen and improve minority self-governance and is in line with Recommendation No. 4 of the Committee of Ministers. The draft law was elaborated by experts of the Ministry of the Interior, and then submitted to Parliament by the Committee for Human Rights. The discussion of the proposal was not yet started before the general elections.

The amendment in **1999 of Act LXXIX of 1993 on Public Education** (hereafter referred to as the Public Education Act) had similar importance in the field of the teaching of minority languages, since it further refined the conditions of minority education, the minority self-governments' scope of authority in education as well as the legal framework of the teaching of non-regional languages.

Act XCVI of 2001 on the Publication of Business Advertisements, Shop Signs and Certain Announcements of Public Interest in the Hungarian language was passed in the last year with an objective to protect the Hungarian language. According to the stipulations of this law, all signs having an economic nature and/or being of public interest must be published in the Hungarian language, which (as stated by paragraph (4) of Article 6 of the Act) does not concern minority language economic promotions and signs published, in line with the stipulations of Article 42 of the Minorities Act, at settlements where the minority speaking the concerned language has its own minority self-government.

II. 1. Key acts and other regulations protecting the languages of minorities 🇮🇪

The role played by the national and ethnic minorities within Hungarian society is clearly defined in the **Constitution** of the Republic of Hungary (Act XX of 1949, hereafter referred to as the Constitution). Paragraph (1) of Article 68 declares 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 for the minorities their collective participation in public affairs, their right to create local and national self-governments, the fostering of their cultures, **the use of their native languages, education in their native languages and the use of names in their native languages.**

The Minorities Act provides individual and collective rights (pertaining to personal autonomy and the creation of self-governments) for the 13 native minorities. The Act devotes a separate section to the minorities' linguistic, educational and cultural rights, and ensures the right of using names in their own languages. By defining the educational and cultural rights as collective rights, it establishes the basis for all minorities to create their own systems of education and cultural life.

In the section on the rights of minority self-government of the Minorities Act, a broad sphere of authority is ensured for the minority self-governments in the field of education and culture. Besides defining the minority language as a language of tuition, it also enables the minority self-

governments to participate in the definition of tasks for the local educational institutions, in the appointment of the head of the educational institution and in the evaluation of the tuition work.

By passing and later amending the **Act on Public Education** in 1996, the most important steps were taken to harmonize the field with the Minorities Act. Referring to the relevant section of the Minorities Act, the Act on Public Education declared that, besides Hungarian, the language of the education in kindergarten and elementary school tuition, as well as in boarding schools should be the language of the national and ethnic minorities. The relevant sphere of authority defined by the Minorities Act for minority self-governments was similarly adopted, thus allowing for them to make effective use of the possibility to influence the development, contents and form of minority education. The same amendment created the National Committee for Minorities that 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, hereafter referred to as the Act on Media) 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 regular information in the native languages of the minorities.

Act CXL of 1997 on the Protection of Cultural Goods, Museum Institutions, the Supply of Public Libraries, and General Cultural and Educational Activities 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, 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.

Similarly, other acts include provisions regarding the rights of minorities and within this the use of language, the Minorities Act's provisions on the use of language being the same or more favourable as these.

II. 2. New measures taken by the State to foster the use of regional or minority languages ▲

The primary objective of the planned amendment of the **Minorities Act** is to strengthen cultural autonomy, to further develop the system of minority self-governments, to encourage them to take over minority institutions and to provide the framework of state guarantees necessary for the transfer. The draft amendment covers special rules pertaining to the transfer of public educational and minority cultural institutions from state management into the hands of minority self-governments. The mentioned state guarantees would primarily ensure that financial resources required for the continuous operation of the minority institutions taken over by the minority self-governments are always available.

Provisions defining the rules of preparing the minutes of minority self-government sessions are intended to give a more precise understanding of the rights of minorities related to language use. The draft amendment declares that *"the minutes shall be either in the language of the minority and in Hungarian or in Hungarian language. Of the minutes prepared in two languages, the document in the minority language shall be considered authentic."*

The amendment wishes to stress the support for minority language education when, instead of Article 43 of the Act currently in force, it proposes the following wording: *"the State recognises the language of the minorities in Hungary to be a cohesive factor of communities. The State encourages the use of the minority languages in the minority education and instruction regardless of who is the maintainer of the educational institutions."*

The draft law on the **election of members of minority self-governments** aims to strengthen minority self-governance as well as the foundations of cultural autonomy. Its main objective is to refine the rules of local minority elections, the conditions of eligibility and the conditions of creating national bodies, i.e. national minority self-governments.

A new element in this draft law is the possibility to create medium level minority self-governments. In terms of the draft law, the county minority self-government would operate as the partner of the county government, within the scope of authority and responsibility determined by the Act.

* * *

The **Public Education Act** was further amended in 1999. This amendment refined the scope of authority of the National Committee for Minorities as the advisory body to the minister of education concerning issues of minority education. The Committee has the right of consent concerning all aspects of minority education in the course of developing legal regulations such as ministerial decrees, decisions and orders and also assumes official authority tasks concerning the publication of minority textbooks.

Also, the amendment refined the requirement criteria concerning the qualifications of teachers employed in minority education and the contents of the educational programmes and curricula, which provide the framework for minority institutions to implement their tasks. According to the new provisions, the educational programmes of minority kindergartens must include tasks related to minority education, just as schools and boarding schools providing minority education have to integrate their relevant tasks in their documents.

The modified Act fulfils an old wish of teachers working in the field of minority education by stipulating a 10 per cent raise of the time devoted to minority education. The extension of the timeframe was needed because of the amount of the curriculum.

The amendment provided further details concerning the sphere of authority of the national minority self-governments in the field of education, by stipulating that the consent of the relevant minority self-governments must be obtained prior to the adoption of minority educational curricula.

The possibility introduced by the amendment for organising complementary minority education is a step forward primarily for those minorities of small population who are not concerned by the present Hungarian commitments assumed under the Charter. According to Paragraph (5) of Article 86 of the amended Act, *"If the number of pupils belonging to a given national or ethnic minority is not sufficient for setting up minority education within the settlement, the concerned national minority self-government may initiate that the capital city or county level self-*

governments organise the education of the given minority language and related minority nation studies subjects (hereafter referred to as complementary minority education), linked to the requirements of elementary education providing the bases of general knowledge. Complementary minority education may be organised by introducing a special class within a school, by setting up a school providing minority language instruction or by employing commuting teachers."

The detailed regulation of complementary minority education is laid down by Article 39 (B) of the Decree No. 11/1994. (VI.8.) of the Minister of Culture and Public Education on the Operation of Educational Institutions.

One of the most important documents for the teaching of minority languages is Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education on Issuing the "Guidelines on pre-school instruction of national and ethnic minorities" and the "Guidelines on academic education of national and ethnic minorities".

Besides two types of pre-school education for national minorities, the decree defines the "kindergarten providing Gypsy cultural education" form.

During the reporting period, the Decree No. 28/2000 (IX. 21.) of the Minister of Education on Issuing, Introducing and Applying Framework Curricula came into force. The decree also concerns the way of elaborating the minority education curricula. According to that, *"The framework curricula of the education of national and ethnic minorities - including the framework curricula for mother tongue (minority language), literature and minority nation studies, and the lesson plans - are included in Appendix 2 to this Decree. The framework curricula for the education of national and ethnic minorities set forth the requirements of mother tongue (minority language) and literature, and of minority nation studies for each grade up to the end of the 12th grade. Framework curricula may depart from the provisions of the Guidelines on the academic education of national and ethnic minorities issued in Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education on Issuing, Introducing and Applying the Guidelines on pre-school instruction of national and ethnic minorities and the Guidelines on academic education of national and ethnic minorities, which define the requirement criteria to be fulfilled at the end of the fourth, sixth, eighth and twelfth grades, when breaking down these requirements for each year."*

Government Decree No. 1073/2001 (VII.13.) amending Government Decree No. 1047/1999 (V.5.) on the **medium term package of measures to improve the social position and living conditions of the Roma** specifically deals with the Roma/Gypsy minority education, by saying that in the amendments of the Minorities and Public Education Acts and other legal measures special emphasis should be given *"to the development of the contents of Roma minority education, the elaboration of framework curricula, the creation of proper conditions for evaluation and quality assurance, the provision of school equipment and methodological material needed for the education and, subject to confirmation with the National Roma Self-Government, the elaboration of a system of requirements for the teaching of the Gypsy languages"*.

Government Decree No. 72/1998 (IV.10.) on **the funding of higher education on the basis of training and maintenance normative assistance** helped to ease financial problems experienced by minority higher education by introducing a 15 per cent raise in the normative funding for

training and maintenance of minority language majors. The subsequent Government Decree No. 120/2000 (VII.7.) mitigated the financing problems even further by classifying nationality majors into a category of majors receiving more important funding.

The potential language difficulties of students with a minority mother tongue applying to higher education institutions are to be bridged by Government Decree No. 269/2000 (XII.26.) on the General Rules of Entrance Procedure to Institutions of Higher Education, which stipulates in Article 9 Paragraph (11) that *"students belonging to national minorities may take the entrance examination in their mother language, provided that they are applying for admission to a nationality major and that they indicated their wish in the admittance request form."*

The higher education of minority languages is further promoted by the fact that, in line with the stipulations of the Act on Higher Education, Government Decree No. 129/2001 (VII.13.) published the **qualification criteria for basic higher level education in Arts and certain social sciences**, including for nationality majors at the college and university level.

In connection with higher education, the already mentioned Government Decree No. 1073/2001 (VII.13.) deals with the promotion of Roma/Gypsy Studies ("romology"), as well as with the support given to post-graduate courses organised for teachers working in Roma/Gypsy education.

The adoption of Government Decree No. 71/1998 (IV.8.) on the **new rules of language examinations** proved to be a serious problem for minority languages, since it stipulates that language examination centres have to be accredited. Due to a determined intervention on behalf of the Ministry of Education after the entry into force of the decree and the efforts of the National Foreign Language Centre, however, it is once again possible to obtain state language certificates in Bulgarian, Croatian, Polish, Roma/Gypsy (both Beas and Lovari), German, Romanian, Serbian, Slovak and Slovene languages. The elaboration of requirement criteria and the accreditation of examination centres for Modern Greek, Ruthenian and Armenian languages are in progress. The majority of the examination centres are currently located in the capital, but in recent months several towns (Pécs, Szeged, Békéscsaba) created new facilities for organising language exams for the minorities living in the given region.

Parliament passed the Act CI of 2001 on **Adult Education** in December 2001. The Act provides a legal framework for providing adult and continuing education in regional or minority languages, should the need come up.

* * *

Act I of 2002 amending the Act XIX of 1998 on **Criminal Procedure**, which will come into force on 1 January 2003, brings the criminal procedure into line with the stipulations of the Charter. According to Article 9 paragraph (2) of the Act, *"in criminal proceedings, everyone may use, both in oral and in writing, their own mother tongue or a regional or minority language specified by an international treaty enacted by Hungarian law and falling within the scope defined by the said treaty or, in the lack of command of the Hungarian language, another language specified by the person in question."*

The amendment also makes it clear that the translation of a decision to be delivered to the interested parties and of other official documents shall be arranged by the court, the prosecutor's office or other investigating authority issuing the decision.

Article 114 of the new Act defines the obligation to provide interpretation as follows: *"During the proceedings, an interpreter shall be employed if the person whose mother tongue is other than the Hungarian language wishes to use his/her own mother tongue or regional or minority language specified by an international treaty enacted by Hungarian law and falling within the scope defined by the said treaty."*

Similarly, Article 219 of the Act clearly stipulates the obligation of having the bill of indictment translated: *"If the accused does not have command of the Hungarian language, those parts of the bill of indictment that directly concern him/her shall be translated into the mother tongue, regional or minority language used by the accused or, on his/her request, into a language he/she declares to have command of and which had previously been used in the proceedings, and it shall then be submitted to the court in such form."*

Paragraph (6) of Article 262 stipulates the translation of that part of the court decision that concerns an accused who does not have command of the Hungarian language into a language specified by him/her: *"For the accused not having command of the Hungarian language, those parts of the verdict or final decision that concern him/her shall be translated (after the announcement of the verdict) into his/her mother tongue, regional or minority language or, upon request, into another language specified by the accused and which had previously been used in the proceedings; and the resulting document shall be delivered to the accused."*

The amendment clarifies the question of who has to bear the burden of financing the implementation of the above-described linguistic rights. Paragraph (2) of Article 339 stipulates that *"the State shall equally assume the costs arising from the fact that the accused (...) does not have command of the Hungarian language or that s/he had used his/her regional or minority language in the proceedings."*

* * *

In order to provide increased support for Roma/Gypsies and in the spirit of the aforementioned Government Decree No. 1073/2001 (VII.13.), the National Radio and Television Commission (ORTT) adopted its Decision No. 1064/2001 (VII.19.) concerning the elaboration of a Roma/Gypsy media strategy. The project is supervised by the Service Provider Fund.

By adopting Decision No. 337/2000 (IV.18.), the National Radio and Television Commission launched a call for tenders via the Service Provider Fund for the production of public service programmes. Among the tender criteria, programmes to the attention of minorities were given priority.

In view of promoting Roma/Gypsy culture, Government Decree No. 1073/2001 (VII.13.) amending Government Decree No. 1047/1999 (V.5.) stipulates that *"services, books, methodological handbooks and textbooks in the field of education, culture and general information should be made available for the Roma/Gypsies also in their mother tongue, in line*

with actual needs. Financial resources available for supporting the vernacular culture and the means of further developing them should be assessed."

* * *

In the field of economic life, **Act XVI of 2002** modified Article 5 of Act XXII of 1992 on the **Labour Code** concerning the prohibition of discrimination. The amendment extended the prohibition of negative discrimination to regulations, measures, conditions and practices preceding and facilitating the employment. In addition, the notion of indirect negative discrimination was introduced into the text of the law. A measure is regarded as such if the employees concerned form an overwhelmingly homogeneous group (on the basis of their nationality, ethnicity, etc.) for whom the regulations, measures, conditions and practices applied concerning a particular job, even though formally in a uniform manner or apparently ensuring equal opportunities, turn out to be disproportionately disadvantageous.

* * *

The following section presents the agreements including stipulations concerning minority protection signed within the framework of **bilateral co-operation** with the States whose official languages are here concerned, as well as the planned agreements.

On the basis of the Treaty between the Republic of Hungary and the **Slovak Republic** on Good-neighbourly Relations and Friendly Co-operation, a total of 12 joint committees were created to provide the framework for the co-operation of the two countries in different areas of economic and social life. As far as the implementation of the Charter is concerned, the recommendations of the Joint Committees on Minorities, Culture and Education and the concerning government decrees are of particular interest.

The Joint Committee on Minorities basically co-ordinates minority-related problems arising in any of the other specialist joint committees. For this reason, the government decrees most relevant from the present Report's point of view are those adopted on the basis of the recommendations of that committee.

Hence, Government Decree No. 2121/1999 (V.28.) drawn up according to the suggestions by the Joint Committee on Minorities obliges the Ministry of Education "*to make sure that the appropriate conditions for teaching the Slovak language are in place in the minority schools of Hungary.*" Similarly, in order to foster the language skill development of the Slovaks living in Hungary, the Committee suggested that the Parties "*promote the reception of the Slovakian public television broadcasts in those areas of Hungary where a significant number of the Slovakian minority population lives.*" The recommendations made at the subsequent second session were integrated into Decision No. 2112/2000 (V.31.), which declares that "*the scheme for providing regular post-graduate education to the teachers teaching in Slovak language within the Republic of Hungary shall be elaborated and approved*" and that "*the activities of the regional cultural centres of the Slovakian national minority of Hungary shall be ensured.*"

The following recommendations made at the third and insofar last session of the Committee are significant for the purposes of the present Report: "*the Hungarian Party shall ensure the material,*

financial and professional conditions required for the efficient operation of the schools of Slovak language tuition, the publication of the text-books and methodological material (...)" and "the Hungarian Party shall modify in an appropriate manner the time schedules of Slovakian programmes of the Hungarian public television and radio, ensure the technical possibilities for reception all over the country and improve working conditions of the Slovak editorial staff."

The above-mentioned two recommendations are covered by Government Decree No. 2292/2001 (X.11.), which also indicates those responsible for the implementation and the deadline to be respected.

On 23 April 2001 the Government of the Republic of Hungary and the Government of the Slovak Republic signed in Budapest an *Agreement on the Cross-border Co-operation of Local Self-governments and Public Administration Organs*. The agreement enables the promotion of national minority language education, the nurturing of the minority cultures, the support to the co-operation among twin-schools and the formulation of partnerships between those local and regional municipalities in the territory of which a significant population of Hungarian or Slovakian national minorities are established.

In terms of the agreement, a joint committee shall be set up to support cross-border regional co-operation. As the twelfth in the line of similar bodies, the new joint committee shall be part of the mechanism set up to promote the implementation of the Hungarian-Slovakian Basic Treaty. The creation of the joint committee is underway.

As far as the relations with **Romania** are concerned, following a several years' long break the Committee on national minorities of the Hungarian-Romanian Intergovernmental Joint Commission for Active Co-operation and Partnership held its 4th session on 19 October 2001. The co-chairmen of the committee signed a *Protocol and Recommendations* concerning the respective situation and unresolved problems of the Romanian minority in Hungary and the Hungarian minority in Romania, and agreed to issue, as soon as possible, government decrees ensuring the conditions indispensable for the implementation of their commitments. According to paragraph II/2 of the Memorandum of Understanding between the Government of the Republic of Hungary and the Government of Romania, the aforementioned *"recommendations made in the Protocol (...) will be approved by the two Governments, who will take the necessary measures for implementation."* On 1 February 2002 the Hungarian Government appointed in its Decree No. 2023/2002 (II.1.) those responsible for the implementation of the recommendations and set a deadline for implementation.

On 22 December 2001 the Government of the Republic of Hungary and the Government of Romania signed in Budapest a *Memorandum of Understanding on the Law on the Hungarians Living in Neighbouring Countries and issues of bilateral co-operation*.

In the Memorandum of Understanding the Parties, besides agreeing upon the still open issues concerning the Act LXII of 2001 on the Hungarians Living in Neighbouring Countries (hereafter referred to as the Act on Preferential Treatment), also agreed that they *"shall start the negotiations in the frame of the Committee on national minorities of the Hungarian-Romanian Intergovernmental Joint Commission of an Agreement on the preferential treatment of the*

Romanian minority living on the territory of the Republic of Hungary and of the Hungarian minority on the territory of Romania, *in order to preserve their cultural identity (...).*"

Government Decree No. 2305/2001 (X.26.), elaborated on the basis of the recommendations of the Hungarian-**Slovene** Joint Committee on Minorities, invites the concerned ministries to *"make increased efforts to effectively implement the (...) rights related to the use of languages, with special regard to bilingual documents, according to the needs of the minority communities."*

Similarly, the recommendations of the Hungarian-**Croatian** Joint Committee on Minorities also refer to measures to be taken in order to protect the language of Croats living in Hungary. Government Decree No. 2179/2001 (VII. 13.), based on those recommendations, for instance, invites government bodies *"to strive to ensure that in regions where minorities live in greater numbers, members of the minorities are employed in state administration bodies as well as at state owned enterprises in higher numbers, reflecting the proportions existing within the local population."*

The same decree invites the concerned bodies *"to ensure, on the initiative of the minority, that if there is a justified demand, the place and street names, as well as the inscriptions of public offices and announcements concerning their activities should be indicated in both the language of the given minority and the official language, in line with the legislation in force."*

The Hungarian-**Ukrainian** Joint Committee on Minorities also operates within a framework similar to the above discussed. Following the sessions of the Committee the Hungarian party integrates the recommendations made in a government decree. Likewise, based on the recommendations accepted at the last session of the Joint Committee, Government Decree No. 2292/2001 (X. 11.) specifically refers to the recording of the names of members of the Ukrainian minority in the personal identification documents in their mother tongue, to the support given to the culture of the Ukrainians living in Hungary and to the support for the Ukrainian language newspaper published in Hungary.

II.3. Organisational framework of the protection of regional or minority languages ▲

As the result of the consistent and continuous minority policy of the Republic of Hungary, the legal framework required for the protection of minorities and, within that, the protection of minority languages is already established. Several public bodies (including the self-governments of the minorities) and NGOs exist, whose activities are devoted in great part to the protection of the languages and minorities here concerned. The Committee on Human Rights, Minorities and Religious Affairs of the Hungarian Parliament oversees at the highest, legislative level that the principles of protecting the minorities and, within that, minorities' languages are respected in the course of legislation. The **Parliamentary Commissioner for the Rights of Minorities** reports solely to the Parliament; the Commissioner investigates the complaints addressed to him/her concerning the violation of linguistic rights and makes recommendations as to how to remedy the situation. Monitoring the respect of the language rights of minorities is also part of the sphere of responsibility of the **Office for National and Ethnic Minorities**.

On several occasions over the recent years the Parliamentary Commissioner for National and Ethnic Minority Rights initiated investigations that specifically concentrated on the enforcement

of the minorities' rights to the use of their languages. The results of the investigations, together with the relatively limited number of complaints concerning language use that are filed every year have proved that the minorities hardly know their rights concerning the use of their languages and that they rarely come forward with demands of that nature. If, however, collective language rights are exercised at local level, the relevant laws allow for their satisfaction. As far as individual rights to the use a language are concerned (such as the selection of a surname, its registration and use in official documents), it has to be said that despite of an increasing effort to inform the officials, they are still not aware of the linguistic rights of the minorities. However, in the cases when members of minority communities wish to exercise their individual language rights, it usually turns out that they are much better informed than before or than concerning their collective rights.

A task assumed by the ***national and local self-government of minorities*** is the protection of the interests of the given minorities. Within that, the self-governments are the main advocates of enforcing the minority language rights at local, regional and national levels. Recently, the issue of ensuring the collective exercise of language rights by minorities has been also included in bilateral documents of the of the joint committees on minorities.

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 Hungarian Parliament

1054 Budapest, Széchenyi rakpart 19.

Chairperson: László Szászfalvi (MDF)

Tel: (361) 268-5031 Fax: (361) 268-5986

Internet: www.mkogy.hu/biz/index.htm

- ***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***

1133 Budapest, Pozsonyi út 56.

President: Antal Heizer

Tel: (361) 359-2120, Fax: (361) 239-0009

Internet: www.meh.hu/nekh

- ***National Croatian Self-Government***

1089 Budapest, Bíró Lajos u. 24.

President: Mihály Karagics

Tel: (361) 303-5630, Fax: (361) 303-5636

- ***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: (36 66) 463-951

- *Serbian National Self-Government*

1055 Budapest, Falk Miksa u. 3.

President: Péro Lásztity

Tel/Fax: (361) 331-5345

- *National Slovak Self-Government*

1114 Budapest, Fadrusz u. 11/a

President: János Fuzik

Tel/Fax: (361) 466-9463

- *National Slovene Self-Government*

9985 Felsőszölnök, Fő u. 5.

President: Márton Ropos

Tel/Fax: (36 94) 434-032

Internet: www.slovenpages.hu

- *Bulgarian National Self-Government*

1093 Budapest, Lónyay u. 41.

President: Dimiter Czuczumanov

Tel: (361)216-4210; Fax: (361) 215-5184

- *National Roma Self-Government*

1076 Budapest, Dohány u. 76.

President: Flórián Farkas

Tel: (361) 322-8963; Fax: (361) 322-8501.

- *Greek National Self-Government*

1054 Budapest, Vécsey u. 5.

President: Jorgosz Dzindzisz

Tel: (361) 302-7275; Fax: (361) 302-7277

- *National Polish Minority Self-Government*

1102 Budapest, Állomás u. 10.

President: Konrad Sutarski

Tel/Fax: (361) 261-1798

- *National Armenian Self-Government*

1052 Budapest, Deák F. u. 17.

President: Alex Avanesian

Tel: (361) 267-6203; Fax: (361) 267-3181

- National Ruthenian Minority Self-Government

1147 Budapest, Gyarmat u. 85/B

President: Gábor Hattinger

Tel: (361) 468-2636; Fax: (361) 468-2637

- National Ukrainian Self-Government

1066 Budapest, Zichy J. u. 10.

President: Jaroslava Hartyányi

Tel/Fax: (361) 302-5842

Internet: www.ukrajinci.hu

II.4. Organisations involved in the preparation of the Report ▲

The Office for National and Ethnic Minorities invited the *national self-governments* of the *concerned minorities*, the *competent departments* of the Ministry of Justice, the Ministry of the Interior, the Ministry of Economic Affairs, the Ministry of Foreign Affairs, the Ministry of Education and the Ministry of National Cultural Heritage to take part in the drawing up of the present report. For the compilation of the final material, the Office also requested the contributions of the *county offices of public administration*, the *county courts* as well as of the *Hungarian Central Statistical Office* and of the *National Radio and Television Board*. Within the framework of the central administration's harmonisation procedure, the draft report was sent for comments to all ministries, to the Hungarian Central Statistical Office and to the Parliamentary Commissioner for National and Ethnic Minority Rights. The opinions of the presidents of the national minority self-governments were equally solicited concerning the draft report.

The Office for National and Ethnic Minorities provided for all of the above organisations the full text of the recommendations of the Committee of Ministers of the Council of Europe. At an even earlier stage, at the time when these recommendations had been accepted, the Office also submitted them to the Hungarian media, to the Hungarian News Agency, to the editors of the minority information website *Etnonet* and to the Roma Press Centre.

II. 5. Information provided about the European Charter for Regional or Minority Languages ▲

The Government of the Republic of Hungary and the Office for National and Ethnic Minorities have made serious efforts over the period that elapsed since the submission of the previous report to provide information about the commitments assumed by Hungary, especially for the representatives of the minorities living in Hungary but also for the officials of the central, regional and municipal public authorities and the judiciary. The primary channel was the printed media, but the officials of the Office also gave presentations at several minority events. In May 2000 the president of the Office held a presentation entitled "Minority Languages in the Public Administration" at the Ministry of the Interior for the heads of county offices of public administration. The text of the presentation was later published in the Review of the Ministry of the Interior.

Counting on the fast spreading use of the Internet, the text of the European Charter for Regional or Minority Languages, the full text of the first periodical report submitted by Hungary, the opinion

of the Expert Committee and the text of the recommendations of the Committee of Ministers were made accessible on the website of the Office for National and Ethnic Minorities, both in Hungarian and in English.

Some county offices of public administration published the full text of the Charter in their respective information periodicals, highlighting the specific Hungarian commitments.

In June 2002, the Office for National and Ethnic Minorities organised a conference so as to raise public awareness about the Charter. The presentations partly gave information about the document itself, partly evaluated the implementation of Hungary's obligations from the point of view of a minority falling within and one falling outside of the force of the Charter, as well as from the point of view of the Roma/Gypsy community.

At international level, the representative of the Office for National and Ethnic Minorities gave an informative presentation at the European Centre for Minority Issues (ECMI) on the implementation of Hungary's commitments assumed in connection with the cultural and media stipulations of the Charter.

II. 6. Measures related to the Recommendations of the Committee of Ministers ▲

Taking note of the suggestions of the Expert Committee, the Committee of Ministers addressed four recommendations to the Republic of Hungary, which were as follows:

The Committee of the Ministers recommends that the Republic of Hungary

1. establish a policy for developing the Romani and Beas languages, with the aim of facilitating their use in public life, and respond to the needs of the users of these languages, in particular in education;
2. strengthen the institutional infrastructure for teaching in and of the minority languages, and develop further the possibilities of bilingual education and provide sufficient teacher training;
3. strengthen the possibilities of speakers of minority languages to use their language before the courts and in relations with the administration, by taking organisational and other appropriate measures to ensure that the existing legal mechanisms can be utilised in practice;
4. continue to develop the potential of its newly established system of minority self-governments in view of the valuable contribution it can make to the promotion of the minority languages.

(A brief summary is given here of the first measures taken in relation with the recommendations adopted in October 2001, while a more detailed description is provided below under the policy areas concerned.)

Recommendation No. 1: Developing the Romani and Beas languages

The Government does wish to develop both Roma/Gypsy languages, but at present does not wish or, better say, cannot change its commitments under the Charter since it does not wish to undertake obligations that it is not in a position to fulfil.

As a first step of development, the elaboration of language standards, equally suitable for use in education, has been undertaken. Native speaker experts of the Romani and Beas languages take part in this work. Curricula and language requirements based upon these standards are expected to be ready by the second half of the year.

Recommendation No. 2: Strengthening the infrastructure of minority education

1. Primary and secondary schools

- The Government provides special financial support (for operational and development expenses) for institutions playing a key role in the education of particular minorities (Hercegszántó - Croatian; Szarvas, Békéscsaba - Slovak);
- When defining the supplementary normative funding which is aimed at supporting minority education, the Government expresses its preference for bilingual or vernacular education. The different kinds of normative funding are continuously differentiated.

2. Higher education

- The current teacher training capacity seems to be sufficient as far as the needs of the schools, the interest of the students and the number of graduates are concerned. The arising problems have to do with the contents, since in the current minority teacher training system only minority language and literature teachers' training is assured in the minority languages. For this reason, the Hungarian Government aims to conclude bilateral agreements with the mother countries of the minorities, allowing for students who are interested to pursue their studies entirely or in part in the mother country.

Recommendation No. 3: Measures taken to promote the use of minority languages before the courts and in relations with the administration

The use of language before the courts (as distinguished from its use in relation with the administration) is not linked to the Minorities Act but to the right of the individual to the administration of justice in his/her mother tongue. In the Hungarian justice system languages other than Hungarian are used, and not just the languages of the minorities but also, for instance, Chinese, Arabic, and so on. In asylum procedures several languages are used with interpreters.

In the field of public administration, such use of languages is rather rare and is mostly limited to oral communications. The preconditions of use of languages in the written form are in place; only the citizens do not require it. No complaint has been recorded concerning this particular issue.

Recommendation No. 4: Strengthening of the system of minority self-governments

The aim of Hungarian minority policy is to strengthen minority self-governance. In this respect, the amendment of the Minorities Act refines the scope of authority and responsibility of the minority self-governments, creates the insofar non-existent medium level minority self-governments and provides financial guarantees for the development of the minorities' cultural autonomy, for the creation and operation of minority institutions.

III. 1. Minority policy measures taken by the Republic of Hungary

The role played by national and ethnic minorities in Hungarian society is laid down in the Constitution of the Republic of Hungary. The supreme law declares that the national and ethnic minorities living in Hungary share the sovereign power of the people: they are a constituent part of the state. The Constitution guarantees minorities collective participation in public life, the establishment of local and national self-governments, the nurturing of their own cultures, the use of their native languages, education in their native languages, and the right to use their names in their own languages.

The Minorities Act, accepted by Parliament with a 96% majority in 1993, gives individual and collective minority rights (rights to a personal autonomy and to the establishment of self-governments) for the minorities native in Hungary.

Since the adoption of the Minorities Act, Hungary had two elections of minority self-governments. During the two election cycles it has been proven that the system of minority self-governments is successful; nevertheless, it has become apparent that, unless the Act is modified, certain inaccuracies in the provisions of the Act as it stands today, the lack of certain guarantees and imprecise wording of the provisions effectively hinder the full realisation of the system. Therefore, legislators began to work out an amendment of the Minorities Act under the supervision of an ad hoc parliamentary committee. The proposal to modify the Act has been drafted, yet it was not accepted before the end of the previous parliamentary cycle.

Based upon the provisions of the Constitution, Parliament has elected in 1995, then re-elected in 2001 the Parliamentary Commissioner for National and Ethnic Minority Rights (hereafter referred to as the Minorities Ombudsman). The task of the **Minorities Ombudsman** is to investigate (or have investigated) all reported problems related to minority rights, and to initiate general or individual measures for their solution. The detailed tasks of the Parliamentary Commissioner for National and Ethnic Minority Rights are defined in the Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights. Citizens may turn to the Minorities Ombudsman in every case when, in their judgement, the procedures, the measures or the failure to act of any authority or organ providing public services resulted in an infringement upon their constitutional rights, or constitutes a danger to these rights. The Minorities Ombudsman reports to Parliament on his/her work annually.

Among others, the process of exercising minority language rights can be traced by light of the annual reports prepared by the Parliamentary Commissioner for National and Ethnic Minority Rights. It is the minority self-governments that typically lodge the highest number of complaints, in cases when the local self-government or the county office of public administration fails to recognise the validity of documents drawn up in minority languages. As it was indicated above, the proposals by the Ombudsman have been incorporated into the draft amendment of the Minorities Act, with a view to define more accurately the minority language rights, as well as the regulations in respect of the official status of documents drawn up in minority languages.

Another frequent complaint is connected to the use of personal names in minority languages, and the issuance of personal identity documents in minority languages. The concerning legislation defines the rights of minorities and the responsibilities of the administration very accurately, but it has proven difficult to enforce it at the local level. The Government strives to provide information

for both parties, that is, both at events organised for the attention of public administration officials and at minority events, in oral as well as in written form, in relation to all relevant legal and practical measures.

In line with the Constitution, Parliament adopted Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Data of Public Interest, which ensures the protection of personal data and contains the basic rules of promoting the exercise of the right to access to information of public interest.

With the Act on Public Education and its modifications in 1996 and 1999, the basic steps towards bringing the concerning legislation in line with the Minorities Act were taken. The specific principles of minority education, information on minorities and the curriculum requirements for those who take part in minority education appeared in the National Core Curriculum, which was the first step towards the modernisation of public education, then in the requirements for subjects of minority education, as well as in the framework curricula. Within state support provided for public education, a special emphasis has been given to guarantee supplementary normative funding for minority education. In recent years, the total sum of these normative subsidies has been increasing at a rate which exceeded the rate of inflation.

The Act on Media has made the production of programmes presenting the life and cultures of minorities an obligatory task for public service media. Service providers who perform public service tasks must ensure to provide regular information to the minorities in their own languages.

Act CXXVII of 1996 on the National News Agency also contains provisions on ensuring equal opportunities to national and ethnic minorities.

The system of minority self-governments, which has been gradually established in Hungary on the basis of appropriate regulations, and which is today operational, fulfils an ever-growing role in the self-organisation of minorities.

If full equality before the law is guaranteed and objective disadvantages of minority existence are appropriately counterbalanced, the responsibility of minority self-governments and other civil organisations as regards the preservation of national identity will increase greatly within the framework of a real autonomy of minorities which is to be achieved in the future.

It is the task of the Government to provide information on the natural and traditional forms of centuries' old coexistence of majority and minority populations in Hungary, as well as to increase awareness of how various national and ethnic groups contribute to our shared culture. In this respect, the Government does not view minorities as groups engaged in fighting for their rights against the majority, but rather as a sum of individuals bearing joint responsibility for common virtues and faults with the majority, with which they share the same destiny.

The Government supports minorities in strengthening their identities, and it strives to raise the awareness as to common values of the past and our joint responsibility for the future. The Government wishes to further develop the minority self-government system and to extend the cultural autonomy of minorities.

* * *

Conditions for minority education were further refined with the modification of the "Guidelines on academic education of national and ethnic minorities". The aim of the modification was to put into words what is precisely meant by one or another specific form of minority education, in a format understandable for everyone.

Native language education

The so-called native-language pre-school, or a school with native language tuition organises pre-school instruction in the minority language, or, in the case of schools, all subjects apart from Hungarian Language and Literature are taught in the minority language. There are only few such institutions in the country.

Dual-language minority education

The "dual-language model" provides pre-school instruction in two languages, and, in the case of schools, subjects other than the minority language are also taught in the minority language. The Guidelines stipulate that 50% of the weekly obligatory classes shall be in the native minority language.

Language teaching education

In the so-called "school providing minority language teaching" model education takes place in Hungarian, but the minority language is studied by pupils in the frame of a minimum of four classes per week. This is the form most prevalent in the Hungarian educational system, since (due to historical and social reasons, and to the advanced stages of assimilation) children entering school hardly know their minority's language, or do not know it at all. Since the introduction of the Guidelines, schools providing minority language teaching have to provide at least four classes per week for minority language and literature classes, and five classes in the case of German.

Roma minority education

In addition to cultural and, if desired, native language education, the so-called Roma minority education aims to provide children belonging to the Roma minority equal opportunities and talent development.

Within the framework of this programme, if parents wish so, it is possible to teach the languages spoken by the Roma (Romani and Beás) in school. At present, these languages are taught in one kindergarten, three secondary schools and one secondary boarding school within the educational system.

With the purpose of developing minority education and further refining the general context of education, the Ministry of Education issued Decree No. 28/2000 (IX. 21) on Issuing, Introducing and Applying the Framework Curricula was issued. In connection with minority education, the Decree says the following:

(5) "The framework curricula of the education of national and ethnic minorities - including the framework curricula for mother tongue (minority language), literature and minority nation studies, and the lesson plans - are included in Appendix 2 to this Decree. The framework curricula

for the education of national and ethnic minorities set forth the requirements of mother tongue (minority language) and literature, and of minority nation studies for each grade up to the end of the 12th grade. Framework curricula may depart from the provisions of the Guidelines on the academic education of national and ethnic minorities issued in Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education on Issuing, Introducing and Applying the Guidelines on pre-school instruction of national and ethnic minorities and the Guidelines on academic education of national and ethnic minorities, which define the requirement criteria to be fulfilled at the end of the fourth, sixth, eighth and twelfth grades, when breaking down these requirements for each year."

One recommendation by the Committee of Ministers of the Council of Europe for the Republic of Hungary was that it should establish a policy for developing the Romani and Beas languages, with the aim of facilitating their use in public life, and respond to the needs of the users of these languages, in particular in education. The Ministry of Education had already started to work out the conditions for the instruction of Roma dialects at schools even before that recommendation was formulated.

In the past decades, two major research projects examined the situation of the Roma/Gypsies as regards the use of their languages, with over twenty years passed between the two surveys (1971 and 1993). Already the first one found (and then the 1993 findings confirmed these findings) that a decisive majority of Gypsies spoke Hungarian as their native language, while only a very few of those polled said that either of the two Roma languages were his/her native tongue.

Distribution of the Roma/Gypsies by native tongue in 1971 and 1993 (%)

	Hungarian	Beas	Gypsy (Romani)	Other	Total
1971	71.0	7.6	21.2	0.2	100
1993	89.5	5.5	4.4	0.6	100

Source: I. Kemény: "The structure of the Roma community of Hungary in the mirror of linguistic changes".

In: *Regio*, 1999/1; p10

Distribution by language spoken in 1993 (%)

Hungarian	Beás	Gypsy (Romani)	Other
77.0	11.3	11.1	0.6

Source: I. Kemény: op. cit., p11

The two surveys also showed that Roma with either Beas or Romani mother tongue were bilingual already in 1971, speaking their respective native language as well as Hungarian.

In accordance with the Minorities Act, the Act on Public Education states that pupils belonging to minorities have the right to learn about their mother tongue, culture and traditions, and to participate in education in and about their native language.

In accordance with the law, when regulating the contents of minority education, Decree No. 32/1997 (XI. 5) of the Ministry of Education and Culture, which contains the Guidelines on pre-school instruction of national and ethnic minorities and the Guidelines on academic education of national and ethnic minorities, includes the following provision:

„Roma minority education shall provide Roma students with knowledge about the cultural values, history, literature, arts, musical and dance culture and traditions of the Roma." Learning the languages spoken by the Roma is not a mandatory element of such a programme, however, upon the parents' request, the instruction of the Roma language variant they speak should be provided. The legal and financial conditions to satisfy these needs are given.

The work endeavouring to create the professional and personal conditions of the school teaching of the languages spoken by the Roma/Gypsies needs a considerable length of time. The process aiming to lay the professional foundations of the basic documents required for the teaching of Roma/Gypsy languages in school was started in 1999. In the initial preparatory phase, the Ministry of Education called on experts, including those of the Institute of Linguistics of the Hungarian Academy of Sciences, to contribute, in the framework of an opening conference, to the formulation of the most fundamental principles. In phase one, for each language a working group was created, the members of which were the most renowned experts of the given language. The groups collected and compiled the information concerning Romani and Beas, which they deemed necessary for the teaching of these languages. Both working documents were then analysed by further experts, but even after several changes, there are still important questions that need to be agreed upon. Standardising the languages spoken by the Roma/Gypsies is a long working process, the length of which is impossible to predict, and can only bear fruit when all major professionals come to a consensus as far as issues still unresolved are concerned. A set of requirements accepted in this way can serve as a basis for elaborating the framework curricula for the Romani and the Beas languages. Textbooks and teaching manuals based on these established requirements might then be added to already existing teaching material.

But even until that is achieved, it is possible to support every kind of individual initiative regarding the teaching of Roma/Gypsy languages. Institutions providing native language education or dual-language minority education may only be established as a result of long term professional efforts, depending upon the needs and the possibilities.

The Guidelines regulating the academic education of national and ethnic minorities spell out the necessary conditions for organising the Roma minority education, while the Appendix to the Guidelines contains the curriculum requirements of Roma minority education.

Roma minority education has a special educational programme to provide children belonging to the Roma minority with equal opportunities, talent development, in addition to cultural education and, if desired, native language education.

Roma minority education has been - and still is - raising many questions. Nevertheless, it is a fact that roughly 250 kindergartens and roughly 650 primary schools offer Roma/Gypsy minority education, with estimates putting the number of those instructed to 25 thousand for children attending kindergarten and 55 thousand for pupils at school. It is also a fact that today a significant majority of Roma/Gypsy children do complete primary school. It might also be considered a success that a general change of attitudes can be observed in connection with this form of education on the part of the maintainers of schools [NB: local governments] and of school administration.

The Ministry of Education is of the opinion that educating disadvantaged Roma children would require more teachers with adequate knowledge of the Roma culture. This is why it is a pleasure to see that the past decade has seen institutions of higher education establish departments for Roma/Gypsy Studies ("Romology"), and offer special courses in the subject. It is to be hoped that, in addition to the Faculty of Sciences of Pécs, the Apor Vilmos Catholic Teachers' Training College at Zsámbék, the Faculty of Teachers' Training College at the University of Kaposvár, and the Wesley János School of Divinities, more and more institutions of higher education will offer the possibility for students to study Romology, and offer courses of the Roma languages.

With the establishment of the university-level studies in Roma/Gypsy Studies, and with the definition of the requirements in a Government Decree, Bachelors of Arts are educated at the University of Sciences of Pécs who can acquire comprehensive theoretical and practical knowledge of the entire field of Roma/Gypsy Studies. They are familiar with the social, political, legal, cultural, demographic, and labour market situation of Hungary's Roma/Gypsy population, as well as with the relevant international opinions and recommendations aimed at helping to improve the condition of the Roma. With this knowledge in their possession, they will be able to do research and analyse the history and culture of Roma/Gypsy communities, to analyse their situation, and to perform Roma-related functions at local or minority self-governments, their institutions, and other relevant organisations.

Teaching of Roma/Gypsy Studies at university level started in September 2000. Requirements of qualification are defined in the above-cited Government Decree No. 129/2001 (VII. 13).

There exists special further training in Roma society studies for teachers who graduated from teacher training colleges, and the qualification requirements of which have been defined in Government Decree No. 21/2000 (VIII. 3).

Those who participate in the training will be able to offer education and care of an integrating nature for children coming from within a minority community and entering pre-school or school education of a different culture, while preserving the children's minority identity. They will be prepared to help socially disadvantaged children who frequently have to cope with language problems to catch up, just as they will be prepared to communicate with families and parents effectively and to co-operate efficiently with child-care experts and the representatives of civil organisations.

The training may be organised by teacher training colleges in their own competence. In September 2002 courses will start at the following institutions: University of Kaposvár, Kölcsey Ferenc Protestant Teacher Training College, Tessedik József College, Apor Vilmos Catholic College and

Eötvös József College. With the entry into force of Decree No. 20/2001 (VI. 30.) of the Ministry of Education, which modified Decree No. 41/1999 (X. 13) of the same ministry, an increased time devoted for the training will allow for students to fulfil not only the qualification requirements of their specialist education, but those of a specialist examination for teachers as well.

The Eötvös Lóránt University of Sciences of Budapest [hereafter also referred to as ELTE] and the University of Sciences of Szeged offer special courses in Roma/Gypsy Studies within their teacher training faculties.

The teaching of the Roma/Gypsy languages (Lovari and Beas) is necessary partly for the basic and specialised further training, and partly for the preservation of the Roma/Gypsy identity. Such language courses are offered at the Department for Roma/Gypsy Studies at the University of Sciences of Pécs, at Wesley János School of Divinities, at the Bárczi Gusztáv Faculty of Special Education of ELTE, and at the Csokonai Vitéz Mihály Teacher Training College of the University of Kaposvár.

It is undoubtedly an important step forward that it is already possible to take state language examinations in either Lovari or Beas at the Centre of Foreign Language Graduate Training and at the Language Examination Centre of the University of Sciences of Pécs.

Further training for teachers is regulated by Government Decree No. 277/1997 (XII. 22). In terms of the Act on Public Education, holding certain functions, such as head of institution, expert or senior lecturer, requires that, in addition to being graduated as a teacher, the person has passed the specialist examination for teachers. This examination may be taken in the frame of further training, and the requirements of qualification are defined in Government Decree No. 41/1999 (X. 13) of the Ministry of Education. Institutions of higher education publish their offers in specialist examination within the programme of further teacher training in the National Bulletin of Education of March every year.

In March 2002 further training programmes related to Roma/Gypsy studies were offered by the following institutions:

- Illyés Gyula College of Education of the University of Sciences of Pécs: "Knowledge necessary for pre-school teachers, and primary school teachers to fulfil tasks related to the Roma/Gypsy ethnic minority",
- The Teacher Training Institute of the Faculty of Natural Sciences of the University of Sciences of Pécs: "Roma/Gypsies ethnic studies and pedagogy for teachers",
- Tessedik Sámuel College: "Preparing to special tasks in the education of Roma children",
- Eötvös Lóránt University of Sciences, Budapest: "Schooling in minority environment".

Institutions of higher education training Roma teachers:

- Department of Scientific Education, Faculty of Arts of ELTE - Budapest (Roma/Gypsy Sub-Section)
- Department of Cultural Anthropology, Faculty of Arts of ELTE - Budapest (programme)
- Department of Roma/Gypsy Studies, Faculty of Arts of the University of Sciences of Pécs - Pécs

- College of Nyíregyháza - Nyíregyháza (special seminar)
- University of Kaposvár - Kaposvár (postgraduate training in Roma/Gypsy Studies)
- Apor Vilmos Catholic College - Zsámbék (Roma/Gypsy Department)
- ELTE Faculty of Teacher Training - Budapest (special seminar)
- Comenius Teacher Training College of the University of Miskolc - Sárospatak (special seminar)
- Department of Cultural Anthropology, Faculty of Arts of the University of Miskolc - Miskolc (special seminar)
- Kölcsey Ferenc Protestant Teacher Training College - Debrecen (post-graduate training in Roma/Gypsy Studies)
- Brunszvik Teréz Faculty of Pre-school Teacher Training, Tessedik Sámuel College - Szarvas (special seminar)
- Eötvös József Teacher Training College - Baja (special seminar)
- Wargha István College of Education, University of Debrecen - Hajdúböszörmény (special seminar).

IV.1. Fulfilment of the obligations assumed by the Republic of Hungary during the past three years ■

The Republic of Hungary, by ratifying the European Charter for Regional or Minority Languages has assumed obligations under Part III. of the Charter for six minority languages. Considering that the Minorities Act, which was worked out and passed at the same time as the country was acceding to the Charter, provides for the individual and collective rights of minorities (among them the right to use one's own language) for the entire territory of Hungary, the Government decided to undertake its obligations under the Charter for the territory of the entire country.

Defining the regions where communities using minority languages reside was rendered more difficult by the fact that, in comparison to the estimated numbers reported by minority organisations, the 1990 census data showed such a low number of persons belonging to minorities that it proved insufficient for organising minority language education or satisfying the demands for minority cultural activities. Not accepting fully either minority organisations' estimations, or the results of the census, the Government began to establish a system for the protection of minorities, the most important element of which is the principle of the self-governance of minorities.

The first elections of minority self-governments following the adoption of the Minorities Act already proved what had been supposed: that minorities consider themselves to have exclusive or partial minority affiliations. The number of persons with affiliations to minority languages and cultures, however, exceeds the official data. As a result of the second elections of minority self-governments, the number of minority self-governments almost doubled compared to the previous term. The geographical location of local minority self-governments shows (and confirms preliminary Government assumptions) that minorities live rather scattered, covering almost the country's full territory. In this respect, the role of the capital city is paramount, since minorities settled in Budapest in various historical periods have created their self-governments in very high numbers.

In the light of the results of the elections of minority self-governments, the process of the weakening of minority identities reflected in the 1990 census data seems to be turning. This is the very reason why, in close co-operation with and with the active participation of the national minority self-governments, the 2001 census data sheet was drawn up in such a way so that it might provide information concerning the present state of minority identities, minority affiliations, double affiliations, and language use. It is precisely due the complex interconnections among the questions and the answers given that processing the data is difficult. The Government expects the census data to document the location of minorities adequately, and allow for a possibly more precise identification of the areas where its commitments assumed under the Charter must be observed.

The languages concerned are Croatian, German, Romanian, Serbian, Slovak, and Slovenian.

IV. 2.

Article 8 - Education

Article 8 Paragraph 1.a of the Charter

"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."***¹

In accordance with the relevant provisions of the Minorities Act (Article 43), pre-school minority education shall be organised if the parents of at least eight children initiate it. The Act on Public Education has a similar wording in its Appendix 3 Chapter II section (2), declaring that a national or ethnic minority pre-school group shall be organised if the parents of at least eight children belonging to the given minority request it.

The legal framework of pre-school education is defined - in addition to the Act LXXIX of 1993 on Public Education - by Government Decree No. 137/1996 (VIII. 28.) on Issuing the National Master Programme for Pre-school Instruction, and by Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education on Issuing the "Guidelines on pre-school instruction of national and ethnic minorities" and the "Guidelines on academic 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 pre-school education, the Guidelines on pre-school instruction define the types of minority kindergartens and the contents of the education provided by them.

These two decrees have not been modified since our previous report. In accordance with the regulations in force, pre-school education for minorities in Hungary may be organised in two

types of institutions: native language pre-schools or dual-language pre-schools providing minority education. In native language pre-schools, the language of education, and the language of pre-school life in general is the minority language. In the education programmes of dual-language pre-schools providing minority education, both Hungarian and the minority language are used, however, emphasis is laid upon the development of the minority language.

The following tables show the number of pre-schools providing minority instruction and the number of children receiving minority instruction in pre-schools in the academic year 1999/2000:

Number of pre-schools providing native language or bilingual education in

<i>Croatian</i>	<i>German</i>	<i>Romanian</i>	<i>Serbian</i>	<i>Slovak</i>	<i>Slovenian</i>	<i>Other</i>	<i>Total</i>
37	263	14	9	73	5	11	412

Number of children receiving instruction in

<i>Croatian</i>	<i>German</i>	<i>Romanian</i>	<i>Serbian</i>	<i>Slovak</i>	<i>Slovenian</i>	<i>Other</i>	<i>Total</i>
1 388	14 141	547	181	3 050	112	373	19 792

Source: Ministry of Education

(The National Self-Government of Germans living in Hungary indicated once again during the preliminary administrative harmonisation of the present report that it did not agree with the number of children's groups instructed in the German language. The answer of the Ministry of Education to the opinion of the self-government is that with the entry into force of the Guidelines for minority education, it is now possible to tell precisely which type of education is given in a given establishment. The reason for the inaccuracy of the data is that not all minority pre-school establishments included the provisions of the Guidelines into their founding charters and educational programmes.)

Article 8 Paragraph 1.b of the Charter

*"(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 Act on the Rights of National and Ethnic Minorities details the rights of minorities to education in Hungary. It determines under what conditions and on whose initiative local self-governments are obliged to organise minority education, and accords a wide sphere of competence to minority self-governments in respect of the organisation and the contents of education,

declaring that the provision of extra tasks appearing in minority education shall be supported by supplementary normative funding.

The provisions of the Minorities Act were already included in the Act on Public Education when it was amended in 1996, then the Act was further refined by a new amendment in 1999. The 1996 amendment created the National Committee for Minorities, which is called to assist the Ministry of Education and comprises delegates of the national minority self-governments. The Committee is an advisory body to the Minister of Education. As such, it comments on all draft laws submitted to Parliament in the field of education, and it has the right of consent concerning all provisions and proposals directly concerning minorities. Since the modification of 1999, the Committee also assumes official authority tasks concerning the publication of minority textbooks.

The National Committee for Minorities holds its sessions as necessary. Sessions are convened on the initiative of the Ministry of Education or the president of the Committee. During the past three years, the Committee had 32 sessions, during which it assessed 22 (draft) regulations, and its consent was required in the case of 10 regulations.

Based upon the provisions of the Act on Public Education, Decree No. 32/1997 (XI. 5.) of the Minister of Culture and Public Education was adopted concerning Issuing the "Guidelines of pre-school instruction of national and ethnic minorities" and the "Guidelines of academic education of national and ethnic minorities (hereinafter: the Guidelines), which set the aims, organisational methods and types of minority education, as well as the nationality-specific requirements of educational areas (native language, literature, minority nation studies) concerning the given minority.

In terms of 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, instruction 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) native language education,
- b) dual-language minority education,
- c) education with minority language teaching.

Native language education

The so-called native-language (...) school, or a school with native language tuition organises (...) within school education (...) instruction in the minority language for all subjects, apart from Hungarian Language and Literature. There are only few such educational institutions in the country.

Dual-language minority education

The "dual-language model" provides (...) school instruction in two languages, and (...) subjects other than the minority language are also taught in the minority language. The Guidelines stipulate that 50% of the weekly obligatory classes shall be in the native minority language.

Language teaching education

In the so-called "school providing minority language teaching" model education takes place in Hungarian, but the minority language is studied by pupils in the frame of a minimum of four classes per week. This is the form most prevalent in the Hungarian educational system, since (due to demographic reasons, and to the advanced stages of assimilation) children entering school hardly know their minority's language, or do not know it at all. Since the introduction of the Guidelines, schools providing minority language teaching have to provide at least four classes per week for minority language and literature classes, and five classes in the case of German.

The following table shows the numbers involved in minority language education in the academic year 1999/2000:

Data or indices per language	German	Romanian	Serbian	Croatian	Slovak	Slovenian	Greek	Other	Total
Number of schools ¹⁾	284	14	11	34	59	4	2	5	395
Number of teachers	1130	67	20	88	136	10	3	7	1461
Number of language groups	3197	97	32	211	364	20	9	11	3941
Number of pupils	46254	1198	275	2526	4424	116	83	137	55013
% of the total number of pupils	4.8	0.1	0.0	0.3	0.5	0.0	0.0	0.0	5.7
Pupils in native language	758	427	164	319	92	-	-	-	1760

education									
Pupils in dual-language education	4911	188	-	-	658	22	-	-	5779
Pupils studying the language	40585	583	111	2207	3674	94	83	137	47474

1) Schools may have pupils belonging to several different minorities.

Source: Ministry of Education

(The National Self-Government of Germans living in Hungary indicated once again during the preliminary administrative harmonisation of the present report that it did not agree with the number of children's groups instructed in the German language. The answer of the Ministry of Education to the opinion of the self-government is that with the entry into force of the Guidelines for minority education, it is now possible to tell precisely which type of education is given in a given establishment. The reason for the inaccuracy of the data is that not all minority schools included the provisions of the Guidelines into their founding charters and educational programmes.)

Article 48 (1) of the Minorities Act states that children who do not belong to a given minority may indeed participate in minority (native) language education or in language teaching education, provided that the given institution has free places after all the needs of the given minority have been satisfied.

Decree No. 28/2000 (IX. 21) of the Minister of Education regulates the issuing, introducing and applying of framework curricula. The curricula of national and ethnic minority academic education are contained in the Appendix of the Decree and set the requirements in native (minority) language and literature, as well as minority nation studies, for every grade up to the end of the twelfth grade.

The elaboration of the curricula for minority language, literature and minority nation studies posed a significant professional challenge. Working documents were prepared by experts commissioned on the recommendation of the respective national minority self-governments, under the co-ordination of the Committee of Minority Framework Curricula, which included representatives of the national minority self-governments. After the publication of the curricula on general knowledge, framework curricula for languages, literatures and minority nation studies were reworked on the basis of the recommendations of experts commissioned by the Ministry of Education, and are being published gradually, for professional capacity differs from one minority to the other. First the framework curricula for Serbian language and literature were issued,

followed by the German, Croatian and Slovenian, then the Romanian framework curricula. The framework curricula of Slovak minority education are due to be published soon.

Minority education is supported by supplementary normative funding from the State budget. Every year, the Act on Budget lists the legal titles of demanding this kind of normative funding, as well as the amount due for every child. In recent years the amounts of minority education normative funding have become differentiated according to the different forms of minority education, with the highest amounts awarded to the education of children in their native language and to dual-language instruction, while the native (minority) language teaching educational form received somewhat lower amounts of supplementary funding.

A basic change in financing was brought about by the Act on the Budget for the Year 2000, which, aside from increasing the amounts of normative funding given to minority education, introduced the so-called "small settlement normative funding". In 2001 and 2002, if a small settlement organises education for national minorities, the local government may use as much as up to eight times the basic normative funding. The increased funding has brought a decisive step forward in respect of a field which matters highly from the point of view of the future of minorities, that is, the maintenance of schools of small authentic minority communities.

Another important modification in financing was brought by the establishment of the Minority Intervention Fund, which is run by the Ministry of Education. This fund, amounting to HUF 300 million in 2000, HUF 320 million in 2001, and HUF 340 million in 2002, is used to ease the problems larger settlements experience in maintaining their educational institutions - these larger settlements have naturally been omitted from the assistance given to small settlements due to the number of their inhabitants, however, central assistance is required for the maintenance of their minority institutions.

Article 8 Paragraph 1.c of the Charter

*"(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 regulating the organisation of minority pre-school and primary school education, the Minorities Act and the Act on Public Education stipulates that upon the request of eight parents, it is mandatory to establish the conditions for the teaching of a minority language, or teaching in the minority language. Due to the scattered location of the minority populations of Hungary, secondary schools, which were founded in the past decades (mainly grammar schools with four grades offering general secondary education) recruit from within whole regions or even from the whole territory of the country. In recent years, minority language and literature, as well as minority nation studies requirements have been defined and framework curricula for minority secondary schools have equally been elaborated.

The above-mentioned documents ensure the quality of secondary minority education, at the same time, since demands for secondary minority education have not increased substantially (except for the German language), they do not contribute to the development of secondary minority education. One of the possible further steps to take is spelt out by the provision of the Act on Public Education quoted above, on the organisation of complementary minority education, which allows the organisation (upon the initiative of the parents of 8 pupils) of a minority study group consisting of pupils who live in the same settlement but go to different Hungarian language secondary schools, in one of the institutions where they may continue to study the minority's language, literature and minority nation studies, even if they did not decide to go to a minority secondary school.

Accessory regulations relating to minority secondary education are contained in Decree No. 24/1997 (VI. 5) of the Minister of Culture and Public Education on the Issuance of Examination Regulations for Basic Education Examinations, and Government Decree No. 100/1997 (VI.13.) on the Issuance of the Examination Regulations for the Secondary School Final Examination, which together define the requirements of organisation and contents of minority secondary school final examinations. These Decrees have not changed during the past years. The detailed requirements of the final examination in the subjects of minority languages, knowledge of minority literature and minority nation studies are presently being worked out.

The following table shows the number of secondary schools offering education in a minority language or courses of a minority language in the academic year 1999/2000:

National or ethnic group	Type of school	Number of institutions	Number of pupils
<i>Croatian</i>	Grammar school	2	219
German	Grammar school	11	1821
	Vocational secondary school	3	279
Romanian	Grammar school	3	257
Serb	Grammar school	1	126
Slovak	Grammar school	2	118
Slovenian	Grammar school	1	9
Roma/Gypsy (Lovari and Beas)	Grammar school	1	118

Source: Ministry of Education

Article 8 paragraph 1.d of the Charter

*"(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 background is the same as the above for the training of skilled workers. It is sufficient for the introduction of instruction in a minority language, or for the introduction of teaching the minority language if parents of 8 pupils belonging to the same minority request the creation or the maintenance of a group or class. Such demands, however, have very rarely been voiced. There are only a few skilled worker training schools in the country that provide professional training also in a minority language. There exists one training school in Budapest where Slovak is the language of tuition (the number of pupils is currently 13), and three institutions offer technical training in German (in the localities of Bóly, Mohács and Pilisvörösvár) for altogether 279 pupils.

Within secondary technical training based on the new National Training Register of 1998, central programmes have been designed for several languages as obligatory subjects of instruction in the case of qualifications requiring language proficiency, and as obligatory but optional professional subjects in the case of qualifications not requiring language proficiency. These central programmes offer specialised language courses linked to the given qualification during the time of technical training.

Article 8 Paragraph 1.e of the Charter

*„(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, subparagraphs (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 enumerates among the collective rights of minorities their right to initiate the establishment of the conditions of higher education in the language of the minority. The Act also says that training native language teachers for the instruction of minorities is the State's responsibility (Article 46).

In areas where conditions of teacher training are not provided in Hungary, the provisions of the Act state that the State shall, by international agreements, provide for persons belonging to minorities to take part, either on a full-time or part-time basis or in the form of further or scientific

training, in courses in foreign institutions which nurture their culture and which teach in the languages of the minorities.

The diplomas and other certificates earned in mother countries or countries where the native language of the person is spoken shall be, in observance of the relevant regulations and international conventions, recognised by the Republic of Hungary as equivalent to the diplomas or certificates awarded by institutions of higher education in Hungary.

The Ministry of Education regards as its special task within providing normative funding to support education/training at faculties or departments related to minorities. Therefore, when working out the basic principles of supporting departments with small numbers, it helped providing the tasks of education/training by classifying small minority departments into a higher assistance category.

The regulation of the entrance examinations to the institutions of higher education has now created the possibility for minority students to pass their entrance examinations in their own language.

The qualification requirements for certain basic degrees at faculties of arts and letters and social sciences have been published in accordance with the provisions of the Act on Higher Education, and among them, the training requirements of minority studies at college or university level (Government Decree No. 129/2001 (VII. 13)). The Decree is to ensure the equivalence of the certificates received abroad and in Hungary.

The following table shows the number of students studying minority languages in institutions of higher education in the academic year 1999/2000:

Language of national group	Number of students in the academic year 1999/2000
Croatian	93
German	(4746)*
Romanian	102
Serb	66
Slovak	228
Slovenian	6

Source: Ministry of Education

*The number in parentheses includes the number of students studying German as a foreign language (department of German Studies, language teacher training for students with a German major), in addition to students belonging to the German minority.

Last year, the Parliamentary Commissioner for Minority Rights examined the realisation of rights to minority education as regards higher education. When analysing the current situation, the Commissioner arrived at the conclusion that the cultural autonomy and the rights of minorities to education and culture failed to be fully validated in that area. For this reason, the Commissioner initiated that the Minister of Education should modify the Act on Higher Education so as to create a legally regulated framework to improve contacts and exchanges of opinion between the minority self-governments and the Ministry. The Commissioner has also initiated measures towards the development of general and specialist minority teacher training. The Commissioner proposed that the Minister of Education, when developing the qualification requirements of minority teacher training in line with the credit system, should introduce a new regulation guaranteeing an appropriate amount of time for the proper acquisition of a minority language, have the regulation on the support for minority teacher training worked out and modify the method of recognition of degrees, diplomas and certificates. The Ministry of Education agreed with most of the findings of the Commissioner's investigation.

Article 8 Paragraph 1.f of the Charter

"(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."

The Hungarian Parliament passed the Act on Adult Education on 18 December 2001 in order that the legal opportunities of access to adult education and training could be realised for all members of the society, and that the quality of life be improved by means of adult education and training. The Act declares that *"the State provides the right to participate in adult education for all."* The Act regulates the system of institutions and assistance of adult education.

In terms of the provisions of the Act, *"adult education is defined as regular training or education provided in addition to regular school education, the goals of which can be general, language or professional training"* or a service linked to adult education. The Act provides an appropriate framework for the realisation of the above undertaking, and there are no obstacles preventing that adult education or continuous training be conducted in a regional or minority language if there is a demand to do so.

In terms of the Act, gathering statistical data on adult education will begin in January 2003. It follows from the definition given in the Act that it will thus be possible to monitor the teaching of minority languages outside of the school system as well as the linguistic aspect of adult education, in the spirit of the Charter.

Due to the above-detailed special linguistic situation of those using minority languages (the minorities), this field features mainly demands for the further training of teachers, and the specialist and language further training of those working in the field of general cultural and educational services. Further training is organised by institutions of teacher training. They first need to have their programmes accredited in terms of the relevant provisions of the Act on Public Education, then they can offer and advertise the programmes. All teachers participating in minority education are obliged to participate in language and specialist further training every seven years.

In March 2002 the following institutions offered in-service training courses relating to the topic of national minorities in accordance with the above-mentioned provisions:

- Benedek Elek College of Education of the University of Western Hungary, under the title "Professional development programme for child-care institutions and the special tasks of institutions conducting minority education," and another course under the title "The latest theoretical and practical knowledge to be included among the professional requirements of pre-school teachers and minority pre-school teachers;"
- Faculty of Arts of the University of Sciences of Pécs, under the title "The latest theoretical and practical knowledge to be included in the professional expertise of German minority teachers";
- Eötvös József College, under the title "The latest theoretical and practical knowledge to be included among the professional requirements of the teachers of minority (German) students."

Some minority self-governments also organise further training for teachers of their respective minority. For example, the National Slovak Self-Government has organised two regional professional training courses for Slovak pre-school teachers. They also plan forms of training with full accreditation, and have worked out a teaching programme based on drama, which has been submitted for accreditation.

Article 8 Paragraph 1.g of the Charter

"to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;"

In order to modernise the entire public education, the Government issued the National Master Curriculum in Decree No. 130/1995 (X.26.) (hereinafter: the NMC). The NMC has broken with the long-standing tradition of materials broken into subjects, and defined the requirements towards pupils for the ends of the 4th, 6th, 8th and the 10th school years as various "education areas."

The "cultural area" of the Human and Social Culture module within NMC contains the requirements of learning about the minorities living in Hungary. It defines in details - at the respective levels appropriate to the pupil's age - all the information that every pupil participating in Hungarian public education should know.

The Framework Curricula, to be used in all schools across Hungary, have been worked out based upon the NMC. The preamble of the decree on the framework curricula - similarly to that of the decree upon the NMC - states that the goal of basic education is the development of a consciousness of national identity, and the shaping of the need to know co-existing and neighbouring cultures. Another important element mandated in the provisions of the regulation on framework curricula is to cultivate awareness and respect for the traditions, culture, customs and habits of other peoples.

The detailed guidelines issued for the elaboration of the framework curricula plans to teach pupils, within the subject called "History and Citizen's Education", about the special values of various cultures in detail, and aims to establish respect in the pupils towards co-existing cultures. Graduation requires acquisition of knowledge on the minorities living in Hungary and on their cultural values.

Article 8 Paragraph 1.h of the Charter

"to provide the basic and further training of the teachers required to implement those of paragraphs (a) to (g) accepted by the Party."

Within the teaching of minority languages in Hungary's higher education institutions, the training related to the faculties of arts and letters and well as teacher training have been established. There are independent minority language and literature departments or department units. The present structure already provides for the teaching of the language and literature of a minority in institutions of higher education located in regions populated by the given minority.

The recent years have seen the accreditation of the programmes of most independent departments or department units of minority languages in various institutions of higher education of Hungary. Based on bilateral agreements, the majority of these departments of minority cultures engage a reader from the mother country to help the work of teachers.

Minority education is characterised by a low number of students (with the exception of the German language, which is in a different situation), which results in higher-than-average per unit costs - this in turn constantly imperils the quality of education as well as, in some cases, the very existence of the department or department unit. These departments are also characterised by a relatively small number of teachers. With the introduction of the normative system of financial assistance to higher education, the operational conditions of minority departments that employ fewer staff have deteriorated. Last year, though, saw a reclassification of minority departments one assistance category higher. Although the measure alleviates the operational problems of minority departments and department units with small staff, it fails to provide a comprehensive solution. Further organisational and financial development is needed for training minority teachers, especially thinking of the long term.

The problems experienced recently with starting courses for Serbian pre-school and primary school teachers (low enrolment, lack of professorial staff) forecast that in the future more attention must be devoted to the training of minority teachers for smaller minorities, who presently do not have their own institutions of public education.

In addition to training in Hungarian institutions, on the basis of bilateral agreements, several minorities have the opportunity to apply for scholarships to take part in courses in their mother country, either on a full-time or part-time basis. In the case of certain minorities (Slovak, Serb, Croatian, Romanian) they may even rely upon scholarships from the mother country. The statistics of students studying abroad with scholarships of the Republic of Hungary for the school year 2000/2001 are as follows: 13 students in Slovakia (one for a PhD degree), 15 students in Croatia, 28 students in Romania (6 of whom for PhD degree), one student in Yugoslavia, and 5 in Slovenia.

The process of integrating institutions of higher education partly affected the institutions providing minority education as well. Departments of certain universities that could qualify (also) as minority studies also issue degrees for bachelors of arts without a teaching certificate (e.g. the Department of Polish of the Pázmány Péter Catholic University).

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

Language teacher training for grammar schools:

- Eötvös Lóránt University of Sciences, Faculty of Arts - Budapest (German, Slovak, Croatian, Serbian, Slovenian, Bulgarian, Polish, Greek)
- Pázmány Péter Catholic University - Piliscsaba (German, Slovak)
- University of Sciences of Szeged - Szeged (German, Serb, Bulgarian, Ukrainian)
- University of Sciences of Pécs, Faculty of Arts - Pécs (German, Croatian)

Teacher training:

- Juhász Gyula Teacher Training Faculty of the University of Sciences of Szeged - Szeged (German, Slovak, Romanian)
- Berzsenyi Dániel Teacher Training College - Szombathely (German, Croatian, Slovenian)
- College of Nyíregyháza - Nyíregyháza (Ukrainian)

Teacher training for primary schools:

- Teacher training faculty for primary schools of Eötvös Lóránt University of Sciences - Budapest (Serbian, German)
- Eötvös József College of Education - Baja (German, Croatian)
- Illyés Gyula College of Education of the University of Sciences of Pécs - Szekszárd (German)
- Apor Vilmos Catholic College - Zsámbék (German)
- Faculty of Education of Tessedik Sámuel College - Szarvas (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)
- Illyés Gyula College of Education of the University of Sciences Pécs - Szekszárd (German, Croatian)
- Benedek Elek College of Education of the University of Western Hungary - Sopron (German, Croatian)
- Tessedik Sámuel College of Education - Szarvas (Slovak, Romanian)

In the past two years, the Ministry of Education has devoted special support to the further training of minority teachers, especially training for the teaching of minority nation studies. In the case of further training in language and methodology studies, the assistance of the mother countries is solicited in every relation. This is of prime importance in the case of minorities for whom no further training programme has been accredited, since Article 5.2.b of Government Decree No. 277/1997 (XII. 22.) on the Further Education of Teachers states that further education in the mother country will be taken into consideration with the obligatory further training of educators.

Providing fully accredited further education is necessary for every minority. The Ministry of Education is considering to initiate a programme for further education in accordance with Article 9.6 of Government Decree No. 277/1997 (XII. 22.) on the Further Education of Teachers.

Due to low enrolment, accredited further training programmes for teachers of minority nation studies, minority languages and teachers dealing with Roma/Gypsy children need to receive

financial assistance. In 1999, due to a low number of accredited further education programmes, the Ministry of Education provided support in the form of grants by application for the organisation of professional conferences. In 2000, the Ministry only supported accredited further education programmes designed for minority teachers. In the framework of the same grant scheme, the Ministry of Education supported those further training programmes which were designed for teachers of the German minority in Hungary and realised in the framework of a bilateral agreement.

Article 8 Paragraph 1.i of the Charter

"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."

The Government of the Republic of Hungary established the ***Office for National and Ethnic Minorities*** (hereafter referred to as the Office) with its Decree No. 34/1990 (VIII. 30), for the fulfilment of State tasks regarding national and ethnic minorities living in Hungary. The Office is tasked with monitoring the enforcement of the rights of the minorities that derive from the Minorities Act, participating in drafting the government programme for the realisation of the Act, as well as co-ordinating the implementation of tasks related to minorities included in the government programme. Besides these tasks, the Office takes part (in line with the tasks prescribed for the Government by the Minorities Act) in drafting the biannual report on the situation of the minorities to be submitted to Parliament.

The Office initiates measures in cases where minorities' rights related to the use of language or education have been infringed upon.

Minority ***national self-governments*** were established after the 1994 and 1998 self-minority government elections. These bodies participated in the elaboration of the government programme for developing minority education, assessed and, having reached agreement, approved of master educational material. They equally express their views on proposed legislation concerning the teaching of minority languages. The ***National Committee for Minorities***, an advisory body of the Ministry of Education, was established with the same objective. It is formed of professionals delegated by the minorities. No regulation connected to the teaching of minority languages may pass without the approval of the Committee.

Article 8.2 of the Charter

„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."

The articles of the Minorities Act as detailed above oblige institutions of public education to create the opportunities for teaching the minority language, or provide instruction in the minority language, if the parents of at least eight pupils request it. Initiatives of this sort have typically been

taken only in larger towns of Hungary. So far no problems were reported in connection with the satisfaction of justified demands.

Complementary minority education, mentioned above several times and established by the 1999 modification of the Act on Public Education allows initiatives in settlements where numbers are insufficient for the formation of an independent minority educational institution, group or class, to prevail with the starting or maintenance of minority education. The Act defines in details the conditions of starting these programmes, the financing and the rights and responsibilities of those participating in that kind of education.

Article 9 - Judicial authorities

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:

a) in criminal proceedings:

(ii) to guarantee the accused the right to use his/her regional or minority language"

Act I of 2002 which modifies Act XIX of 1998 on Criminal Procedure (hereafter referred to as the New Act on Criminal Procedure) and enters into effect as of January 2003, modified the legislation so far in force in accordance with the provisions of the Charter.

Section 9 of the New Act, directly referring to the European Charter for Regional or Minority Languages, allows for everyone, including the accused, to use their native language in criminal proceedings, in speech as well as in writing.

As an example of the practical realisation of that regulation, the President of the Court of Bács-Kiskun County informed the Office for National and Ethnic Minorities that in a criminal case the accused who belonged to the German minority wished to use his mother tongue when testifying. During the proceedings, the court provided an interpreter to assist the accused.

(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;"

Section 9 of the New Act on Criminal Procedure stipulates that those belonging to a minority may use their language also in writing, thus it is possible for them to submit their request and evidence in their native tongue.

(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."

Since the last modification, Section 9 subsection 3 of the New Act on Criminal Procedure makes it clear that decisions to be delivered, as well as other official documents, must be translated by

the court, state attorney, or investigative authority which has issued the decision or the official document. This provision of the New Act on Criminal Procedure takes a strong stand on issues which in practice have already raised questions, by saying that the obligation to provide a translation is linked to the act of issuing the document (decision), rather than to its delivery, and in this way solves earlier problems of legal interpretation.

The modification deals with the documents to be translated for defendants who speak a minority language in several points. It provides that the part of the bill of indictment (Section 219 subsection 3) or of the final decision (Section 262 subsection 6) which concerns the accused must be translated for him/her.

The New Act on Criminal Procedure modified the provision relating to interpretation, now mandating the use of interpreters in case regional or minority languages are used. In accordance with the provisions of the modified Act, the costs of translation and interpretation are borne by the State, as long as the accused wishes to use his/her native minority tongue during the proceedings (Section 339 subsection 2).

b) in civil proceedings:

(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."

The cited section of Act III of 1952 on Civil Procedure has been modified by Act CX of 1999. The provision relevant to minority or regional languages, in effect from 1 January 2000, can be found in Section 6 of the Act, subsections 1, 2 and 3. The objective of these particular modifications was primarily so that the Act on Civil Procedure contain *in expressis verbis* the right to use regional or minority languages.

Section 6 subsection 3 of Act CX of 1999 stipulates that the Court shall use an interpreter if it is necessary for the realisation of the principles stated in subsections 1 and 2. In terms of the subsection, and within the scope defined by an international treaty, courts shall call on interpreters whenever a person with a native tongue other than Hungarian requests it, even if the person can otherwise speak Hungarian.

The law says that the official language of proceedings is Hungarian. Courts shall, however, in terms of the principle stated in the Act on Civil Procedure, allow the use of the native tongue before the court. The use of interpreters allows for the court to have hearings of persons whose mother tongue is other than the Hungarian language and cannot speak Hungarian. Petitions and documents submitted in writing shall also be translated. The use of an interpreter is not necessary if the council in session or the individual judge has adequate command of the language used by the litigant or witness.

According to information received from the president of the Zala County Court, members of his staff studying by correspondence at the Kaposvár College of Justice wish to take examinations in the Romani (Lovari) language, which would later allow them to participate in proceedings of public administration with that knowledge.

The southern part of Zala County has a sizeable portion of inhabitants with Croatian native language. Therefore, the president of the County Court, in ordinance No. 1998. El. VI.A. 12/54/2, has ordered a judge of the Nagykanizsa City Court who belongs to the same minority to use the Croatian language as a judge during proceedings in order to inform clients of the court in Croatian.

(iii) "to allow documents and evidence to be produced in the regional or minority language, if necessary by the use of interpreters."

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 background of legal rules remained unchanged since the previous report. Experts of the Ministry of Justice have been working on the concept for the new Civil Code. The new concept devotes a special attention to the realisation of the Constitution's provisions, human rights and freedoms, and to the legal harmonisation efforts undertaken by the European Union, as well as the realisation of the recommendations of the Committee of Ministers of the Council of Europe.

With the modifications of the legislation concerning the justice system, the obligations assumed by Hungary under the Charter have been incorporated into the Hungarian justice system at every level. The legal background can be therefore considered adequate in this field as well. Neither the Minorities Ombudsman nor the Office for National and Ethnic Minorities received complaints with regard to the exercise of their language rights during the past years. The investigations of the Parliamentary Commissioner for National and Ethnic Minority Rights did not reveal any infringement on linguistic rights on behalf of the judiciary.

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 condition 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, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language."

The provisions of the Act on Minorities allow for both local and national minority self-governments to establish relations with the settlements, institutions, government and administrative organs, and civil organisations. During the building up of these relations, various agreements of co-operation were concluded. Due to the nature of the issue, once the local or national self-government promulgates such an agreement in a decree, it is regarded as a legal document. Although the language of bilateral agreements is not Hungarian, since the language of

both parties is a language registered as a minority language in Hungary, the validity of these instruments is never questioned by any authority in Hungary.

The recommendations of the Joint Committees on Minorities, created within the framework of co-operation between the mother countries of the minorities and the Republic of Hungary, and the minutes drawn up at the sessions are both in Hungarian and in the language of the partner country, which is at the same time the language of a particular minority. In terms of the final provisions of all minutes, both versions of the minutes are regarded official. The work of the Joint Committees is co-ordinated in Hungary by the Ministry of Foreign Affairs.

Additionally, there are no clauses or provisions in the civil or criminal legislation of Hungary which would preclude the validity of these documents.

Article 10 - Administrative authorities and public services

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:

a.

v) to ensure that users of regional or minority languages may validly submit a document in these languages."

As it was already indicated in the introduction of the present Report, language assimilation of the minorities living in Hungary is at an advanced stage. It should be also mentioned that, apart from a few cases of exception, the minorities living in Hungary have never had public administration in their mother tongue. The Hungarian Government is determined to halt this process of assimilation as much as it can, and, if possible, to turn the entire process. At present, the general level of language skills of minorities does not allow them to draw up official documents in their own native tongues, especially, if they need references to specific legal provisions or quotations. Therefore, Article 53 of the proposal to modify the Minorities Act which has been submitted to Parliament, contains (in addition to other stipulations) the following provision:

"At the justified request of the minority self-government operating on the territory under its authority, the local self-government must ensure that (...) the forms used in administrative procedures are also available in the language of the minority." This provision can encourage the creation of documents and petitions in minority languages.

When preparing the present Report, the Office for National and Ethnic Minorities requested county offices of public administration to describe their specific experiences with the use of minority languages. Reports from counties with large minority populations show that, although the number of experts working at local organs of public administration and speaking minority languages has been growing (especially in the Baranya, Bács-Kiskun and Csongrád Counties), minorities seldom exercise their rights related to the use of their languages. On several accounts, the Office received information that the local municipality had proclaimed to the local minority self-government their minority language rights, signalling that it was open to such initiatives, yet the even the minority self-governments did not take advantage of the opportunities presented.

1. c) "to allow the administrative authorities to draft documents in a regional or minority language."

Article 53 of the above-quoted draft amendment of the Minorities Act obliges local governments to ensure, at the request of the local minority self-government, that "its decrees are promulgated and its announcements published both in Hungarian and the minority language."

According to the Baranya County Office of Public Administration, although the local government of the city of Pécs notified all seven local minority self-governments of which printed forms it suggested to have translated, none of the minority self-governments signalled their demand for translation of the documents into their languages.

Several county offices of public administration actually sent the Office various documents in various minority languages (for information). However, these are mainly press publications disseminating local information, invitations, or posters advertising local events. Publication of such materials seems to be quite widespread both in monolingual (minority tongues only), and in bilingual (minority and Hungarian languages) version.

According to information given by the Bács-Kiskun County Office of Public Administration, local information materials were published in the Croatian language at the village of Gara, and in Békés County an information brochure in Romanian is distributed in the town of Gyula and the neighbouring settlements with Romanian population (Körösszakál, Körösszegapáti).

***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:
b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;"***

The legal basis for the execution of the undertaking is provided by the Minorities Act, Articles 51 and 53, and the total body of the above-mentioned regulations relevant to the entire public administration in Hungary. On the basis of the reports prepared by the county offices of public administration, it can be established that the local use of languages varies considerably from county to county.

In Baranya County, according to information received from the county office of public administration, verbal administration frequently goes on in German (that is, in the local Schwabisch dialect of German) in settlements inhabited by the German minority. Conditions for this type of administration as concerns the personnel are steadily improving everywhere. Similar information was received from Bács-Kiskun County, where employees of public administration who speak the language of the local Croatian minority do use Croatian quite frequently in verbal administrative procedures. In Magyarcsanak (Csongrád County), the verbal use of minority languages (Romanian and Serbian) is regular in relations with the administration, as is in the village of Deszk (Serbian). Zala County boasts of several settlements populated entirely by the Croatian minority (Semjénháza, Molnári, Petrivente, Tótszerdahely, Tótszentmárton), where all verbal administration takes place in Croatian - minutes, applications and resolutions, however, are drawn up in Hungarian.

Several county offices signalled that although printed forms for the issuing of documents (e.g. birth, marriage or death certificates) in minority languages were available at all settlements populated by minorities, they were rarely requested. Thus, the village of Pitvaros (Csongrád County) had one case of a Slovak registry entry, while Deszk had two cases of marriage certificates drawn up in the local minority language (Serbian). The city of Baja (Bács-Kiskun County) has an annual 5 - 6 marriages registered in minority language.

2. 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;"

The working language of county assemblies is Hungarian but, with prior notification, the use of minority languages is guaranteed and interpreters assist the sessions.

The working language of the assemblies and sessions of national minority self-governments is usually the given minority language and, in the majority of cases, the minutes are drawn up in the language of the given minority, only a summary is prepared in Hungarian.

2. 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;"

In accordance with the relevant provisions of the Minorities Act, minority self-governments decide for themselves which language they choose for their official language. Members use their language freely at assemblies of the minority self-governments, even though minutes are drawn up in Hungarian, for practical reasons. All the same, there are more and more cases of bilingual minutes as well.

2. 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."

In terms of the provisions of the Minorities Act, local governments shall - on request of the local minority self-government operating in their district of competency - provide signs indicating the name of the settlement, streets, public offices, and the names of the organs performing public services in the mother tongue of the minority (in addition to the Hungarian wording and name variant, with identical contents and form).

These obligations are also contained in the list of competencies issued for local governments.

Hungary had already started posting signs of place-names in minority languages before the adoption of the Minorities Act. First in 1980 some 180 settlements received bilingual signs, which was then followed by the gradual appearance of more and more settlement names indicated also in a minority language. From 1993 on, other bilingual signs also began to appear in settlements populated by minorities.

In case doubts arise as to the correct variants of the minority names of settlements and other geographical names, before any decision is brought, the expert opinion of the Committee of Geographical Names operating within the Ministry of Agriculture and Rural Development may be consulted.

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:*

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 Governments lists among the public services to be fulfilled by local governments the enforcement of the rights of minorities, so that minority languages would be used in all walks of life.

Regarding the public services to be performed by state organs, the provisions of the Civil Code prevail. The Civil Code contains no bans concerning the language of civil contracts, it only stipulates that in the case of a legal dispute, the Hungarian version of the agreement shall prevail.

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:*

a) translation or interpretation as may be required;

b) recruitment and, where necessary, training of the officials and other public service employees required;

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

Based upon the reports provided by the county offices of public administration, it can be concluded that the use of minority languages is less and less realised by making use of interpreters or translations, and it is more and more frequent that, in accordance with Article 54 of the Minorities Act, public officials speaking the local minority language are hired for public administration jobs; and it is also more and more frequent that employees in the public administration system take a language examination in the language of the minority of the region (Baranya County Office of Public Administration, Bács-Kiskun County Office of Public Administration).

To ensure the usage of the minority language in public life, in line with the needs of the local minority self-government of a given settlement, the local government is to publish its decrees, its decisions affecting the life of minorities, and the minutes of its sessions in the language of the local minority(ies). The execution of this regulation is guaranteed by the stipulations of the Minorities Act on the competencies of local minority self-governments. Often, the documents are made public by broadcasting in the minority tongue in the local cable television, or publication, generally in an abridged form, in the minority language in a local newspaper.

Technical language training of public officials speaking a minority language, however, is an issue only partially settled. That is why some national minority self-governments initiated the compilation and publication of glossaries which contain the technical expressions used in public administration in Hungarian and in the language of the given minority. The Government extends assistance to the publication of such glossaries.

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."

The legal background of the use of personal names has not changed. Article 12 of the Minorities Act stipulates that a person belonging to a minority has the right to free choice regarding his/her own given name, as well as those of his/her children, and to have their family and first names entered into the official registers and displayed in official documents in accordance with the rules of his/her native language. In the case of a non-Latin script, a phonetic Latin transcription must also be provided along with the original. On request, registry entries (certificate of birth, etc.) can also be in a dual-language form, as can other personal documents.

The Government, at its session held on 28 January 1999, modified the Government Decree No. 147/1993 (X. 26.) on the Regulation of the issuance and registration of personal identity documents. Article 1 of the Decree was added a new paragraph 4, which says that on request of a person belonging to a national or ethnic minority native to Hungary, his/her name shall, on the basis of a dual-language birth certificate, be entered into his/her personal identity document in both languages, in accordance with the provision above cited of the Minorities Act.

Hungarian law allows individuals to change their given and family names, and to change them back, the only thing required being that a simple application be submitted to the Ministry of the Interior. Experience shows that such changes are approved easily.

The modification of the Act on Duties by Act LX of 1998 stipulates that registries shall handle an application by a citizen of Hungary to change his/her name into a form in accordance with his/her native minority tongue as a duty-free service.

Although information from the county offices of public administration confirm that slowly, choices to opt for minority-language names are on the increase, these numbers are still not significant. The necessary documents in the minority tongues are available, and given names of a minority origin are entered into the official register of given names gradually. Information on the practical aspects of choosing a minority language given name in Hungary is available at the web site of the Ministry for the Interior.

Article 11 - Media

1. "The Parties undertake, for the users of the regional or minority languages within the territories in which those 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 principle of the independence and autonomy 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."

The operation of native-language broadcasts of national and ethnic minorities in Hungary are guaranteed and regulated by legal rules. The Minorities Act obliges the public service radio and television to produce and broadcast minority programmes on a regular basis. The Act on Radio and Television Broadcasting says that service providers performing public service tasks shall assist in nurturing the culture and languages of minorities, as well as provide regular information in their native tongues. The Act on the National News Agency also contains a provision

stipulating that the publication of information on the situation of minorities is a task of public service.

The national self-governments of national and ethnic minorities may freely decide on the use of the programme time available to them in the public service media. Public service broadcasters are bound by law to take the decision of the minority self-governments into consideration.

In addition to the public service stations Hungarian Television, Duna Television and Hungarian Radio, which regularly report on the situation of minorities in Hungary, media owned by local governments or other operators also broadcast programmes in native minority languages. The Public Foundation for National and Ethnic Minorities in Hungary stimulates the operation of local minority media, as well as the preparation and broadcasting of cable television native-language minority programmes by ways of target grants. The aim of the assistance is to promote the recognition of the native languages of the minorities in every field of public life.

The Office for National and Ethnic Minorities has initiated consultations with the national self-governments of the minorities and the representatives of the National Radio and Television Commission (ORTT) so that appropriate financing be available for the preparation of non-profit radio and television programmes. ORTT has devoted special attention to that issue in its competitive grants for public service programme production, in order that more programmes would be created which present the life of minorities. ORTT thus decided to support several minority radio and television programmes in the spring of 2000. Thanks to that support, Hungarian Radio is now broadcasting the programme *"In One Homeland,"* and the stations Fresh, Fortuna, Szentes Radio, Zemplén TV, as well as the local TV stations of Debrecen, Miskolc, Nyíregyháza, Szarvas, and Ózd could also produce and broadcast minority programmes.

b)

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

The public service Hungarian Radio broadcasts native-language radio programmes for all national and ethnic minorities of Hungary.

The average broadcasting time of minority programmes in the Hungarian Radio presently surpasses 10 hours a day. The highest programming time is granted for the Slovak minority (865 minutes weekly). The Croatian, German and the Romanian minorities have 840 minutes per week. The Serbian minority has 780 minutes of broadcasting time weekly. Minority programmes of national coverage are broadcast in the evening hours, between 18:30 and 22:30. Minority broadcasts can be received on the OIRT ultra short wave length, and at the wavelengths of every regional station (middle wave and ultra short-wave CCIR). Regional minority programmes are broadcast in both the morning and the afternoon periods.

Additionally, Hungarian Radio has a weekly 30-minute programme (in Hungarian) devoted to the minorities of Hungary. In order to know minorities better, the public service radio prepares a 3-hour programme on minorities every three months, with contributions from the local stations.

Among the national minority self-governments of Hungary, the Slovene self-government was the first one to create its own radio. „*Radio Monoster*”, broadcasting from Szentgotthárd, has its own separate bandwidth and broadcasts in Slovenian. The national minority self-government was awarded a broadcasting licence for eight hours per week in 1999, in accordance with the rules of the Act on Media, without having to apply for tender. Regular broadcasts started in June 2000. This radio station broadcasts one hour of native-language programmes daily from Monday to Saturday, and two hours on Sunday. The national self-government received significant support for the necessary equipment from the mother country. The establishment of the station received further assistance from foundations and the central budget. Financing the regular broadcasting, though, is problematic for the self-government. The state cannot undertake full financing of the preparation of programmes, however, since the Hungarian Radio, due to its mandate of public service, also produces and broadcasts regular Slovenian-language programmes anyway. For the record, it must be admitted that the Act on Media, unfortunately, fails to provide for the budgetary questions of operating bandwidths licensed to minorities.

c)

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

The public service Hungarian Television now produces native-language programmes for every minority. The formerly biweekly radio magazine of the Serbian minority is now broadcast weekly, while the Hungarian Television broadcasts the programme called "*Together*" every second week, in 52 or 26 minutes, intended to disseminate information on the situation of minorities in Hungary among as wide an audience as possible.

The public service television has weekly broadcasts in national coverage for the Croatian, German, Romanian, Slovak and Serbian minorities, and programmes also in national coverage for the Slovenian minority every second week. The producers of minority programmes are located in three cities in the country: Pécs (Croatian, German) Szeged (Romanian, Slovak, Serb) and Szombathely (Slovenian). The broadcasting time of weekly or biweekly programmes is 26 minutes each. Minority programmes are broadcast in the ground-based M1 channel with national coverage, in the afternoon hours of various days of the week. Broadcasts are then repeated Saturday morning of the same week on the satellite M2 channel.

In order to ensure the consultation rights of minority self-governments in accordance with the Act on Radio and Television, the president of the Hungarian Television and the presidents of the national minority self-governments signed a co-operation agreement on 3 April 2000. The agreement sets out the relations between the two parties and the practical mechanisms of joint decision-making. It should be stressed that the co-operation agreement gives regular consultations between the Hungarian Television and the minority self-governments an institutionalised form. The co-operation agreement specifies the broadcasting time accorded to minority programmes, and guarantees permanent programme slots.

e)

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

The Republic of Hungary has several decades long traditions of publishing newspapers in minority languages. Since these cannot be published on a market-based principle, due to a constant dwindling of their readership, the Budget must grant them continuous support. The Public Foundation for National and Ethnic Minorities in Hungary thus provides funding for at least one newspaper per minority distributed at national level. The amounts of budgetary assistance for the year 2002 are as follows:

Minority, title of publication (frequency of publication)	Amount of assistance in 2002
Croatian - <i>Hrvatski Glasnik</i> (weekly)	HUF 31,092,304
German - <i>Neue Zeitung</i> (weekly)	HUF 33,165,099
Romanian - <i>Foaia Romaneasca</i> (weekly)	HUF 24,854,783
Serb - <i>Srpske Narodne Novine</i> (weekly)	HUF 31,092,304
Slovak - <i>Ludové noviny</i> (weekly)	HUF 31,092,304
Slovenian - <i>Porabje</i> (biweekly)	HUF 14,770,489

Source: Public Foundation for National and Ethnic Minorities in Hungary

Newspapers of national distribution of minorities are owned by the national minority self-governments, or by their organs.

f)

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

The above shows that the Hungarian State gives continuous support to the production of minority-language television and radio programmes, as well as the regular publication of minority-language newspaper. The public service media finances the production of minority-language broadcasts within their own budgets, while the financing of regional and local programming is supported by the National Radio and Television Board, as well as the Public Foundation for National and Ethnic Minorities in Hungary.

The material and financial conditions of minority television and radio broadcasts have greatly deteriorated in recent years, though, due to the general financial hardships sustained by public service television and radio. These problems have become especially grave and have come to the attention of the general public in the year 2002: their solution is thus one of the tasks of the future.

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

The Public Foundation for National and Ethnic Minorities launches calls for minority students studying at institutions of higher education to apply for scholarships. Among the students who receive financial support on the basis of the Board of Trustees' decision, there are some that have already established their presence in the press, as well as some who are preparing to pursue a journalist's career.

The Ministry of Education of the Republic of Hungary offers scholarships annually to support education of minority youth in their mother countries. Among those applying for the scholarship, a very significant number wish to study journalism. The vast majority of journalists who today work for minority-language publications are graduates of faculties of journalism in the respective mother countries.

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."*

Minorities may jointly delegate, in a rotational system, one member annually to the Board of Trustees of the Public Foundation of Hungarian Television, in accordance with the Act on Radio and Television Broadcasting. In the year 2000 a German minority delegate was a member of the Board of Trustees of the Public Foundation of the Public Service Hungarian Television, a Croatian minority delegate a member of the equivalent body of Duna Television; while the Slovak minority delegated a member to the Board of Trustees of the Hungarian Radio. The right to joint appointment to membership in the board of trustees of a public service media foundation has been exercised in 2001 by the Croatian, German, Armenian, Slovak and Serbian national minority self-governments.

Article 12 - Cultural activities and facilities

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:*

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;"

The legal background of assisting cultural activities of minorities in Hungary is provided by the Constitution, the Minorities Act, and Act CXL of 1997 on Protection of Cultural Goods, Museum Institutions, the Supply of Public Libraries, and General Cultural and Educational Activities, as well as bilateral intergovernmental treaties.

In terms of Article 49 of the Minorities Act, the organisations and national self-governments of minorities are entitled to pursue activities of educating the public, to create and maintain institutions. They may request budgetary support for these tasks.

Financial assets supporting cultural activities with minority objectives are set aside in the budget chapters of the Ministry of Cultural Heritage and the Public Foundation for National and Ethnic Minorities in Hungary. County and local governments may also support minority cultural programmes from their own resources, mainly by grants.

These grants basically cover all walks of cultural life. Publication of minority-language literature mainly operates out of central budgetary assistance, as do certain segments of the religious life of minorities (e.g. pilgrimages to the mother country). National minority self-governments extend support to the publication of such cultural products and events connected to minority religious life depending upon their own financial resources. Even though their budgets are increased year by year, they prove insufficient to support every segment of the cultural life of minorities.

Publication of minority-language works of literature are financed by the Ministry of Cultural Heritage and the Public Foundation for National and Ethnic Minorities in Hungary.

Representatives of the respective minority participate in the preparation and the making of the decisions, and they also have the right of proposal. In addition to the minority-language publishing houses already mentioned in our previous report (Izdan, Noi), a new publishing house of Croatian-language textbooks and other publications was established under the name Croatica Public Service Company, owned by the National Croatian Self-government and the Association of Croatians in Hungary.

The task of providing minorities with native-language library is a task mandated by law for the public libraries of the local governments. The network of public libraries offers services to the Croatian, German, Romanian, Serbian, Slovak and the Slovenian minorities at various locations of the country, in several hundred settlements. Within the public library system 19 main libraries also contribute to the library supply of these minorities.

County libraries execute their minority-related tasks as an organic part of their services, operating the system of provision for ethnic settlements. Despite hardships in financing, they strive to maintain an up-to-date collection, taking care of the replacement and exchange of items. As information centres, they make accessible national and local databases, assisting local ethnic research and publishing.

The central place of collecting minority-language literature is the National Foreign-language Library. This library performs the procurement of literary works from mother countries out of the budget extended by the Ministry of National Cultural Heritage - depending upon the demand by the individual minorities.

It is the museums maintained by county or local governments that engage in collecting minority-related material relics, as well as the Hungarian Museum of Ethnography. The museums maintained by the competent county self-governments also fulfil regional and national tasks. Regional village museums and local museum collections are usually operated by the local government.

Two national master museums also take part in the collection of minority-related relics and objects. 16 smaller museums and 41 regional village museums are registered with the Ministry of National Cultural Heritage. The Hungarian Orthodox Ecclesiastical Museum at Miskolc, the

Serbian Orthodox Museum of Ecclesiastical Arts and Sciences Collection at Szentendre, and the Serbian Ecclesiastical Art Collection at Szentendre all have rich materials portraying the religious life of minorities.

The two minority-language theatres of Hungary, the *Deutsche Bühne* in Szekszárd and the *Croatian Theatre* in Pécs are maintained by the local and the county governments, respectively. The local government of Pomáz and the Serbian Democratic Association jointly founded the *Joakim Vujity* Serbian Theatre, now operating in the village of Lórév.

Autonomous systems of general culture and education of the minorities with larger numbers are presently taking shape. Along with the House of Slovak Culture of Békéscsaba, the Slovak Regional Centres at Bakonycsérnye, Sátorajáújhely and Szarvas, the Slovak Cultural and Educational Centre of Bánk, and the Lenau House (Pécs) and other German minority communal centres, the Slovenian Cultural and Information Centre, founded with budgetary support, and the House of Germans in Hungary, renovated in 2000 with support from Germany have to be highlighted. The Office of the Serbian National Self-Government operates as a national cultural centre as well.

The Public Foundation for National and Ethnic Minorities in Hungary awards emphasised support to national and regional minority programmes. Another decisive criterion of supporting particular applications is the use of the minority tongue in the programmes.

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;"

The Public Foundation for National and Ethnic Minorities offers annual grants for the publication of minority-language works of literature in Hungarian translation. Generally, it can be said that most minority publications are published in two languages. Similarly, television productions with minority themes are broadcast either in Hungarian with subtitles in a minority language, or in a minority language with Hungarian subtitles.

The Festival of Minority Films was held in December 2001 with support from the Public Foundation for National and Ethnic Minorities, at a central cinema in Budapest (*Művész Mozi*). Within the framework of the festival, the public could see the most interesting pieces by minority film studios, documentaries on the life of minorities, as well as productions created by other minority artists and teams.

The muster of films of ethnic subjects, organised for the first time in 2002, where films by minority filmmakers were also presented, saw the Award of the Association of Hungarian Documentary Directors, worth HUF 100 thousand, won by József Szőnyi, the Slovak mayor of the village Pilisszántó, for his work titled "Pilis lime." The film, recorded in the local Slovak dialect, was screened with live sound dubbing in Hungarian.

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."

Essentially, the above stand true in connection with this subject as well. Aside from the Public Foundation for National and Ethnic Minorities, the Master Programme of National Heritage also supports translation of Hungarian works to the languages of the minorities in Hungary - which are, at the same time, languages of neighbouring countries to Hungary. The same budgetary financing supports dubbing and subtitling of Hungarian films.

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

Representatives of the national minority self-governments are involved in the preparation, the making and the execution of every decision or ruling affecting the cultural life of the minorities. Financial resources directly supporting minorities' cultural life (Ministry of National Cultural Heritage, Public Foundation for National and Ethnic Minorities) are allocated by the decision-makers (boards of trustees) delegated by the minorities.

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."

The spectrum of collection of the National Archives extends to the documents of the national minority self-governments. Continuous archiving of these is performed by the self-governments themselves, who then transport their documents to the National Archives in times determined in their respective archival plans. Processing of documents at the Archives is continuous, and access for research is guaranteed.

Collecting works of literature in minority languages and making them available to the public is the task of the National Széchenyi Library. In accordance with Act CXL of 1997 on the Protection of Cultural Goods, Museum Institutions, the Supply of Public Libraries, and General Cultural and Educational Activities, 6 copies of all publications published in the country shall be sent to the National Széchenyi Library.

Television programmes produced in minority languages are collected by the archives of the regional studios of the Hungarian Television. Access to these is limited, mainly due to a lack of financial resources.

The same is true for minority programmes created by the Hungarian Radio. Minority editors attempted to process them in recent years, in part on in their entirety, by publishing them in print.

Within the grants of the Public Foundation for National and Ethnic Minorities, it is possible to apply for funding for archiving the materials prepared by minority studios - the Foundation approved grant applications of this sort on several counts. Many minority radio studios started to re-record their existing materials with contemporary technology, and certain minority studios publish their best reportages in print.

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 users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

Native Croatians, Germans, Romanians, Serbs, Slovaks and Slovenes live scattered across almost the entire territory of Hungary. That is the reason why the Republic of Hungary decided to apply the obligations it assumed regarding the languages of the listed minorities under the Charter to the entire territory of the country. Cultural initiatives are embraced partly by civil minority associations, and partly by the minority self-governments. State support for these purposes, as it was pointed out above, is provided continuously.

Supporting cultural life does not only mean the support of cultural initiatives, but also assistance given to the cultural associations of minorities. These associations and clubs use the state assistance to organise events and cultural programmes. Experience bears it out that Budapest and other larger cities can boast of a concentrated number of minority events, even though none of the listed minorities live there in significant proportions.

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

The Republic of Hungary strives to establish Institutes of Hungarian Culture in the capitals of all the mother countries of the minorities living in Hungary and, if possible, in other larger cities. In accordance with Article 2 subsection (2) paragraph h) of Government Decree No. 101/1997 (VI. 13.) on the Institutes of Hungarian Culture in Foreign Countries, these institutions also take part in presenting the results of education and culture of the national and ethnic minorities in Hungary, as well as in promoting institutional relations supporting it.

The minutes of the sessions of the Joint Committees on Minorities which were created on the basis of agreements between the Republic of Hungary and the mother countries of the minorities include recommendations that the Institutes of Hungarian Culture assist the presentation of the culture of the minority population living in Hungary in as wide a circle in the mother country of the given minority as possible. Recent years' experience proves that the institutions of the mother countries are also interested in learning about the culture of the minority concerned living in Hungary, and thus seek out the assistance of Institute of Hungarian Culture operating in the given country.

Article 13 - Economic and social life

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 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 or installations."

Last year Parliament passed Act XCVI of 2001 on the Publication of Business Advertisements, Shop Signs and Certain Announcements of Public Interest in the Hungarian language, stipulating that Hungarian must be featured in all signs purporting economic advertisement or indicating shops/businesses, as well as in all public service announcements. In cases, this means that the advertisement or sign must appear, along with the foreign language sign or content, in the same size and same wording in Hungarian as well.

The law recognises only one exception to that general obligation: Article 6, subsection (4) of the Act says that *"the requirements defined here will not prejudice the economic advertisements and signs posted in the minority languages defined in Article 42 of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, in settlements where the minority using the language concerned has a minority self-government."*

No other prohibitive or other regulation exists in Hungary relevant to the use of language of economic actors. Actors decide for themselves which language they wish to use in their activities and correspondence.

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 fields of culture, education, information, vocational training and permanent education;

b) for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."

The Republic of Hungary maintains fair relations with all the mother countries of the minorities living on its territory. Bilateral co-operation is characteristically reinforced by agreements signed between the governments or ministries of the mother country of a given minority and that of Hungary. In recent years, a whole system of Joint Committees on Minorities has been evolving on the basis of bilateral agreements. The national self-government of the given minority always delegates a representative to the sessions of these committees as a member of the Hungarian delegation.

* * *

As we indicated in our previous Report, the first partner relationships were formed between the Republic of Hungary and the **Federal Republic of Germany**. The Republic of Hungary undertakes, in the documents which provide a basis for the co-operation, to take measures to preserve the identity and language of the German minority living on the territory of Hungary.

The focus of German - Hungarian co-operation is the protection of the German language and the development of its teaching, including not only the extension of the system of German minority education, but also the development and support of the network of schools with dual language instruction in German and Hungarian.

The agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Hungary regarding co-operation in the field of school education was signed in December 2000. It aims to raise the awareness of the German language and culture in Hungary more, to deepen the cultural contacts of the two states, in order that each other's history and

culture be mutually known, and based upon co-ordinated curricula, establish German-Hungarian sections in Hungarian schools. Pupils could study technical subjects in German, and acquire the qualification needed for entering higher education in Germany. The students of the German - Hungarian section would take a combined examination, and if they succeed, receive a General Certificate in German as well as the regular Hungarian Secondary School Final Certificate.

* * *

During the reporting period, the Slovenian - Hungarian Joint Committee on Minorities had three sessions, resulting in an improvement in regional co-operation in the field of education, the exchange of textbooks and student exchange programs, and the training of teachers in their respective mother countries.

The Republic of Hungary and the **Republic of Slovenia** signed an Agreement of Co-operation in the field of Education, Culture and Sciences in 1999, for the period of time between 2000-2003.

Both the Slovenian Cultural and Information Centre in Szentgotthárd and the Slovenian radio station owned by the National Slovenian Self-Government are operating successfully, and enjoying support from both countries.

* * *

The **Croatian - Hungarian** Joint Committee on Minorities held two sessions in the past three years. The recommendations of the Joint Committee concentrated on assistance to the education of the Croats of Hungary, to cultural activities of speakers of the minority language, and to the nurturing of traditions.

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On the basis of the Treaty between the Republic of Hungary and the **Slovak Republic** on Good-neighbourly Relations and Friendly Co-operation, a total of 12 joint committees were created to provide the framework for the co-operation of the two countries in different areas of life. Recently, a decision was taken to include representatives of the Slovak minority living in Hungary in the work of all the joint committees as members of the Hungarian party.

The Hungarian-Slovakian Joint Committee on Minorities held its founding session in February 1999, which was followed by two further sessions during the reporting period.

As a result of one recommendation of the Joint Committee on Minorities, the Joint Committee of Slovakian and Hungarian Historians renewed its activities. A Group of Slovakian and Hungarian Teachers of history and social studies was set up in December 2000, with one of their chief tasks being the elaboration of a manual of methodology on the common history of Slovaks and Hungarians, so that the understanding of history teaching in the schools of the two countries could be harmonised. One of the tasks of the Joint Committee of Hungarian and Slovakian Historians is to assist the work of that group.

The Joint Committee on Minorities devotes a special attention to the development and support of minority education.

In 2001 an Agreement on the Cross-border Co-operation of Local Self-governments and Public Administration Organs was signed in Budapest by the Government of the Republic of Hungary and the Government of the Republic of Slovakia, with the objective to encourage co-operation between those living in the border regions of the two countries.

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After several years of inactivity, the Committee on national minorities of the Hungarian-**Romanian** Intergovernmental Joint Commission for Active Co-operation and Partnership held its 4th session in October 2001. The co-chairmen of the Committee formulated recommendations for the two governments concerning assistance to the cultural and educational activities of the two minorities.

The Government of the Republic of Hungary and the Government of Romania signed a Memorandum of Understanding on the Law on the Hungarians Living in Neighbouring Countries and issues of bilateral co-operation in December 2001 in Budapest. The Memorandum expressed the intent of the Parties to start negotiations on preferential treatment of the Romanian and Hungarian minorities living on the territory of the two countries.

In February 2002 the Government of Hungary set the deadlines for the execution of the recommendations of the Memorandum of Understanding and named those responsible for it by a Government Decree.

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Another significant result of the past three years is that a bilateral agreement on the protection of the rights of the Hungarian minority living in the **Federal Republic of Yugoslavia** and of the Serbs living in the Republic of Hungary has been worked out.

The Agreement and the activities of the Joint Committee which is due to be established in accordance with the Agreement would remedy the damages suffered by the Serbs of Hungary due to the two countries bad political relations, which effectively hindered the conclusion of bilateral agreements otherwise indispensable for the establishment and development of appropriate minority education.

The Serbian National Self-Government argues that the language rights of Serbs of Hungary were infringed upon when reception of Serbian radio broadcasts in the Serbian language from the mother country (otherwise very popular with the Serbs of Hungary) became impossible due to the damages suffered by Serbian radio stations during the 1999 NATO bombings in Serbia.

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The cultures and the languages of all the minorities living in the Republic of Hungary enjoy a special attention on the part of state organs and organisations. Ensuring the rights of minorities is based upon the international documents signed and ratified by Hungary and upon Hungarian law. Realisation of minority rights is monitored especially by the Minorities Ombudsman, the Office for National and Ethnic Minorities and the national and local minority self-governments. The

experiences of the past decade show that there are no social groups or political forces in Hungary that would question the linguistic, cultural and political rights of native minorities. Moreover, it might even be said that minority policy is among the few areas of public life where the widest consensus is established due to the agreement of all political forces.

Note¹ The paragraphs and sub-paragraphs in bold italics are the actual commitments undertaken by the Republic of Hungary.