

ENHANCING MINORITY GOVERNANCE IN ROMANIA

**STATUS OF NATIONAL MINORITIES LEGAL DIGEST:
A THEMATIC LOOK AT FIVE NATIONAL LAWS**

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AN ECMI LEGAL ADVISORY PROJECT



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TABLE OF CONTENTS

I.	Introduction.....	7
II.	Chapter I.....	9
	A. Croatia.....	10
	1. Definition	10
	2. Non-Discrimination	10
	3. Positive Measures	11
	4. Equal Protection Before the Law	12
	5. Freedom of Expression	13
	6. Freedom of Association	13
	7. Freedom of Religion	13
	8. Family and Private Life	14
	9. Right to Education (Minority Education)	14
	10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	15
	11. Promotion of Minority Identity.....	17
	12. Principle of Protection and Non-Assimilation.....	17
	13. Participation	18
	14. Public Services/Official Contexts	19
	15. Personal and Place Names, Notices	20
	16. Access to Media.....	21
	17. Cross Border Relations	23
	18. Mechanisms	23
	B. Czech Republic	31
	1. Definition	31
	2. Non-Discrimination	31
	3. Positive Measures	32
	4. Equal Protection Before the Law	32
	5. Freedom of Expression	32
	6. Freedom of Association	32
	7. Freedom of Religion	32
	8. Family and Private Life	33
	9. Right to Education (Minority Education)	33
	10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	33
	11. Promotion of Minority Identity.....	34
	12. Principle of Protection and Non-Assimilation.....	34
	13. Participation	34
	14. Public Services/Official Contexts	35
	15. Personal and Place Names, Notices	35
	16. Access to Media.....	36
	17. Cross Border Relations	36
	18. Mechanisms	36
	C. Hungary.....	38
	1. Definition	38
	2. Non-Discrimination	39
	3. Positive Measures	39

4. Equal Protection Before the Law	41
5. Freedom of Expression	41
6. Freedom of Association	41
7. Freedom of Religion	42
8. Family and Private Life	42
9. Right to Education (Minority Education)	43
10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	46
11. Promotion of Minority Identity.....	49
12. Principle of Protection and Non-Assimilation.....	50
13. Participation	51
14. Public Services/Official Contexts	53
15. Personal and Place Names, Notices	53
16. Access to Media.....	55
17. Cross Border Relations	56
18. Mechanisms	56
D. Serbia and Montenegro.....	65
1. Definition	65
2. Non-Discrimination	65
3. Positive Measures	66
4. Equal Protection Before the Law	67
5. Freedom of Expression	67
6. Freedom of Association	68
7. Freedom of Religion	68
8. Family and Private Life	69
9. Right to Education (Minority Education)	69
10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	70
11. Promotion of Minority Identity.....	72
12. Principle of Protection and Non-Assimilation.....	73
13. Participation	73
14. Public Services/Official Contexts	75
15. Personal and Place Names, Notices	76
16. Access to Media.....	76
17. Cross Border Relations	77
18. Mechanisms	77
E. The Ukraine	80
1. Definition	80
2. Non-Discrimination	80
3. Positive Measures	81
4. Equal Protection Before the Law	81
5. Freedom of Expression	81
6. Freedom of Association	81
7. Freedom of Religion	82
8. Family and Private Life	82
9. Right to Education (Minority Education)	82
10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	82
11. Promotion of Minority Identity.....	83

12. Principle of Protection and Non-Assimilation	83
13. Participation	83
14. Public Services/Official Contexts	83
15. Personal and Place Names, Notices	84
16. Access to Media	84
17. Cross Border Relations	84
18. Mechanisms	84
III. Chapter II – Thematic Section	85
1. Definition	86
. Croatia	86
. Czech Republic	86
. Hungary	86
. Serbia and Montenegro	87
. The Ukraine	87
2. Non-Discrimination	88
. Croatia	88
. Czech Republic	88
. Hungary	88
. Serbia and Montenegro	89
. The Ukraine	89
3. Positive Measures	89
. Croatia	89
. Czech Republic	91
. Hungary	91
. Serbia and Montenegro	93
. The Ukraine	94
4. Equal Protection Before the Law	94
. Croatia	94
. Czech Republic	94
. Hungary	95
. Serbia and Montenegro	95
. The Ukraine	95
5. Freedom of Expression	95
. Croatia	95
. Czech Republic	96
. Hungary	96
. Serbia and Montenegro	96
. The Ukraine	96
6. Freedom of Association	97
. Croatia	97
. Czech Republic	97
. Hungary	98
. Serbia and Montenegro	98
. The Ukraine	99
7. Freedom of Religion	99
. Croatia	99

. Czech Republic	100
. Hungary.....	100
. Serbia and Montenegro	100
. The Ukraine	100
8. Family and Private Life	100
. Croatia.....	100
. Czech Republic	101
. Hungary.....	101
. Serbia and Montenegro	101
. The Ukraine	101
9. Right to Education (Minority Education)	102
. Croatia.....	102
. Czech Republic	103
. Hungary.....	103
. Serbia and Montenegro	106
. The Ukraine	108
10. The Right to Enjoy Ones Culture, or to Use Ones Own Language	108
. Croatia.....	108
. Czech Republic	110
. Hungary.....	110
. Serbia and Montenegro	113
. The Ukraine	115
11. Promotion of Minority Identity.....	116
. Croatia.....	116
. Czech Republic	116
. Hungary.....	116
. Serbia and Montenegro	117
. The Ukraine	118
12. Principle of Protection and Non-Assimilation.....	118
. Croatia.....	118
. Czech Republic	119
. Hungary.....	119
. Serbia and Montenegro	120
. The Ukraine	120
13. Participation	121
. Croatia.....	121
. Czech Republic	122
. Hungary.....	123
. Serbia and Montenegro	125
. The Ukraine	127
14. Public Services/Official Contexts	127
. Croatia.....	127
. Czech Republic	128
. Hungary.....	129
. Serbia and Montenegro	129
. The Ukraine	130

15. Personal and Place Names, Notices	130
. Croatia.....	130
. Czech Republic	131
. Hungary.....	132
. Serbia and Montenegro	133
. The Ukraine	134
16. Access to Media.....	134
. Croatia.....	134
. Czech Republic	135
. Hungary.....	136
. Serbia and Montenegro	137
. The Ukraine	137
17. Cross Border Relations	137
. Croatia.....	137
. Czech Republic	138
. Hungary.....	138
. Serbia and Montenegro	139
. The Ukraine	139
18. Mechanisms	139
. Croatia.....	139
. Czech Republic	147
. Hungary.....	147
. Serbia and Montenegro	156
. The Ukraine	158
Appendix I – Croatian Law on the Rights of National Minorities	159
Appendix II – Czech Act on Rights of Members of National Minorities.....	177
Appendix III – Hungarian Act on the Rights of National and Ethnic Minorities....	185
Appendix IV – Yugoslav Law on the Protection of Rights and Freedoms of National Minorities	207
Appendix V – Ukrainian Law on National Minorities	218
Appendix VI – Council of Europe Framework Convention for the Protection of National Minorities.....	223
Appendix VII – Council of Europe Charter for Regional or Minority Languages	233

Introduction

Europe, in and of itself, is a rich and diverse area. Many ethnic, religious, and linguistic groups live in Europe and this is never truer than in Southern and Eastern European states where there are great numbers of diverse groups. In Southern and Eastern European states, due to the changing borders and wars, populations have shifted and there are no homogeneous countries. Furthermore, due to the various Balkan wars of the 1990s there has been a renewed emphasis by the European Union and other European mechanisms to avoid ethnic conflict by ensuring the rights of minorities in European states. Because of this, states in the region have been developing legal frameworks to ensure integration without assimilation. These frameworks have included protection of national minorities in constitutions, ratification of international and regional treaties, national legislation or various combinations of all the above. National legislation tends to focus on minority protection in education, language laws, labor laws, and development of self-governing units for minorities. *Inter alia*, some states have attempted to protect national minorities by the adoption of laws on the status of national minorities.

The five states' national laws that are included in this digest are only on the subject of the status of national minorities. All of the states in this digest have other legal instruments that address and/or supplement the laws on the status of national minorities. Because this digest is designed to assist the Government of Romania in drafting its law on the status of national minorities, only similar laws have been included. The five Southern and Eastern European states law's on the status of national minorities included in the digest are Croatia, Czech Republic, Hungary, Serbia and Montenegro, and the Ukraine. In the introductory sections reference is made to other laws of the five states that make up their legal framework for the protection of national minorities. These references are not exhaustive and are meant to demonstrate that the laws on the status of national minorities that these states have enacted do not exist by themselves, but form an integral part of the overall protection scheme.

This digest is intended to serve as a reference guide for the Romanian Government and other states wishing to draft a status law. The digest can also be used by academics in the pursuit of carrying-out studies on the manner and effectiveness of national minority status laws. The purpose of this digest is to compare and contrast the thematic issues, legal language and mechanisms utilized by the five states to protect national minorities.

There are two chapters to the digest. Chapter I examines the five states' status laws and divides each of those laws into 18 thematic headings. Each state law has an introduction section which briefly mentions some of the other laws that make up the state's legal framework in that country concerning protection of national minorities. Chapter II organizes the state laws into the 18 thematic headings. There is a lengthy appendix which includes the five state laws in their entirety. The appendix also includes the Council of Europe's Framework Convention for National Minorities and the Language Charter.

The topic headings are as follows:

1. Definition
2. Non-Discrimination
3. Positive Measures
4. Equal Protection Before the Law
5. Freedom of Expression
6. Freedom of Association, Assembly
7. Freedom of Religion
8. Family and Private Life
9. Right to Education (Minority Education)
10. The Right to Enjoy Ones Culture, or to use Ones Own Language
11. Promotion of Minority Identity
12. Principle of Protection And Non-Assimilation
13. Participation
14. Public Services/Official Contexts
15. Personal and Place Names, Notices
16. Access to Media
17. Cross Border Relations
18. Mechanisms

Chapter I

State Laws Divided by Theme

Croatia

Introduction

Beside the Constitutional Law on the Rights of National Minorities,¹ which is the subject of this section, the Republic of Croatia has several other laws, which include minority rights aspects. The Croatian Constitution lists the “members of autochthonous national minorities” as Serbs, Czechs, Slovaks, Italians, Hungarian, Jews, Germans, Austrians, Ukrainians and Ruthenians.² The Constitution also guarantees the right to use languages other than Croatian and other alphabets.³ The Law on the Croatian Radio – Television commits it to contain programming for national minorities.⁴ The Croatian Radio – Television is also not required to translate programs intended for national minorities into Croatian.⁵ There is also a specific law that allows for the education of national minorities in their own language.⁶

1. Definition

Article 5

A national minority in the sense of this Constitutional Law shall be a group of Croatian citizens [državljeni], whose members have been traditionally settled in the territory of the Republic of Croatia, and who have ethnic, linguistic, cultural and/or religious characteristics which are different than those of other citizens [gradjani], and who are guided by the wish for the preservation of those characteristics.

2. Non-Discrimination

Article 2

Apart from human rights and freedoms which are recognized by constitutional provisions, the Republic of Croatia also recognizes and protects all other rights foreseen in the international documents as per Article 1 of this Constitutional Law, depending on the exceptions and limitations foreseen in these documents, without discrimination on the basis of sex, race, the colour of skin, language, professing of religion, political and other conviction, national and social origin, connection with a national minority, ownership, the status inherited by birth or pursuant to some other basis, in compliance with Articles 14 and 17, Paragraph 3 of the Constitution of the Republic of Croatia.

¹ (OG No. 155/2002).

² Croatia Const. ch. I. Noticeably absent is any reference to Slovenes, Bosniaks and Roma.

³ Ibid. art. 12.

⁴ Law on the Croatian Radio - Television art. 5(2), Number: 01-081-01-595/2, 26 Feb. 2001.

⁵ Ibid. art. 9(4).

⁶ Law on Education in Languages of National Minorities (2000).

Article 4

- (4) Any discrimination based on affiliation to a national minority shall be forbidden. Members of national minorities shall be guaranteed equality before the law and equal legal protection.

3. Positive Measures

Article 3

- (1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.

Article 6

- (2) On the occasion of concluding international agreements as per Paragraph 1 of this Article, the Republic of Croatia shall advocate the standpoint that they should create and promote conditions necessary for the preservation and development of culture of members of national minorities, and preservation of significant components of their identity, that is, their religion, language, tradition and cultural heritage.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.
- (2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and

according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.

Article 19

- (2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.
- (3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.
- (4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.

4. Equal Protection Before the Law

Article 4

- (3) National minorities and their members shall exercise the rights and freedoms stipulated by this Constitutional Law and the rights and freedoms of members of national minorities stipulated by special laws, in the manner and under the conditions stipulated by this Constitutional Law and special laws.

(4) Any discrimination based on affiliation to a national minority shall be forbidden. Members of national minorities shall be guaranteed equality before the law and equal legal protection.

5. Freedom of Expression

Not applicable.

6. Freedom of Association, Assembly

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

7. self-organising and association for the purpose of exercising mutual interests;

Article 15

(1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

7. Freedom of Religion

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

5. the right to profess one's religion and to establish religious communities together with other members of that religion;

Article 16

- (4) Members of national minorities may freely express their religious affiliation and profess their religion and, in compliance with that, belong to a religious community.

8. Family and Private Life

Not applicable.

9. Right to Education (Minority Education)

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

2. education in the language and script which they use;

Article 11

- (1) Members of national minorities shall have the right to education in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.
- (3) School institutions with the education in the language and script of a national minority may be established and education may be conducted for a smaller number of pupils than the number which is stipulated for school institutions with education in the Croatian language and script.
- (4) The curriculum in the language and script of a national minority shall, except for the general part, obligatorily contain a part, the content of which is related to a specific quality of a national minority (mother tongue, literature, history, geography and cultural opus of a national minority).

- (5) The right and obligation of pupils educated in the language and script of national minorities shall be to learn the Croatian language and Latin script according to the determined curriculum, apart from their own language and script.
- (6) Educational work in a school institution with the education in the language and script of a national minority shall be conducted by teachers from among the ranks of a national minority who have excellent command of the language and script of the national minority, or by teachers who are not from among the ranks of the national minority, but who have excellent command of the language and script of the national minority.
- (7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).
- (8) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.
- (9) Pupils attending schools in the Croatian language and script shall be enabled to learn the language and script of a national minority in the manner stipulated by a special law, according to the curriculum determined by the competent central state administration body, along with providing financial means in the state budget and in the budgets of local self-government units.

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

Article 3

- (1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;
2. education in the language and script which they use;

4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;

6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 11

- (1) Members of national minorities shall have the right to education in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.

- (7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).

Article 12

- (1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.
- (2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.

- (3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

Article 14

- (1) The use of signs and symbols of national minorities and the celebration of national minorities' holidays shall be free.
- (2) National minorities may display appropriate signs and symbols of national minorities along with the official use of signs and symbols of the Republic of Croatia. When the national anthem and/or a solemn song of a national minority is being performed, the national anthem of the Republic of Croatia shall be obligatorily performed beforehand.
- (3) Local self-government units and regional self-government units shall be obliged to stipulate by the statute the official use and the manner of use of the flag and symbols of national minorities.

11. Promotion of Minority Identity

Article 4

- (1) Every citizen [državljanin] of the Republic of Croatia shall have: the right to express freely that he is a member of a national minority in the Republic of Croatia; the right to exercise, alone or together with other members of that national minority or with members of other national minorities, the rights and freedoms stipulated by this Constitutional Law and other minority rights and freedoms stipulated by special laws.

12. Principle of Protection And Non-Assimilation

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;

10. protection from any activity which endangers or may endanger their existence, the exercise of rights and freedoms.

Article 15

- (1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

13. Participation

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

8. representation in the representative bodies at the state and local level and in administrative and judicial bodies;
9. participation of members of national minorities in the public life and in management of local affairs through the councils and through representatives of national minorities;

Article 15

- (1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the

representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.

Article 19

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the Croatian Parliament.
- (2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.
- (3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.
- (4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.

14. Public Services/Official Contexts

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;

Article 9

- (1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.
- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 12

- (1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.
- (2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.
- (3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

15. Personal and Place Names, Notices

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;

Article 9

- (1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.
- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 13

The law which regulates the use of language and script of national minorities, and/or the statutes of local self-government units shall stipulate the measures providing for the preservation of traditional names and signs and giving the names of persons and significant events for the history and culture of a national minority in the Republic of Croatia to settlements, streets and squares in the areas traditionally, or to a considerable number, populated by members of national minorities.

16. Access to Media

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;

Article 16

- (2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons of that state, without paying the custom duties, newspapers, magazines, books, movies,

videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.

Article 17

- (1) On the basis of laws and implementing regulations, which regulate the activities of public information, production and broadcast of radio and television programmes, education, museum, archival and library activity and the protection and preservation of cultural assets, the conditions shall be created for the acquaintance of all citizens of the Republic of Croatia, especially of children and youth, through the content of educational work and through obligatory, as well as optional educational subjects, with the history, culture and religion of national minorities.
- (2) With the objective of exercising the provisions of Paragraph 1 of this Article, the measures shall be undertaken which will alleviate the access to the media for members of national minorities.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.
- (2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.
- (3) With the aim of exercising the rights of members of national minorities to the information through the press, radio and television in the script and language of a national minority, members of national minorities, their councils of national minorities and representatives of national minorities and their associations may perform the activity of public information (publish newspapers, produce and broadcast radio and television programme and perform the activity of news agencies), in compliance with the law.

17. Cross Border Relations

Article 16

- (1) Members of national minorities, their associations and councils of national minorities or representatives of national minorities shall freely maintain contacts with a nation with which they share the same ethnic, linguistic, cultural and/or religious characteristics and with legal persons with the seat in the area of the state of that nation which perform the tasks of education, science, culture, publishing and humanitarian activities.
- (2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons of that state, without paying the custom duties, newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.
- (3) The associations of members of national minorities may organise guest performances by professional and amateur cultural and art groups for the members of national minorities and organise other cultural and art performances and exhibitions which contribute to the enrichment of the culture and identity of a national minority. In such cases, foreign persons participating in the conduct of performances and exhibitions shall not need the work permit.

18. Mechanisms

Article 20

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the representative bodies of local self-government units and in the representative bodies of regional self-government units.
- (2) If at least one member of a national minority, which participates in the population of the local self-government unit with more than 5 % and less than 15 %, is not elected in the representative body of the self-government unit on the basis of universal suffrage, the number of members of the representative body of the self-government unit shall be increased by one member, and the member of a national minority, who was not elected first according to the proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.
- (3) If, based on universal suffrage, a national minority which accounts for at least 15% in the population of a local self-government unit, is not represented in the representative body of the local self-government unit by the number of members of the national minority which is proportional to its share in the population of that local self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall

be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.

- (4) If, based on universal suffrage, a national minority which accounts for more than 5 % in the population of a regional self-government unit, is not represented in the representative body of the unit by the number of members proportional to its share in the population of that regional self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a regional self-government unit.
- (5) If the representation of members of national minorities in the representative body of a local self-government unit is not reached even with the application of the provisions as per Paragraphs 2 and 3 of this Article, or if the representation of members of national minorities in the representative body of a regional self-government unit is not reached even with the application of the provisions as per Paragraph 4 of this Article, by-elections shall be called in the self-government unit in compliance with these provisions.
- (6) The nomination and election of members of the representative body of a local self-government unit and regional self-government unit pursuant to the provisions of Paragraphs 2, 3, 4 and 5 of this Article, shall be regulated by the law regulating the election of members of representative bodies of local and regional self-government units.
- (7) The official census results shall be relevant to the determination of the number of members of a national minority for the implementation of the provisions of this Article. Prior to each elections, the official census results on the number of members of national minorities in a local or regional self-government unit shall be conformed to possible changes registered in the last confirmed voter's list of that unit.

Article 21

Local self-government units and regional self-government units, in which members of national minorities do not constitute the majority of population, may determine by their statutes that members of national minorities, or a larger number of members of national minorities, are elected to the representative body of a local self-government unit or regional self-government unit than it ensues from their share in the total population of the unit.

Article 22

- (1) In a local self-government unit and in regional self-government unit (hereinafter: self-government unit), in which, pursuant to the provisions of this Constitutional Law, proportional representation of members of its representative body needs to be ensured from among the ranks of members of national minorities, the representation of members of a national minority shall be ensured in its executive body.
- (2) The members of national minorities shall be ensured representation in the state administration and judicial bodies in compliance with the provisions of a special law, taking into account the share of members of national minorities in the total population at the level at which the state administration or judicial body was established and the acquired rights.

- (3) Members of national minorities shall be ensured representation in the administrative bodies of self-government units in compliance with the provisions of a special law regulating local and regional self-government and in compliance with the acquired rights.
- (4) Members of national minorities shall have priority in the filling of posts as per Paragraphs 2 and 3 of this Article, under equal conditions.

Article 23

Members of national minorities shall elect, in the manner and under the conditions stipulated by this Constitutional Law, their representatives for the reason of participation in the public life and management of local affairs through the councils and representatives of national minorities in self-government units, in order to improve, preserve and protect the position of national minorities in the society.

Article 24

- (1) In self-government units in the area of which members of an individual national minority participate with at least 1.5 % in the total population of the self-government unit, in local self-government units in the area of which more than 200 members of an individual national minority are living, and regional self-government units in the area of which more than 500 members of a national minority are living, members of each of those national minorities may elect the Council of National Minority.
- (2) Ten members of a national minority shall be elected into the Council of National Minority of a municipality, 15 members into the Council of National Minority of a town and 25 members into the Council of National Minority of a county.
- (3) In cases when at least one of the conditions as per Paragraph 1 of this Article for the election of the Council of National Minority has not been fulfilled, and there are at least 100 members of a national minority living in the area of a self-government unit, a minority representative shall be elected for the area of such self-government unit.
- (4) The candidates for the members of the Council of National Minority, that is, the candidates for minority representatives, may be proposed by the associations of national minorities or by at least 20 members of a national minority from the area of a municipality, that is, 30 members from the area of a town and 50 members from the area of a county.
- (5) The members of the Council of National Minority and minority representatives shall be elected directly, by secret ballot, for a four-year term, and the provisions of the Law, which regulate the election of the members of representative bodies of local self-government units, shall be appropriately applied to the election procedure and other issues related to their election.
- (6) The census, corrected (increased or decreased) by that number of voters who are registered in or deleted from the voter's list, compiled for the election of members of representative bodies of local self-government units, shall be relevant to the determination of the number of members of a national minority for the conduct of the provisions of this Article.

Article 25

- (1) The Council of National Minority shall be a non-profit legal person. It shall acquire the capacity of a legal person by the entry into the Register of Councils of National Minorities, which is kept by the Ministry competent for general administration affairs.

Article 26

The members of the Council of National Minority shall elect the President of the Council by secret ballot. The Council of National Minority shall also elect a person who shall replace the President of the Council in case of his absence or him being prevented to perform his duty.

Article 27

- (1) The Council of National Minority shall pass the working programme, financial plan and annual financial statement, as well as the statute which regulates the issues of significance for the work of the Council.
- (2) The President of the Council of National Minority shall represent and act on behalf of the Council of National Minority, convene the sessions of the Council and have the rights and obligations set forth by the Statute of the Council.
- (3) The Council of National Minority shall pass the Statute, working programme, financial plan and the annual financial statement by the majority of votes of all members.
- (4) The statute, financial plan and the annual financial statement of the Council of National Minority shall be published in the official gazette of the local or regional self-government unit for the area of which the Council was established.

Article 28

- (1) Self-government units shall provide the funds for the work of The Council of National Minority, including the funds for the performance of administration tasks for their needs, and they may also provide the funds for the conduct of specific activities set forth in the working programme of the Council of National Minority.
- (2) The funds for the exercise of specific programmes of the Council of National Minority may also be provided from the state budget of the Republic of Croatia.

Article 29

- (1) The funds, which the Council of National Minority gains from its property, from donations, gifts, inheritance or some other basis, may be used exclusively for the activities and tasks of importance for the national minority which were determined in the working programme of The Council of National Minority.
- (2) The funds, which the Council of National Minority gains from the state budget of the Republic of Croatia or the budget of a self-government unit, may be used exclusively for the purposes determined in the budget and law, that is, by a decision which regulates the

execution of the budget, or for the purposes determined by the Council for National Minorities, in the case of funds from the state budget of the Republic of Croatia.

- (3) When the Council of National Minority purchases goods or services or performs works using the funds as per Paragraph 2 of this Article, it may only use them under the conditions and in the manner stipulated by the Law on Public Purchase.

Article 30

- (1) The members of the Council of National Minority shall perform their duties, as a rule, voluntarily and with the care of a good host.
- (2) The members of the Council of National Minority may only receive a compensation for the costs they had while performing the tasks for the Council from the Council's funds, as well as a reward, on a monthly basis or some other period of time, if approved, and to the amount approved, by the minister competent for general administration.

Article 31

- (1) The Council of National Minority in a self-government unit shall have the right to:
 - propose to the bodies of a self-government unit the measures for the improvement of the position of a national minority in the state or in an area thereof, including the submission of proposals of general acts which regulate the issues of significance for a national minority to the bodies which adopt them;
 - propose candidates for duties in state administrative bodies and bodies of self-government units;
 - be informed about each issue which the working bodies of the representative body of a self-government unit will discuss, and which pertains to the position of a national minority;
 - provide opinions and proposals with regard to the programmes of radio and television stations at the local and regional level intended for national minorities or programmes which deal with minority issues.
- (2) The bodies of self-governments units shall regulate the manner, deadlines and the procedure for the exercise of rights stipulated in Paragraph 1 of this Article by its general acts.

Article 32

- (1) The authorities of a self-government unit shall be obliged, in the preparation of proposals of general acts, to request from the Council of National Minority established for its area an opinion and proposals with regard to the provisions which regulate the rights and freedoms of national minorities.

Article 33

- (1) Two or more Councils of National Minorities founded in the same local self-government unit, two or more Councils of National Minorities founded in different local self-government units, two or more Councils of National Minorities founded in the same regional self-government

unit and two or more Councils of National Minorities founded in different regional self-government units may establish the co-ordination of Councils of National Minorities for the purpose of conformation and promotion of mutual interests.

- (2) The Councils of National Minorities shall conform the positions on the issues from their scope of activities through the co-ordination of Councils of National Minorities.
- (3) The Councils of National Minorities may authorise the co-ordination of Councils of National Minorities to undertake particular measures as per Article 31 of this Constitutional Law, on their behalf.
- (4) It shall be considered that the Councils of National Minorities of regional self-government units have established a co-ordination of Councils of National Minorities for the area of the Republic of Croatia when more than half of Councils of National Minorities of regional self-government units joined the agreement on the establishment of this co-ordination.
- (5) The co-ordination of Councils of National Minorities, which was established by the Councils of National Minorities of regional self-government units for the area of the Republic of Croatia, may pass decisions on signs and symbols of national minorities and on the manner of celebration of holidays of national minorities with the consent of the Council for National Minorities.

Article 34

- (1) A minority representative shall perform his tasks under the title which has to be in the Croatian language and Latin script and in the language and script used by the national minority which elected him and which contains the mark of the area for which he was elected.
- (2) A minority representative shall open an account for funds which are used for the exercise of minority rights in the area of a local self-government unit for which he was elected, the financial plan for the use of those funds and the annual financial statement for those funds. The financial plan and the annual financial statement for the funds used for the exercise of minority rights, shall be published in the official gazette of the self – government unit for the area of which the minority representative has been elected.
- (3) The provisions of Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Law shall be adequately applied to a minority representative and his competencies and duties.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.
- (2) The Council for National Minorities shall have the right to:

- propose to the bodies of state authorities to discuss certain issues of significance for a national minority, particularly the implementation of this Constitutional Law and special laws regulating minority rights and freedoms;
 - propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area thereof;
 - provide opinions and proposals about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
 - propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number inhabited by members of national minorities in order to preserve their existence in those areas.
 - request and acquire from the bodies of state authorities and bodies of local and regional self-government the data and reports required for discussing the issues from its scope of activities;
 - invite and request the presence of representatives of bodies of state authorities and bodies of local and regional self-governments, which competence includes the issues from the scope of activities of the Council established by this Constitutional Law and the Statute of the Council.
- (3) The Council for National Minorities shall co-operate in the issues of interest for national minorities in the Republic of Croatia with the competent bodies of international organizations and institutions which deal with the issues of national minorities as well as with the competent bodies of parent countries of members of national minorities in the Republic of Croatia.
- (4) The Council for National Minorities shall allocate the funds provided from the state budget for the needs of national minorities. The beneficiaries of the funds shall submit annual reports to the Council on the expenditure of the funds which were allocated to them from the state budget, of which the Council shall inform the Government of the Republic of Croatia and the Croatian Parliament.
- (5) If the Council for National Minorities fails to pass a decision on the allocation of funds as per Paragraph 4 of this Article within 90 days from the adoption of the state budget, the Government of the Republic of Croatia shall pass a decision on it.

Article 36

- (1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities for a four-year term, as follows:
- seven members of national minorities, from among the ranks of persons proposed by councils of national minorities,
 - five members of national minorities from among the ranks of distinguished cultural, scientific, expert, religious employees from among the ranks of persons proposed by minority associations and other minority organisations, religious communities, legal persons and citizens, members of national minorities.
- (2) The members of the Council for National Minorities shall also be representatives of national minorities in the Croatian Parliament.

- (3) The Council for National Minorities shall have a President and two Deputy Presidents appointed by the Government of the Republic of Croatia from among the ranks of the members of the Council. One of them shall be obligatorily a member of the Council from among the ranks of a national minority which participates in the total population of the Republic of Croatia with more than 1.5%.
- (4) On the occasion of the appointment of members of the Council for National Minorities, the Government of the Republic of Croatia shall take into account the share of members of particular national minorities in the total population of the Republic of Croatia, as well as the fact that the composition of the Council shall reflect their identity and specific quality, historical values, ethnic, cultural and every other diversity.
- (5) The President and Deputy Presidents of the Council for National Minorities shall perform their duty professionally and the President of the Council shall also be the Head of the Expert Office of the Council.
- (6) The Government of the Republic of Croatia shall establish the Expert Office of the Council for the performance of expert and administrative tasks for the Council for National Minorities and it shall determine the approximate number of its officials and employees.
- (7) The Council for National Minorities shall have a Statute adopted with the consent of the Government of the Republic of Croatia. The Statute shall more precisely regulate the scope of activities and the organization of the Council.
- (8) The Council for National Minorities shall adopt the working programme, the financial plan, the annual financial statement and decisions on the allocations of funds which are provided in the state budget for the needs of national minorities.
- (9) The Council for National Minorities shall adopt a Rule Book on the Internal Order of the Expert Office of the Council upon the proposal of the President of the Council.
- (10) The Council for National Minorities shall pass decisions with the majority of all members.
- (11) The working programme of the Council for National Minorities, the financial plan and the annual financial statement of the funds of the Council for National Minorities, and the acts, whereby the Council for National Minorities allocates the funds provided in the state budget for the needs of national minorities, shall be published in the "Official Gazette".

Czech Republic

Introduction

In addition to the Act on Rights of Members of National Minorities,⁷ which is categorized in this section, the Czech Republic has a Charter of Fundamental Rights and Freedoms. In the Charter of Fundamental Rights and Freedoms, Chapter Three deals specifically with the rights of national and ethnic minorities.⁸ The rights included in the Charter are the right to develop with other members of the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations, the right to education in their language, the right to use their language in official contact, and the right to participate in the settlement of matters concerning the national and ethnic minorities election laws.⁹

1. Definition

§ 2

Definition of basic concepts

- (1) A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history.
- (2) The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin.

2. Non-Discrimination

Not applicable.

⁷ Act No. 273/2001 Coll. (2 Aug. 2001).

⁸ Act No. 02/1993 Coll. (*as amended by* Act No. 162/1998 (1 Jan. 1999)).

⁹ *Ibid.* at arts. 24 & 25.

3. Positive Measures

§ 13

Right of spreading and receiving information in the language of a national minority

- (2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.

4. Equal Protection Before the Law

Not applicable.

5. Freedom of Expression

§ 13

Right of spreading and receiving information in the language of a national minority

- (1) Members of national minorities have the right to spread and receive information in their language.

6. Freedom of Association, Assembly

§ 5

Right of association of members of a national minority

Members of a national minority can associate in national associations and political parties and movements under conditions and in a way determined by special legal regulations.²

7. Freedom of Religion

Not applicable.

² Act N. 83/1990 Coll. on association of citizens, as amended. Act N. 424/1991 Coll. on association in political parties and movements, as amended. Act N. 220/1999 Coll. on the course of national or compensatory military service, military trainings and legal position of reservists.

8. Family and Private Life

Not applicable.

9. Right to Education (Minority Education)

§ 11

Right of education in the language of a national minority

- (1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right of upbringing and education in their mother tongue at schools, pre-school and school institutions under conditions determined by special legal regulations.⁸
- (2) Members of national minorities according to paragraph 1 are allowed under conditions determined by special legal regulations⁹ to establish
 - a) private schools using the language of a national minority as the teaching language or teaching the language of a national minority as a school subject;
 - b) private pre-school and school institutions.

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

§ 12

Right of the development of culture of members of national minorities

- (1) Members of national minorities have the right to maintain and develop their language, culture and traditions and the right to respect for them.

§ 13

Right of spreading and receiving information in the language of a national minority

- (1) Members of national minorities have the right to spread and receive information in their language.

⁸ Act N. 76/1978 Coll. on school institutions, as amended. Act N. 29/1984 Coll. on the system of primary schools, secondary schools and secondary modern schools (Education Act), as amended. Act N. 564/1990 Coll. on state administration and self-administration in educational system, as amended.

⁹ Act N. 76/1978 Coll. on school institutions, as amended. Act N. 29/1984 Coll. on the system of primary schools, secondary schools and secondary modern schools (Education Act), as amended. Act N. 564/1990 Coll. on state administration and self-administration in educational system, as amended.

11. Promotion of Minority Identity

§ 12

Right of the development of culture of members of national minorities

- (2) The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

12. Principle of Protection And Non-Assimilation

§ 12

Right of the development of culture of members of national minorities

- (2) The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

13. Participation

§ 3

Exercise of rights of members of national minorities

- (1) Members of national minorities individually or in common with other members of a national minority are guaranteed to be able to exercise their rights determined by this act, special legal regulations or international conventions on human rights and fundamental freedoms by which the Czech Republic is bound.

§ 6

Right of participation in dealing with matters concerning a national minority

- (1) Members of a national minority have the right to their active participation in cultural, social and economic life and public affairs, especially those concerning national minorities whose members they are, and this at the level of community, region and state as a whole.

- (2) Members of a national minority exercise their right according to paragraph 1 especially by means of committees for national minorities established according to special legal regulations³ and the government's Council for National Minorities (thereafter "the Council").

14. Public Services/Official Contexts

§ 9

Right of using the language of a national minority in official documentation and discourse and hearing before a court

Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special legal regulations.⁶

15. Personal and Place Names, Notices

§ 7

Right of using name and surname in the language of a national minority

Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special legal regulation.⁴

§ 8

Right of multilingual names and denominations

- (1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to have the name of a community in which they live, the names of its parts, streets and public places as well as the functions of buildings of public authorities and electoral rooms posted in the language of the national minority as well as in the Czech language.

³ Act N. 128/2000 Coll. on communities (local government), as amended by the Act N. 273/2001 Coll. Act N. 129/2000 Coll. on regions (regional government), as amended by the Act N. 273/2001 Coll. Act N. 131/2000 Coll. on capital Prague, as amended.

⁶ § 18 of the Act N. 99/1963 Coll. on the Rules of Civil Procedure, as amended by the Act N. 30/2000 Coll. § 7 of the Act N. 335/1991 Coll. on courts and judges. § 2 of the Act N. 141/1961 Coll. on judicial criminal proceedings (Rules of Criminal Procedure), as amended. § 33 of the Act N. 182/1993 Coll. on the Constitutional Court. § 12 of the Act N. 563/1991 Coll. on accounting.

§ 46a of the Act N. 202/1990 Coll. on lotteries and similar games, as amended by the Act N. 149/1998 Coll. § 3 of the Act N. 337/1992 Coll. on administration of taxes and charges, as amended by the Act N. 35/1993 Coll. and the Act N. 255/1994 Coll.

⁴ Act N. 301/2000 Coll. on registers, name and surname and amendment of some related acts.

§ 10

Right of using the language of a national minority during elections

Under conditions determined by special legal regulations⁷ members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to publicise the notice of the term and place of elections and other information for voters in the language of national minorities.

16. Access to Media

§ 13

Right of spreading and receiving information in the language of a national minority

- (2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.
- (3) Creating and disseminating radio and television broadcasting related to members of national minorities and implemented by legitimate operators are determined by special legal regulations.¹⁰

17. Cross Border Relations

Not applicable.

18. Mechanisms

§ 6

Right of participation in dealing with matters concerning a national minority

- (3) The government establishes the Council as its consultative and initiative body for matters concerning national minorities and their members. At the head of it is a member of the government.

⁷ Act N. 152/1994 Coll. on elections to community councils and amendment of some other acts, as amended. Act N. 130/2000 Coll. on elections to regional councils and amendment of some acts, as amended by the Act 273/2001 Coll. Act N. 247/1995 Coll. on elections to the Parliament of the Czech Republic, as amended.

¹⁰ Act N. 483/1991 Coll. on Czech Television, as amended. Act N. 484/1991 Coll. on Czech Radio, as amended.

- (4) Members of the Council are representatives of national minorities and public authorities; at least half of them must be representatives of national minorities nominated by associations of members of national minorities.
- (5) The Council is competent to:
- a) arrange for the preparation of governmental measures concerning the rights of members of national minorities in the Czech Republic;
 - b) express opinions on motions for bills, governmental regulations and measures concerning the rights of members of national minorities before their submission to the government;
 - c) prepare for the government overall reports on the situation of national minorities on the territory of the Czech Republic;
 - d) prepare for the government, ministries or other administrative authorities recommendations for satisfying the needs of members of national minorities especially in the field of the education system, culture and media, using their mother tongue, and social and cultural life;
 - e) cooperate with local self-government bodies in the practical application of state policy relating to national minorities;
 - f) propose the distribution of finances expended from the Budget for the support of activities of members of national minorities.
- (6) Details concerning the composition of the Council and the way of nomination of its members and its activities are determined in rules of the Council sanctioned by the government.

Hungary

Introduction

Hungary has a specific law on the Rights of National and Ethnic Minorities,¹⁰ which is found below. The Hungarian Constitution has an article which specifically protects national minorities by providing for their protection and ensuring their collective participation in public affairs, 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.¹¹ The Constitution also provides that “the laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.”¹² Furthermore the Constitution grants national and ethnic minorities the right to form local and national bodies for self-government.¹³ Hungary also has several laws that offer some degree of protection to national minorities, such as the Act on Radio and Television Broadcasting, the Act on the Protection of Cultural Goods, Museum Institutions, Public Library Services and Cultural Education, *inter alia*. The Constitution also creates two Ombudsmen, one on civil rights and the other for the rights of national and ethnic minorities. Hungary also has an Office for National and Ethnic Minorities which is a state administrative body under the Ministry of Justice, established in the Rights of National and Ethnic Minorities and enumerated in Decree No. 125/2001 (VII. 10) on the Office for National and Ethnic Minorities. The Office assesses the situation of the national and ethnic minorities and drafts minority policy.

1. Definition

Article 1

- (1) This Act applies to all persons of Hungarian citizenship living in the Republic of Hungary who consider themselves members of any national or ethnic minority and to the communities of these people.
- (2) For the purposes of the present Act a national or ethnic minority (hereinafter 'minority') is any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.

Article 2

This Act does not apply to refugees, immigrants, foreign citizens settled in Hungary, or to persons of no fixed abode.

¹⁰ Act LXXVII of 1993.

¹¹ *Ibid.* art. 68.

¹² *Ibid.* art. 68(3).

¹³ *Ibid.* art. 68(4).

Article 61

- (1) In accordance with this Act the following ethnic groups qualify as ethnic groups native of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.
- (2) If a minority other than those listed in par (1) wish to prove that they meet the requirements specified in this Act, they may submit a petition related to this subject to the Speaker of the National Assembly if supported by at least 1,000 voters who declare themselves members of this minority. In the course of this procedure the provisions of Act XVII of 1989 on Referendums and Petitions shall apply.

2. Non-Discrimination

Article 3

- (5) Any form of discrimination against minorities is prohibited.

Article 4

- (1) The Republic of Hungary prohibits any policy that

- persecutes a national or ethnic minority or any of its members because of their national status, makes their living conditions more difficult, or prevents them from exercising their rights;

3. Positive Measures

Article 4

- (2) The Republic of Hungary, through its international relations, undertakes to act against any political intentions that might result in any of the consequences listed in par (1). It also strives to provide protection against such a policy through international legal mechanisms and by international agreements.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 29

- (1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.
- (2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.

Article 46

- (2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.
- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.
- (4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.

Article 59

- (1) The property - in the possession of the local municipal government on the territory under its authority - necessary for the minority self-government to perform its duties and exercise its authority shall be transferred for usage by the minority self-government. This transfer must not hinder the municipal government in performing its duties and exercising its authority.
- (2) In order to ensure the operating conditions of individual national minority self-governments, the locally competent government must transfer a self-contained building, or part of a building with a net area of 150-300 square metres - with compensation by the state - within 3 months from their establishment, if the national minority self-government is established within two budgetary years from this Act coming into force.

- (3) The general regulations of the provisions governing the property of self-governments shall apply to the right of use and to the transfer procedure. At the moment of the transfer, a written document shall record:
- a) the exact description and the value of the property transferred
 - b) the aims to achieve by the transfer of this property
 - c) whether, and in what proportion, the municipal government accepts responsibility for debts which have occurred during the implementation of the tasks and have not been settled from the property of the local minority self-government, in case if the local minority self-government has taken over, together with the property transferred, part of the tasks prescribed as legal obligation for the municipal government.
- (4) As regards normative Government assistance, institutions operated by national minority self-governments shall be treated in the same way as non-Governmental institutions providing human services.
- (5) Minority self-governments are entitled to normative Government assistance in accordance with the regulations concerning municipal governments. Minority self-governments shall have access to normative Government assistance through local municipal governments.

4. Equal Protection Before the Law

Article 6

The Republic of Hungary promotes the realisation of equality before the law by introducing measures with the aim of ensuring equality of opportunities [par (3) of Article 70/A of the Constitution].

Article 51

- (2) In the course of civil or criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

5. Freedom of Expression

Not applicable.

6. Freedom of Association, Assembly

Article 55

- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues,

preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

7. Freedom of Religion

Article 50

(2) The state supports

b) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

8. Family and Private Life

Article 3

(4) Each minority community, or the members of such communities, has the right to lead an undisturbed life in their country of birth, and maintain contact with their homeland. The right to have a country of birth not only means that the individual has a right to his/her own place of birth, but also to the place of birth or residence of his/her parents, or the people who raised them, their ancestors, as well as the freedom to relate to the former homeland and its culture, and the protection of these rights.

Article 11

A person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associated with these feasts be performed in his/her mother tongue.

Article 50

(2) The state supports

- d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

9. Right to Education (Minority Education)

Article 13

Persons belonging to a minority have the right to

- a) participate in education and cultural activities in their mother tongue;

Article 18

(3) Minority communities have the right to

- a) initiate the creation of the necessary conditions for kindergarten, primary, secondary and higher education in the mother tongue or 'bilingually' (i.e. in the mother tongue and in Hungarian);
- b) establish a national educational, training, cultural and scientific institutional network of their own within the boundaries of existing laws.

Article 27

(3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of

- a) local basic education;

Article 38

(4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.

Article 43

- (1) The state recognises the mother tongues of minorities as a factor contributing to community cohesion, and supports their teaching - where requested - in educational institutions which are not under the authority of minority municipal governments in accordance with the provisions of paras (2) and (4), and Articles 44-49.
- (2) In accordance with the decision of their parents or guardian, children belonging to a minority will be and may be educated in their mother tongue, 'bilingually' (in their mother tongue and in Hungarian), or in Hungarian.
- (3) The education of minorities in their mother tongue or 'bilingually' may be provided in minority kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.
- (4) At the request of the parents or legal representatives of eight students belonging to the same minority group, it is compulsory to establish and run a minority class or group.

Article 44

The extra costs of minority education in the mother tongue or 'bilingually' as provided for in Article 43 - in line with the provisions of the law - are to be met by the state as well as the municipal government.

Article 45

- (1) In the course of the legal regulation of education and higher education, the choice of the content and the structure of educational activity and the supervision of such activity, in line with this Act, cultural and educational interests corresponding to the cultural autonomy of minorities have to be enforced.
- (2) To relieve the disadvantages of the Gypsy minority in the field of education specific educational conditions may be introduced.
- (3) In educational institutions established for minorities in accordance with paras (3)-(4) of Article 43. (3)-(4) it will be ensured that students acquire a knowledge of their people, the history of their minority and its motherland, as well as its cultural traditions and values.

Article 46

- (1) Municipal governments and minority self-governments will co-operate in assessing the demand for minority education and in the organisation of such education.
- (2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.
- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.

- (4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.
- (5) If persons belonging to minorities pursue their studies in countries where there are universities, colleges and other educational institutions which run their courses in the mother tongue of that person and cultivate the culture of the community s/he belongs to, the degrees, diplomas and other certificates the student is awarded there - within the authority of applicable laws and international agreements - must be considered equivalent to the appropriate degrees, diplomas and certificates obtained in the Republic of Hungary.

Article 47

A minority municipal government or a local minority self-government may assume control of an educational institution from another authority only if it can ensure the maintenance of the same standards of education. The amount of state subsidies granted to the institution transferred may not be reduced as a result of the transfer.

Article 48

- (1) Those who do not belong to the minority concerned may only study in educational institutions for minorities if the institutions still have places available after satisfying the needs of the minority. The admission of students (enrolment) will occur on the basis of regulations made public in advance.
- (2) The teaching of the Hungarian language - carried out in as many classes as necessary and at the standard necessary to acquire the language - will also be ensured in educational institutions for minorities.
- (3) In settlements where the Hungarian population - or the population of another national or ethnic minority - is in numerical minority, the mother tongue or bilingual education of children whose mother tongue is Hungarian or the other language will be guaranteed by the municipal government - in accordance with the provisions of the law.

Article 50

- (1) The state guarantees the compilation of textbooks and the provision of equipment necessary for minority education.

Article 55

- (2) To the extent specified in the prevailing Central Budget Act, the state shall
 - a) provide additional standard assistance for the kindergarten education of minorities, and for their mother tongue (bilingual) schooling

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

Preamble

The National Assembly,

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.

In view of the historical co-existence of the Hungarian majority with national and ethnic minorities, the National Assembly guarantees, also through this Act, all the rights of persons belonging to minorities as Hungarian citizens and their communities; ensuring not only their human rights, but also political rights that enable them to promote the preservation of their national or ethnic identities. The aim of this Act is to establish the institutional basis necessary to ensure that citizens can lead the lives of members of national or ethnic minorities as laid down in the Final Act of the Helsinki Conference on Co-operation and Security in Europe in 1975, including the freedom to maintain living and free contacts with the kin state and mother country. In preparing this Act, the National Assembly of the Republic of Hungary is guided by the vision of the establishment of a Europe without frontiers, reduction and elimination of the disadvantages which result from living in a minority, and the development of the democratic institutional structures necessary to achieve these goals.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 11

A person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associated with these feasts be performed in his/her mother tongue.

Article 13

Persons belonging to a minority have the right to

- a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;
- b) participate in education and cultural activities in their mother tongue;

Article 16

It is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects.

Article 18

- (4) The Republic of Hungary - within the framework of its laws - guarantees the rights of minority communities to hold their own events and celebrate their own feasts free from disturbance, to preserve and maintain their architectural, cultural and religious relics, to preserve, foster and pass on their traditions, and to use their cultural symbols.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of

- c) promotion of traditions;

Article 42

In accordance with this Act the following languages are deemed languages used by minorities: Bulgarian, Gypsy ('Romani' and 'Beash'), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.
- (2) The national self-government has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a country-wide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support for these purposes.
- (3) A minority library system will ensure that the minority has access to the literature of its mother tongue.

- (4) In settlements where no minority municipal government has been established, it is the obligation of the municipal government to provide the minority population with library material in their mother tongue.

Article 50

- (2) The state supports

- a) the collection of material monuments of minority cultures, the establishment and enrichment of public collections;

- d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

Article 51

- (1) In the Republic of Hungary everybody may freely use his/her mother tongue wherever and whenever s/he wishes to do so. The conditions of the language use of minorities - in cases provided for by a separate law - must be guaranteed by the state.
- (2) In the course of civil or criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

Article 52

- (1) In the National Assembly, MPs belonging to minorities may also use their mother tongue.
- (2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to the minutes of the meeting.
- (3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

Article 55

- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

11. Promotion of Minority Identity

Article 3

(2) The right to national or ethnic identity is a fundamental human right, and is legally due to any individual or community.

(3) Every minority has the right to exist and continue to exist as an national or ethnic community.

Article 7

(1) The admission and acknowledgement of the fact that one belongs to a national or ethnic group or minority (hereinafter 'minority') is the exclusive and inalienable right of the individual. No-one is obliged to make a statement concerning the issue of which minority one belongs to.

(2) The right to national and ethnic identity and the acknowledgement and admission of membership of such a minority does not preclude the recognition of dual or multi-affiliation.

Article 8

It is the right of the citizen belonging to a national or ethnic minority to state in secret and anonymously during a census to which minority group s/he belongs.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 15

The preservation, fostering, strengthening and passing on of their minority identity is the unalienable collective right of minorities.

Article 16

It is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects.

Article 49

(1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.

- (2) The national self-government has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a country-wide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support for these purposes.

12. Principle of Protection And Non-Assimilation

Preamble

The National Assembly,

declares that it regards the right to national and ethnic identity as a universal human right, that the special individual and collective rights of national and ethnic minorities are fundamental rights of freedom, which it will respect and enforce in the Republic of Hungary.

Article 4

(1) The Republic of Hungary prohibits any policy that

- aims at, or leads to, the assimilation of a minority into the majority nation;
- aims to alter the national or ethnic conditions of territories inhabited by minorities to the disadvantage of the minorities;

- aims at the forced evacuation or resettlement of a national or ethnic minority.

Article 13

Persons belonging to a minority have the right to

a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;

Article 55

- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at

diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

13. Participation

Article 4

- (3) In drawing the boundaries of administrative units and constituencies, and in formulating plans for economic development and the development of settlements, as well as for environmental protection, the Republic of Hungary will take into consideration the local conditions, relations, economic interests and established traditions of national and ethnic minorities.

Article 5

- (1) In the Republic of Hungary minorities have a constitutional right to establish local and national self-governments.
- (2) The basic function of minority governments is to protect and represent the interests of minorities by performing their duties and exercising their statutory authority.

Article 10

Participation in public life by a person belonging to a minority must not be restricted. Members of minorities may establish societies, parties, and other civil organisations to express and protect their interests - in accordance with the regulations of the Constitution.

Article 17

Minorities have the right to establish civil organisations, as well as local and national self-governments.

Article 20

- (1) Minorities have the right - as determined in a separate Act - to be represented in the National Assembly.

Article 21

- (1) In accordance with the provisions of this Act, any minority has the right to establish a minority municipal government or a directly or indirectly formed local minority self-government in townships, towns, or the districts of the capital city, as well as a national

minority self-government. In the capital city directly formed local minority self-governments may be established.

Article 27

- (4) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
- a) local basic education;
 - b) local printed and electronic media;
 - c) promotion of traditions;
 - d) adult education and socio-cultural animation.

Article 29

- (1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.
- (2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.

Article 31

- (1) The national minority self-government (hereinafter `national self-government') may be established in accordance with the provisions of this Act.

Article 38

- (1) The national self-government may
- a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
 - b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;

- c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents;

Article 46

- (1) Municipal governments and minority self-governments will co-operate in assessing the demand for minority education and in the organisation of such education.

Article 61

- (4) a) The minority self-government of the capital city is elected by minority electors. Each district government representative who has been elected as minority representative is a minority elector; as are district minority self-government representatives, and electors elected for this special purpose.

b) If a minority does not have a minority self-government in any of the districts, upon the initiative of 10 voters who declare themselves members of the given minority, and who are residents of the capital city, an electoral meeting shall be convened. At the electoral meeting - in accordance with the provisions of paras (31) - (34) of the Act on the Rights of National and Ethnic Minorities - 9 representatives shall be elected from a short list. The election is deemed valid if, from among the participants of the electoral meeting who are resident in the capital city, a minimum of 100 voters cast valid votes for the short list. The minority representatives elected shall also perform the duties of the electors in the election of the national self-government of the given minority.

14. Public Services/Official Contexts

Article 54

In settlements where there are people who belong to minorities, the local authorities will ensure that in the course of filling vacancies in local public services, candidates with a knowledge of the mother tongue of the given minority will be employed, provided that these people meet the general professional requirements.

15. Personal and Place Names, Notices

Article 12

- (1) A person belonging to a minority has the right to choose his/her own first name and the first name of his/her child freely, to have the first and last name of his/her child registered under the conventions governing the writing of the mother tongue, and to indicate the names in

official documents as long as this complies with applicable provisions. If the names are not registered using Latin characters, it is compulsory to give the phonetic representation of the names with Latin letters.

- (2) If requested, the registration of births and the compilation of other personal documents - as listed in par (1) - may also be bilingual.

Article 50

- (2) The state supports

- c) information on acts and announcements of public interest in the mother tongues of the minorities;

Article 52

- (2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to the minutes of the meeting.
- (3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

Article 53

At the request of the minority self-government operating on the territory under its authority, the municipal government must ensure that

- a) the announcement of its regulations and the publication of its announcements are made in the language of the minority - in addition to the Hungarian language;
- b) the forms used in the course of administrative procedures are also available in the language of the minority;
- c) signs bearing the names of settlements and streets, public offices, and companies undertaking public services, or announcements relating to their operations - in addition to the Hungarian wording and lettering, with the same content and form - may also be read in the mother tongue of the minority.

16. Access to Media

Article 18

- (1) Public service television and radio stations - as provided for in a separate Act - will ensure that national and ethnic minority programmes are produced and broadcast on a regular basis.
- (2) On territories inhabited by minorities, the government - through international contracts - will promote the reception of radio and television programmes from the kin state.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of

- b) local printed and electronic media;

Article 49

- (3) A minority library system will ensure that the minority has access to the literature of its mother tongue.
- (4) In settlements where no minority municipal government has been established, it is the obligation of the municipal government to provide the minority population with library material in their mother tongue.

Article 50

- (2) The state supports

- b) the publication of books by minorities and the publication of their periodicals;

17. Cross Border Relations

Article 14

Persons belonging to minorities have the right to maintain contacts with state and community institutions in their kin state and/or with nations as defined by the use of a language, and also with minorities living in other countries.

Article 18

- (2) On territories inhabited by minorities, the government - through international contracts - will promote the reception of radio and television programmes from the kin state.

Article 19

Minorities and their organisations have the right to establish and maintain extensive and direct international contacts.

Article 46

- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.

18. Mechanisms

Article 20

- (2) The National Assembly shall elect an Ombudsman for National and Ethnic Minority Rights. Before the President of the Republic puts forward a proposal for the position of Ombudsman for National and Ethnic Minority Rights, s/he shall seek the opinion of national minority self-governments, or in the absence of such a council, the view of the registered national board

representing the interests of the given minority. The provisions of Act LIX of 1993 on the Ombudsman for Civil Rights shall apply to the Commissioner for National and Ethnic Minority Rights.

- (3) The Ombudsman for National and Ethnic Minority Rights shall have the authority to act on issues which fall within the scope of this Act.

Article 21

- (1) In accordance with the provisions of this Act, any minority has the right to establish a minority municipal government or a directly or indirectly formed local minority self-government in townships, towns, or the districts of the capital city, as well as a national minority self-government. In the capital city directly formed local minority self-governments may be established.
- (2) Concerning citizens belonging to minorities who are elected as representatives, the amended version of the present Act, as amended by Article 64 of Act LXIV of 1990 on the election of self-government representatives and mayors, shall apply.

Article 22

- (1) A municipal government may declare itself a minority municipal government if more than half the members of the elected body have been elected as candidates of one national or ethnic minority.
- (2) If more than 30% of the members of the municipal government have been elected as candidates of one particular national or ethnic minority, the representatives may form a minority self-government (hereinafter `indirectly formed minority self-government') with a minimum of 3 members per minority.

Article 23

- (1) In accordance with the provisions of Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, amended by Article 64 of this Act, electors may create minority self-governments by direct election (hereinafter `directly formed local minority self-government').
- (2) The minimum membership of directly formed local minority self-governments is 3 in the case of settlements with a population of 1,300 or lower, whereas in settlements with a population of over 1,300 - including a district of the capital city - the minimum is 5, and in the capital city itself it is 9.
- (3) A directly formed local minority self-government elects its own leaders in accordance with the rules set by a majority decision.
- (4) If elected in accordance with Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, which is amended by Article 64 of this Act, a member of a local minority self-government who is not a representative in the municipal government may only become a member of the body of a directly formed minority self-government.

- (5) One minority in one settlement may establish only one indirectly formed local minority self-government, or, in the absence of such a body, may establish one directly formed minority self-government.
- (6) Both directly and indirectly formed local minority self-governments (hereinafter together 'minority self-government') have the same scope of duties and authority.
- (7) A minority may only be represented in the municipal government by a spokesperson if the minority represented does not have a local minority self-government.

Article 24

Unless other provisions exist in this Act, the provisions of the law on local governments will be applied appropriately to minority municipal governments and local minority self-governments.

Article 25

- (1) A minority municipal government is a legal entity. The scope of duties and authority of minority municipal governments, where different from the scope of duties and authority assigned to municipal governments, is provided for by the provisions of this Act.
- (2) In the course of the management of public affairs of local interest, minority municipal governments - in accordance with par (1) - are obliged to ensure the assertion of the rights of the Hungarian population in a numerical minority, or the rights of any other national or ethnic minority.

Article 26

- (1) A minority municipal self-government or a local minority self-government may approach the head of the board of the appropriate public body with the necessary authority and competence with a request concerning any issue affecting the minority, and may
 - a) ask for information;
 - b) make a proposal;
 - c) initiate measures;
 - d) object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.
- (2) The head of the appropriate board with the necessary authority and competence - in cases defined in par (1) - is obliged to provide a material response to the request within 30 days.
- (3) If the subject of the request does not fall within the authority or competence of the head of the board, s/he is obliged to transfer the request to the person with appropriate authority and competence within 3 days after the request.

Article 27

- (1) The minority self-government shall define within its authority - and within the framework of the regulations of municipal governments –

- a) in accordance with this Act, the utilisation of the property set aside for it (i.e. for the minority self-government) as a part of the total property of the municipal government;
 - b) its budget, closing balance sheet, the utilisation of the resources made available to it by the municipal government;
 - c) within the limits of the provision on the protection of historical monuments, the full list of such historical buildings and memorial sites, and the local regulations regarding their protection.
- (2) The local minority self-government shall define within its authority
- a) its organisational structure and operational order;
 - b) the name and insignia of the local minority self-government, and its medals/decorations, as well as the requirements and regulations for the awarding of such medals/decorations;
 - c) the local feasts of the minority represented.
- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
- a) local basic education;
 - b) local printed and electronic media;
 - c) promotion of traditions;
 - d) adult education and socio-cultural animation.
- (4) Within the limits of the resources at their disposal, they have the right to
- a) establish and run a company or other business organisation;
 - b) announce calls for project proposals;
 - c) establish scholarships.
- (5) If it is necessary to obtain the approval of the municipal government for the minority self-government to exercise its rights, the board of representatives must put the initiative of the minority self-government related to this issue on the agenda of its next meeting. If the decision-making process falls within the authority of another self-government board the decision must be made within 30 days of the submission of the request for action.

Article 31

- (1) The national minority self-government (hereinafter `national self-government') may be established in accordance with the provisions of this Act.
- (2) The national self-government is elected by minority electors. Every municipal government representative who has been elected as a minority representative is a minority elector, as are minority self-government representatives, and spokespersons. If on the board of representatives of a municipal government the minority concerned does not have a minority representative or a spokesperson, or if in the settlement the minority concerned does not have a minority self-government, the election of the elector may be initiated by three citizens who are entitled to vote, who are residents of the settlement, and who declare themselves members of the minority concerned.

- (3) An electoral meeting must be convened if initiated by at least three citizens entitled to vote and who belong to the same minority group.

Article 32

- (1) The electoral meeting shall be convened by the local election committee. One session must be held for each national and ethnic minority, in which only members of the electorate whose permanent residence is in the settlement may participate. The venue and time of the meeting must be made known by public notice.
- (2) The electoral meeting must be held within 60 days of the day of the election of local government representatives and mayors. For the period of the election of the electors the local election committee is joined by one extra representative, jointly appointed by members of the electorate [par (3) of Article 31] initiating the electoral meeting. This common representative has the right to participate only in those activities of the local election committee which relate to the electoral meeting of the given minority.
- (3) A meeting of residents belonging to the same national or ethnic minority in a settlement is entitled to elect an elector. The electoral meeting constitutes a quorum if there are at least 10 people present. The participants decide on the election of the elector with ballots prepared on the basis of open nomination, by secret voting, with a simple majority of votes.
- (4) In any given settlement, one minority may only elect one elector, and one elector may only accept one electoral appointment.
- (5) By using the electoral register compiled by the chief administrator of the Mayor's Office, the local election committee shall ensure that only the electors that have the right to vote in the settlement participate in the election.

Article 33

- (1) Within 3 days after the electoral meetings, the local election committees shall notify the National Election Committee of the names of the electors belonging to the same minority who have been elected at these meetings.
- (2) The National Election Committee shall convene the electors' meeting on a date no later than 60 days after the date stipulated in par (2) of Article 32, provided that the number of electors has reached 14. The number of eligible representatives [par (3) of Article 63] must be less than the number of electors present.
- (3) The same national or ethnic minority may only form one national self-government. Several national or ethnic minorities may form a common, joint national self-government.

Article 34

The electors elect the members of the general assembly of the national self-government from among themselves by secret ballot - in accordance with the provisions on 'short-list voting' of the relevant Act on the election of local government representatives and mayors. The name of each candidate who enjoys the support of 10% of the electors will appear on the ballot paper. The presence of a minimum of three quarters of the electors elected constitutes a quorum at the statutory assembly.

Article 35

- (1) The term of office of the members of the general assembly of the national self-government lasts until the convention of the first meeting of the new general assembly. The statutory assembly of the new general assembly must be convened within 30 days after the election of the members of the general assembly.
- (2) If no new general assembly is elected, the national self-government shall cease to exist.

Article 36

- (1) The national self-government represents and protects the rights of the minority represented by it at a national and area (regional, county) level. With a view to the establishment of the cultural autonomy of the minority it may establish institutions and co-ordinate their activities.
- (2) The national self-government is a legal entity.
- (3) In the event that the national self-government ceases to exist, its property is transferred to the Public Foundation established in accordance with par (3) of Article 55 , which assumes the management of this property, and ensures its protection. In the event that the once terminated national self-government is re-established, the Public Foundation must ensure that the property of the national self-government is returned.

Article 37

The national self-government - in accordance with the law - decides independently on

- a) the location of its headquarters, its form of organisation, its operational order
- b) its budget, its closing balance sheet, an authoritative statement of its asset inventory;
- c) the full list of its opening assets;
- d) its name and insignia;
- e) the nation-wide feasts of the minority represented by it;
- f) its medals/decorations, and the requirements and regulations of awarding them;
- g) the principles and means governing the utilisation of the radio and television channels at its disposal;
- h) the principles governing the utilisation of the public radio and television air time at its disposal;
- i) the publication of its press releases;
- j) the establishment of its institutions, their organisational structure and mode of operation, as well as their maintenance;
- k) the maintenance of a theatre;
- l) the establishment and maintenance of a museum/exhibition hall, and a public collection with a countrywide collection network;
- m) the maintenance of a library for the minority;
- n) the establishment and maintenance of an institute for the arts and/or sciences, and a publishing house;
- o) the maintenance of secondary and higher educational institutions with countrywide coverage;
- p) the establishment and operation of legal advisory services;
- q) the performance of other duties which legally fall within its authority.

Article 38

- (1) The national self-government may
 - a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
 - b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;
 - c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents;
- (2) An administrative board which receives a request as outlined in point b) of par (1) shall proceed in accordance with the provisions of paras (2) and (3) of Article 26.
- (3) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities, the national self-government - and also the local minority self-government if municipal government provisions on such matters are being enacted - has the right to agree. In the absence of a local minority self-government it is the spokesperson of the minority, and in the absence of such a person, it is the local association of the given minority which has the right of expressing its opinion.
- (4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.

Article 40

- (1) In accordance with par (5) of Article 12 of Act LXV of 1990 on municipal governments (hereinafter `LG') the local spokesperson of a minority (hereinafter `spokesperson') is entitled,
 - a) unless s/he is a representative in the municipal government, to attend and participate, with consultative right, in the meetings of the board of representatives or any other committee where issues on the agenda concern minorities, including closed sessions;
 - b) to propose to the mayor, or the chairperson of a committee, that an issue - concerning minorities - which falls within the competence of the board of representatives or the committee be discussed;
 - c) to move that the board of representatives revise a decision of its committee which affects a minority;
 - d) to seek information, at the meeting of the board of representatives or any committee, from the mayor, from the chief administrator or from the chairperson of the committee on issues affecting a minority which fall within the competence of the municipal government;
 - e) to demand the information necessary to enable him/her to perform his/her duties, and rightfully claim administrative co-operation from the mayor and the chief administrator;
 - f) to initiate action by the mayor, the chief administrator, or an adequately authorised administrator on issues affecting minorities in their capacity as such;

- g) initiate action - in line with the provisions of par (1) of Article 101 of the LG - by the board of representatives to turn to an adequately authorised body concerning issues affecting the situation of a given minority.
- (2) On the basis of the initiative specified in point b) of par (1) the mayor or the chairperson of the committee is obliged to present the proposal of the spokesperson at the next meeting of the board of representatives, or the committee. The board of representatives, or the committee, shall decide whether to put the issue on the agenda, and how the case should be prepared.
- (3) If the spokesperson seeks information during the meeting of the board of representatives or a committee meeting from the mayor, the chief administrator, or the chairperson of the committee, s/he must be provided with a written reply at the meeting or within 15 days of the meeting at the latest.
- (4) The verbal contribution of the spokesperson - at his/her request - must be recorded in the minutes of the meeting of the board of representatives, or the committee, or - if the contribution is submitted in writing - it must be enclosed with the minutes.
- (5) The discussion of an issue - affecting a given minority - which has been put on the agenda in accordance with the provisions of par (2) on the basis of the initiative specified in point (b) of par (1) may be postponed or removed from the agenda by the board of representatives only if so requested by the spokesperson.
- (6) Before the authorised local government body enacts a municipal government regulation concerning the rights and responsibilities of a minority, or before it takes a measure having a general impact on the situation of a minority, it must consult the spokesperson.

Article 41

- (1) The employer must release the spokesperson from his/her duties - at his/her own request -for the period s/he performs his/her duties as spokesperson. The board of representatives shall compensate him/her for the loss of income resulting from his/her absence from work. On the basis of this income the spokesperson is also entitled to social security.
- (2) The provisions regulating the reimbursement of costs, payment of allowances, and the honorariums of town councilors shall apply to the spokesperson.
- (3) The provisions of paras (1) and (2) do not affect the rights and duties of members of the board of representatives of a municipal government in cases where the spokesperson is also a member of the municipal government.

Article 55/A

- (1) The public foundation referred to in paras (3)-(4) of Article 55 shall be established by the Government of the Republic of Hungary under the name `Public Foundation for Hungarian National and Ethnic Minorities' (hereinafter `Public Foundation') with its headquarters in Budapest.
- (2) The property of the Public Foundation comprises the assets transferred to it, and the financial assistance specified in the prevailing annual Central Budget Act.

- (3) The primary decision-making board of the Public Foundation is the Board of Trustees. Its members shall be the following:
- a) one representative from each national minority self-government - elected at their general meeting - or, in the absence of a national minority self-government, a person chosen by the organisations of the given minority;
 - b) one person appointed by each political party which has a group of representatives in the National Assembly;
 - c) one person appointed by each of the following: the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Culture and Education, the Children and Youth Co-ordination Council, and the President of the Hungarian Academy of Sciences.
- (4) The President of the Board of Trustees and the Head of the Office for National and Ethnic Minorities shall be one in the same person.
- (5) The members of the body authorised to control the Public Foundation (Supervisory Committee) shall be the following:
- a) two persons appointed by the Speaker of the National Assembly, at least one of whom shall represent a party in opposition;
 - b) a person appointed by the Administrative State Secretary in the Prime Minister's Office;
 - c) a person appointed by the Minister of Finance.
- (6) The Chairperson of the Supervisory Committee shall be a person appointed by the Government official in charge of the supervision of the affairs of national and ethnic minorities.
- (7) The Board of Trustees and the Supervisory Committee shall be appointed by the founder - from among the persons specified in paras (3)-(6).

Article 61

- (4) a) The minority self-government of the capital city is elected by minority electors. Each district government representative who has been elected as minority representative is a minority elector; as are district minority self-government representatives, and electors elected for this special purpose.
- b) If a minority does not have a minority self-government in any of the districts, upon the initiative of 10 voters who declare themselves members of the given minority, and who are residents of the capital city, an electoral meeting shall be convened. At the electoral meeting - in accordance with the provisions of paras (31) - (34) of the Act on the Rights of National and Ethnic Minorities - 9 representatives shall be elected from a short list. The election is deemed valid if, from among the participants of the electoral meeting who are resident in the capital city, a minimum of 100 voters cast valid votes for the short list. The minority representatives elected shall also perform the duties of the electors in the election of the national self-government of the given minority.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Introduction

In addition to the Law on Protection of Rights and Freedoms of National Minorities,¹⁴ which is below, Serbia and Montenegro's Constitution places a positive obligation on the states to protect minority rights.¹⁵ Serbia and Montenegro has a labor law that makes discrimination based on ethnicity or race unlawful.¹⁶ Serbia and Montenegro also has a law that sets out the competencies for the autonomous province of Vojvodina¹⁷ in the areas of culture, education and use of languages, *inter alia*. The law containing the competencies for the autonomous province includes the power to create an Ombudsman. The Autonomous Province of Vojvodina then created the Ombudsman for Vojvodina with the mandate to protect and promote human rights.¹⁸

1. Definition

Article 2

A national minority for the purpose of this Law shall be any group of citizens of the Federal Republic of Yugoslavia numerically sufficiently representative and, although representing a minority in the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long term and firm bond with the territory of the Federal Republic of Yugoslavia and possessing characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion.

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities,¹ and which meet the conditions specified under para. 1 of this Article shall be deemed national minorities for the purpose of this Law.

2. Non-Discrimination

Article 3

Any form of discrimination based on national, ethnic, racial, or linguistic basis against persons belonging to national minorities shall be prohibited.

¹⁴ OG FRY No. 11/2002 (27 Feb. 2002).

¹⁵ Serbia & Montenegro Const. art 9.

¹⁶ Labor Law, OG Rep. Serbia, No. 70/2001 (13 December 2001).

¹⁷ Law Establishing Particular Competencies of the Autonomous Province, OG Rep. Serbia, No. 06/2002 (7 February 2002).

¹⁸ Decision on the Province Ombudsperson (APV 23 December 2002).

¹ Translator's note: in Serbian: *narodi, nacionalne i etnicke zajednice, nacionalne i etnicke grupe, nacionalnosti i narodnosti*

The Federal, Republic, Province, city and municipal authorities may not pass legal acts or undertake measures contrary to para. 1 of this Article.

3. Positive Measures

Article 4

The authorities in the Federal Republic of Yugoslavia may, in accordance with the Constitution and law, pass regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between members of national minorities and members of the majority population.

The authorities shall pass legal acts and undertake measures specified in para. 1 of this Article with the aim of improving the position of persons of the Roma national minority.

Regulations, individual legal acts and measures specified in para. 1 of this Article may not be considered an act of discrimination.

Article 12

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior school teachers² of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

² Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

Article 21

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

4. Equal Protection Before the Law

Article 23

In order to protect their rights, the persons belonging to national minorities and the national councils of national minorities may file a claim for compensation to the competent court.

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry for National and Ethnic Communities and the national councils of national minorities shall be authorised to file a complaint to the Federal Constitutional Court, should they find that constitutional rights and freedoms of the persons belonging to national minorities have been violated, or should a person belonging to a national minority appeal to them claiming that his/her rights and freedoms have been violated.

5. Freedom of Expression

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 17

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

6. Freedom of Association, Assembly

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 12

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

7. Freedom of Religion

Not applicable.

8. Family and Private Life

Not applicable.

9. Right to Education (Minority Education)

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in para.1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in para. 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The education in the language of national minorities shall not exclude the mandatory studying of Serbian language.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior school teachers² of the national minority languages may be educated.

² Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

Article 10

The persons belonging to national minorities may freely use their language and script in both private and official use.

Article 11

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in para. 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and

administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognising the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

Article 12

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in para.1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in para. 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

11. Promotion of Minority Identity

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

12. Principle of Protection And Non-Assimilation

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 22

Measures that change the proportion of population in a territory inhabited by national minorities are hereby prohibited, as well as those impeding enjoyment and exercise of the rights of national minorities.

13. Participation

Article 18

The Federal Government of Yugoslavia shall establish the Federal Council for National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

Article 19

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from para. 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority and whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organisation or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

14. Public Services/Official Contexts

Article 11

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in para. 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognising the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

A deputy in the Federal Assembly who is a member of a national minority that in number reaches at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia, in accordance with the last census, shall have the right to speak in his/her native tongue before the Federal Assembly, which shall be more closely regulated through the rules of the Federal Assembly Councils.

Article 21

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

15. Personal and Place Names, Notices

Article 9

The persons belonging to national minorities shall have the right to free choice and use of personal name and the name of their children, and enlisting of the personal names to all public documents, official records and personal databases in the language and script of the person belonging to the national minority.

The right specified in para. 1 of this Article shall not exclude the corresponding entry of the name in accordance with the Serbian spelling and script.

Article 11

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

Article 12

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

16. Access to Media

Article 17

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

The State shall provide information, cultural and educational content in the language of national minorities in programmes of the public service TV and radio, and may also establish special radio and TV stations to broadcast programmes in the language of national minorities.

The persons belonging to national minorities shall have the right to establish and maintain media in their own language.

17. Cross Border Relations

Article 6

The persons belonging to national minorities shall be entitled to freely establish and maintain peaceful relations within the Federal Republic of Yugoslavia and outside of its borders with persons legally residing in other countries, particularly those with whom they share a common ethnic, cultural, linguistic and religious identity or common cultural heritage.

The State may envisage relieves directed at facilitating exercise of rights specified in para. 1 of this Article.

18. Mechanisms

Article 18

The Federal Government of Yugoslavia shall establish the Federal Council for National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

Article 19

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

Article 20

The Federal Fund for the promotion of social, economic, cultural and overall development of national minorities (hereinafter: the Fund) is hereby established.

The Fund shall take part in financing activities and projects from the budget related to the improvement of the status and development of cultural creative work of national minorities.

The Federal Government shall pass more specific regulations defining the Fund's composition and activities.

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from para. 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority and whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organisation or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

The Ukraine

Introduction

In addition to the Law on National Minorities,¹⁹ included below, the Ukrainian Constitution guarantees the languages rights of Russians specifically and other national minority languages.²⁰ The Constitution also promotes “the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.”²¹ Furthermore, the Constitution grants “Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies.”²² The Constitution also establishes the Autonomous Republic of the Crimea, which has a large Russian population.²³ The government has also created a Council of Representatives of National Minority Public Organizations of Ukraine, which is empowered to support the development of tolerance and harmony in interethnic relations, improve the legislation of the Ukraine on national minorities and create mechanisms for implementation.²⁴ There are also laws on education, use of languages and media laws, *inter alia*, that protect minorities.

1. Definition

Article 3

To national minorities belong groups of Ukrainian citizens, who are not of Ukrainian nationality, but show feeling of national self-awareness and affinity.

2. Non-Discrimination

Article 1

Ukraine guarantees the citizens of the republic, regardless of their national origin, equal political, social, economical and cultural rights and freedom; supports the development of national self-awareness and self-expression.

¹⁹ No. 2494-12 (25 June 1992).

²⁰ The Ukraine Const. art. 10.

²¹ Ibid. art. 11.

²² Ibid. art. 53.

²³ Ibid. arts. 134-39.

²⁴ Edict #908/2000, pt. 3, 22 July 2000.

3. Positive Measures

Article 7

The State promotes training of pedagogical and cultural-educational and other national personnel through a number of educational establishments. State bodies assist the national minorities in training of specialists abroad on the basis of international treaties.

Article 16

The State budget of Ukraine stipulates special assignments for the development of national minorities.

4. Equal Protection Before the Law

Article 1

All citizens of Ukraine shall enjoy equal protection of the state.

5. Freedom of Expression

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

6. Freedom of Association, Assembly

Article 13

Citizens belonging to national minorities are free to choose measures and forms for the realisation of the rights given by this law and carry them out personally through corresponding state bodies and established public associations.

The membership or non-membership of a Ukrainian citizen, who belongs to a national minority, in a public association of a national minority, must not be a reason for the restriction of his rights.

Article 14

State bodies promote activities of national public associations, which are corresponding to this law.

7. Freedom of Religion

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

8. Family and Private Life

Not applicable.

9. Right to Education (Minority Education)

Not applicable.

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

Nationalities' historical and cultural heritage on the territory of Ukraine is protected by law.

11. Promotion of Minority Identity

Article 1

Ukraine guarantees the citizens of the republic, regardless of their national origin, equal political, social, economical and cultural rights and freedom; supports the development of national self-awareness and self-expression.

Article 14

State bodies promote activities of national public associations, which are corresponding to this law.

12. Principle of Protection And Non-Assimilation

Article 10

The State guarantees the national minorities the right to preserve their living environment in the places of their historic and present residence. Problems of return to the territory of Ukraine of people belonging to deported nations are to be solved by adequate laws and treaties between Ukraine and other states.

13. Participation

Not applicable.

14. Public Services/Official Contexts

Article 7

The State promotes training of pedagogical and cultural-educational and other national personnel through a number of educational establishments. State bodies assists the national minorities in training of specialists abroad on the basis of international treaties.

Article 8

At working places of state bodies, public associations as well as enterprises, establishments and organisations situated in places where the majority of a population is made up by a national minority, its native language may be used as well as the Ukrainian state language.

15. Personal and Place Names, Notices

Article 12

Every citizen of Ukraine has right to a national first name, second name and middle name.

Citizens have the right to restore their national first name, second name and middle name on the basis of the established regulation.

Citizens who by their customs do not have a middle name, have the right to write in their passport only the first name and second name, and the names of their mother and father in their certificates of birth.

16. Access to Media

Not applicable.

17. Cross Border Relations

Article 15

Citizens, who belong to national minorities, national public associations, have the right, by the established regulations of Ukraine, freely to enter into and keep relationships with persons of their nationality and their public associations abroad, to receive help from these in order to gratify their linguistic, cultural and spiritual needs, and to take part in activities of international non-governmental organisations.

18. Mechanisms

Article 5

In the Supreme Rada of Ukraine, and in case of necessity in local Councils of People's Deputies, permanent committees on questions pertaining to nationalities are functioning. In the local bodies within the State executive power, such structural departments can be created correspondingly.

Consultative bodies on public grounds can be established and function, formed by representatives of national minorities by local Councils of People's Deputies. The formation of such bodies are regulated by the corresponding Councils of People's Deputies.

The central body of the state executive power in the field of relations among nationalities of Ukraine, is the Ministry for Nationality Affairs of Ukraine. As a consultative body there is a Council of Representatives for Public Associations of National Minorities of Ukraine at the Ministry.

Chapter II

Thematic Sections

1. Definition

Croatia

Article 5

A national minority in the sense of this Constitutional Law shall be a group of Croatian citizens [državljan], whose members have been traditionally settled in the territory of the Republic of Croatia, and who have ethnic, linguistic, cultural and/or religious characteristics which are different than those of other citizens [građani], and who are guided by the wish for the preservation of those characteristics.

Czech Republic

§ 2

Definition of basic concepts

- (1) A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history.
- (2) The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin.

Hungary

Article 1

- (1) This Act applies to all persons of Hungarian citizenship living in the Republic of Hungary who consider themselves members of any national or ethnic minority and to the communities of these people.
- (2) For the purposes of the present Act a national or ethnic minority (hereinafter 'minority') is any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.

Article 2

This Act does not apply to refugees, immigrants, foreign citizens settled in Hungary, or to persons of no fixed abode.

Article 61

- (1) In accordance with this Act the following ethnic groups qualify as ethnic groups native of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.
- (2) If a minority other than those listed in par (1) wish to prove that they meet the requirements specified in this Act, they may submit a petition related to this subject to the Speaker of the National Assembly if supported by at least 1,000 voters who declare themselves members of this minority. In the course of this procedure the provisions of Act XVII of 1989 on Referendums and Petitions shall apply.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 2

A national minority for the purpose of this Law shall be any group of citizens of the Federal Republic of Yugoslavia numerically sufficiently representative and, although representing a minority in the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long term and firm bond with the territory of the Federal Republic of Yugoslavia and possessing characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion.

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities,¹ and which meet the conditions specified under para. 1 of this Article shall be deemed national minorities for the purpose of this Law.

The Ukraine

Article 3

To national minorities belong groups of Ukrainian citizens, who are not of Ukrainian nationality, but show feeling of national self-awareness and affinity.

¹ Translator's note: in Serbian: *narodi, nacionalne i etnicke zajednice, nacionalne i etnicke grupe, nacionalnosti i narodnosti*

2. Non-Discrimination

Croatia

Article 2

Apart from human rights and freedoms which are recognized by constitutional provisions, the Republic of Croatia also recognizes and protects all other rights foreseen in the international documents as per Article 1 of this Constitutional Law, depending on the exceptions and limitations foreseen in these documents, without discrimination on the basis of sex, race, the colour of skin, language, professing of religion, political and other conviction, national and social origin, connection with a national minority, ownership, the status inherited by birth or pursuant to some other basis, in compliance with Articles 14 and 17, Paragraph 3 of the Constitution of the Republic of Croatia.

Article 4

(4) Any discrimination based on affiliation to a national minority shall be forbidden. Members of national minorities shall be guaranteed equality before the law and equal legal protection.

Czech Republic

Not applicable.

Hungary

Article 3

(5) Any form of discrimination against minorities is prohibited.

Article 4

(2) The Republic of Hungary prohibits any policy that

- persecutes a national or ethnic minority or any of its members because of their national status, makes their living conditions more difficult, or prevents them from exercising their rights;

**Federal Republic of Yugoslavia
(Serbia and Montenegro)**

Article 3

Any form of discrimination based on national, ethnic, racial, or linguistic basis against persons belonging to national minorities shall be prohibited.

The Federal, Republic, Province, city and municipal authorities may not pass legal acts or undertake measures contrary to para. 1 of this Article.

The Ukraine

Article 1

Ukraine guarantees the citizens of the republic, regardless of their national origin, equal political, social, economical and cultural rights and freedom; supports the development of national self-awareness and self-expression.

3. Positive Measures

Croatia

Article 3

(1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.

Article 6

(2) On the occasion of concluding international agreements as per Paragraph 1 of this Article, the Republic of Croatia shall advocate the standpoint that they should create and promote conditions necessary for the preservation and development of culture of members of national minorities, and preservation of significant components of their identity, that is, their religion, language, tradition and cultural heritage.

Article 18

(1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast

programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.

- (2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.

Article 19

- (2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.
- (3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.
- (4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.

Czech Republic

§ 13

Right of spreading and receiving information in the language of a national minority

- (2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.

Hungary

Article 4

- (2) The Republic of Hungary, through its international relations, undertakes to act against any political intentions that might result in any of the consequences listed in par (1). It also strives to provide protection against such a policy through international legal mechanisms and by international agreements.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 29

- (1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.
- (2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.

Article 46

- (2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.
- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.
- (4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.

Article 59

- (1) The property - in the possession of the local municipal government on the territory under its authority - necessary for the minority self-government to perform its duties and exercise its authority shall be transferred for usage by the minority self-government. This transfer must not hinder the municipal government in performing its duties and exercising its authority.
- (2) In order to ensure the operating conditions of individual national minority self-governments, the locally competent government must transfer a self-contained building, or part of a building with a net area of 150-300 square metres - with compensation by the state - within 3 months from their establishment, if the national minority self-government is established within two budgetary years from this Act coming into force.
- (3) The general regulations of the provisions governing the property of self-governments shall apply to the right of use and to the transfer procedure. At the moment of the transfer, a written document shall record:
 - a) the exact description and the value of the property transferred
 - b) the aims to achieve by the transfer of this property
 - c) whether, and in what proportion, the municipal government accepts responsibility for debts which have occurred during the implementation of the tasks and have not been settled from the property of the local minority self-government, in case if the local minority self-government has taken over, together with the property transferred, part of the tasks prescribed as legal obligation for the municipal government.
- (4) As regards normative Government assistance, institutions operated by national minority self-governments shall be treated in the same way as non-Governmental institutions providing human services.
- (5) Minority self-governments are entitled to normative Government assistance in accordance with the regulations concerning municipal governments. Minority self-governments shall have access to normative Government assistance through local municipal governments.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 4

The authorities in the Federal Republic of Yugoslavia may, in accordance with the Constitution and law, pass regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between members of national minorities and members of the majority population.

The authorities shall pass legal acts and undertake measures specified in para. 1 of this Article with the aim of improving the position of persons of the Roma national minority.

Regulations, individual legal acts and measures specified in para. 1 of this Article may not be considered an act of discrimination.

Article 12

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior school teachers² of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

² Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

Article 21

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

The Ukraine

Article 7

The State promotes training of pedagogical and cultural-educational and other national personnel through a number of educational establishments. State bodies assist the national minorities in training of specialists abroad on the basis of international treaties.

Article 16

The State budget of Ukraine stipulates special assignments for the development of national minorities.

4. Equal Protection Before the Law

Croatia

Article 4

- (3) National minorities and their members shall exercise the rights and freedoms stipulated by this Constitutional Law and the rights and freedoms of members of national minorities stipulated by special laws, in the manner and under the conditions stipulated by this Constitutional Law and special laws.
- (4) Any discrimination based on affiliation to a national minority shall be forbidden. Members of national minorities shall be guaranteed equality before the law and equal legal protection.

Czech Republic

Not applicable.

Hungary

Article 6

The Republic of Hungary promotes the realisation of equality before the law by introducing measures with the aim of ensuring equality of opportunities [par (3) of Article 70/A of the Constitution].

Article 51

(2) In the course of civil or criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 23

In order to protect their rights, the persons belonging to national minorities and the national councils of national minorities may file a claim for compensation to the competent court.

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry for National and Ethnic Communities and the national councils of national minorities shall be authorised to file a complaint to the Federal Constitutional Court, should they find that constitutional rights and freedoms of the persons belonging to national minorities have been violated, or should a person belonging to a national minority appeal to them claiming that his/her rights and freedoms have been violated.

The Ukraine

Article 1

All citizens of Ukraine shall enjoy equal protection of the state.

5. Freedom of Expression

Croatia

Not applicable.

Czech Republic

§ 13

Right of spreading and receiving information in the language of a national minority

(1) Members of national minorities have the right to spread and receive information in their language.

Hungary

Not applicable.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 17

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

The Ukraine

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

6. Freedom of Association, Assembly

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

7. self-organising and association for the purpose of exercising mutual interests;

Article 15

- (1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

Czech Republic

§ 5

Right of association of members of a national minority

Members of a national minority can associate in national associations and political parties and movements under conditions and in a way determined by special legal regulations.²

² Act N. 83/1990 Coll. on association of citizens, as amended. Act N. 424/1991 Coll. on association in political parties and movements, as amended. Act N. 220/1999 Coll. on the course of national or compensatory military service, military trainings and legal position of reservists.

Hungary

Article 55

- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 12

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

The Ukraine

Article 13

Citizens belonging to national minorities are free to chose measures and forms for the realisation of the rights given by this law and carry them out personally through corresponding state bodies and established public associations.

The membership or non-membership of a Ukrainian citizen, who belongs to a national minority, in a public association of a national minority, must not be a reason for the restriction of his rights.

Article 14

State bodies promote activities of national public associations, which are corresponding to this law.

7. Freedom of Religion

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

5. the right to profess one's religion and to establish religious communities together with other members of that religion;

Article 16

- (4) Members of national minorities may freely express their religious affiliation and profess their religion and, in compliance with that, belong to a religious community.

Czech Republic

Not applicable.

Hungary

Article 50

(3) The state supports

- d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Not applicable.

The Ukraine

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

8. Family and Private Life

Croatia

Not applicable.

Czech Republic

Not applicable.

Hungary

Article 3

- (3) Each minority community, or the members of such communities, has the right to lead an undisturbed life in their country of birth, and maintain contact with their homeland. The right to have a country of birth not only means that the individual has a right to his/her own place of birth, but also to the place of birth or residence of his/her parents, or the people who raised them, their ancestors, as well as the freedom to relate to the former homeland and its culture, and the protection of these rights.

Article 11

A person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associated with these feasts be performed in his/her mother tongue.

Article 50

- (2) The state supports

- d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Not applicable.

The Ukraine

Not applicable.

9. Right to Education (Minority Education)

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

2. education in the language and script which they use;

Article 11

- (1) Members of national minorities shall have the right to education in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.
- (3) School institutions with the education in the language and script of a national minority may be established and education may be conducted for a smaller number of pupils than the number which is stipulated for school institutions with education in the Croatian language and script.
- (4) The curriculum in the language and script of a national minority shall, except for the general part, obligatorily contain a part, the content of which is related to a specific quality of a national minority (mother tongue, literature, history, geography and cultural opus of a national minority).
- (5) The right and obligation of pupils educated in the language and script of national minorities shall be to learn the Croatian language and Latin script according to the determined curriculum, apart from their own language and script.
- (6) Educational work in a school institution with the education in the language and script of a national minority shall be conducted by teachers from among the ranks of a national minority who have excellent command of the language and script of the national minority, or by teachers who are not from among the ranks of the national minority, but who have excellent command of the language and script of the national minority.
- (7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national

minority (mother tongue, literature, history, geography and cultural creativity of a national minority).

- (8) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.
- (9) Pupils attending schools in the Croatian language and script shall be enabled to learn the language and script of a national minority in the manner stipulated by a special law, according to the curriculum determined by the competent central state administration body, along with providing financial means in the state budget and in the budgets of local self-government units.

Czech Republic

§ 11

Right of education in the language of a national minority

- (1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right of upbringing and education in their mother tongue at schools, pre-school and school institutions under conditions determined by special legal regulations.⁸
- (2) Members of national minorities according to paragraph 1 are allowed under conditions determined by special legal regulations⁹ to establish
 - a) private schools using the language of a national minority as the teaching language or teaching the language of a national minority as a school subject;
 - b) private pre-school and school institutions.

Hungary

Article 13

Persons belonging to a minority have the right to

- b) participate in education and cultural activities in their mother tongue;

⁸ Act N. 76/1978 Coll. on school institutions, as amended. Act N. 29/1984 Coll. on the system of primary schools, secondary schools and secondary modern schools (Education Act), as amended. Act N. 564/1990 Coll. on state administration and self-administration in educational system, as amended.

⁹ Act N. 76/1978 Coll. on school institutions, as amended. Act N. 29/1984 Coll. on the system of primary schools, secondary schools and secondary modern schools (Education Act), as amended. Act N. 564/1990 Coll. on state administration and self-administration in educational system, as amended.

Article 18

- (3) Minority communities have the right to
- a) initiate the creation of the necessary conditions for kindergarten, primary, secondary and higher education in the mother tongue or 'bilingually' (i.e. in the mother tongue and in Hungarian);
 - b) establish a national educational, training, cultural and scientific institutional network of their own within the boundaries of existing laws.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
- a) local basic education;

Article 38

- (4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.

Article 43

- (1) The state recognises the mother tongues of minorities as a factor contributing to community cohesion, and supports their teaching - where requested - in educational institutions which are not under the authority of minority municipal governments in accordance with the provisions of paras (2) and (4), and Articles 44-49.
- (2) In accordance with the decision of their parents or guardian, children belonging to a minority will be and may be educated in their mother tongue, 'bilingually' (in their mother tongue and in Hungarian), or in Hungarian.
- (3) The education of minorities in their mother tongue or 'bilingually' may be provided in minority kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.
- (4) At the request of the parents or legal representatives of eight students belonging to the same minority group, it is compulsory to establish and run a minority class or group.

Article 44

The extra costs of minority education in the mother tongue or 'bilingually' as provided for in Article 43 - in line with the provisions of the law - are to be met by the state as well as the municipal government.

Article 45

- (1) In the course of the legal regulation of education and higher education, the choice of the content and the structure of educational activity and the supervision of such activity, in line with this Act, cultural and educational interests corresponding to the cultural autonomy of minorities have to be enforced.
- (2) To relieve the disadvantages of the Gypsy minority in the field of education specific educational conditions may be introduced.
- (3) In educational institutions established for minorities in accordance with paras (3)-(4) of Article 43. (3)-(4) it will be ensured that students acquire a knowledge of their people, the history of their minority and its motherland, as well as its cultural traditions and values.

Article 46

- (1) Municipal governments and minority self-governments will co-operate in assessing the demand for minority education and in the organisation of such education.
- (2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.
- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.
- (4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.
- (5) If persons belonging to minorities pursue their studies in countries where there are universities, colleges and other educational institutions which run their courses in the mother tongue of that person and cultivate the culture of the community s/he belongs to, the degrees, diplomas and other certificates the student is awarded there - within the authority of applicable laws and international agreements - must be considered equivalent to the appropriate degrees, diplomas and certificates obtained in the Republic of Hungary.

Article 47

A minority municipal government or a local minority self-government may assume control of an educational institution from another authority only if it can ensure the maintenance of the same standards of education. The amount of state subsidies granted to the institution transferred may not be reduced as a result of the transfer.

Article 48

- (1) Those who do not belong to the minority concerned may only study in educational institutions for minorities if the institutions still have places available after satisfying the needs of the minority. The admission of students (enrolment) will occur on the basis of regulations made public in advance.
- (2) The teaching of the Hungarian language - carried out in as many classes as necessary and at the standard necessary to acquire the language - will also be ensured in educational institutions for minorities.
- (3) In settlements where the Hungarian population - or the population of another national or ethnic minority - is in numerical minority, the mother tongue or bilingual education of children whose mother tongue is Hungarian or the other language will be guaranteed by the municipal government - in accordance with the provisions of the law.

Article 50

- (1) The state guarantees the compilation of textbooks and the provision of equipment necessary for minority education.

Article 55

- (2) To the extent specified in the prevailing Central Budget Act, the state shall
 - a) provide additional standard assistance for the kindergarten education of minorities, and for their mother tongue (bilingual) schooling

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in para.1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in para. 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The education in the language of national minorities shall not exclude the mandatory studying of Serbian language.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior school teachers² of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

² Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

The Ukraine

Not applicable.

10. The Right to Enjoy Ones Culture, or to use Ones Own Language

Croatia

Article 3

(1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;
2. education in the language and script which they use;

4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;

6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 11

- (1) Members of national minorities shall have the right to education in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.

- (7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).

Article 12

- (1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.
- (2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.
- (3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

Article 14

- (1) The use of signs and symbols of national minorities and the celebration of national minorities' holidays shall be free.
- (2) National minorities may display appropriate signs and symbols of national minorities along with the official use of signs and symbols of the Republic of Croatia. When the national anthem and/or a solemn song of a national minority is being performed, the national anthem of the Republic of Croatia shall be obligatorily performed beforehand.
- (3) Local self-government units and regional self-government units shall be obliged to stipulate by the statute the official use and the manner of use of the flag and symbols of national minorities.

Czech Republic

§ 12

Right of the development of culture of members of national minorities

- (1) Members of national minorities have the right to maintain and develop their language, culture and traditions and the right to respect for them.

§ 13

Right of spreading and receiving information in the language of a national minority

- (1) Members of national minorities have the right to spread and receive information in their language.

Hungary

Preamble

The National Assembly,

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.

In view of the historical co-existence of the Hungarian majority with national and ethnic minorities, the National Assembly guarantees, also through this Act, all the rights of persons belonging to minorities as Hungarian citizens and their communities; ensuring not only their human rights, but also political rights that enable them to promote the preservation of their national or ethnic identities. The aim of this Act is to establish the institutional basis necessary to ensure that citizens can lead the lives of members of national or ethnic minorities as laid down in the Final Act of the Helsinki Conference on Co-operation and Security in Europe in 1975, including the freedom to maintain living and free contacts with the kin state and mother country. In preparing this Act, the National Assembly of the Republic of Hungary is guided by the vision of the establishment of a Europe without frontiers, reduction and elimination of the disadvantages which result from living in a minority, and the development of the democratic institutional structures necessary to achieve these goals.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 11

A person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associated with these feasts be performed in his/her mother tongue.

Article 13

Persons belonging to a minority have the right to

- a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;
- b) participate in education and cultural activities in their mother tongue;

Article 16

It is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects.

Article 18

- (4) The Republic of Hungary - within the framework of its laws - guarantees the rights of minority communities to hold their own events and celebrate their own feasts free from disturbance, to preserve and maintain their architectural, cultural and religious relics, to preserve, foster and pass on their traditions, and to use their cultural symbols.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of

- c) promotion of traditions;

Article 42

In accordance with this Act the following languages are deemed languages used by minorities: Bulgarian, Gypsy ('Romani' and 'Beash'), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.
- (2) The national self-government has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a country-wide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support for these purposes.
- (3) A minority library system will ensure that the minority has access to the literature of its mother tongue.
- (4) In settlements where no minority municipal government has been established, it is the obligation of the municipal government to provide the minority population with library material in their mother tongue.

Article 50

- (2) The state supports
- a) the collection of material monuments of minority cultures, the establishment and enrichment of public collections;
- ***
- d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

Article 51

- (1) In the Republic of Hungary everybody may freely use his/her mother tongue wherever and whenever s/he wishes to do so. The conditions of the language use of minorities - in cases provided for by a separate law - must be guaranteed by the state.
- (2) In the course of civil or criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

Article 52

- (1) In the National Assembly, MPs belonging to minorities may also use their mother tongue.
- (2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to the minutes of the meeting.
- (3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

Article 55

- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 10

The persons belonging to national minorities may freely use their language and script in both private and official use.

Article 11

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in para. 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognising the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

Article 12

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in para.1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in para. 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

The Ukraine

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

Nationalities' historical and cultural heritage on the territory of Ukraine is protected by law.

11. Promotion of Minority Identity

Croatia

Article 4

- (1) Every citizen [drzavljanin] of the Republic of Croatia shall have: the right to express freely that he is a member of a national minority in the Republic of Croatia; the right to exercise, alone or together with other members of that national minority or with members of other national minorities, the rights and freedoms stipulated by this Constitutional Law and other minority rights and freedoms stipulated by special laws.

Czech Republic

§ 12

Right of the development of culture of members of national minorities

The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

Hungary

Article 3

- (2) The right to national or ethnic identity is a fundamental human right, and is legally due to any individual or community.
- (3) Every minority has the right to exist and continue to exist as an national or ethnic community.

Article 7

- (1) The admission and acknowledgement of the fact that one belongs to a national or ethnic group or minority (hereinafter 'minority') is the exclusive and inalienable right of the individual. No-one is obliged to make a statement concerning the issue of which minority one belongs to.

- (2) The right to national and ethnic identity and the acknowledgement and admission of membership of such a minority does not preclude the recognition of dual or multi-affiliation.

Article 8

It is the right of the citizen belonging to a national or ethnic minority to state in secret and anonymously during a census to which minority group s/he belongs.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 15

The preservation, fostering, strengthening and passing on of their minority identity is the unalienable collective right of minorities.

Article 16

It is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.
- (2) The national self-government has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a country-wide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support for these purposes.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

The Ukraine

Article 1

Ukraine guarantees the citizens of the republic, regardless of their national origin, equal political, social, economical and cultural rights and freedom; supports the development of national self-awareness and self-expression.

Article 14

State bodies promote activities of national public associations, which are corresponding to this law.

12. Principle of Protection And Non-Assimilation

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;

10. protection from any activity which endangers or may endanger their existence, the exercise of rights and freedoms.

Article 15

(1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

Czech Republic

§ 12

Right of the development of culture of members of national minorities

The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

Hungary

Preamble

The National Assembly,

declares that it regards the right to national and ethnic identity as a universal human right, that the special individual and collective rights of national and ethnic minorities are fundamental rights of freedom, which it will respect and enforce in the Republic of Hungary.

Article 4

(1) The Republic of Hungary prohibits any policy that

- aims at, or leads to, the assimilation of a minority into the majority nation;
- aims to alter the national or ethnic conditions of territories inhabited by minorities to the disadvantage of the minorities;

- aims at the forced evacuation or resettlement of a national or ethnic minority.

Article 13

Persons belonging to a minority have the right to

a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;

Article 55

(3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

Article 22

Measures that change the proportion of population in a territory inhabited by national minorities are hereby prohibited, as well as those impeding enjoyment and exercise of the rights of national minorities.

The Ukraine

Article 10

The State guarantees the national minorities the right to preserve their living environment in the places of their historic and present residence. Problems of return to the territory of Ukraine of

people belonging to deported nations are to be solved by adequate laws and treaties between Ukraine and other states.

13. Participation

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

8. representation in the representative bodies at the state and local level and in administrative and judicial bodies;
9. participation of members of national minorities in the public life and in management of local affairs through the councils and through representatives of national minorities;

Article 15

- (1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.

Article 19

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the Croatian Parliament.
- (2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.
- (3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.
- (4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.

Czech Republic

§ 3

Exercise of rights of members of national minorities

- (1) Members of national minorities individually or in common with other members of a national minority are guaranteed to be able to exercise their rights determined by this act, special legal regulations or international conventions on human rights and fundamental freedoms by which the Czech Republic is bound.

§ 6

Right of participation in dealing with matters concerning a national minority

- (1) Members of a national minority have the right to their active participation in cultural, social and economic life and public affairs, especially those concerning national minorities whose members they are, and this at the level of community, region and state as a whole.
- (2) Members of a national minority exercise their right according to paragraph 1 especially by means of committees for national minorities established according to special legal regulations³ and the government's Council for National Minorities (thereafter "the Council").

Hungary

Article 4

- (3) In drawing the boundaries of administrative units and constituencies, and in formulating plans for economic development and the development of settlements, as well as for environmental protection, the Republic of Hungary will take into consideration the local conditions, relations, economic interests and established traditions of national and ethnic minorities.

Article 5

- (1) In the Republic of Hungary minorities have a constitutional right to establish local and national self-governments.
- (2) The basic function of minority governments is to protect and represent the interests of minorities by performing their duties and exercising their statutory authority.

Article 10

Participation in public life by a person belonging to a minority must not be restricted. Members of minorities may establish societies, parties, and other civil organisations to express and protect their interests - in accordance with the regulations of the Constitution.

Article 17

Minorities have the right to establish civil organisations, as well as local and national self-governments.

³ Act N. 128/2000 Coll. on communities (local government), as amended by the Act N. 273/2001 Coll. Act N. 129/2000 Coll. on regions (regional government), as amended by the Act N. 273/2001 Coll. Act N. 131/2000 Coll. on capital Prague, as amended.

Article 20

- (1) Minorities have the right - as determined in a separate Act - to be represented in the National Assembly.

Article 21

- (2) In accordance with the provisions of this Act, any minority has the right to establish a minority municipal government or a directly or indirectly formed local minority self-government in townships, towns, or the districts of the capital city, as well as a national minority self-government. In the capital city directly formed local minority self-governments may be established.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
 - a) local basic education;
 - b) local printed and electronic media;
 - c) promotion of traditions;
 - d) adult education and socio-cultural animation.

Article 29

- (1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.
- (2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.

Article 31

- (1) The national minority self-government (hereinafter `national self-government') may be established in accordance with the provisions of this Act.

Article 38

(1) The national self-government may

- a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
- b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;
- c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents;

Article 46

(1) Municipal governments and minority self-governments will co-operate in assessing the demand for minority education and in the organisation of such education.

Article 61

(4) a) The minority self-government of the capital city is elected by minority electors. Each district government representative who has been elected as minority representative is a minority elector; as are district minority self-government representatives, and electors elected for this special purpose.

b) If a minority does not have a minority self-government in any of the districts, upon the initiative of 10 voters who declare themselves members of the given minority, and who are residents of the capital city, an electoral meeting shall be convened. At the electoral meeting - in accordance with the provisions of paras (31) - (34) of the Act on the Rights of National and Ethnic Minorities - 9 representatives shall be elected from a short list. The election is deemed valid if, from among the participants of the electoral meeting who are resident in the capital city, a minimum of 100 voters cast valid votes for the short list. The minority representatives elected shall also perform the duties of the electors in the election of the national self-government of the given minority.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 18

The Federal Government of Yugoslavia shall establish the Federal Council for

National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

Article 19

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from para. 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority and whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organisation or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

The Ukraine

Not applicable.

14. Public Services/Official Contexts

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

2. the use of their language and script, privately and in public use and in official use;

Article 9

- (1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.

- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 12

- (1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.
- (2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.
- (3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

Czech Republic

§ 9

Right of using the language of a national minority in official documentation and discourse and hearing before a court

Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special legal regulations.⁶

⁶ § 18 of the Act N. 99/1963 Coll. on the Rules of Civil Procedure, as amended by the Act N. 30/2000 Coll. § 7 of the Act N. 335/1991 Coll. on courts and judges. § 2 of the Act N. 141/1961 Coll. on judicial criminal proceedings (Rules of Criminal Procedure), as amended. § 33 of the Act N. 182/1993 Coll. on the Constitutional Court. § 12 of the Act N. 563/1991 Coll. on accounting. § 46a of the Act N. 202/1990 Coll. on lotteries and similar games, as amended by the Act N. 149/1998 Coll. § 3 of the Act N. 337/1992 Coll. on administration of taxes and charges, as amended by the Act N. 35/1993 Coll. and the Act N. 255/1994 Coll.

Hungary

Article 54

In settlements where there are people who belong to minorities, the local authorities will ensure that in the course of filling vacancies in local public services, candidates with a knowledge of the mother tongue of the given minority will be employed, provided that these people meet the general professional requirements.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 11

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in para. 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognising the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

A deputy in the Federal Assembly who is a member of a national minority that in number reaches at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia, in

accordance with the last census, shall have the right to speak in his/her native tongue before the Federal Assembly, which shall be more closely regulated through the rules of the Federal Assembly Councils.

Article 21

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

Ukraine

Article 7

The State promotes training of pedagogical and cultural-educational and other national personnel through a number of educational establishments. State bodies assist the national minorities in training of specialists abroad on the basis of international treaties.

Article 8

At working places of state bodies, public associations as well as enterprises, establishments and organisations situated in places where the majority of a population is made up by a national minority, its native language may be used as well as the Ukrainian state language.

15. Personal and Place Names, Notices

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;

Article 9

- (1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.
- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 13

The law which regulates the use of language and script of national minorities, and/or the statutes of local self-government units shall stipulate the measures providing for the preservation of traditional names and signs and giving the names of persons and significant events for the history and culture of a national minority in the Republic of Croatia to settlements, streets and squares in the areas traditionally, or to a considerable number, populated by members of national minorities.

Czech Republic

§ 7

Right of using name and surname in the language of a national minority

Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special legal regulation.⁴

§ 8

Right of multilingual names and denominations

(1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to have the name of a community in which they live, the names of its parts, streets and public places as well as the functions of buildings of public authorities and electoral rooms posted in the language of the national minority as well as in the Czech language.

§ 10

Right of using the language of a national minority during elections

Under conditions determined by special legal regulations⁷ members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to publicise the notice of the term and place of elections and other information for voters in the language of national minorities.

⁴ Act N. 301/2000 Coll. on registers, name and surname and amendment of some related acts.

⁷ Act N. 152/1994 Coll. on elections to community councils and amendment of some other acts, as amended. Act N. 130/2000 Coll. on elections to regional councils and amendment of some acts, as amended by the Act 273/2001 Coll. Act N. 247/1995 Coll. on elections to the Parliament of the Czech Republic, as amended.

Hungary

Article 12

- (1) A person belonging to a minority has the right to choose his/her own first name and the first name of his/her child freely, to have the first and last name of his/her child registered under the conventions governing the writing of the mother tongue, and to indicate the names in official documents as long as this complies with applicable provisions. If the names are not registered using Latin characters, it is compulsory to give the phonetic representation of the names with Latin letters.
- (2) If requested, the registration of births and the compilation of other personal documents - as listed in par (1) - may also be bilingual.

Article 50

- (2) The state supports

- d) information on acts and announcements of public interest in the mother tongues of the minorities;

Article 52

- (2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to the minutes of the meeting.
- (3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

Article 53

At the request of the minority self-government operating on the territory under its authority, the municipal government must ensure that

- a) the announcement of its regulations and the publication of its announcements are made in the language of the minority - in addition to the Hungarian language;
- b) the forms used in the course of administrative procedures are also available in the language of the minority;

- c) signs bearing the names of settlements and streets, public offices, and companies undertaking public services, or announcements relating to their operations - in addition to the Hungarian wording and lettering, with the same content and form - may also be read in the mother tongue of the minority.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 9

The persons belonging to national minorities shall have the right to free choice and use of personal name and the name of their children, and enlisting of the personal names to all public documents, official records and personal databases in the language and script of the person belonging to the national minority.

The right specified in para. 1 of this Article shall not exclude the corresponding entry of the name in accordance with the Serbian spelling and script.

Article 11

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

Article 12

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

The Ukraine

Article 12

Every citizen of Ukraine has right to a national first name, second name and middle name.

Citizens have the right to restore their national first name, second name and middle name on the basis of the established regulation.

Citizens who by their customs do not have a middle name, have the right to write in their passport only the first name and second name, and the names of their mother and father in their certificates of birth.

16. Access to Media

Croatia

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;

Article 16

- (2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons of that state, without paying the custom duties, newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.

Article 17

- (1) On the basis of laws and implementing regulations, which regulate the activities of public information, production and broadcast of radio and television programmes, education, museum, archival and library activity and the protection and preservation of cultural assets,

the conditions shall be created for the acquaintance of all citizens of the Republic of Croatia, especially of children and youth, through the content of educational work and through obligatory, as well as optional educational subjects, with the history, culture and religion of national minorities.

- (2) With the objective of exercising the provisions of Paragraph 1 of this Article, the measures shall be undertaken which will alleviate the access to the media for members of national minorities.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.
- (2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.
- (3) With the aim of exercising the rights of members of national minorities to the information through the press, radio and television in the script and language of a national minority, members of national minorities, their councils of national minorities and representatives of national minorities and their associations may perform the activity of public information (publish newspapers, produce and broadcast radio and television programme and perform the activity of news agencies), in compliance with the law.

Czech Republic

§ 13

Right of spreading and receiving information in the language of a national minority

- (2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.

- (3) Creating and disseminating radio and television broadcasting related to members of national minorities and implemented by legitimate operators are determined by special legal regulations.¹⁰

Hungary

Article 18

- (1) Public service television and radio stations - as provided for in a separate Act - will ensure that national and ethnic minority programmes are produced and broadcast on a regular basis.
- (2) On territories inhabited by minorities, the government - through international contracts - will promote the reception of radio and television programmes from the kin state.

Article 27

- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of

- b) local printed and electronic media;

Article 49

- (3) A minority library system will ensure that the minority has access to the literature of its mother tongue.
- (4) In settlements where no minority municipal government has been established, it is the obligation of the municipal government to provide the minority population with library material in their mother tongue.

¹⁰ Act N. 483/1991 Coll. on Czech Television, as amended. Act N. 484/1991 Coll. on Czech Radio, as amended.

Article 50

(2) The state supports

b) the publication of books by minorities and the publication of their periodicals;

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 17

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

The State shall provide information, cultural and educational content in the language of national minorities in programmes of the public service TV and radio, and may also establish special radio and TV stations to broadcast programmes in the language of national minorities.

The persons belonging to national minorities shall have the right to establish and maintain media in their own language.

The Ukraine

Not applicable.

17. Cross Border Relations

Croatia

Article 16

(1) Members of national minorities, their associations and councils of national minorities or representatives of national minorities shall freely maintain contacts with a nation with which they share the same ethnic, linguistic, cultural and/or religious characteristics and with legal persons with the seat in the area of the state of that nation which perform the tasks of education, science, culture, publishing and humanitarian activities.

(2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons

of that state, without paying the custom duties, newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.

- (3) The associations of members of national minorities may organise guest performances by professional and amateur cultural and art groups for the members of national minorities and organise other cultural and art performances and exhibitions which contribute to the enrichment of the culture and identity of a national minority. In such cases, foreign persons participating in the conduct of performances and exhibitions shall not need the work permit.

Czech Republic

Not applicable.

Hungary

Article 14

Persons belonging to minorities have the right to maintain contacts with state and community institutions in their kin state and/or with nations as defined by the use of a language, and also with minorities living in other countries.

Article 18

- (2) On territories inhabited by minorities, the government - through international contracts - will promote the reception of radio and television programmes from the kin state.

Article 19

Minorities and their organisations have the right to establish and maintain extensive and direct international contacts.

Article 46

- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 6

The persons belonging to national minorities shall be entitled to freely establish and maintain peaceful relations within the Federal Republic of Yugoslavia and outside of its borders with persons legally residing in other countries, particularly those with whom they share a common ethnic, cultural, linguistic and religious identity or common cultural heritage.

The State may envisage relieves directed at facilitating exercise of rights specified in para. 1 of this Article.

The Ukraine

Article 15

Citizens, who belong to national minorities, national public associations, have the right, by the established regulations of Ukraine, freely to enter into and keep relationships with persons of their nationality and their public associations abroad, to receive help from these in order to gratify their linguistic, cultural and spiritual needs, and to take part in activities of international non-governmental organisations.

18. Mechanisms

Croatia

Article 20

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the representative bodies of local self-government units and in the representative bodies of regional self-government units.
- (2) If at least one member of a national minority, which participates in the population of the local self-government unit with more than 5 % and less than 15 %, is not elected in the representative body of the self-government unit on the basis of universal suffrage, the number of members of the representative body of the self-government unit shall be increased by one member, and the member of a national minority, who was not elected first according to the proportional success of each slate in the elections, shall be considered elected, unless

otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.

- (3) If, based on universal suffrage, a national minority which accounts for at least 15% in the population of a local self-government unit, is not represented in the representative body of the local self-government unit by the number of members of the national minority which is proportional to its share in the population of that local self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.
- (4) If, based on universal suffrage, a national minority which accounts for more than 5 % in the population of a regional self-government unit, is not represented in the representative body of the unit by the number of members proportional to its share in the population of that regional self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a regional self-government unit.
- (5) If the representation of members of national minorities in the representative body of a local self-government unit is not reached even with the application of the provisions as per Paragraphs 2 and 3 of this Article, or if the representation of members of national minorities in the representative body of a regional self-government unit is not reached even with the application of the provisions as per Paragraph 4 of this Article, by-elections shall be called in the self-government unit in compliance with these provisions.
- (6) The nomination and election of members of the representative body of a local self-government unit and regional self-government unit pursuant to the provisions of Paragraphs 2, 3, 4 and 5 of this Article, shall be regulated by the law regulating the election of members of representative bodies of local and regional self-government units.
- (7) The official census results shall be relevant to the determination of the number of members of a national minority for the implementation of the provisions of this Article. Prior to each elections, the official census results on the number of members of national minorities in a local or regional self-government unit shall be conformed to possible changes registered in the last confirmed voter's list of that unit.

Article 21

Local self-government units and regional self-government units, in which members of national minorities do not constitute the majority of population, may determine by their statutes that members of national minorities, or a larger number of members of national minorities, are elected to the representative body of a local self-government unit or regional self-government unit than it ensues from their share in the total population of the unit.

Article 22

- (1) In a local self-government unit and in regional self-government unit (hereinafter: self-government unit), in which, pursuant to the provisions of this Constitutional Law, proportional representation of members of its representative body needs to be ensured from among the ranks of members of national minorities, the representation of members of a national minority shall be ensured in its executive body.
- (2) The members of national minorities shall be ensured representation in the state administration and judicial bodies in compliance with the provisions of a special law, taking into account the share of members of national minorities in the total population at the level at which the state administration or judicial body was established and the acquired rights.
- (3) Members of national minorities shall be ensured representation in the administrative bodies of self-government units in compliance with the provisions of a special law regulating local and regional self-government and in compliance with the acquired rights.
- (4) Members of national minorities shall have priority in the filling of posts as per Paragraphs 2 and 3 of this Article, under equal conditions.

Article 23

Members of national minorities shall elect, in the manner and under the conditions stipulated by this Constitutional Law, their representatives for the reason of participation in the public life and management of local affairs through the councils and representatives of national minorities in self-government units, in order to improve, preserve and protect the position of national minorities in the society.

Article 24

- (1) In self-government units in the area of which members of an individual national minority participate with at least 1.5 % in the total population of the self-government unit, in local self-government units in the area of which more than 200 members of an individual national minority are living, and regional self-government units in the area of which more than 500 members of a national minority are living, members of each of those national minorities may elect the Council of National Minority.
- (2) Ten members of a national minority shall be elected into the Council of National Minority of a municipality, 15 members into the Council of National Minority of a town and 25 members into the Council of National Minority of a county.
- (3) In cases when at least one of the conditions as per Paragraph 1 of this Article for the election of the Council of National Minority has not been fulfilled, and there are at least 100 members of a national minority living in the area of a self-government unit, a minority representative shall be elected for the area of such self-government unit.
- (4) The candidates for the members of the Council of National Minority, that is, the candidates for minority representatives, may be proposed by the associations of national minorities or by at least 20 members of a national minority from the area of a municipality, that is, 30 members from the area of a town and 50 members from the area of a county.

- (5) The members of the Council of National Minority and minority representatives shall be elected directly, by secret ballot, for a four-year term, and the provisions of the Law, which regulate the election of the members of representative bodies of local self-government units, shall be appropriately applied to the election procedure and other issues related to their election.
- (6) The census, corrected (increased or decreased) by that number of voters who are registered in or deleted from the voter's list, compiled for the election of members of representative bodies of local self-government units, shall be relevant to the determination of the number of members of a national minority for the conduct of the provisions of this Article.

Article 25

- (1) The Council of National Minority shall be a non-profit legal person. It shall acquire the capacity of a legal person by the entry into the Register of Councils of National Minorities, which is kept by the Ministry competent for general administration affairs.

Article 26

The members of the Council of National Minority shall elect the President of the Council by secret ballot. The Council of National Minority shall also elect a person who shall replace the President of the Council in case of his absence or him being prevented to perform his duty.

Article 27

- (1) The Council of National Minority shall pass the working programme, financial plan and annual financial statement, as well as the statute which regulates the issues of significance for the work of the Council.
- (2) The President of the Council of National Minority shall represent and act on behalf of the Council of National Minority, convene the sessions of the Council and have the rights and obligations set forth by the Statute of the Council.
- (3) The Council of National Minority shall pass the Statute, working programme, financial plan and the annual financial statement by the majority of votes of all members.
- (4) The statute, financial plan and the annual financial statement of the Council of National Minority shall be published in the official gazette of the local or regional self-government unit for the area of which the Council was established.

Article 28

- (1) Self-government units shall provide the funds for the work of The Council of National Minority, including the funds for the performance of administration tasks for their needs, and they may also provide the funds for the conduct of specific activities set forth in the working programme of the Council of National Minority.
- (2) The funds for the exercise of specific programmes of the Council of National Minority may also be provided from the state budget of the Republic of Croatia.

Article 29

- (1) The funds, which the Council of National Minority gains from its property, from donations, gifts, inheritance or some other basis, may be used exclusively for the activities and tasks of importance for the national minority which were determined in the working programme of The Council of National Minority.
- (2) The funds, which the Council of National Minority gains from the state budget of the Republic of Croatia or the budget of a self-government unit, may be used exclusively for the purposes determined in the budget and law, that is, by a decision which regulates the execution of the budget, or for the purposes determined by the Council for National Minorities, in the case of funds from the state budget of the Republic of Croatia.
- (3) When the Council of National Minority purchases goods or services or performs works using the funds as per Paragraph 2 of this Article, it may only use them under the conditions and in the manner stipulated by the Law on Public Purchase.

Article 30

- (1) The members of the Council of National Minority shall perform their duties, as a rule, voluntarily and with the care of a good host.
- (2) The members of the Council of National Minority may only receive a compensation for the costs they had while performing the tasks for the Council from the Council's funds, as well as a reward, on a monthly basis or some other period of time, if approved, and to the amount approved, by the minister competent for general administration.

Article 31

- (1) The Council of National Minority in a self-government unit shall have the right to:
 - propose to the bodies of a self-government unit the measures for the improvement of the position of a national minority in the state or in an area thereof, including the submission of proposals of general acts which regulate the issues of significance for a national minority to the bodies which adopt them;
 - propose candidates for duties in state administrative bodies and bodies of self-government units;
 - be informed about each issue which the working bodies of the representative body of a self-government unit will discuss, and which pertains to the position of a national minority;
 - provide opinions and proposals with regard to the programmes of radio and television stations at the local and regional level intended for national minorities or programmes which deal with minority issues.
- (2) The bodies of self-governments units shall regulate the manner, deadlines and the procedure for the exercise of rights stipulated in Paragraph 1 of this Article by its general acts.

Article 32

- (1) The authorities of a self-government unit shall be obliged, in the preparation of proposals of general acts, to request from the Council of National Minority established for its area an opinion and proposals with regard to the provisions which regulate the rights and freedoms of national minorities.

Article 33

- (1) Two or more Councils of National Minorities founded in the same local self-government unit, two or more Councils of National Minorities founded in different local self-government units, two or more Councils of National Minorities founded in the same regional self-government unit and two or more Councils of National Minorities founded in different regional self-government units may establish the co-ordination of Councils of National Minorities for the purpose of conformation and promotion of mutual interests.
- (2) The Councils of National Minorities shall conform the positions on the issues from their scope of activities through the co-ordination of Councils of National Minorities.
- (3) The Councils of National Minorities may authorise the co-ordination of Councils of National Minorities to undertake particular measures as per Article 31 of this Constitutional Law, on their behalf.
- (4) It shall be considered that the Councils of National Minorities of regional self-government units have established a co-ordination of Councils of National Minorities for the area of the Republic of Croatia when more than half of Councils of National Minorities of regional self-government units joined the agreement on the establishment of this co-ordination.
- (5) The co-ordination of Councils of National Minorities, which was established by the Councils of National Minorities of regional self-government units for the area of the Republic of Croatia, may pass decisions on signs and symbols of national minorities and on the manner of celebration of holidays of national minorities with the consent of the Council for National Minorities.

Article 34

- (1) A minority representative shall perform his tasks under the title which has to be in the Croatian language and Latin script and in the language and script used by the national minority which elected him and which contains the mark of the area for which he was elected.
- (2) A minority representative shall open an account for funds which are used for the exercise of minority rights in the area of a local self-government unit for which he was elected, the financial plan for the use of those funds and the annual financial statement for those funds. The financial plan and the annual financial statement for the funds used for the exercise of minority rights, shall be published in the official gazette of the self – government unit for the area of which the minority representative has been elected.

- (3) The provisions of Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Law shall be adequately applied to a minority representative and his competencies and duties.

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.
- (2) The Council for National Minorities shall have the right to:
- propose to the bodies of state authorities to discuss certain issues of significance for a national minority, particularly the implementation of this Constitutional Law and special laws regulating minority rights and freedoms;
 - propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area thereof;
 - provide opinions and proposals about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
 - propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number inhabited by members of national minorities in order to preserve their existence in those areas.
 - request and acquire from the bodies of state authorities and bodies of local and regional self-government the data and reports required for discussing the issues from its scope of activities;
 - invite and request the presence of representatives of bodies of state authorities and bodies of local and regional self-governments, which competence includes the issues from the scope of activities of the Council established by this Constitutional Law and the Statute of the Council.
- (3) The Council for National Minorities shall co-operate in the issues of interest for national minorities in the Republic of Croatia with the competent bodies of international organizations and institutions which deal with the issues of national minorities as well as with the competent bodies of parent countries of members of national minorities in the Republic of Croatia.
- (4) The Council for National Minorities shall allocate the funds provided from the state budget for the needs of national minorities. The beneficiaries of the funds shall submit annual reports to the Council on the expenditure of the funds which were allocated to them from the state budget, of which the Council shall inform the Government of the Republic of Croatia and the Croatian Parliament.
- (5) If the Council for National Minorities fails to pass a decision on the allocation of funds as per Paragraph 4 of this Article within 90 days from the adoption of the state budget, the Government of the Republic of Croatia shall pass a decision on it.

Article 36

- (1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities for a four-year term, as follows:
 - seven members of national minorities, from among the ranks of persons proposed by councils of national minorities,
 - five members of national minorities from among the ranks of distinguished cultural, scientific, expert, religious employees from among the ranks of persons proposed by minority associations and other minority organisations, religious communities, legal persons and citizens, members of national minorities.
- (2) The members of the Council for National Minorities shall also be representatives of national minorities in the Croatian Parliament.
- (3) The Council for National Minorities shall have a President and two Deputy Presidents appointed by the Government of the Republic of Croatia from among the ranks of the members of the Council. One of them shall be obligatorily a member of the Council from among the ranks of a national minority which participates in the total population of the Republic of Croatia with more than 1.5%.
- (4) On the occasion of the appointment of members of the Council for National Minorities, the Government of the Republic of Croatia shall take into account the share of members of particular national minorities in the total population of the Republic of Croatia, as well as the fact that the composition of the Council shall reflect their identity and specific quality, historical values, ethnic, cultural and every other diversity.
- (5) The President and Deputy Presidents of the Council for National Minorities shall perform their duty professionally and the President of the Council shall also be the Head of the Expert Office of the Council.
- (6) The Government of the Republic of Croatia shall establish the Expert Office of the Council for the performance of expert and administrative tasks for the Council for National Minorities and it shall determine the approximate number of its officials and employees.
- (7) The Council for National Minorities shall have a Statute adopted with the consent of the Government of the Republic of Croatia. The Statute shall more precisely regulate the scope of activities and the organization of the Council.
- (8) The Council for National Minorities shall adopt the working programme, the financial plan, the annual financial statement and decisions on the allocations of funds which are provided in the state budget for the needs of national minorities.
- (9) The Council for National Minorities shall adopt a Rule Book on the Internal Order of the Expert Office of the Council upon the proposal of the President of the Council.
- (10) The Council for National Minorities shall pass decisions with the majority of all members.

- (11) The working programme of the Council for National Minorities, the financial plan and the annual financial statement of the funds of the Council for National Minorities, and the acts, whereby the Council for National Minorities allocates the funds provided in the state budget for the needs of national minorities, shall be published in the "Official Gazette".

Czech Republic

§ 6

Right of participation in dealing with matters concerning a national minority

- (3) The government establishes the Council as its consultative and initiative body for matters concerning national minorities and their members. At the head of it is a member of the government.
- (4) Members of the Council are representatives of national minorities and public authorities; at least half of them must be representatives of national minorities nominated by associations of members of national minorities.
- (5) The Council is competent to:
- a) arrange for the preparation of governmental measures concerning the rights of members of national minorities in the Czech Republic;
 - b) express opinions on motions for bills, governmental regulations and measures concerning the rights of members of national minorities before their submission to the government;
 - c) prepare for the government overall reports on the situation of national minorities on the territory of the Czech Republic;
 - d) prepare for the government, ministries or other administrative authorities recommendations for satisfying the needs of members of national minorities especially in the field of the education system, culture and media, using their mother tongue, and social and cultural life;
 - e) cooperate with local self-government bodies in the practical application of state policy relating to national minorities;
 - f) propose the distribution of finances expended from the Budget for the support of activities of members of national minorities.
- (6) Details concerning the composition of the Council and the way of nomination of its members and its activities are determined in rules of the Council sanctioned by the government.

Hungary

Article 20

- (2) The National Assembly shall elect an Ombudsman for National and Ethnic Minority Rights. Before the President of the Republic puts forward a proposal for the position of Ombudsman

for National and Ethnic Minority Rights, s/he shall seek the opinion of national minority self-governments, or in the absence of such a council, the view of the registered national board representing the interests of the given minority. The provisions of Act LIX of 1993 on the Ombudsman for Civil Rights shall apply to the Commissioner for National and Ethnic Minority Rights.

- (3) The Ombudsman for National and Ethnic Minority Rights shall have the authority to act on issues which fall within the scope of this Act.

Article 21

- (1) In accordance with the provisions of this Act, any minority has the right to establish a minority municipal government or a directly or indirectly formed local minority self-government in townships, towns, or the districts of the capital city, as well as a national minority self-government. In the capital city directly formed local minority self-governments may be established.
- (2) Concerning citizens belonging to minorities who are elected as representatives, the amended version of the present Act, as amended by Article 64 of Act LXIV of 1990 on the election of self-government representatives and mayors, shall apply.

Article 22

- (1) A municipal government may declare itself a minority municipal government if more than half the members of the elected body have been elected as candidates of one national or ethnic minority.
- (2) If more than 30% of the members of the municipal government have been elected as candidates of one particular national or ethnic minority, the representatives may form a minority self-government (hereinafter `indirectly formed minority self-government') with a minimum of 3 members per minority.

Article 23

- (1) In accordance with the provisions of Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, amended by Article 64 of this Act, electors may create minority self-governments by direct election (hereinafter `directly formed local minority self-government').
- (2) The minimum membership of directly formed local minority self-governments is 3 in the case of settlements with a population of 1,300 or lower, whereas in settlements with a population of over 1,300 - including a district of the capital city - the minimum is 5, and in the capital city itself it is 9.
- (3) A directly formed local minority self-government elects its own leaders in accordance with the rules set by a majority decision.
- (4) If elected in accordance with Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, which is amended by Article 64 of this Act, a member of a local minority self-government who is not a representative in the municipal

government may only become a member of the body of a directly formed minority self-government.

- (5) One minority in one settlement may establish only one indirectly formed local minority self-government, or, in the absence of such a body, may establish one directly formed minority self-government.
- (6) Both directly and indirectly formed local minority self-governments (hereinafter together 'minority self-government') have the same scope of duties and authority.
- (7) A minority may only be represented in the municipal government by a spokesperson if the minority represented does not have a local minority self-government.

Article 24

Unless other provisions exist in this Act, the provisions of the law on local governments will be applied appropriately to minority municipal governments and local minority self-governments.

Article 25

- (1) A minority municipal government is a legal entity. The scope of duties and authority of minority municipal governments, where different from the scope of duties and authority assigned to municipal governments, is provided for by the provisions of this Act.
- (2) In the course of the management of public affairs of local interest, minority municipal governments - in accordance with par (1) - are obliged to ensure the assertion of the rights of the Hungarian population in a numerical minority, or the rights of any other national or ethnic minority.

Article 26

- (1) A minority municipal self-government or a local minority self-government may approach the head of the board of the appropriate public body with the necessary authority and competence with a request concerning any issue affecting the minority, and may
 - a) ask for information;
 - b) make a proposal;
 - c) initiate measures;
 - d) object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.
- (2) The head of the appropriate board with the necessary authority and competence - in cases defined in par (1) - is obliged to provide a material response to the request within 30 days.
- (3) If the subject of the request does not fall within the authority or competence of the head of the board, s/he is obliged to transfer the request to the person with appropriate authority and competence within 3 days after the request.

Article 27

- (1) The minority self-government shall define within its authority - and within the framework of the regulations of municipal governments –
 - a) in accordance with this Act, the utilisation of the property set aside for it (i.e. for the minority self-government) as a part of the total property of the municipal government;
 - b) its budget, closing balance sheet, the utilisation of the resources made available to it by the municipal government;
 - c) within the limits of the provision on the protection of historical monuments, the full list of such historical buildings and memorial sites, and the local regulations regarding their protection.
- (2) The local minority self-government shall define within its authority
 - a) its organisational structure and operational order;
 - b) the name and insignia of the local minority self-government, and its medals/decorations, as well as the requirements and regulations for the awarding of such medals/decorations;
 - c) the local feasts of the minority represented.
- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
 - a) local basic education;
 - b) local printed and electronic media;
 - c) promotion of traditions;
 - d) adult education and socio-cultural animation.
- (4) Within the limits of the resources at their disposal, they have the right to
 - a) establish and run a company or other business organisation;
 - b) announce calls for project proposals;
 - c) establish scholarships.
- (6) If it is necessary to obtain the approval of the municipal government for the minority self-government to exercise its rights, the board of representatives must put the initiative of the minority self-government related to this issue on the agenda of its next meeting. If the decision-making process falls within the authority of another self-government board the decision must be made within 30 days of the submission of the request for action.

Article 31

- (1) The national minority self-government (hereinafter `national self-government') may be established in accordance with the provisions of this Act.
- (2) The national self-government is elected by minority electors. Every municipal government representative who has been elected as a minority representative is a minority elector, as are minority self-government representatives, and spokespersons. If on the board of representatives of a municipal government the minority concerned does not have a minority

representative or a spokesperson, or if in the settlement the minority concerned does not have a minority self-government, the election of the elector may be initiated by three citizens who are entitled to vote, who are residents of the settlement, and who declare themselves members of the minority concerned.

- (3) An electoral meeting must be convened if initiated by at least three citizens entitled to vote and who belong to the same minority group.

Article 32

- (1) The electoral meeting shall be convened by the local election committee. One session must be held for each national and ethnic minority, in which only members of the electorate whose permanent residence is in the settlement may participate. The venue and time of the meeting must be made known by public notice.
- (2) The electoral meeting must be held within 60 days of the day of the election of local government representatives and mayors. For the period of the election of the electors the local election committee is joined by one extra representative, jointly appointed by members of the electorate [par (3) of Article 31] initiating the electoral meeting. This common representative has the right to participate only in those activities of the local election committee which relate to the electoral meeting of the given minority.
- (3) A meeting of residents belonging to the same national or ethnic minority in a settlement is entitled to elect an elector. The electoral meeting constitutes a quorum if there are at least 10 people present. The participants decide on the election of the elector with ballots prepared on the basis of open nomination, by secret voting, with a simple majority of votes.
- (4) In any given settlement, one minority may only elect one elector, and one elector may only accept one electoral appointment.
- (5) By using the electoral register compiled by the chief administrator of the Mayor's Office, the local election committee shall ensure that only the electors that have the right to vote in the settlement participate in the election.

Article 33

- (1) Within 3 days after the electoral meetings, the local election committees shall notify the National Election Committee of the names of the electors belonging to the same minority who have been elected at these meetings.
- (2) The National Election Committee shall convene the electors' meeting on a date no later than 60 days after the date stipulated in par (2) of Article 32, provided that the number of electors has reached 14. The number of eligible representatives [par (3) of Article 63] must be less than the number of electors present.
- (3) The same national or ethnic minority may only form one national self-government. Several national or ethnic minorities may form a common, joint national self-government.

Article 34

The electors elect the members of the general assembly of the national self-government from among themselves by secret ballot - in accordance with the provisions on 'short-list voting' of the relevant Act on the election of local government representatives and mayors. The name of each candidate who enjoys the support of 10% of the electors will appear on the ballot paper. The presence of a minimum of three quarters of the electors elected constitutes a quorum at the statutory assembly.

Article 35

- (1) The term of office of the members of the general assembly of the national self-government lasts until the convention of the first meeting of the new general assembly. The statutory assembly of the new general assembly must be convened within 30 days after the election of the members of the general assembly.
- (2) If no new general assembly is elected, the national self-government shall cease to exist.

Article 36

- (1) The national self-government represents and protects the rights of the minority represented by it at a national and area (regional, county) level. With a view to the establishment of the cultural autonomy of the minority it may establish institutions and co-ordinate their activities.
- (2) The national self-government is a legal entity.
- (3) In the event that the national self-government ceases to exist, its property is transferred to the Public Foundation established in accordance with par (3) of Article 55 , which assumes the management of this property, and ensures its protection. In the event that the once terminated national self-government is re-established, the Public Foundation must ensure that the property of the national self-government is returned.

Article 37

The national self-government - in accordance with the law - decides independently on

- a) the location of its headquarters, its form of organisation, its operational order
- b) its budget, its closing balance sheet, an authoritative statement of its asset inventory;
- c) the full list of its opening assets;
- d) its name and insignia;
- e) the nation-wide feasts of the minority represented by it;
- f) its medals/decorations, and the requirements and regulations of awarding them;
- g) the principles and means governing the utilisation of the radio and television channels at its disposal;
- h) the principles governing the utilisation of the public radio and television air time at its disposal;
- i) the publication of its press releases;
- j) the establishment of its institutions, their organisational structure and mode of operation, as well as their maintenance;
- k) the maintenance of a theatre;

- l) the establishment and maintenance of a museum/exhibition hall, and a public collection with a countrywide collection network;
- m) the maintenance of a library for the minority;
- n) the establishment and maintenance of an institute for the arts and/or sciences, and a publishing house;
- o) the maintenance of secondary and higher educational institutions with countrywide coverage;
- p) the establishment and operation of legal advisory services;
- q) the performance of other duties which legally fall within its authority.

Article 38

- (1) The national self-government may
 - a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
 - b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;
 - c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents;
- (2) An administrative board which receives a request as outlined in point b) of par (1) shall proceed in accordance with the provisions of paras (2) and (3) of Article 26.
- (3) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities, the national self-government - and also the local minority self-government if municipal government provisions on such matters are being enacted - has the right to agree. In the absence of a local minority self-government it is the spokesperson of the minority, and in the absence of such a person, it is the local association of the given minority which has the right of expressing its opinion.
- (4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.

Article 40

- (1) In accordance with par (5) of Article 12 of Act LXV of 1990 on municipal governments (hereinafter `LG') the local spokesperson of a minority (hereinafter `spokesperson') is entitled,
 - a) unless s/he is a representative in the municipal government, to attend and participate, with consultative right, in the meetings of the board of representatives or any other committee where issues on the agenda concern minorities, including closed sessions;
 - b) to propose to the mayor, or the chairperson of a committee, that an issue - concerning minorities - which falls within the competence of the board of representatives or the committee be discussed;
 - c) to move that the board of representatives revise a decision of its committee which affects a minority;

- d) to seek information, at the meeting of the board of representatives or any committee, from the mayor, from the chief administrator or from the chairperson of the committee on issues affecting a minority which fall within the competence of the municipal government;
 - e) to demand the information necessary to enable him/her to perform his/her duties, and rightfully claim administrative co-operation from the mayor and the chief administrator;
 - f) to initiate action by the mayor, the chief administrator, or an adequately authorised administrator on issues affecting minorities in their capacity as such;
 - g) initiate action - in line with the provisions of par (1) of Article 101 of the LG - by the board of representatives to turn to an adequately authorised body concerning issues affecting the situation of a given minority.
- (2) On the basis of the initiative specified in point b) of par (1) the mayor or the chairperson of the committee is obliged to present the proposal of the spokesperson at the next meeting of the board of representatives, or the committee. The board of representatives, or the committee, shall decide whether to put the issue on the agenda, and how the case should be prepared.
- (3) If the spokesperson seeks information during the meeting of the board of representatives or a committee meeting from the mayor, the chief administrator, or the chairperson of the committee, s/he must be provided with a written reply at the meeting or within 15 days of the meeting at the latest.
- (4) The verbal contribution of the spokesperson - at his/her request - must be recorded in the minutes of the meeting of the board of representatives, or the committee, or - if the contribution is submitted in writing - it must be enclosed with the minutes.
- (5) The discussion of an issue - affecting a given minority - which has been put on the agenda in accordance with the provisions of par (2) on the basis of the initiative specified in point (b) of par (1) may be postponed or removed from the agenda by the board of representatives only if so requested by the spokesperson.
- (6) Before the authorised local government body enacts a municipal government regulation concerning the rights and responsibilities of a minority, or before it takes a measure having a general impact on the situation of a minority, it must consult the spokesperson.

Article 41

- (1) The employer must release the spokesperson from his/her duties - at his/her own request - for the period s/he performs his/her duties as spokesperson. The board of representatives shall compensate him/her for the loss of income resulting from his/her absence from work. On the basis of this income the spokesperson is also entitled to social security.
- (2) The provisions regulating the reimbursement of costs, payment of allowances, and the honorariums of town councilors shall apply to the spokesperson.
- (3) The provisions of paras (1) and (2) do not affect the rights and duties of members of the board of representatives of a municipal government in cases where the spokesperson is also a member of the municipal government.

Article 55/A

- (1) The public foundation referred to in paras (3)-(4) of Article 55 shall be established by the Government of the Republic of Hungary under the name 'Public Foundation for Hungarian National and Ethnic Minorities' (hereinafter 'Public Foundation') with its headquarters in Budapest.
- (2) The property of the Public Foundation comprises the assets transferred to it, and the financial assistance specified in the prevailing annual Central Budget Act.
- (3) The primary decision-making board of the Public Foundation is the Board of Trustees. Its members shall be the following:
 - a) one representative from each national minority self-government - elected at their general meeting - or, in the absence of a national minority self-government, a person chosen by the organisations of the given minority;
 - b) one person appointed by each political party which has a group of representatives in the National Assembly;
 - c) one person appointed by each of the following: the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Culture and Education, the Children and Youth Co-ordination Council, and the President of the Hungarian Academy of Sciences.
- (4) The President of the Board of Trustees and the Head of the Office for National and Ethnic Minorities shall be one in the same person.
- (5) The members of the body authorised to control the Public Foundation (Supervisory Committee) shall be the following:
 - a) two persons appointed by the Speaker of the National Assembly, at least one of whom shall represent a party in opposition;
 - b) a person appointed by the Administrative State Secretary in the Prime Minister's Office;
 - c) a person appointed by the Minister of Finance.
- (6) The Chairperson of the Supervisory Committee shall be a person appointed by the Government official in charge of the supervision of the affairs of national and ethnic minorities.
- (7) The Board of Trustees and the Supervisory Committee shall be appointed by the founder - from among the persons specified in paras (3)-(6).

Article 61

- (4) a) The minority self-government of the capital city is elected by minority electors. Each district government representative who has been elected as minority representative is a minority elector; as are district minority self-government representatives, and electors elected for this special purpose.
 - b) If a minority does not have a minority self-government in any of the districts, upon the initiative of 10 voters who declare themselves members of the given minority, and who are

residents of the capital city, an electoral meeting shall be convened. At the electoral meeting - in accordance with the provisions of paras (31) - (34) of the Act on the Rights of National and Ethnic Minorities - 9 representatives shall be elected from a short list. The election is deemed valid if, from among the participants of the electoral meeting who are resident in the capital city, a minimum of 100 voters cast valid votes for the short list. The minority representatives elected shall also perform the duties of the electors in the election of the national self-government of the given minority.

Federal Republic of Yugoslavia (Serbia and Montenegro)

Article 18

The Federal Government of Yugoslavia shall establish the Federal Council for National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

Article 19

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

Article 20

The Federal Fund for the promotion of social, economic, cultural and overall development of national minorities (hereinafter: the Fund) is hereby established.

The Fund shall take part in financing activities and projects from the budget related to the improvement of the status and development of cultural creative work of national minorities.

The Federal Government shall pass more specific regulations defining the Fund's composition and activities.

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from para. 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority and whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organisation or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

The Ukraine

Article 5

In the Supreme Rada of Ukraine, and in case of necessity in local Councils of People's Deputies, permanent committees on questions pertaining to nationalities are functioning. In the local bodies within the State executive power, such structural departments can be created correspondingly.

Consultative bodies on public grounds can be established and function, formed by representatives of national minorities by local Councils of People's Deputies. The formation of such bodies are regulated by the corresponding Councils of People's Deputies.

The central body of the state executive power in the field of relations among nationalities of Ukraine, is the Ministry for Nationality Affairs of Ukraine. As a consultative body there is a Council of Representatives for Public Associations of National Minorities of Ukraine at the Ministry.

Appendix I

The Croatian Constitutional Law on the Rights of National Minorities

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass a

DECISION

**ON THE PROCLAMATION OF THE CONSTITUTIONAL LAW
ON THE RIGHTS OF NATIONAL MINORITIES**

I hereby proclaim the Constitutional Law on the Rights of National Minorities, which was adopted by the Croatian Parliament at its session on 13 December 2002.

Number: 01-081-02-3955/2

Zagreb, 19 December 2002

President
of the Republic of Croatia
Stjepan Mesic, *signed*

CONSTITUTIONAL LAW

ON THE RIGHTS OF NATIONAL MINORITIES

I BASIC PROVISIONS

Article 1

The Republic of Croatia, in accordance with:

- the Constitution of the Republic of Croatia,
- the principles of the Charter of the United Nations,
- the General Declaration on the Rights of a Man, International Pact on Civil and Political Rights, International Pact on Economic, Social and Cultural Rights,
- the Final Act of the Organization for Security and Co-operation in Europe, the Paris Charter for New Europe and other OSCE documents related to the rights of a man, especially the Document of the OSCE Copenhagen Meeting on Human Dimension and the Document of the OSCE Moscow Meeting on Human Dimension,
- the Convention of the Council of Europe for Protection of the Rights of a Man and Fundamental Freedoms, as well as the Protocols with this Convention,
- the International Convention on the Repeal of all Forms of Racial Discrimination, the Convention on the Prevention and Penalizing of the Crime of Genocide, the Convention on the Rights of a Child,
- the Declaration on the Repeal of all Forms of Intolerance and Discrimination on the Grounds of Religion and Conviction,
- the Convention on Fighting against Discrimination in the Area of Education,
- the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,
- the Framework Convention of the Council of Europe for the Protection of National Minorities,
- the European Charter on Regional and Minority Languages,
- the European Charter on Local /Settlement/ Self-government,
- the SEI instruments for the protection of minority rights,

- the Lund Recommendation on the Efficient Participation of National Minorities in Public Life

shall take an obligation to respect and protect the rights of national minorities and other fundamental rights and freedoms of a man and citizen, the rule of law and all other highest values of its constitutional and international legal system, with respect to all its citizens.

Article 2

Apart from human rights and freedoms which are recognized by constitutional provisions, the Republic of Croatia also recognizes and protects all other rights foreseen in the international documents as per Article 1 of this Constitutional Law, depending on the exceptions and limitations foreseen in these documents, without discrimination on the basis of sex, race, the colour of skin, language, professing of religion, political and other conviction, national and social origin, connection with a national minority, ownership, the status inherited by birth or pursuant to some other basis, in compliance with Articles 14 and 17, Paragraph 3 of the Constitution of the Republic of Croatia.

Article 3

- (1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.
- (2) Ethnic and multicultural diversity and spirit of understanding, mutual respect and tolerance shall contribute to the promotion of development of the Republic of Croatia.

Article 4

- (1) Every citizen [državljanin] of the Republic of Croatia shall have: the right to express freely that he is a member of a national minority in the Republic of Croatia; the right to exercise, alone or together with other members of that national minority or with members of other national minorities, the rights and freedoms stipulated by this Constitutional Law and other minority rights and freedoms stipulated by special laws.
- (2) Members of national minorities shall exercise the rights and freedoms stipulated by the Constitution of the Republic of Croatia, as well as the rights and freedoms stipulated by this Constitutional Law and special laws, in the equal manner as other citizens [gradjani] of the Republic of Croatia.
- (3) National minorities and their members shall exercise the rights and freedoms stipulated by this Constitutional Law and the rights and freedoms of members of national minorities stipulated by special laws, in the manner and under the conditions stipulated by this Constitutional Law and special laws.
- (4) Any discrimination based on affiliation to a national minority shall be forbidden. Members of national minorities shall be guaranteed equality before the law and equal legal protection.
- (5) The undertaking of measures which change the proportion among the population in the areas inhabited by persons who belong to national minorities and which are directed at hindering the exercise or restricting the rights and freedoms stipulated by this Constitutional Law and special laws, shall be forbidden.

- (6) This Constitutional Law or a special law shall render it possible to exercise certain rights and freedoms depending on the numerical representation of members of national minorities in the Republic of Croatia or in one of its areas, on their acquired rights and on the international agreements, which are a part of the internal legal system of the Republic of Croatia, in compliance with the Constitution of the Republic of Croatia.

Article 5

A national minority in the sense of this Constitutional Law shall be a group of Croatian citizens [državljan]i, whose members have been traditionally settled in the territory of the Republic of Croatia, and who have ethnic, linguistic, cultural and/or religious characteristics which are different than those of other citizens [građjan]i, and who are guided by the wish for the preservation of those characteristics.

Article 6

- (1) The Republic of Croatia may conclude international agreements with other countries whereby it shall regulate the issues of the rights and freedoms of members of national minorities in the Republic of Croatia.
- (2) On the occasion of concluding international agreements as per Paragraph 1 of this Article, the Republic of Croatia shall advocate the standpoint that they should create and promote conditions necessary for the preservation and development of culture of members of national minorities, and preservation of significant components of their identity, that is, their religion, language, tradition and cultural heritage.

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;
2. education in the language and script which they use;
3. the use of their signs and symbols;
4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;
5. the right to profess one's religion and to establish religious communities together with other members of that religion;
6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;
7. self-organising and association for the purpose of exercising mutual interests;
8. representation in the representative bodies at the state and local level and in administrative and judicial bodies;
9. participation of members of national minorities in the public life and in management of local affairs through the councils and through representatives of national minorities;
10. protection from any activity which endangers or may endanger their existence, the exercise of rights and freedoms.

Article 8

The provisions of this Constitutional Law and provisions of special laws regulating the rights and freedoms of members of national minorities shall be interpreted and applied for the purpose of respecting the members of national minorities and of the Croatian people, the development of understanding, solidarity, tolerance and dialogue among them.

II. RIGHTS AND FREEDOMS

Article 9

- (1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.
- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 11

- (1) Members of national minorities shall have the right to education in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.
- (3) School institutions with the education in the language and script of a national minority may be established and education may be conducted for a smaller number of pupils than the number which is stipulated for school institutions with education in the Croatian language and script.
- (4) The curriculum in the language and script of a national minority shall, except for the general part, obligatorily contain a part, the content of which is related to a specific quality of a national minority (mother tongue, literature, history, geography and cultural opus of a national minority).
- (5) The right and obligation of pupils educated in the language and script of national minorities shall be to learn the Croatian language and Latin script according to the determined curriculum, apart from their own language and script.
- (6) Educational work in a school institution with the education in the language and script of a national minority shall be conducted by teachers from among the ranks of a national minority who have excellent command of the language and script of the national minority, or by teachers who are not from among the ranks of the national minority, but who have excellent command of the language and script of the national minority.

- (7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).
- (8) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.
- (9) Pupils attending schools in the Croatian language and script shall be enabled to learn the language and script of a national minority in the manner stipulated by a special law, according to the curriculum determined by the competent central state administration body, along with providing financial means in the state budget and in the budgets of local self-government units.

Article 12

- (1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.
- (2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.
- (3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

Article 13

The law which regulates the use of language and script of national minorities, and/or the statutes of local self-government units shall stipulate the measures providing for the preservation of traditional names and signs and giving the names of persons and significant events for the history and culture of a national minority in the Republic of Croatia to settlements, streets and squares in the areas traditionally, or to a considerable number, populated by members of national minorities.

Article 14

- (1) The use of signs and symbols of national minorities and the celebration of national minorities' holidays shall be free.
- (2) National minorities may display appropriate signs and symbols of national minorities along with the official use of signs and symbols of the Republic of Croatia. When the national anthem and/or a solemn song of a national minority is being performed, the national anthem of the Republic of Croatia shall be obligatorily performed beforehand.

- (3) Local self-government units and regional self-government units shall be obliged to stipulate by the statute the official use and the manner of use of the flag and symbols of national minorities.

Article 15

- (1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.
- (2) The Republic of Croatia, local self-government units and regional self-government units, shall finance the activity of institutions as per Paragraph 1 of this Article, according to their possibilities.
- (3) Associations, endowments, foundations and institutions as per Paragraph 1 of this Article may state in their title that national minorities are their founders.

Article 16

- (1) Members of national minorities, their associations and councils of national minorities or representatives of national minorities shall freely maintain contacts with a nation with which they share the same ethnic, linguistic, cultural and/or religious characteristics and with legal persons with the seat in the area of the state of that nation which perform the tasks of education, science, culture, publishing and humanitarian activities.
- (2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons of that state, without paying the custom duties, newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.
- (3) The associations of members of national minorities may organise guest performances by professional and amateur cultural and art groups for the members of national minorities and organise other cultural and art performances and exhibitions which contribute to the enrichment of the culture and identity of a national minority. In such cases, foreign persons participating in the conduct of performances and exhibitions shall not need the work permit.
- (4) Members of national minorities may freely express their religious affiliation and profess their religion and, in compliance with that, belong to a religious community.

Article 17

- (1) On the basis of laws and implementing regulations, which regulate the activities of public information, production and broadcast of radio and television programmes, education, museum, archival and library activity and the protection and preservation of cultural assets, the conditions shall be created for the acquaintance of all citizens of the Republic of Croatia, especially of children and youth, through the content of educational work and through obligatory, as well as optional educational subjects, with the history, culture and religion of national minorities.
- (2) With the objective of exercising the provisions of Paragraph 1 of this Article, the measures shall be undertaken which will alleviate the access to the media for members of national minorities.

Article 18

- (1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.
- (2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.
- (3) With the aim of exercising the rights of members of national minorities to the information through the press, radio and television in the script and language of a national minority, members of national minorities, their councils of national minorities and representatives of national minorities and their associations may perform the activity of public information (publish newspapers, produce and broadcast radio and television programme and perform the activity of news agencies), in compliance with the law.

Article 19

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the Croatian Parliament.
- (2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.
- (3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.
- (4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 20

- (1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the representative bodies of local self-government units and in the representative bodies of regional self-government units.
- (2) If at least one member of a national minority, which participates in the population of the local self-government unit with more than 5 % and less than 15 %, is not elected in the representative body of the self-government unit on the basis of universal suffrage, the number of members of the representative body of the self-government unit shall be increased by one member, and the member of a national minority, who was not elected first according to the proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.
- (3) If, based on universal suffrage, a national minority which accounts for at least 15% in the population of a local self-government unit, is not represented in the representative body of the local self-government unit by the number of members of the national minority which is proportional to its share in the population of that local self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.
- (4) If, based on universal suffrage, a national minority which accounts for more than 5 % in the population of a regional self-government unit, is not represented in the representative body of the unit by the number of members proportional to its share in the population of that regional self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a regional self-government unit.
- (5) If the representation of members of national minorities in the representative body of a local self-government unit is not reached even with the application of the provisions as per Paragraphs 2 and 3 of this Article, or if the representation of members of national minorities in the representative body of a regional self-government unit is not reached even with the application of the provisions as per Paragraph 4 of this Article, by-elections shall be called in the self-government unit in compliance with these provisions.
- (6) The nomination and election of members of the representative body of a local self-government unit and regional self-government unit pursuant to the provisions of Paragraphs 2, 3, 4 and 5 of this Article, shall be regulated by the law regulating the election of members of representative bodies of local and regional self-government units.
- (7) The official census results shall be relevant to the determination of the number of members of a national minority for the implementation of the provisions of this Article. Prior to each elections, the official census results on the number of members of national minorities in a local or regional self-government unit shall be conformed to possible changes registered in the last confirmed voter's list of that unit.

Article 21

Local self-government units and regional self-government units, in which members of national minorities do not constitute the majority of population, may determine by their statutes that members of national minorities, or a larger number of members of national minorities, are elected to the representative body of a local self-government unit or regional self-government unit than it ensues from their share in the total population of the unit.

Article 22

- (1) In a local self-government unit and in regional self-government unit (hereinafter: self-government unit), in which, pursuant to the provisions of this Constitutional Law, proportional representation of members of its representative body needs to be ensured from among the ranks of members of national minorities, the representation of members of a national minority shall be ensured in its executive body.
- (2) The members of national minorities shall be ensured representation in the state administration and judicial bodies in compliance with the provisions of a special law, taking into account the share of members of national minorities in the total population at the level at which the state administration or judicial body was established and the acquired rights.
- (3) Members of national minorities shall be ensured representation in the administrative bodies of self-government units in compliance with the provisions of a special law regulating local and regional self-government and in compliance with the acquired rights.
- (4) Members of national minorities shall have priority in the filling of posts as per Paragraphs 2 and 3 of this Article, under equal conditions.

III COUNCILS AND REPRESENTATIVES OF NATIONAL MINORITIES IN SELF-GOVERNMENT UNITS

Article 23

Members of national minorities shall elect, in the manner and under the conditions stipulated by this Constitutional Law, their representatives for the reason of participation in the public life and management of local affairs through the councils and representatives of national minorities in self-government units, in order to improve, preserve and protect the position of national minorities in the society.

Article 24

- (1) In self-government units in the area of which members of an individual national minority participate with at least 1.5 % in the total population of the self-government unit, in local self-government units in the area of which more than 200 members of an individual national minority are living, and regional self-government units in the area of which more than 500 members of a national minority are living, members of each of those national minorities may elect the Council of National Minority.
- (2) Ten members of a national minority shall be elected into the Council of National Minority of a municipality, 15 members into the Council of National Minority of a town and 25 members into the Council of National Minority of a county.

- (3) In cases when at least one of the conditions as per Paragraph 1 of this Article for the election of the Council of National Minority has not been fulfilled, and there are at least 100 members of a national minority living in the area of a self-government unit, a minority representative shall be elected for the area of such self-government unit.
- (4) The candidates for the members of the Council of National Minority, that is, the candidates for minority representatives, may be proposed by the associations of national minorities or by at least 20 members of a national minority from the area of a municipality, that is, 30 members from the area of a town and 50 members from the area of a county.
- (5) The members of the Council of National Minority and minority representatives shall be elected directly, by secret ballot, for a four-year term, and the provisions of the Law, which regulate the election of the members of representative bodies of local self-government units, shall be appropriately applied to the election procedure and other issues related to their election.
- (6) The census, corrected (increased or decreased) by that number of voters who are registered in or deleted from the voter's list, compiled for the election of members of representative bodies of local self-government units, shall be relevant to the determination of the number of members of a national minority for the conduct of the provisions of this Article.

Article 25

- (1) The Council of National Minority shall be a non-profit legal person. It shall acquire the capacity of a legal person by the entry into the Register of Councils of National Minorities, which is kept by the Ministry competent for general administration affairs.
- (2) The Council of National Minority shall be responsible for its commitments with its entire assets.
- (3) The title of the Council of National Minority shall be in the Croatian language and Latin script, as well as in the language and script used by the national minority which founded the Council.
- (4) The title of the Council of National Minority shall contain the sign of the national minority and the sign of the area for which it was elected.
- (5) The Minister competent for general administrative affairs shall stipulate the content of the Register of Councils of National Minorities and the manner of its keeping by a Rule Book, as well as the form of requests for entry into the Register of Councils of National Minorities.

Article 26

The members of the Council of National Minority shall elect the President of the Council by secret ballot. The Council of National Minority shall also elect a person who shall replace the President of the Council in case of his absence or him being prevented to perform his duty.

Article 27

- (1) The Council of National Minority shall pass the working programme, financial plan and annual financial statement, as well as the statute which regulates the issues of significance for the work of the Council.
- (2) The President of the Council of National Minority shall represent and act on behalf of the Council of National Minority, convene the sessions of the Council and have the rights and obligations set forth by the Statute of the Council.

- (3) The Council of National Minority shall pass the Statute, working programme, financial plan and the annual financial statement by the majority of votes of all members.
- (4) The statute, financial plan and the annual financial statement of the Council of National Minority shall be published in the official gazette of the local or regional self-government unit for the area of which the Council was established.

Article 28

- (1) Self-government units shall provide the funds for the work of The Council of National Minority, including the funds for the performance of administration tasks for their needs, and they may also provide the funds for the conduct of specific activities set forth in the working programme of the Council of National Minority.
- (2) The funds for the exercise of specific programmes of the Council of National Minority may also be provided from the state budget of the Republic of Croatia.

Article 29

- (1) The funds, which the Council of National Minority gains from its property, from donations, gifts, inheritance or some other basis, may be used exclusively for the activities and tasks of importance for the national minority which were determined in the working programme of The Council of National Minority.
- (2) The funds, which the Council of National Minority gains from the state budget of the Republic of Croatia or the budget of a self-government unit, may be used exclusively for the purposes determined in the budget and law, that is, by a decision which regulates the execution of the budget, or for the purposes determined by the Council for National Minorities, in the case of funds from the state budget of the Republic of Croatia.
- (3) When the Council of National Minority purchases goods or services or performs works using the funds as per Paragraph 2 of this Article, it may only use them under the conditions and in the manner stipulated by the Law on Public Purchase.

Article 30

- (1) The members of the Council of National Minority shall perform their duties, as a rule, voluntarily and with the care of a good host.
- (2) The members of the Council of National Minority may only receive a compensation for the costs they had while performing the tasks for the Council from the Council's funds, as well as a reward, on a monthly basis or some other period of time, if approved, and to the amount approved, by the minister competent for general administration.

Article 31

- (1) The Council of National Minority in a self-government unit shall have the right to:
 - propose to the bodies of a self-government unit the measures for the improvement of the position of a national minority in the state or in an area thereof, including the submission of proposals of general acts which regulate the issues of significance for a national minority to the bodies which adopt them;

- propose candidates for duties in state administrative bodies and bodies of self-government units;
 - be informed about each issue which the working bodies of the representative body of a self-government unit will discuss, and which pertains to the position of a national minority;
 - provide opinions and proposals with regard to the programmes of radio and television stations at the local and regional level intended for national minorities or programmes which deal with minority issues.
- (2) The bodies of self-governments units shall regulate the manner, deadlines and the procedure for the exercise of rights stipulated in Paragraph 1 of this Article by its general acts.

Article 32

- (1) The authorities of a self-government unit shall be obliged, in the preparation of proposals of general acts, to request from the Council of National Minority established for its area an opinion and proposals with regard to the provisions which regulate the rights and freedoms of national minorities.
- (2) Should the Council of National Minority deem that a general act of a self-government unit or some of its provisions, is contrary to the Constitution, this Constitutional Law or special laws regulating the rights and freedoms of national minorities, it shall be obliged to immediately inform about it the ministry competent for general administration. It shall also inform on that the authorities of the self-government unit and the Council for National Minorities.
- (3) If the Ministry competent for general administration evaluates that the general act as per Paragraph 2 of this Article or some of its provisions is contrary to the Constitution, this Constitutional Law or special laws which regulate the rights and freedoms of national minorities, it shall terminate its implementation within eight days.
- (4) The decision on the termination of implementation shall be forwarded, without a delay to the municipal mayor, city mayor, that is, to the county mayor and to the president of the representative body which passed the general act and the information on the passing of the decision shall be forwarded to the Council for National Minorities and to the Council of National Minority based on which information the decision was passed.
- (5) The Ministry competent for general administration shall forward to the Government of the Republic of Croatia the decision on the termination of implementation of the general act with a proposal for the initiation of the procedure for the assessment of conformity with the Constitution and law before the Constitutional Court of the Republic of Croatia and it shall inform a self-government unit on that.
- (6) The termination of the implementation of the general act shall cease if the Government of the Republic of Croatia does not initiate the procedure as per Paragraph 5 of this Article within 30 days from the day of receipt of the decision as per Paragraph 5 of this Article.

Article 33

- (1) Two or more Councils of National Minorities founded in the same local self-government unit, two or more Councils of National Minorities founded in different local self-government units, two or more Councils of National Minorities founded in the same regional self-government unit and two or more Councils of National Minorities founded in different regional self-government units may

establish the co-ordination of Councils of National Minorities for the purpose of conformation and promotion of mutual interests.

- (2) The Councils of National Minorities shall conform the positions on the issues from their scope of activities through the co-ordination of Councils of National Minorities.
- (3) The Councils of National Minorities may authorise the co-ordination of Councils of National Minorities to undertake particular measures as per Article 31 of this Constitutional Law, on their behalf.
- (4) It shall be considered that the Councils of National Minorities of regional self-government units have established a co-ordination of Councils of National Minorities for the area of the Republic of Croatia when more than half of Councils of National Minorities of regional self-government units joined the agreement on the establishment of this co-ordination.
- (5) The co-ordination of Councils of National Minorities, which was established by the Councils of National Minorities of regional self-government units for the area of the Republic of Croatia, may pass decisions on signs and symbols of national minorities and on the manner of celebration of holidays of national minorities with the consent of the Council for National Minorities.

Article 34

- (1) A minority representative shall perform his tasks under the title which has to be in the Croatian language and Latin script and in the language and script used by the national minority which elected him and which contains the mark of the area for which he was elected.
- (2) A minority representative shall open an account for funds which are used for the exercise of minority rights in the area of a local self-government unit for which he was elected, the financial plan for the use of those funds and the annual financial statement for those funds. The financial plan and the annual financial statement for the funds used for the exercise of minority rights, shall be published in the official gazette of the self – government unit for the area of which the minority representative has been elected.
- (3) The provisions of Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Law shall be adequately applied to a minority representative and his competencies and duties.

IV THE COUNCIL FOR NATIONAL MINORITIES

Article 35

- (1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.
- (2) The Council for National Minorities shall have the right to:
 - propose to the bodies of state authorities to discuss certain issues of significance for a national minority, particularly the implementation of this Constitutional Law and special laws regulating minority rights and freedoms;

- propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area thereof;
 - provide opinions and proposals about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
 - propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number inhabited by members of national minorities in order to preserve their existence in those areas.
 - request and acquire from the bodies of state authorities and bodies of local and regional self-government the data and reports required for discussing the issues from its scope of activities;
 - invite and request the presence of representatives of bodies of state authorities and bodies of local and regional self-governments, which competence includes the issues from the scope of activities of the Council established by this Constitutional Law and the Statute of the Council.
- (3) The Council for National Minorities shall co-operate in the issues of interest for national minorities in the Republic of Croatia with the competent bodies of international organizations and institutions which deal with the issues of national minorities as well as with the competent bodies of parent countries of members of national minorities in the Republic of Croatia.
- (4) The Council for National Minorities shall allocate the funds provided from the state budget for the needs of national minorities. The beneficiaries of the funds shall submit annual reports to the Council on the expenditure of the funds which were allocated to them from the state budget, of which the Council shall inform the Government of the Republic of Croatia and the Croatian Parliament.
- (5) If the Council for National Minorities fails to pass a decision on the allocation of funds as per Paragraph 4 of this Article within 90 days from the adoption of the state budget, the Government of the Republic of Croatia shall pass a decision on it.

Article 36

- (1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities for a four-year term, as follows:
- seven members of national minorities, from among the ranks of persons proposed by councils of national minorities,
 - five members of national minorities from among the ranks of distinguished cultural, scientific, expert, religious employees from among the ranks of persons proposed by minority associations and other minority organisations, religious communities, legal persons and citizens, members of national minorities.
- (2) The members of the Council for National Minorities shall also be representatives of national minorities in the Croatian Parliament.
- (3) The Council for National Minorities shall have a President and two Deputy Presidents appointed by the Government of the Republic of Croatia from among the ranks of the members of the Council. One of them shall be obligatorily a member of the Council from among the ranks of a national minority which participates in the total population of the Republic of Croatia with more than 1.5%.

- (4) On the occasion of the appointment of members of the Council for National Minorities, the Government of the Republic of Croatia shall take into account the share of members of particular national minorities in the total population of the Republic of Croatia, as well as the fact that the composition of the Council shall reflect their identity and specific quality, historical values, ethnic, cultural and every other diversity.
- (5) The President and Deputy Presidents of the Council for National Minorities shall perform their duty professionally and the President of the Council shall also be the Head of the Expert Office of the Council.
- (6) The Government of the Republic of Croatia shall establish the Expert Office of the Council for the performance of expert and administrative tasks for the Council for National Minorities and it shall determine the approximate number of its officials and employees.
- (7) The Council for National Minorities shall have a Statute adopted with the consent of the Government of the Republic of Croatia. The Statute shall more precisely regulate the scope of activities and the organization of the Council.
- (8) The Council for National Minorities shall adopt the working programme, the financial plan, the annual financial statement and decisions on the allocations of funds which are provided in the state budget for the needs of national minorities.
- (9) The Council for National Minorities shall adopt a Rule Book on the Internal Order of the Expert Office of the Council upon the proposal of the President of the Council.
- (10) The Council for National Minorities shall pass decisions with the majority of all members.
- (11) The working programme of the Council for National Minorities, the financial plan and the annual financial statement of the funds of the Council for National Minorities, and the acts, whereby the Council for National Minorities allocates the funds provided in the state budget for the needs of national minorities, shall be published in the "Official Gazette".

V. SUPERVISION

Article 37

- (1) The exercise of the rights and freedoms of national minorities guaranteed by the Constitution, this Constitutional Law and special laws, shall be supervised by state administration bodies in the issues from their competence.
- (2) The Government of the Republic of Croatia shall co-ordinate the work of state administration bodies in the implementation of this Constitutional Law and special laws regulating the issues of significance for national minorities.
- (3) At least once a year, the Government of the Republic of Croatia shall submit to the Croatian Parliament a report on the implementation of this Constitutional Law and on the expenditure of funds provided in the state budget for the needs of national minorities, and the Council for National Minorities shall submit to the Croatian Parliament or to its working body competent for the exercise of rights of national minorities, a bi-annual report on the issues which fall within the scope of activities of the Council and a quarterly report on the expenditure of funds provided in the state budget for the needs of national minorities.

Article 38

- (1) The Councils of National Minorities or minority representatives in a self-government unit, may request from the competent state administration body to conduct supervision over the implementation of this Constitutional Law and special laws regulating the rights and freedoms of national minorities on the part of the bodies of self-government units in which they are established and to undertake measures providing for the legal operation of those bodies, on which it shall inform the Council for National Minorities which shall be obliged to inform Councils of National Minorities or minority representatives, about its opinion.
- (2) The Council for National Minorities may request from the Government of the Republic of Croatia to conduct supervision over the implementation of this Constitutional Law and special laws regulating the rights and freedoms of national minorities on the part of state administration bodies and to undertake measures providing for the legal operation of those bodies.
- (3) The Councils of National Minorities or minority representatives, as well as the Council for National Minorities shall have the right, in compliance with the provisions of the Constitutional Law on the Constitutional Court of the Republic of Croatia, to file a constitutional complaint before the Constitutional Court of the Republic of Croatia if they deem, by their own assessment or upon an initiative of members of a national minority, that the rights and freedoms of members of national minorities, stipulated by this Constitutional Law and special laws, have been violated.

VI. INTERIM AND FINAL PROVISIONS

Article 39

- (1) The provisions of Article 19 of this Constitutional Law shall be applied from the day of coming into effect of the law which shall, in compliance with these provisions, regulate the election of representatives to the Croatian Parliament.
- (2) The representative bodies of local and regional self-government units, which term of office still runs, and in which the right to representation of minority representatives has not been exercised, in compliance with the provisions of Article 20 of this Constitutional Law, shall be filled in with an appropriate number of representatives, members of national minorities within 90 days from the day of coming into effect of this Constitutional Law.

Article 40

Nothing contained in this Constitutional Law shall be interpreted as if it includes any right to perform any kind of activity or conduct acts contrary to the fundamental principles of the international law, and in particular the sovereignty, unity, territorial integrity and independence of the Republic of Croatia.

Article 41

This Constitutional Law shall neither change nor abolish the rights of national minorities acquired on the basis of international agreements which are, pursuant to the Constitution of the republic of Croatia, a part of the internal legal system of the Republic of Croatia.

Article 42

- (1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities as well as the President and Deputy of the Council for National Minorities within 90 days from the day of coming into effect of this Constitutional Law, at the latest.
- (2) If the Councils of National Minorities have not been established before the expiration of the deadline as per Paragraph 1 of this Article, or if those councils do not propose candidates for the members of the Council for National Minorities to the Government of the Republic of Croatia, the Council for National Minorities shall be comprised of the members appointed pursuant to the provisions of Article 36, Paragraph 1, Sub-paragraph 2 and of the members determined pursuant to the provisions of Article 36, Paragraph 2 of this Constitutional Law.
- (3) Until the establishment of the Expert Office of the Council for National Minorities, the expert and administrative tasks for the Council for National Minorities shall be performed by the Office for National Minorities of the Government of the Republic of Croatia.

Article 43

- (1) The provisions of Article 4, Paragraph 1, Item 1 of the Law on the Use of Language and Script of National Minorities ("Official Gazette", No. 51/2000) shall cease to be valid on the day of coming into effect of this Constitutional Law.
- (2) On the day of coming into effect of this Constitutional Law, the provisions of Article 9 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units ("Official Gazette" No. 33/2001) shall cease to be applied in the part stipulating the election of members of representative bodies of local and regional self-government units from among the ranks of members of national minorities, and the provisions of Article 61 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units shall cease to be valid.

Article 44

The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia ("Official Gazette", No. 65/91, 27/92, 34/92 – consolidated text, 51/00 and 105/00- consolidated text) shall cease to be valid on the day of coming into effect of this Constitutional Law.

Article 45

This Constitutional Law shall come into effect on the day of its publication in the "Official Gazette".
Class: 016 – 01/02 – 01/01
Zagreb, 13 December 2002

CROATIAN PARLIAMENT
Speaker of
The Croatian Parliament
Zlatko Tomčić, *signed*

Source: Unofficial translation

Appendix II

The Czech Act on Rights of Members of National Minorities

CZECH REPUBLIC

273

ACT

On rights of members of national minorities and amendment of some acts

The Act have been promulgated by the president on 10 July 2001

PREAMBLE

The Parliament of the Czech Republic as the parliament of a democratic and legal state considering the right of national and ethnic identity as a part of human rights;

respecting the identity of members of national minorities as individuals and a group representing itself especially by its own culture, traditions and language;

considering the creation of a multicultural society and attempting to facilitate the harmonious coexistence of national minorities with the majority population;

guaranteeing members of national minorities the right of their active participation in cultural, social and economic life and public affairs, especially those which concern national minorities;

protecting rights of members of national minorities in accordance with international conventions on human rights and fundamental freedoms by which the Czech Republic is bound, with the Constitution and Charter of Rights and Freedoms decided by resolution on this Act of the Czech Republic:

PART 1

RIGHTS OF MEMBERS OF NATIONAL MINORITIES

CHAPTER I

INTRODUCTORY PROVISIONS

§ 1

Subject of amendment

- (1) This act regulates rights of members of national minorities and responsibilities of ministries, other administrative authorities and bodies of regional self-government units (thereafter “public administration bodies“) in relation to them.
- (2) The provisions of special legal regulations which regulate rights of members of national minorities are not prejudiced by this act.

§ 2

Definition of basic concepts

- (1) A national minority is a community of citizens of the Czech Republic who live on the territory of the present Czech Republic and as a rule differ from other citizens by their common ethnic origin, language, culture and traditions; they represent a minority of citizens and at the same time they

show their will to be considered a national minority for the purpose of common efforts to preserve and develop their own identity, language and culture and at the same time express and preserve interests of their community which has been formed during history.

- (2) The member of a national minority is a citizen of the Czech Republic who professes other than Czech ethnic origin and wishes to be considered a member of a national minority in common with the others who profess the same ethnic origin.

CHAPTER II RIGHTS OF MEMBERS OF NATIONAL MINORITIES

§ 3

Exercise of rights of members of national minorities

- (1) Members of national minorities individually or in common with other members of a national minority are guaranteed to be able to exercise their rights determined by this act, special legal regulations or international conventions on human rights and fundamental freedoms by which the Czech Republic is bound.
- (2) Exercise of rights of national minorities must not be restricted or ruled out.

§ 4

Free choice of membership of a national minority

- (1) The membership of a national minority must not cause loss to anyone.
- (2) The public administration bodies do not keep records of members of national minorities. Procuring, processing and using personal data concerning the membership of a national minority comply with provisions of special legal regulations.²⁵ The data on professing ethnic origin procured by these bodies during the census or according to another special act that enables the determination of the membership of a national minority must not be used for any other purpose than that for which they have been collected and stored and after statistical processing they must be destroyed.

§ 5

Right of association of members of a national minority

Members of a national minority can associate in national associations and political parties and movements under conditions and in a way determined by special legal regulations.²⁶

§ 6

Right of participation in dealing with matters concerning a national minority

- (1) Members of a national minority have the right to their active participation in cultural, social and economic life and public affairs, especially those concerning national minorities whose members they are, and this at the level of community, region and state as a whole.

²⁵ Act N. 101/2000 Coll. on protection of personal data and amendment of some acts, as amended.

²⁶ Act N. 83/1990 Coll. on association of citizens, as amended. Act N. 424/1991 Coll. on association in political parties and movements, as amended. Act N. 220/1999 Coll. on the course of national or compensatory military service, military trainings and legal position of reservists.

- (2) Members of a national minority exercise their right according to paragraph 1 especially by means of committees for national minorities established according to special legal regulations²⁷ and the government's Council for National Minorities (thereafter „the Council“).
- (3) The government establishes the Council as its consultative and initiative body for matters concerning national minorities and their members. At the head of it is a member of the government.
- (4) Members of the Council are representatives of national minorities and public authorities; at least half of them must be representatives of national minorities nominated by associations of members of national minorities.
- (5) The Council is competent to:
 - g) arrange for the preparation of governmental measures concerning the rights of members of national minorities in the Czech Republic;
 - h) express opinions on motions for bills, governmental regulations and measures concerning the rights of members of national minorities before their submission to the government;
 - i) prepare for the government overall reports on the situation of national minorities on the territory of the Czech Republic;
 - j) prepare for the government, ministries or other administrative authorities recommendations for satisfying the needs of members of national minorities especially in the field of the education system, culture and media, using their mother tongue, and social and cultural life;
 - k) cooperate with local self-government bodies in the practical application of state policy relating to national minorities;
 - l) propose the distribution of finances expended from the Budget for the support of activities of members of national minorities.
- (6) Details concerning the composition of the Council and the way of nomination of its members and its activities are determined in rules of the Council sanctioned by the government.

§ 7

Right of using name and surname in the language of a national minority

Members of national minorities have the right to use their name and surname in the language of their national minority under conditions determined by a special legal regulation.²⁸

§ 8

Right of multilingual names and denominations

- (1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to have the name of a community in which they live, the names of its parts, streets and public places as well as the functions of buildings of public authorities and electoral rooms posted in the language of the national minority as well as in the Czech language.
- (2) Conditions for exercise of this right according to paragraph 1 and the way of denomination of multilingual names are determined in a special legal regulation.²⁹

²⁷ Act N. 128/2000 Coll. on communities (local government), as amended by the Act N. 273/2001 Coll. Act N. 129/2000 Coll. on regions (regional government), as amended by the Act N. 273/2001 Coll. Act N. 131/2000 Coll. on capital Prague, as amended.

²⁸ Act N. 301/2000 Coll. on registers, name and surname and amendment of some related acts.

²⁹ Act N. 128/2000 Coll. as amended by the Act N. 273/2001 Coll.

§ 9

Right of using the language of a national minority in official documentation and discourse and hearing before a court

Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have right to use the language of a national minority in official documentation and discourse and hearing before a court. Conditions for exercise of this right are determined in special legal regulations.³⁰

§ 10

Right of using the language of a national minority during elections

Under conditions determined by special legal regulations³¹ members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right to publicise the notice of the term and place of elections and other information for voters in the language of national minorities.

§ 11

Right of education in the language of a national minority

- (1) Members of national minorities living traditionally and for a long time on the territory of the Czech Republic have the right of upbringing and education in their mother tongue at schools, pre-school and school institutions under conditions determined by special legal regulations.³²
- (2) Members of national minorities according to paragraph 1 are allowed under conditions determined by special legal regulations⁸) to establish
 - b) private schools using the language of a national minority as the teaching language or teaching the language of a national minority as a school subject;
 - c) private pre-school and school institutions.

§ 12

Right of the development of culture of members of national minorities

- (1) Members of national minorities have the right to maintain and develop their language, culture and traditions and the right to respect for them.
- (2) The state creates preconditions for maintaining and developing culture, traditions and languages of members of national minorities living traditionally and for a long time on the territory of the

³⁰ § 18 of the Act N. 99/1963 Coll. on the Rules of Civil Procedure, as amended by the Act N. 30/2000 Coll. § 7 of the Act N. 335/1991 Coll. on courts and judges. § 2 of the Act N. 141/1961 Coll. on judicial criminal proceedings (Rules of Criminal Procedure), as amended. § 33 of the Act N. 182/1993 Coll. on the Constitutional Court. § 12 of the Act N. 563/1991 Coll. on accounting.

§ 46a of the Act N. 202/1990 Coll. on lotteries and similar games, as amended by the Act N. 149/1998 Coll. § 3 of the Act N. 337/1992 Coll. on administration of taxes and charges, as amended by the Act N. 35/1993 Coll. and the Act N. 255/1994 Coll.

³¹ Act N. 152/1994 Coll. on elections to community councils and amendment of some other acts, as amended. Act N. 130/2000 Coll. on elections to regional councils and amendment of some acts, as amended by the Act 273/2001 Coll. Act N. 247/1995 Coll. on elections to the Parliament of the Czech Republic, as amended.

³² Act N. 76/1978 Coll. on school institutions, as amended. Act N. 29/1984 Coll. on the system of primary schools, secondary schools and secondary modern schools (Education Act), as amended. Act N. 564/1990 Coll. on state administration and self-administration in educational system, as amended.

Czech Republic; it supports especially such programmes which are specialised in theatres, museums, galleries, libraries, documentation and other activities of members of national minorities. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined in a government decree.

§ 13

Right of spreading and receiving information in the language of a national minority

- (1) Members of national minorities have the right to spread and receive information in their language.
- (2) For the purpose of maintaining and developing culture, traditions and languages the state supports publishing periodical and non-periodical printed matter and radio and television broadcasting in the languages of national minorities living traditionally and for a long time on the territory of the Czech Republic. For this purpose it provides grants from the Budget; conditions and the way of providing grants are determined by a government decree.
- (3) Creating and disseminating radio and television broadcasting related to members of national minorities and implemented by legitimate operators are determined by special legal regulations.³³

PART II

The amendment of the Act on Misdemeanours

§ 14

The Act N. 200/1990 Coll. on misdemeanours as amended by the Act N. 337/1992 Coll., the Act N. 344/1992 Coll., the Act 359/1992 Coll., the Act N. 67/1993 Coll., the Act N. 290/1993 Coll., the Act N.134/1994 Coll., the Act N. 82/1995 Coll., the Act N. 237/1995 Coll., the Act N. 279/1995 Coll., the Act N. 289/1995 Coll., the Act N. 112/1998 Coll., the Act N. 168/1999 Coll., the Act N. 360/1999 Coll., the Act 29/2000 Coll., the Act N. 121/2000 Coll., the Act N. 132/2000 Coll., the Act N. 151/2000 Coll., the Act 258/2000 Coll., the Act N. 361/2000 Coll., the Act 370/2000 Coll., the Judgment of the Constitutional Court N. 52/2001 Coll., the Act N. 164/2001 Coll., the Act N. 254/2001 Coll., the Act N. 265/2001 Coll. and the Act N. 274/2001 Coll. is amended as follows:

1. In § 49 at the end of paragraph 1 the full stop is replaced by a comma and the subparagraphs d) and e) are amended; their wording is as follows:

"d) restricts or precludes a member of a national minority from the exercise of rights of members of national minorities;
e) causes loss to another person for his membership of a national minority or ethnic origin, race, colour, sex, sexual orientation, language, religion, political or other views, membership or activity in political parties or movements, trade unions or other associations, social origin, property, birth, health condition, marriage or family status".
2. In § 49 paragraph 2 after words „1 000 crowns“ the conjunction „and“ is replaced by a comma and at the end of the text the words „and for a misdemeanours according to the paragraph 1 d) and e) the penalty to the level of 5 000 crowns“ are added.

³³ Act N. 483/1991 Coll. on Czech Television, as amended. Act N. 484/1991 Coll. on Czech Radio, as amended.

PART III
The amendment of the Act on Communities

§ 15

The Act N. 128/2000 Coll. on communities (local government) is amended as follows:

1. In § 29 paragraph 2 the figure „20“ is replaced by the figure „10“ and the figure „50“ is replaced by the figure „40“.
2. In § 117 paragraph 3 in the first sentence the figure „15“ is replaced by the figure „10“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but members of national minorities must always represent at least the half of all members of the committee“ is added.

PART IV
The amendment of the Act on Regions

§ 16

In § 72 paragraph 2 of the Act N. 129/2000 Coll. on regions (regional government) the figure „10“ is replaced by the figure „5“ and the words „the same ethnic origin other than Czech“ are replaced by the words „the ethnic origin other than Czech“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but members of national minorities must always represent at least the half of all members of the committee“ is added.

PART V
The amendment of the Act on Capital Prague

§ 17

In § 78 paragraph 2 of the Act N. 131/2000 Coll. on capital Prague in the first sentence the figure „15“ is replaced by the figure „5“; at the end of the second sentence the full stop is replaced by a semicolon and the text „but members of national minorities must always represent at least the half of all members of the committee“ is added.

PART VI
The amendment of the Act on Elections to Community Councils

§ 18

In § 31 of the Act N. 152/1994 Coll. on elections to community councils and amendment of some other acts paragraph 3 is amended; its wording including footnote N. 10a) is as follows:

“(3) In a community where the committee for national minorities is being established according to a special act 10a), the by-law according to paragraphs 1 and 2 will be issued also in the language of respective national minority.

^{10a)} § 117 paragraph 3 of the Act N. 128/2000 Coll. on communities (local government), as amended by the Act N. 273/2001 Coll. ”.

PART VII
The amendment of the Act on Elections to Regional Councils

§ 19

In § 27 of the Act N. 130/200 Coll. on elections to regional councils and amendment of some acts paragraph 3 is amended; its wording including footnote N.18a is as follows:

“(3) In a region where the committee for national minorities is being established according to a special act 18a), the notice according to paragraphs 1 and 2 will be issued also in the language of respective national minority.

^{18a)} § 78 paragraph 2 of the Act N. 129/2000 Coll. on regions (regional government), as amended by the Act N. 273/2001 Coll. ”.

PART VIII
COMING INTO EFFECT

§ 20

This act comes into effect on the date of its promulgation.

Klaus, in his own hand (on behalf of the Lower Chamber of the Parliament)

Havel, in his own hand (Prezident of the Czech Republic)

PP **Špidla**, in his own hand (on behalf of the Cabinet of Ministers)

Appendix III

The Hungarian Act of 1993 on the Rights of National and Ethnic Minorities

HUNGARY

Act LXXVII of 1993 on the Rights of National and Ethnic Minorities

The National Assembly,

- keeping up with the most noble traditions and values of Hungarian history;
- in the spirit of its commitment to the notions of democracy and humanism;
- with the intention of promoting friendly co-operation and understanding between peoples and
- nations;
- and, conscious of the fact that the peaceful co-existence of national and ethnic minorities with the nation in majority is a component of international security,

declares that it regards the right to national and ethnic identity as a universal human right, that the special individual and collective rights of national and ethnic minorities are fundamental rights of freedom, which it will respect and enforce in the Republic of Hungary.

In their entirety these rights are neither a gift from the majority nor the privilege of the minority, nor is their basis the numerical proportion of the national and ethnic minorities within the majority nation, but the right to be different, which is based on respect for the freedom of the individual and for social harmony.

In declaring the notions of equality and solidarity, and the principles of the active protection of minorities, the National Assembly is guided by respect for minorities, esteem for moral and historical values, and the consistent representation of the shared vital interests of the minorities and the Hungarian nation within the framework of recognised universal moral and legal norms.

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 governments and nations.

In consideration of the fact that self-governments form the basis of democratic systems, the establishment of minority self-governments, their operation and the resulting cultural autonomy is regarded by the National Assembly as one of the fundamental preconditions of the special enforcement of the rights of minorities.

In view of the historical co-existence of the Hungarian majority with national and ethnic minorities, the National Assembly guarantees, also through this Act, all the rights of persons belonging to minorities as Hungarian citizens and their communities; ensuring not only their human rights, but also political rights that enable them to promote the preservation of their national or ethnic identities. The aim of this Act is to establish the institutional basis necessary to ensure that citizens can lead the lives

of members of national or ethnic minorities as laid down in the Final Act of the Helsinki Conference on Co-operation and Security in Europe in 1975, including the freedom to maintain living and free contacts with the kin state and mother country. In preparing this Act, the National Assembly of the Republic of Hungary is guided by the vision of the establishment of a Europe without frontiers, reduction and elimination of the disadvantages which result from living in a minority, and the development of the democratic institutional structures necessary to achieve these goals.

To achieve these objectives, the National Assembly has formulated the following Act to record the due rights of persons and their communities belonging to national and ethnic minorities so as to ensure the enforcement of these rights and to regulate the means of enforcement - while observing the provisions of international law, the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Paris Charter, the European Convention on Human Rights, and the principles laid down in the Constitution of the Republic of Hungary:

CHAPTER 1

Basic Provisions

Article 1

- (1) This Act applies to all persons of Hungarian citizenship living in the Republic of Hungary who consider themselves members of any national or ethnic minority and to the communities of these people.
- (2) For the purposes of the present Act a national or ethnic minority (hereinafter 'minority') is any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.

Article 2

This Act does not apply to refugees, immigrants, foreign citizens settled in Hungary, or to persons of no fixed abode.

Article 3

- (1) Minorities living in Hungary share the power of the people: they are components in the formation of the state [Article 68 par (1) of the Constitution]. Their culture is part of the culture of Hungary.
- (2) The right to national or ethnic identity is a fundamental human right, and is legally due to any individual or community.
- (3) Every minority has the right to exist and continue to exist as an national or ethnic community.
- (4) Each minority community, or the members of such communities, has the right to lead an undisturbed life in their country of birth, and maintain contact with their homeland. The right to have a country of birth not only means that the individual has a right to his/her own place of birth, but also to the place of birth or residence of his/her parents, or the people who raised them, their

ancestors, as well as the freedom to relate to the former homeland and its culture, and the protection of these rights.

(5) Any form of discrimination against minorities is prohibited.

Article 4

(1) The Republic of Hungary prohibits any policy that

- aims at, or leads to, the assimilation of a minority into the majority nation;
- aims to alter the national or ethnic conditions of territories inhabited by minorities to the disadvantage of the minorities;
- persecutes a national or ethnic minority or any of its members because of their national status, makes their living conditions more difficult, or prevents them from exercising their rights;
- aims at the forced evacuation or resettlement of a national or ethnic minority.

(2) The Republic of Hungary, through its international relations, undertakes to act against any political intentions that might result in any of the consequences listed in par (1). It also strives to provide protection against such a policy through international legal mechanisms and by international agreements.

(3) In drawing the boundaries of administrative units and constituencies, and in formulating plans for economic development and the development of settlements, as well as for environmental protection, the Republic of Hungary will take into consideration the local conditions, relations, economic interests and established traditions of national and ethnic minorities.

Article 5

(1) In the Republic of Hungary minorities have a constitutional right to establish local and national self-governments.

(2) The basic function of minority governments is to protect and represent the interests of minorities by performing their duties and exercising their statutory authority.

(3) To assist them in performing these duties, this Act regulates the process of establishing a self-government, its rights and obligations, the terms of its operation, and its relations with governmental bodies.

Article 6

The Republic of Hungary promotes the realisation of equality before the law by introducing measures with the aim of ensuring equality of opportunities [par (3) of Article 70/A of the Constitution].

CHAPTER 2

Individual Minority Rights

Article 7

(1) The admission and acknowledgement of the fact that one belongs to a national or ethnic group or minority (hereinafter 'minority') is the exclusive and inalienable right of the individual. No-one is obliged to make a statement concerning the issue of which minority one belongs to.

- (2) The right to national and ethnic identity and the acknowledgement and admission of membership of such a minority does not preclude the recognition of dual or multi-affiliation.

Article 8

It is the right of the citizen belonging to a national or ethnic minority to state in secret and anonymously during a census to which minority group s/he belongs.

Article 9

A person belonging to a minority has the right to equality of opportunity in politics and culture, a right which the government is obliged to promote through effective measures.

Article 10

Participation in public life by a person belonging to a minority must not be restricted. Members of minorities may establish societies, parties, and other civil organisations to express and protect their interests - in accordance with the regulations of the Constitution.

Article 11

A person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associated with these feasts be performed in his/her mother tongue.

Article 12

- (1) A person belonging to a minority has the right to choose his/her own first name and the first name of his/her child freely, to have the first and last name of his/her child registered under the conventions governing the writing of the mother tongue, and to indicate the names in official documents as long as this complies with applicable provisions. If the names are not registered using Latin characters, it is compulsory to give the phonetic representation of the names with Latin letters.
- (2) If requested, the registration of births and the compilation of other personal documents - as listed in par (1) - may also be bilingual.

Article 13

Persons belonging to a minority have the right to

- a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;
- b) participate in education and cultural activities in their mother tongue;
- c) have their personal data related to their minority status protected as determined by a separate Act.

Article 14

Persons belonging to minorities have the right to maintain contacts with state and community institutions in their kin state and/or with nations as defined by the use of a language, and also with minorities living in other countries.

CHAPTER 3

Rights of Minorities as Communities

Article 15

The preservation, fostering, strengthening and passing on of their minority identity is the unalienable collective right of minorities.

Article 16

It is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects.

Article 17

Minorities have the right to establish civil organisations, as well as local and national self-governments.

Article 18

- (1) Public service television and radio stations - as provided for in a separate Act - will ensure that national and ethnic minority programmes are produced and broadcast on a regular basis.
- (2) On territories inhabited by minorities, the government - through international contracts - will promote the reception of radio and television programmes from the kin state.
- (3) Minority communities have the right to
 - a) initiate the creation of the necessary conditions for kindergarten, primary, secondary and higher education in the mother tongue or 'bilingually' (i.e. in the mother tongue and in Hungarian);
 - b) establish a national educational, training, cultural and scientific institutional network of their own within the boundaries of existing laws.
- (4) The Republic of Hungary - within the framework of its laws - guarantees the rights of minority communities to hold their own events and celebrate their own feasts free from disturbance, to preserve and maintain their architectural, cultural and religious relics, to preserve, foster and pass on their traditions, and to use their cultural symbols.

Article 19

Minorities and their organisations have the right to establish and maintain extensive and direct international contacts.

Article 20

- (1) Minorities have the right - as determined in a separate Act - to be represented in the National Assembly.
- (2) The National Assembly shall elect an Ombudsman for National and Ethnic Minority Rights. Before the President of the Republic puts forward a proposal for the position of Ombudsman for National and Ethnic Minority Rights, s/he shall seek the opinion of national minority self-governments, or in the absence of such a council, the view of the registered national board

representing the interests of the given minority. The provisions of Act LIX of 1993 on the Ombudsman for Civil Rights shall apply to the Commissioner for National and Ethnic Minority Rights.

- (3) The Ombudsman for National and Ethnic Minority Rights shall have the authority to act on issues which fall within the scope of this Act.

CHAPTER 4

The Governments of Minorities

Article 21

- (1) In accordance with the provisions of this Act, any minority has the right to establish a minority municipal government or a directly or indirectly formed local minority self-government in townships, towns, or the districts of the capital city, as well as a national minority self-government. In the capital city directly formed local minority self-governments may be established.
- (2) Concerning citizens belonging to minorities who are elected as representatives, the amended version of the present Act, as amended by Article 64 of Act LXIV of 1990 on the election of self-government representatives and mayors, shall apply.

Article 22

- (1) A municipal government may declare itself a minority municipal government if more than half the members of the elected body have been elected as candidates of one national or ethnic minority.
- (2) If more than 30% of the members of the municipal government have been elected as candidates of one particular national or ethnic minority, the representatives may form a minority self-government (hereinafter `indirectly formed minority self-government') with a minimum of 3 members per minority.

Article 23

- (1) In accordance with the provisions of Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, amended by Article 64 of this Act, electors may create minority self-governments by direct election (hereinafter `directly formed local minority self-government').
- (2) The minimum membership of directly formed local minority self-governments is 3 in the case of settlements with a population of 1,300 or lower, whereas in settlements with a population of over 1,300 - including a district of the capital city - the minimum is 5, and in the capital city itself it is 9.
- (3) A directly formed local minority self-government elects its own leaders in accordance with the rules set by a majority decision.
- (4) If elected in accordance with Articles 51-54 of Act LXIV of 1990 on the election of local government representatives and mayors, which is amended by Article 64 of this Act, a member of a local minority self-government who is not a representative in the municipal government may only become a member of the body of a directly formed minority self-government.

- (5) One minority in one settlement may establish only one indirectly formed local minority self-government, or, in the absence of such a body, may establish one directly formed minority self-government.
- (6) Both directly and indirectly formed local minority self-governments (hereinafter together 'minority self-government') have the same scope of duties and authority.
- (7) A minority may only be represented in the municipal government by a spokesperson if the minority represented does not have a local minority self-government.

Article 24

Unless other provisions exist in this Act, the provisions of the law on local governments will be applied appropriately to minority municipal governments and local minority self-governments.
The scope of duties and authority of minority municipal governments and local minority self-governments

Article 25

- (1) A minority municipal government is a legal entity. The scope of duties and authority of minority municipal governments, where different from the scope of duties and authority assigned to municipal governments, is provided for by the provisions of this Act.
- (2) In the course of the management of public affairs of local interest, minority municipal governments - in accordance with par (1) - are obliged to ensure the assertion of the rights of the Hungarian population in a numerical minority, or the rights of any other national or ethnic minority.

Article 26

- (1) A minority municipal self-government or a local minority self-government may approach the head of the board of the appropriate public body with the necessary authority and competence with a request concerning any issue affecting the minority, and may
 - a) ask for information;
 - b) make a proposal;
 - c) initiate measures;
 - d) object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.
- (2) The head of the appropriate board with the necessary authority and competence - in cases defined in par (1) - is obliged to provide a material response to the request within 30 days.
- (3) If the subject of the request does not fall within the authority or competence of the head of the board, s/he is obliged to transfer the request to the person with appropriate authority and competence within 3 days after the request.

Article 27

- (1) The minority self-government shall define within its authority - and within the framework of the regulations of municipal governments -
 - a) in accordance with this Act, the utilisation of the property set aside for it (i.e. for the minority self-government) as a part of the total property of the municipal government;

- b) its budget, closing balance sheet, the utilisation of the resources made available to it by the municipal government;
 - c) within the limits of the provision on the protection of historical monuments, the full list of such historical buildings and memorial sites, and the local regulations regarding their protection.
- (2) The local minority self-government shall define within its authority
 - a) its organisational structure and operational order;
 - b) the name and insignia of the local minority self-government, and its medals/decorations, as well as the requirements and regulations for the awarding of such medals/decorations;
 - c) the local feasts of the minority represented.
- (3) The local minority self-government may establish and run an institution within its authority - within the limits of the resources at their disposal - , especially in the fields of
 - a) local basic education;
 - b) local printed and electronic media;
 - c) promotion of traditions;
 - d) adult education and socio-cultural animation.
- (4) Within the limits of the resources at their disposal, they have the right to
 - a) establish and run a company or other business organisation;
 - b) announce calls for project proposals;
 - c) establish scholarships.
- (5) If it is necessary to obtain the approval of the municipal government for the minority self-government to exercise its rights, the board of representatives must put the initiative of the minority self-government related to this issue on the agenda of its next meeting. If the decision-making process falls within the authority of another self-government board the decision must be made within 30 days of the submission of the request for action.

Article 28

The mayor's office, established by the municipal government - as defined under the terms of its organisational and operational statutes - is obliged to help the work of local minority self-governments.

Article 29

- (1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.
- (2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.
- (3) Whoever is entitled to the right either to approve a decision or to express an opinion shall make a statement within 30 days of the submission or the announcement of the request as defined in paras (1) and (2). Failure to comply with the deadline shall lead to the loss of this right.

Article 30

- (1) The minority municipal government as well as the local minority self-government may maintain contacts with any minority organisation or association, and may enter into an agreement on co-operation.
- (2) Minority organisations, institutions and associations may submit applications focusing on national culture, education, science, etc., to state funding organizations under the same conditions as minority municipal governments and local minority self-governments.

The national minority self-government

Article 31

- (1) The national minority self-government (hereinafter `national self-government') may be established in accordance with the provisions of this Act.
- (2) The national self-government is elected by minority electors. Every municipal government representative who has been elected as a minority representative is a minority elector, as are minority self-government representatives, and spokespersons. If on the board of representatives of a municipal government the minority concerned does not have a minority representative or a spokesperson, or if in the settlement the minority concerned does not have a minority self-government, the election of the elector may be initiated by three citizens who are entitled to vote, who are residents of the settlement, and who declare themselves members of the minority concerned.
- (3) An electoral meeting must be convened if initiated by at least three citizens entitled to vote and who belong to the same minority group.

Article 32

- (1) The electoral meeting shall be convened by the local election committee. One session must be held for each national and ethnic minority, in which only members of the electorate whose permanent residence is in the settlement may participate. The venue and time of the meeting must be made known by public notice.
- (2) The electoral meeting must be held within 60 days of the day of the election of local government representatives and mayors. For the period of the election of the electors the local election committee is joined by one extra representative, jointly appointed by members of the electorate [par (3) of Article 31] initiating the electoral meeting. This common representative has the right to participate only in those activities of the local election committee which relate to the electoral meeting of the given minority.
- (3) A meeting of residents belonging to the same national or ethnic minority in a settlement is entitled to elect an elector. The electoral meeting constitutes a quorum if there are at least 10 people present. The participants decide on the election of the elector with ballots prepared on the basis of open nomination, by secret voting, with a simple majority of votes.
- (4) In any given settlement, one minority may only elect one elector, and one elector may only accept one electoral appointment.
- (5) By using the electoral register compiled by the chief administrator of the Mayor's Office, the local election committee shall ensure that only the electors that have the right to vote in the settlement participate in the election.

Article 33

- (1) Within 3 days after the electoral meetings, the local election committees shall notify the National Election Committee of the names of the electors belonging to the same minority who have been elected at these meetings.
- (2) The National Election Committee shall convene the electors' meeting on a date no later than 60 days after the date stipulated in par (2) of Article 32, provided that the number of electors has reached 14. The number of eligible representatives [par (3) of Article 63] must be less than the number of electors present.
- (3) The same national or ethnic minority may only form one national self-government. Several national or ethnic minorities may form a common, joint national self-government.

Article 34

The electors elect the members of the general assembly of the national self-government from among themselves by secret ballot - in accordance with the provisions on 'short-list voting' of the relevant Act on the election of local government representatives and mayors. The name of each candidate who enjoys the support of 10% of the electors will appear on the ballot paper. The presence of a minimum of three quarters of the electors elected constitutes a quorum at the statutory assembly.

The scope of authority and duties of the national self-government

Article 35

- (1) The term of office of the members of the general assembly of the national self-government lasts until the convention of the first meeting of the new general assembly. The statutory assembly of the new general assembly must be convened within 30 days after the election of the members of the general assembly.
- (2) If no new general assembly is elected, the national self-government shall cease to exist.

Article 36

- (1) The national self-government represents and protects the rights of the minority represented by it at a national and area (regional, county) level. With a view to the establishment of the cultural autonomy of the minority it may establish institutions and co-ordinate their activities.
- (2) The national self-government is a legal entity.
- (3) In the event that the national self-government ceases to exist, its property is transferred to the Public Foundation established in accordance with par (3) of Article 55 , which assumes the management of this property, and ensures its protection. In the event that the once terminated national self-government is re-established, the Public Foundation must ensure that the property of the national self-government is returned.

Article 37

The national self-government - in accordance with the law - decides independently on

- a) the location of its headquarters, its form of organisation, its operational order
- b) its budget, its closing balance sheet, an authoritative statement of its asset inventory;
- c) the full list of its opening assets;

- d)* its name and insignia;
- e)* the nation-wide feasts of the minority represented by it;
- f)* its medals/decorations, and the requirements and regulations of awarding them;
- g)* the principles and means governing the utilisation of the radio and television channels at its disposal;
- h)* the principles governing the utilisation of the public radio and television air time at its disposal;
- i)* the publication of its press releases;
- j)* the establishment of its institutions, their organisational structure and mode of operation, as well as their maintenance;
- k)* the maintenance of a theatre;
- l)* the establishment and maintenance of a museum/exhibition hall, and a public collection with a countrywide collection network;
- m)* the maintenance of a library for the minority;
- n)* the establishment and maintenance of an institute for the arts and/or sciences, and a publishing house;
- o)* the maintenance of secondary and higher educational institutions with countrywide coverage;
- p)* the establishment and operation of legal advisory services;
- q)* the performance of other duties which legally fall within its authority.

Article 38

- (1) The national self-government may
 - (a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
 - (b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;
 - (c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents;
- (2) An administrative board which receives a request as outlined in point b) of par (1) shall proceed in accordance with the provisions of paras (2) and (3) of Article 26.
- (3) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities, the national self-government - and also the local minority self-government if municipal government provisions on such matters are being enacted - has the right to agree. In the absence of a local minority self-government it is the spokesperson of the minority, and in the absence of such a person, it is the local association of the given minority which has the right of expressing its opinion.
- (4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.

Article 39

The activities of the national self-government may include the announcement of calls for project proposals and the establishment of scholarships.

CHAPTER 5

The Local Spokesperson for Minorities

Article 40

- (1) In accordance with par (5) of Article 12 of Act LXV of 1990 on municipal governments (hereinafter `LG') the local spokesperson of a minority (hereinafter `spokesperson') is entitled,
 - a) unless s/he is a representative in the municipal government, to attend and participate, with consultative right, in the meetings of the board of representatives or any other committee where issues on the agenda concern minorities, including closed sessions;
 - b) to propose to the mayor, or the chairperson of a committee, that an issue - concerning minorities - which falls within the competence of the board of representatives or the committee be discussed;
 - c) to move that the board of representatives revise a decision of its committee which affects a minority;
 - d) to seek information, at the meeting of the board of representatives or any committee, from the mayor, from the chief administrator or from the chairperson of the committee on issues affecting a minority which fall within the competence of the municipal government;
 - e) to demand the information necessary to enable him/her to perform his/her duties, and rightfully claim administrative co-operation from the mayor and the chief administrator;
 - f) to initiate action by the mayor, the chief administrator, or an adequately authorised administrator on issues affecting minorities in their capacity as such;
 - g) initiate action - in line with the provisions of par (1) of Article 101 of the LG - by the board of representatives to turn to an adequately authorised body concerning issues affecting the situation of a given minority.
- (2) On the basis of the initiative specified in point b) of par (1) the mayor or the chairperson of the committee is obliged to present the proposal of the spokesperson at the next meeting of the board of representatives, or the committee. The board of representatives, or the committee, shall decide whether to put the issue on the agenda, and how the case should be prepared.
- (3) If the spokesperson seeks information during the meeting of the board of representatives or a committee meeting from the mayor, the chief administrator, or the chairperson of the committee, s/he must be provided with a written reply at the meeting or within 15 days of the meeting at the latest.
- (4) The verbal contribution of the spokesperson - at his/her request - must be recorded in the minutes of the meeting of the board of representatives, or the committee, or - if the contribution is submitted in writing - it must be enclosed with the minutes.
- (5) The discussion of an issue - affecting a given minority - which has been put on the agenda in accordance with the provisions of par (2) on the basis of the initiative specified in point (b) of par (1) may be postponed or removed from the agenda by the board of representatives only if so requested by the spokesperson.
- (6) Before the authorised local government body enacts a municipal government regulation concerning the rights and responsibilities of a minority, or before it takes a measure having a general impact on the situation of a minority, it must consult the spokesperson.

Article 41

- (1) The employer must release the spokesperson from his/her duties - at his/her own request -for the period s/he performs his/her duties as spokesperson. The board of representatives shall

compensate him/her for the loss of income resulting from his/her absence from work. On the basis of this income the spokesperson is also entitled to social security.

- (2) The provisions regulating the reimbursement of costs, payment of allowances, and the honorariums of town councillors shall apply to the spokesperson.
- (3) The provisions of paras (1) and (2) do not affect the rights and duties of members of the board of representatives of a municipal government in cases where the spokesperson is also a member of the municipal government.

CHAPTER 6

The Cultural and Educational Autonomy of Minorities

Article 42

In accordance with this Act the following languages are deemed languages used by minorities: Bulgarian, Gypsy ('Romani' and 'Beash'), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

Article 43

- (1) The state recognises the mother tongues of minorities as a factor contributing to community cohesion, and supports their teaching - where requested - in educational institutions which are not under the authority of minority municipal governments in accordance with the provisions of paras (2) and (4), and Articles 44-49.
- (2) In accordance with the decision of their parents or guardian, children belonging to a minority will be and may be educated in their mother tongue, 'bilingually' (in their mother tongue and in Hungarian), or in Hungarian.
- (3) The education of minorities in their mother tongue or 'bilingually' may be provided in minority kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.
- (4) At the request of the parents or legal representatives of eight students belonging to the same minority group, it is compulsory to establish and run a minority class or group.

Article 44

The extra costs of minority education in the mother tongue or 'bilingually' as provided for in Article 43 - in line with the provisions of the law - are to be met by the state as well as the municipal government.

Article 45

- (1) In the course of the legal regulation of education and higher education, the choice of the content and the structure of educational activity and the supervision of such activity, in line with this Act, cultural and educational interests corresponding to the cultural autonomy of minorities have to be enforced.
- (2) To relieve the disadvantages of the Gypsy minority in the field of education specific educational conditions may be introduced.

- (3) In educational institutions established for minorities in accordance with paras (3)-(4) of Article 43. (3)-(4) it will be ensured that students acquire a knowledge of their people, the history of their minority and its motherland, as well as its cultural traditions and values.

Article 46

- (1) Municipal governments and minority self-governments will co-operate in assessing the demand for minority education and in the organisation of such education.
- (2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.
- (3) The state will ensure, also through international agreements, that members of minorities participate in full-time and part-time training, further training, and scientific training at foreign institutions which teach in the relevant minority language and foster that culture.
- (4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.
- (5) If persons belonging to minorities pursue their studies in countries where there are universities, colleges and other educational institutions which run their courses in the mother tongue of that person and cultivate the culture of the community s/he belongs to, the degrees, diplomas and other certificates the student is awarded there - within the authority of applicable laws and international agreements - must be considered equivalent to the appropriate degrees, diplomas and certificates obtained in the Republic of Hungary.

Article 47

A minority municipal government or a local minority self-government may assume control of an educational institution from another authority only if it can ensure the maintenance of the same standards of education. The amount of state subsidies granted to the institution transferred may not be reduced as a result of the transfer.

Article 48

- (1) Those who do not belong to the minority concerned may only study in educational institutions for minorities if the institutions still have places available after satisfying the needs of the minority. The admission of students (enrolment) will occur on the basis of regulations made public in advance.
- (2) The teaching of the Hungarian language - carried out in as many classes as necessary and at the standard necessary to acquire the language - will also be ensured in educational institutions for minorities.
- (3) In settlements where the Hungarian population - or the population of another national or ethnic minority - is in numerical minority, the mother tongue or bilingual education of children whose mother tongue is Hungarian or the other language will be guaranteed by the municipal government - in accordance with the provisions of the law.

Article 49

- (1) Minority organisations may engage in cultural activities and may establish - within the framework of applicable legislation - institutions, which may maintain international relations.

- (2) The national self-government has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a country-wide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support for these purposes.
- (3) A minority library system will ensure that the minority has access to the literature of its mother tongue.
- (4) In settlements where no minority municipal government has been established, it is the obligation of the municipal government to provide the minority population with library material in their mother tongue.
- (5) The right of acquisition of minority public collections does not extend to documents which must be transferred to archives in accordance with effective legislation governing archives.

Article 50

- (1) The state guarantees the compilation of textbooks and the provision of equipment necessary for minority education.
- (2) The state supports
 - a) the collection of material monuments of minority cultures, the establishment and enrichment of public collections;
 - b) the publication of books by minorities and the publication of their periodicals;
 - c) information on acts and announcements of public interest in the mother tongues of the minorities;
 - d) the performance of ceremonies related to the family rites of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

CHAPTER 7

Language Use

Article 51

- (1) In the Republic of Hungary everybody may freely use his/her mother tongue wherever and whenever s/he wishes to do so. The conditions of the language use of minorities - in cases provided for by a separate law - must be guaranteed by the state.
- (2) In the course of civil or criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

Article 52

- (1) In the National Assembly, MPs belonging to minorities may also use their mother tongue.
- (2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to the minutes of the meeting.
- (3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the

mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

Article 53

At the request of the minority self-government operating on the territory under its authority, the municipal government must ensure that

- a) the announcement of its regulations and the publication of its announcements are made in the language of the minority - in addition to the Hungarian language;
- b) the forms used in the course of administrative procedures are also available in the language of the minority;
- c) signs bearing the names of settlements and streets, public offices, and companies undertaking public services, or announcements relating to their operations - in addition to the Hungarian wording and lettering, with the same content and form - may also be read in the mother tongue of the minority.

Article 54

In settlements where there are people who belong to minorities, the local authorities will ensure that in the course of filling vacancies in local public services, candidates with a knowledge of the mother tongue of the given minority will be employed, provided that these people meet the general professional requirements.

CHAPTER 8

Assistance to Minorities, the Financial Management and Property of Minority Governments

Article 55

- (1) The state shall financially contribute to the enforcement of the rights of minorities in accordance with the provisions of paras (2)-(4).
- (2) To the extent specified in the prevailing Central Budget Act, the state shall
 - a) provide additional standard assistance for the kindergarten education of minorities, and for their mother tongue (bilingual) schooling
 - b) the National Assembly shall ensure, in a proportion specified by itself, the operation of the governments of national or ethnic minorities, and support the operation of national or ethnic civil organisations.
- (3) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at diminishing the cultural and political disadvantages which derive from the fact that they belong to minorities.
- (4) The provision of assistance by the public foundation is part of the public financing scheme targeted at minorities.

Article 55/A

- (1) The public foundation referred to in paras (3)-(4) of Article 55 shall be established by the Government of the Republic of Hungary under the name 'Public Foundation for Hungarian National and Ethnic Minorities' (hereinafter 'Public Foundation') with its headquarters in Budapest.

- (2) The property of the Public Foundation comprises the assets transferred to it, and the financial assistance specified in the prevailing annual Central Budget Act.
- (3) The primary decision-making board of the Public Foundation is the Board of Trustees. Its members shall be the following:
 - a) one representative from each national minority self-government - elected at their general meeting - or, in the absence of a national minority self-government, a person chosen by the organisations of the given minority;
 - b) one person appointed by each political party which has a group of representatives in the National Assembly;
 - c) one person appointed by each of the following: the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Culture and Education, the Children and Youth Co-ordination Council, and the President of the Hungarian Academy of Sciences.
- (4) The President of the Board of Trustees and the Head of the Office for National and Ethnic Minorities shall be one in the same person.
- (5) The members of the body authorised to control the Public Foundation (Supervisory Committee) shall be the following:
 - a) two persons appointed by the Speaker of the National Assembly, at least one of whom shall represent a party in opposition;
 - b) a person appointed by the Administrative State Secretary in the Prime Minister's Office;
 - c) a person appointed by the Minister of Finance.
- (6) The Chairperson of the Supervisory Committee shall be a person appointed by the Government official in charge of the supervision of the affairs of national and ethnic minorities.
- (7) The Board of Trustees and the Supervisory Committee shall be appointed by the founder - from among the persons specified in paras (3)-(6).

Article 56

Domestic and foreign organisations, foundations, and individuals may contribute to the aid provided to minorities. In cases of donations for the promotion of minority culture, the Government - in accordance with separate legislation - may offer partial or full exemption from customs duty.

Article 57

The lawful use of subsidies provided by the State - in accordance with the regulations prescribed for the use of public funds - shall be supervised by the National Audit Office.

The property of minority governments

Article 58

- (1) The legal provisions concerning the property of municipal governments shall apply to the property of minority municipal governments - subject to the stipulations specified in this Act.
- (2) The financial basis for the operation of minority self-governments may be provided from the following sources:
 - a) contributions from the state budget;
 - b) contributions by the settlement or county government;
 - c) their own revenues (including the profits generated by their enterprises);
 - d) assistance from foundations;

- e) assistance from Hungarian and foreign organisations;
- f) the profits generated by the transfer of assets at their disposal;
- g) donations.

Article 59

- (1) The property - in the possession of the local municipal government on the territory under its authority - necessary for the minority self-government to perform its duties and exercise its authority shall be transferred for usage by the minority self-government. This transfer must not hinder the municipal government in performing its duties and exercising its authority.
- (2) In order to ensure the operating conditions of individual national minority self-governments, the locally competent government must transfer a self-contained building, or part of a building with a net area of 150-300 square metres - with compensation by the state - within 3 months from their establishment, if the national minority self-government is established within two budgetary years from this Act coming into force.
- (3) The general regulations of the provisions governing the property of self-governments shall apply to the right of use and to the transfer procedure. At the moment of the transfer, a written document shall record:
 - a) the exact description and the value of the property transferred
 - b) the aims to achieve by the transfer of this property
 - c) whether, and in what proportion, the municipal government accepts responsibility for debts which have occurred during the implementation of the tasks and have not been settled from the property of the local minority self-government, in case if the local minority self-government has taken over, together with the property transferred, part of the tasks prescribed as legal obligation for the municipal government.
- (4) As regards normative Government assistance, institutions operated by national minority self-governments shall be treated in the same way as non-Governmental institutions providing human services.
- (5) Minority self-governments are entitled to normative Government assistance in accordance with the regulations concerning municipal governments. Minority self-governments shall have access to normative Government assistance through local municipal governments.

Article 60

- (1) The property of minority municipal governments, local minority self-governments and national minority self-governments (hereinafter 'minority governments') comprises all the fixed and movable assets transferred to their possession by legal entities, private persons, and natural persons under any legal title.
- (2) Concerning the fixed or movable assets transferred, the minority government shall have the rights and duties of owners in accordance with the general regulations of property acquisition through transfer.
- (3) Minority governments may participate in enterprises in which their liability does not exceed the total value of their own financial contribution.
- (4) The exercise of the ownership rights minority governments are entitled to, falls within the exclusive authority of board sessions or the general assembly.

- (5) If a local minority self-government terminates its activities, all of its movable and fixed assets will be transferred into the possession of the municipal government, which - should the former resume its activities - is obliged to provide the minority self-government with property of equal value.
- (6) The municipal government is answerable for the debts of the local minority self-governments only in case if this has been explicitly accepted in an agreement passed between the two bodies and only to an extent specified in this agreement.

CHAPTER 9

Closing Provisions

Article 61

- (1) In accordance with this Act the following ethnic groups qualify as ethnic groups native of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.
- (2) If a minority other than those listed in par (1) wish to prove that they meet the requirements specified in this Act, they may submit a petition related to this subject to the Speaker of the National Assembly if supported by at least 1,000 voters who declare themselves members of this minority. In the course of this procedure the provisions of Act XVII of 1989 on Referendums and Petitions shall apply.
- (3) Those national federations which are currently functioning shall decide independently whether to continue their operations, dissolve, or be transformed.
- (4) a) The minority self-government of the capital city is elected by minority electors. Each district government representative who has been elected as minority representative is a minority elector; as are district minority self-government representatives, and electors elected for this special purpose.

b) If a minority does not have a minority self-government in any of the districts, upon the initiative of 10 voters who declare themselves members of the given minority, and who are residents of the capital city, an electoral meeting shall be convened. At the electoral meeting - in accordance with the provisions of paras (31) - (34) of the Act on the Rights of National and Ethnic Minorities - 9 representatives shall be elected from a short list. The election is deemed valid if, from among the participants of the electoral meeting who are resident in the capital city, a minimum of 100 voters cast valid votes for the short list. The minority representatives elected shall also perform the duties of the electors in the election of the national self-government of the given minority.

Article 62

- (1) The Government - with the involvement of the ministries and organs with nation-wide authority concerned, and in co-operation with the heads of county and capital city offices of public administration - shall assist the enforcement of the rights and special interests of minorities and arrange to ensure the conditions of this through the Office for National and Ethnic Minorities.
- (2) The Government is obliged to set aside a sum of HUF 500-500 million under a 'minority compensation fund' in the budget proposal for two budgetary years after this Act comes into force. It shall reimburse the verifiable losses of the given municipal governments which resulted from providing premises for the operation of national minority self-governments - and where necessary - of local minority self-governments. A committee shall be formed under the leadership

of the President of the Office for National and Ethnic Minorities to evaluate claims for compensation. On the committee the fair representation of the minority and the organs of public administration concerned shall be guaranteed. The sum remaining unused in the "minority compensation fund" shall be allocated to national and ethnic minority purposes, primarily to support minority self-governments and minority educational and cultural institutions in crisis situation.

- (3) The Government shall review the situation of minorities living in the Republic of Hungary at least once every two years, and submit a report to the National Assembly.

Article 63

- (1) The provisions of Act LXV of 1990 on Municipal Governments and other regulations concerning municipal governments shall apply in harmony with the provisions of this Act.

(2)

- (3) The number of members of the General Assembly of the national minority self-government at its first convention shall be set by the Assembly of the electors at a number between 13 and 53.

- (4) The national minority self-governments are entitled to a once-off allocation of property - to meet their operational expenses - on the basis of the following distribution system:

Gypsies	HUF 60m
Germans	HUF 30m
Croatians	HUF 30m
Slovaks	HUF 30m
Romanians	HUF 30m
Bulgarian	HUF 15m
Greeks	HUF 15m
Poles	HUF 15m
Armenian	HUF 15m
Ruthenians	HUF 15m
Serbs	HUF 15m
Slovenians	HUF 15m
Ukrainians	HUF 15m
<i>Total</i>	<i>HUF 300m</i>

- (5) National minority self-governments may pass on a certain proportion of this property to local minority self-governments provided that it does not jeopardise the financial coverage of their own operations.

Article 64

- (1) This Act - with the exception of paras (2) and (3) of Article 20 - shall come into effect on the 90th day following its official announcement. A separate Act shall provide for the entry into force of paras (2) and (3) of Article 20.
- (2)
- (3)-(4)
- (5) The Government is empowered to pass a decree containing the detailed regulations of the provisions related to the financial aspects of this Act.
- (6)

Article 65

Appendix 1 to Act LXXVII of 1993
Sample form of minority self-government petition
To the Local Election Committee
.....(Name of the settlement)

Name of the local minority self-government to be established:
.....
Name of the petitioner:
.....
Permanent address of the petitioner:
.....
Identification code of the petitioner:
.....
A statement by the petitioner that s/he has the right to vote and
a declaration of the minority group s/he belongs to.
Signature:
.....
Date, day, month, year

Source: Website of the Office for National and Ethnic Minorities in Hungary

Appendix IV

The Serbia and Montenegrin Law on the Protection of Rights and Freedoms of National Minorities

FEDERAL REPUBLIC OF YUGOSLAVIA

L A W ON PROTECTION OF RIGHTS AND FREEDOMS OF NATIONAL MINORITIES

[Official Gazette of FRY No. 11 of 27 February 2002]

PART ONE GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall govern the manner of exercising individual and collective rights of national minorities set forth in the Constitution of the Federal Republic of Yugoslavia and guaranteed by international treaties.

This Law shall further regulate protection of national minorities from any form of discrimination in exercising their rights and freedoms, and instruments shall be established to ensure and protect particular rights of national minorities in respect of self-government, language, information and culture, and institutions shall be established to facilitate participation of minorities in government and public administration.

The Republic and Province regulations may specify, in accordance with the Constitution and law, issues regulated by this Law.

Definition of National Minority

Article 2

A national minority for the purpose of this Law shall be any group of citizens of the Federal Republic of Yugoslavia numerically sufficiently representative and, although representing a minority in the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long term and firm bond with the territory of the Federal Republic of Yugoslavia and possessing characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion.

All groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities,¹ and which meet the conditions specified under para. 1 of this Article shall be deemed national minorities for the purpose of this Law.

¹ Translator's note: in Serbian: *narodi, nacionalne i etnicke zajednice, nacionalne i etnicke grupe, nacionalnosti i narodnosti*

PART TWO BASIC PRINCIPLES

Prohibition of Discrimination

Article 3

Any form of discrimination based on national, ethnic, racial, or linguistic basis against persons belonging to national minorities shall be prohibited.

The Federal, Republic, Province, city and municipal authorities may not pass legal acts or undertake measures contrary to para. 1 of this Article.

Measures Ensuring Equality

Article 4

The authorities in the Federal Republic of Yugoslavia may, in accordance with the Constitution and law, pass regulations, individual legal acts and undertake measures aimed at ensuring full and effective equality between members of national minorities and members of the majority population.

The authorities shall pass legal acts and undertake measures specified in para. 1 of this Article with the aim of improving the position of persons of the Roma national minority.

Regulations, individual legal acts and measures specified in para. 1 of this Article may not be considered an act of discrimination.

Freedom of National Affiliation and Expression

Article 5

In accordance with the freedom of national affiliation and expression set forth in the Constitution of the Federal Republic of Yugoslavia, no one may suffer injustice due to his/her commitment or expression of national affiliation or refraining from doing so.

Any registration of persons belonging to a national minority obliging them to declare their national affiliation against their will shall be prohibited.

Any action or measure of forced assimilation of persons belonging to a national minority shall be prohibited.

The Right to Interact with Compatriots at Home and Abroad

Article 6

The persons belonging to national minorities shall be entitled to freely establish and maintain peaceful relations within the Federal Republic of Yugoslavia and outside of its borders with persons legally residing in other countries, particularly those with whom they share a common ethnic, cultural, linguistic and religious identity or common cultural heritage.

The State may envisage relieves directed at facilitating exercise of rights specified in

para. 1 of this Article.

The Duty to Respect the Constitutional Order, Principles of International Law and Public Morality
Article 7

Every misuse of rights provided under this Law directed at violent subversion of the constitutional order, violation of territorial integrity of the Federal Republic of Yugoslavia or member republic, violation of guaranteed freedoms and rights of man and citizen and instigation of national, racial and religious intolerance and hatred shall be prohibited.

The rights provided under this Law may not be used to further goals that are in contravention with principles of international law or are directed against public safety, morals or health of people.

Exercising of rights guaranteed by this Law may not affect duties and responsibilities deriving from citizenship.

The Protection of Acquired Rights
Article 8

This Law shall not change or abolish rights of persons belonging to national minorities acquired pursuant to regulations in force on the day this Law becomes effective, as well as rights acquired pursuant to international conventions to which the Federal Republic of Yugoslavia is a signatory.

PART THREE
THE RIGHT OF PRESERVATION OF IDENTITY

The Choice and Use of Personal Name
Article 9

The persons belonging to national minorities shall have the right to free choice and use of personal name and the name of their children, and enlisting of the personal names to all public documents, official records and personal databases in the language and script of the person belonging to the national minority.

The right specified in para. 1 of this Article shall not exclude the corresponding entry of the name in accordance with the Serbian spelling and script.

The Right of Use of Mother Tongue
Article 10

The persons belonging to national minorities may freely use their language and script in both private and official use.

The Official Use of Language and Script

Article 11

The language and script of national minorities may be in equal official use within their respective territories of the local self-government units traditionally inhabited by persons belonging to national minorities.

A local self-government unit shall equally introduce the official use of the language and script of a national minority where the percentage of the persons belonging to national minorities in comparison to the total number of population on its territory reaches 15 percent in accordance with the results of the last census.

Where a language of national minorities was in official use in a local self-government unit at the moment of issuance of this law, the same shall remain in official use.

The official use of the language of a national minority specified in para. 1 of this Article shall mean: use of the language of national minorities in administrative and court procedures and administrative and court procedure in the language of national minorities, use of the language of national minorities in communication between administrative bodies and residents; issuance of public documents and keeping official records and personal data bases also in the language of national minorities and recognising the documents written in these languages as valid, use of the language on the ballots and material used in voting, use of the language in the work of the representative bodies.

The names of the administrative bodies, local self-government units, towns and villages, squares and streets and other toponyms shall in the territories referred to in para.2 be also written in the language of national minorities, in accordance with their tradition and orthography.

The Federal laws and regulations shall also be published in the language of national minorities, in accordance with a special regulation.

The person belonging to national minorities that in their number reach at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia in accordance with the last census, may communicate with the Federal bodies in their own language and shall have the right to get an answer in the same language.

A deputy in the Federal Assembly who is a member of a national minority that in number reaches at least 2 percent of the total number of the population of the Federal Republic of Yugoslavia, in accordance with the last census, shall have the right to speak in his/her native tongue before the Federal Assembly, which shall be more closely regulated through the rules of the Federal Assembly Councils.

The Right to Preserve Culture and Tradition

Article 12

The expression, preservation, cherishing, developing, handing down and public demonstration of national and ethnic, cultural, religious and language specificity as a part of the tradition of the residents, national minorities and the persons belonging to national minorities shall be their inalienable individual and collective right.

For the purpose of preservation and development of the national and ethnic specificity, persons belonging to national minorities shall have the right to found separate cultural, artistic and scientific institutions, societies and association in all spheres of cultural and artistic life.

The above-mentioned institutions, societies and associations shall be independent in performance of its activities. The State shall participate in financing of these societies and associations in accordance with its possibilities.

The societies and associations specified in para.5. of this Article may form special funds in respect of incitement and support to these institutions.

The museums, archives and institutions for protection of the cultural monuments whose founder is the State, shall ensure presentation and protection of the cultural and historical heritage of the national minorities on its territory. The representatives of the national councils shall have the right to participate in decisions on the manner of presentation of the cultural and historical heritage of the respective community.

Education in Mother Tongue

Article 13

The persons belonging to national minorities shall have the right to education in their own language in the institutions of pre-school education, elementary and high school education.

If at the moment of issuance of this Law the public education system for national minorities specified in para.1 of this Article does not include education in the language of national minorities, the State shall create the conditions for organizing education in the language of national minorities, and in the meantime shall provide bilingual classes or studying of national minorities language with elements of national history and culture for the persons belonging to national minorities.

In order to exercise the rights specified in para. 1 and 2 of this Article, a minimum number of pupils may be prescribed, where the number may be less than the minimum number of pupils prescribed by the law in respect of ensuring the appropriate forms of tuition and education.

The education in the language of national minorities shall not exclude the mandatory studying of Serbian language.

The educational curricula specified in para. 1 of this Article, in the part which refers to the national content, shall include significant part of the subjects which refer to the history, art and culture of the respective national minority.

The national councils of national minorities shall participate in preparing curricula of for the subjects that represent specific character of the national minorities, bilingual classes and studying of languages of national minorities with the elements of the national culture specified in para.1 of this Article.

The curricula in educational institutions for education and schools with tuition in Serbian language should, aiming at promoting tolerance in respect of national minorities, contain the tuition that includes history, culture and position of the national minorities, and other contents that improve mutual tolerance and coexistence. In the territories where the language of national minorities is in official use, the curricula in schools should contain the possibility of studying the language of the respective national minority.

Article 14

For the purpose of education in the language of national minorities in Article 13, para. 1, the departments and faculties shall be established as a part of the higher education where pre-school teachers, elementary and junior school teachers² of the national minority languages may be educated.

The faculty shall, apart from the higher education mentioned in the previous paragraph of this Article, organise instructorship in the languages of national minorities, where students belonging to national minorities may learn the professional terminology also in the language of the respective national minority.

The State shall, apart from the obligations specified in paras.1 and 2 of this Article, assist in professional training and advanced training in terminology for junior school teachers for the needs of education specified in para.1 of this Article.

The State shall improve the international co-operation, aiming at enabling the persons belonging to national minorities to study abroad in their mother tongue and recognition of such diplomas in accordance with the law.

Article 15

The persons belonging to national minorities shall have the right to found and maintain private institutions for education, schools, or universities, where education shall be organised in languages of national minorities or bilingually, in accordance with the law.

Both the local and foreign organisations, foundations and individual persons may participate in financing of the education in the languages of national minorities in accordance with the law.

In case of financial and other donations mentioned in the previous Article, the State shall provide certain relief and exemption from levies.

Use of National Symbols

Article 16

The persons belonging to national minorities shall have the right to choose and use national signs and symbols.

The national signs and symbols may not be identical to the signs and symbols of another state.

The national councils shall propose national signs, symbols and national minorities' holidays. The Federal Council for National Minorities shall verify the symbols, signs and holidays of national minorities.

The signs and symbols of a national minority may be officially displayed during public holidays and holidays of the national minorities on buildings and in the premises of local bodies and organisations with administrative authority in the territory in which the language of the national minority is in official use.

² Translator's note: *in Serbian – vaspitaci, ucitelji i nastavnici*

The signs and symbols of the Federal Republic of Yugoslavia or a member Republic shall be displayed together with the symbols of a national minority officially used as referred to in para. 2 of this Article.

Public Information in Languages of National Minorities

Article 17

The persons belonging to national minorities shall be entitled to complete and impartial information in their own language, including the right of expression, receipt, sending and exchange of information and ideas via press and other mass media.

The State shall provide information, cultural and educational content in the language of national minorities in programmes of the public service TV and radio, and may also establish special radio and TV stations to broadcast programmes in the language of national minorities.

The persons belonging to national minorities shall have the right to establish and maintain media in their own language.

PART FOUR EFFECTIVE PARTICIPATION IN DECISION-MAKING ON ISSUES RELATED TO SPECIFICITIES OF NATIONAL MINORITIES AND GOVERNMENT AND PUBLIC ADMINISTRATION

The Federal Council for National Minorities

Article 18

The Federal Government of Yugoslavia shall establish the Federal Council for National Minorities (hereinafter: the Council) for the purpose of preservation, promotion and protection of national, ethnic, religious, linguistic and cultural specificity of the persons belonging to national minorities and exercise of their rights.

The Federal Government shall determine the composition and responsibilities of the Council.

The representatives of the national councils of national minorities shall be members of the Council.

The National Councils of National Minorities

Article 19

The persons belonging to national minorities may elect national councils (hereinafter: the council) with the purpose of exercising rights of self-government regarding the use of language and script, education, information and culture.

The council shall be a legal entity.

The council shall have not less than 15, and not more than 35 members, depending on the total number of the national minority population, who shall be elected for a four-year period.

The council shall adopt its statute and budget in accordance with the Constitution and law.

The council shall be financed from the budget and donations.

The relevant federal body shall maintain the register of elected councils.

The council shall represent the national minority in respect of official use of language, education, information in the language of the minority, culture, and participate in decision-making or decide on issues in these fields, as well as establish institutions in these fields.

In deciding on issues specified in para. 7 of this Article, the bodies of the government, territorial autonomy or local self-government unit shall request the opinion of the council.

The council may address the authorities mentioned in para. 8 of this Article in respect of all issues affecting the rights and status of the national minority.

A part of the powers in fields specified in para. 7 of this Article may be delegated to the council, and the government shall provide funds necessary for their exercise.

In determining the scope and type of powers from para. 10 of this Article, the requests of the national council shall be taken into account.

The council shall be established based on the principles of voluntarism, electiveness, proportionality and democracy.

Rules on the election of national councils shall be prescribed by law.

The Federal Fund for National Minorities Article 20

The Federal Fund for the promotion of social, economic, cultural and overall development of national minorities (hereinafter: the Fund) is hereby established.

The Fund shall take part in financing activities and projects from the budget related to the improvement of the status and development of cultural creative work of national minorities.

The Federal Government shall pass more specific regulations defining the Fund's composition and activities.

Participation in Public Life and Equal Employment Opportunities in the Public Sector Article 21

In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or service.

PART FIVE

PROTECTION OF RIGHTS AND FREEDOMS OF MINORITIES

Prohibition of Violation of the Rights of Minorities

Article 22

Measures that change the proportion of population in a territory inhabited by national minorities are hereby prohibited, as well as those impeding enjoyment and exercise of the rights of national minorities.

Protection of Rights by Courts and Constitutional Court

Article 23

In order to protect their rights, the persons belonging to national minorities and the national councils of national minorities may file a claim for compensation to the competent court.

In accordance with the provisions of the Law on the Federal Constitutional Court, the Federal Ministry for National and Ethnic Communities and the national councils of national minorities shall be authorised to file a complaint to the Federal Constitutional Court, should they find that constitutional rights and freedoms of the persons belonging to national minorities have been violated, or should a person belonging to a national minority appeal to them claiming that his/her rights and freedoms have been violated.

PART SIX

FINAL AND TRANSITIONAL PROVISIONS

Article 24

The national councils of national minorities shall be elected by the assemblies of national minorities' electors until the Law specified in Article 19, para. 13 hereof is passed.

The national minorities electors mentioned under para. 1 of this Article may be federal and republican deputies and autonomous province deputies who have been elected as persons belonging to a particular national minority, or who declare themselves as persons belonging to that minority and speak the language of the minority.

The national minorities electors from para. 1 of this Article may also be councilors who belong to particular national minority, and have been elected for a local self-government unit where the language of the respective minority is in official use.

An elector may be any resident declaring to belong to the national minority and whose candidacy is supported by at least 100 members of the national minority with voting right, or is nominated by an organisation or association of the national minority.

Other issues related to the powers and method of work of the assembly of national minority's electors shall be regulated by the federal body responsible for minority's rights within 30 days of entering into force of this Law.

Article 25

This Law shall come into force eight days upon its publication in the “Official Gazette of the FRY”.

Appendix V

The Ukrainian Law on National Minorities

THE UKRAINE

LAW

On National Minorities

In the wording of the Law no. 2494-12 of June 25th, 1992.
(Supreme Executive Council, No. 36, Art. 529).

The Supreme Rada of Ukraine proceeding from the vital interests of the Ukrainian nation and all nationalities in matters of constructing an independent democratic state and recognising the inviolability of human rights and rights of nationalities, and aspiring to carry out the Declaration of the Rights of Nationalities in Ukraine, holding to international obligations for national minorities; passes this law in order to guarantee the right to free development for national minorities.

Article 1

Ukraine guarantees the citizens of the republic, regardless of their national origin, equal political, social, economical and cultural rights and freedom; supports the development of national self-awareness and self-expression.

All citizens of Ukraine shall enjoy equal protection of the state.

In carrying out the rights of persons who belong to national minorities, the state proceeds from the ground that these rights are an integral part of universally recognised human rights.

Article 2

Citizens of Ukraine of all nationalities must observe the Constitution of Ukraine, protect state sovereignty, territorial unity, and respect languages, cultures, traditions, customs, and religious originality of the Ukrainian people and all national minorities.

Article 3

To national minorities belong groups of Ukrainian citizens, who are not of Ukrainian nationality, but show feeling of national self-awareness and affinity.

Article 4

Relations, which occur as to the carrying out by Ukrainian citizens their rights and freedoms related to their belonging to a national minority, are regulated by the Constitution of Ukraine, this law, and other regulations passed on the basis of these as well as international treaties of Ukraine.

Article 5

In the Supreme Rada of Ukraine, and in case of necessity in local Councils of People's Deputies, permanent committees on questions pertaining to nationalities are functioning. In the local bodies within the State executive power, such structural departments can be created correspondingly.

Consultative bodies on public grounds can be established and function, formed by representatives of national minorities by local Councils of People's Deputies. The formation of such bodies are regulated by the corresponding Councils of People's Deputies.

The central body of the state executive power in the field of relations among nationalities of Ukraine, is the Ministry for Nationality Affairs of Ukraine. As a consultative body there is a Council of Representatives for Public Associations of National Minorities of Ukraine at the Ministry.

Article 6

The state guarantees to all national minorities the rights to national-cultural autonomy: the using and learning of their native languages and the using and learning of their native languages in state educational establishments or at national-cultural societies; development of national-cultural traditions, using of national symbols, celebration of their national holidays, exercising their religions, satisfying their needs for literature, art, mass media, establishing their national-cultural and educational institutions and any activity, which is not in conflict with this law.

Nationalities' historical and cultural heritage on the territory of Ukraine is protected by law.

Article 7

The State promotes training of pedagogical and cultural-educational and other national personnel through a number of educational establishments. State bodies assists the national minorities in training of specialists abroad on the basis of international treaties.

Article 8

At working places of state bodies, public associations as well as enterprises, establishments and organisations situated in places where the majority of a population is made up by a national minority, its native language may be used as well as the Ukrainian state language.

Article 9

Citizens of Ukraine who belong to a national minority have right correspondingly to be elected or appointed to any position in legislative, executive, juridical bodies of local or regional self-governments, in the armed forces, at enterprises or other establishments on equal rights.

Article 10

The State guarantees the national minorities the right to preserve their living environment in the places of their historic and present residence. Problems of return to the territory of Ukraine of people belonging to deported nations are to be solved by adequate laws and treaties between Ukraine and other states.

Article 11

Citizens of Ukraine have the right to a free choice and restoration of their nationality. Compulsion in any form to deny one's nationality is not permitted.

Article 12

Every citizen of Ukraine has right to a national first name, second name and middle name.

Citizens have the right to restore their national first name, second name and middle name on the basis of the established regulation.

Citizens who by their customs do not have a middle name, have the right to write in their passport only the first name and second name, and the names of their mother and father in their certificates of birth.

Article 13

Citizens belonging to national minorities are free to choose measures and forms for the realisation of the rights given by this law and carry them out personally through corresponding state bodies and established public associations.

The membership or non-membership of a Ukrainian citizen, who belongs to a national minority, in a public association of a national minority, must not be a reason for the restriction of his rights.

Article 14

State bodies promote activities of national public associations, which are corresponding to this law.

National public associations have the right to nominate their candidates to deputies on elections to the state power bodies according to the constitution of Ukraine, the Law of Ukraine on Election of People's Deputies and Deputies of Local Deputy Councils.

Article 15

Citizens, who belong to national minorities, national public associations, have the right, by the established regulations of Ukraine, freely to enter into and keep relationships with persons of their nationality and their public associations abroad, to receive help from these in order to gratify their linguistic, cultural and spiritual needs, and to take part in activities of international non-governmental organisations.

Article 16

The State budget of Ukraine stipulates special assignments for the development of national minorities.

Article 17

Ukraine promotes the development of international cooperation in providing and protecting the rights and interests of national minorities, also by means of concluding and carrying out multi-lateral and bi-lateral agreements in this field.

Article 18

Any direct or indirect limitation of the rights and freedoms of citizens according their nationality is forbidden and subject to punishment by the law.

Article 19

If an international agreement of Ukraine does not correspond with the regulations established by Ukrainian law about national minorities, regulations of the international agreement has priority.

President of Ukraine L. KRAVCHUK

Kyiv, June 25th, 1992

N 2494-XII

Source: English-language version prepared by Abraham Korin & Michail Chevrichenko, Copenhagen

Appendix VI

The Council of Europe Framework Convention for the Protection of National Minorities

**FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

Introduction:

The Framework Convention for the Protection of National Minorities, drawn up within the Council of Europe by Ad Hoc Committee for the Protection of National Minorities (CAHMIN) under the authority of the Committee of Ministers, was adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and opened for signature by the member States of the Council of Europe on 1 February 1995. Non-member States may also be invited by the Committee of Ministers to become Party to this instrument.

This publication contains the text of the Framework Convention for the Protection of National Minorities as well as the explanatory report.

Framework Convention for the Protection of National Minorities

The member States of the Council of Europe and the other States, signatories to the present framework Convention,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Wishing to follow-up the Declaration of the Heads of State and Government of the member States of the Council of Europe adopted in Vienna on 9 October 1993;

Being resolved to protect within their respective territories the existence of national minorities;

Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent;

Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity;

Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society;

Considering that the realisation of a tolerant and prosperous Europe does not depend solely on co-operation between States but also requires transfrontier co-operation between local and regional authorities without prejudice to the constitution and territorial integrity of each State;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto;

Having regard to the commitments concerning the protection of national minorities in United Nations conventions and declarations and in the documents of the Conference on Security and Co-operation in Europe, particularly the Copenhagen Document of 29 June 1990;

Being resolved to define the principles to be respected and the obligations which flow from them, in order to ensure, in the member States and such other States as may become Parties to the present instrument, the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states;

Being determined to implement the principles set out in this framework Convention through national legislation and appropriate governmental policies,

Have agreed as follows:

Section I

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3

- (1) Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
- (2) Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Section II

Article 4

- (1) The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

- (2) The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
- (3) The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 5

- (1) The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
- (2) Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 6

- (1) The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
- (2) The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

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

Article 9

- (1) The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

- (2) Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
- (3) The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
- (4) In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10

- (1) The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
- (2) In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
- (3) The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 11

- (1) The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
- (2) The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
- (3) In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Article 12

- (1) The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
- (2) In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

- (3) The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 13

- (1) Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
- (2) The exercise of this right shall not entail any financial obligation for the Parties.

Article 14

- (1) The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
- (2) In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
- (3) Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17

- (1) The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- (2) The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 18

- (1) The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- (2) Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Section III

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Article 22

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

Article 23

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

Section IV

Article 24

- (1) The Committee of Ministers of the Council of Europe shall monitor the implementation of this framework Convention by the Contracting Parties.

- (2) The Parties which are not members of the Council of Europe shall participate in the implementation mechanism, according to modalities to be determined.

Article 25

- (1) Within a period of one year following the entry into force of this framework Convention in respect of a Contracting Party, the latter shall transmit to the Secretary General of the Council of Europe full information on the legislative and other measures taken to give effect to the principles set out in this framework Convention.
- (2) Thereafter, each Party shall transmit to the Secretary General on a periodical basis and whenever the Committee of Ministers so requests any further information of relevance to the implementation of this framework Convention.
- (3) The Secretary General shall forward to the Committee of Ministers the information transmitted under the terms of this Article.

Article 26

- (1) In evaluating the adequacy of the measures taken by the Parties to give effect to the principles set out in this framework Convention the Committee of Ministers shall be assisted by an advisory committee, the members of which shall have recognised expertise in the field of the protection of national minorities.
- (2) The composition of this advisory committee and its procedure shall be determined by the Committee of Ministers within a period of one year following the entry into force of this framework Convention.

Section V

Article 27

This framework Convention shall be open for signature by the member States of the Council of Europe. Up until the date when the Convention enters into force, it shall also be open for signature by any other State so invited by the Committee of Ministers. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 28

- (1) This framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which twelve member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 27.
- (2) In respect of any member State which subsequently expresses its consent to be bound by it, the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 29

- (1) After the entry into force of this framework Convention and after consulting the Contracting States, the Committee of Ministers of the Council of Europe may invite to accede to the Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, any non-member State of the Council of Europe which, invited to sign in accordance with the provisions of Article 27, has not yet done so, and any other non-member State.
- (2) In respect of any acceding State, the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 30

- (1) Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.
- (2) Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- (3) Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 31

- (1) Any Party may at any time denounce this framework Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- (2) Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 32

The Secretary General of the Council of Europe shall notify the member States of the Council, other signatory States and any State which has acceded to this framework Convention, of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this framework Convention in accordance with Articles 28, 29 and 30;
- d. any other act, notification or communication relating to this framework Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this framework Convention.

Done at Strasbourg, this 1st day of February 1995, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to sign or accede to this framework Convention.

Appendix VII

The Council of Europe European Charter for Regional or Minority Languages



European Treaty Series - No. 148

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Strasbourg, 5.XI.1992

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

Part I – General provisions

Article 1 – Definitions

For the purposes of this Charter:

- a. “regional or minority languages” means languages that are:
 - i. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
 - ii. different from the official language(s) of that State;

it does not include either dialects of the official language(s) of the State or the languages of migrants;

- b. “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
- c. “non-territorial languages” means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

1. Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.
2. In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1. Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.
2. Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
3. The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

1. Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.
2. The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles

1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:
 - a. the recognition of the regional or minority languages as an expression of cultural wealth;
 - b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
 - c. the need for resolute action to promote regional or minority languages in order to safeguard them;
 - d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
 - e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
 - g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
 - h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;
 - i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.
4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.
5. The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

1. 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:
 - a.
 - 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;
 - b.
 - i. to make available primary education in the relevant regional or minority languages; or

- ii. to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
- c. i. to make available secondary education in the relevant regional or minority languages; or
 - ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- d. i. to make available technical and vocational education in the relevant regional or minority languages; or
 - ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- e. i. to make available university and other higher education in regional or minority languages; or
 - ii. to provide facilities for the study of these languages as university and higher education subjects; or
 - iii. if, by reason of the role of the State in relation to higher education institutions, 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;
- f. i. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

- ii. to offer such languages as subjects of adult and continuing education; or
 - 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;
 - g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
 - h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;
 - i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.
2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 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:
 - i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - ii. to guarantee the accused the right to use his/her regional or minority language; and/or
 - 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; and/or
 - 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;
 - b. in civil proceedings:

- i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - 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;
 - c. in proceedings before courts concerning administrative matters:
 - i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - 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;
 - d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
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.
3. The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

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.
 - i. to ensure that the administrative authorities use the regional or minority languages;
or
 - ii. to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or
 - iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
 - iv. to ensure that users of regional or minority languages may submit oral or written applications in these languages; or
 - v. to ensure that users of regional or minority languages may validly submit a document in these languages;
 - b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;
 - c. to allow the administrative authorities to draft documents in a regional or minority language.
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:
 - a. the use of regional or minority languages within the framework of the regional or local authority;
 - b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;
 - c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;
 - d. the publication by local authorities of their official documents also in the relevant regional or minority languages;
 - 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;
 - 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;

- 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.
- 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:
 - a. to ensure that the regional or minority languages are used in the provision of the service; or
 - b. to allow users of regional or minority languages to submit a request and receive a reply in these languages; or
 - c. to allow users of regional or minority languages to submit a request in these languages.
- 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 in the territory in which that language is used.
- 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.

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:
 - i. to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or
 - ii. to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
 - iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

- b.
 - i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or
 - ii. to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;
 - c.
 - i. to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or
 - ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
 - d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
 - e.
 - i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or
 - ii. to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;
 - 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; or
 - ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
 - g. to support the training of journalists and other staff for media using regional or minority languages.
2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
 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.

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;
 - 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;
 - 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;
 - d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
 - e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
 - f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;
 - 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;
 - h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.
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.
3. The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

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;
 - b. to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
 - c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
 - d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

2. With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:
 - a. to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
 - b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;
 - c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
 - d. to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;
 - e. to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

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.

Part IV – Application of the Charter

Article 15 – Periodical reports

1. The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.
2. The Parties shall make their reports public.

Article 16 – Examination of the reports

1. The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17.
2. Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a Party in accordance with Part II.
3. On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers.
4. The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.
5. The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

Article 17 – Committee of experts

1. The committee of experts shall be composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned.

2. Members of the committee shall be appointed for a period of six years and shall be eligible for reappointment. A member who is unable to complete a term of office shall be replaced in accordance with the procedure laid down in paragraph 1, and the replacing member shall complete his predecessor's term of office.
3. The committee of experts shall adopt rules of procedure. Its secretarial services shall be provided by the Secretary General of the Council of Europe.

Part V – Final provisions

Article 18

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 19

1. This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 18.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 20

1. After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Charter.
2. In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 21

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to paragraphs 2 to 5 of Article 7 of this Charter. No other reservation may be made.
2. Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

Article 22

1. Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 23

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Charter of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Charter in accordance with Articles 19 and 20;
- d. any notification received in application of the provisions of Article 3, paragraph 2;
- e. any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 5th day of November 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Charter.