

# **H U N G A R Y**

## **SECTION A**

### **Capital**

Budapest 1,995,696 (1994 est.)

### **Area**

93,030 sq km (35,919 sq mi)

### **Form of government**

Republic

### **GDP—per capita**

Purchasing power parity—\$7,800 (1999 est.)

### **Population**

10,186,372 (July 1999 est.)

### **Ethnic composition**

Hungarian	89.9%
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Roma	4.0%
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German	2.6%
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Serb	2.0%
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Slovak	0.8%
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Romanian	0.7%
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### **Official language**

Hungarian

### **Minority languages**

Slovak, Roma, Romanian, German, Serbian, Slovene

## **Legislation dealing with the use of languages**

*The Constitution* adopted on August 20, 1949, updated through 1996

*Act XX of 1949*, the Constitution of the Republic of Hungary (hereinafter referred to as “the Constitution”), stipulates the position of national and ethnic minorities in Hungarian society.

The Hungarian Government, with the involvement and cooperation of the minorities, proposed *Act LXXVII of 1993 on the Rights of National and Ethnic Minorities* (hereinafter referred to as “the Minorities Act”) to Parliament. Parliament passed the law in 1993. The Minorities Act, which Parliament passed with a 96% majority, ensured the minorities that are native to Hungary individual and collective minority rights, the right to personal autonomy and the right to establish self-governing bodies.

The most fundamental measures necessary for creating consonance with the Minorities Act were taken with the enactment of *Act LXXIX of 1993 On Public Education and its amendment in 1996*. The Government issued the National Master Curriculum by Government Decree 130/1995 (X. 26.) in order to modernize the public education system. The exceptional basic principles involved in minority education are now part of the National Master Curriculum. Providing supplementary standard funding for minority education is an important part of government public education funding.

With the amendment of *Act IV of 1978 on the Criminal Code* by Act XVII of 1996, the Republic of Hungary complied with the requirements stipulated in the International Convention on Fighting and Punishing the Crimes of Apartheid. The United Nations General Assembly had originally adopted the Convention on 30 November 1973. It introduces a new criminal concept so that violent criminal acts against national, ethnic, racial, or religious groups can be condemned if the crimes are committed against persons because they belong to such a group.

*Act I of 1996 on Radio and Television Broadcasting* made the preparation of programs that depict the culture and lives of minorities a compulsory responsibility of the public service media. Public service programs are obliged to provide information in native languages. *Act CXXVII of 1996 on the National News Agency* contains provisions that ensure equal opportunity for national and ethnic minorities.

## **Background notes**

Following the break-up of the Austro-Hungarian Empire in 1920 and the establishment of the Hungarian People's Republic in 1949, multiparty democracy was peacefully re-established in 1989.

Hungary is trying to develop a social atmosphere in which none of the minorities have to suffer any discrimination. In the course of implementing the minorities' policy, Hungary relies on the active cooperation of the national and ethnic minorities and the activities of their legitimate and elected bodies. The Government supports the minorities in strengthening their identities, and it is trying to make people aware of common interests in the past and a sense of joint responsibility for the future. The Government is responsible for informing people that coexistence with national and ethnic minorities is natural and has been going on for many centuries. It also has the task of making people conscious of the ways in which the various national and ethnic groups enrich the common culture. In this respect, the Government does not view minorities as groups engaged in struggle against the majority for their rights. Rather, it conceives of minorities as aggregates of individuals who, together with the majority, bear responsibility for common virtues and faults and share the same destiny as the majority.

## **SECTION B**

### **To what extent are minority groups in this country disadvantaged by their language?**

Under Act IV of 1972 on the Judiciary, nobody may be affected disadvantageously because of not knowing the Hungarian language. The same principal is set forth in Act III of 1952 on the Code of the Civil Procedure and in Act I of 1973 on the Code of Penal Procedure. Both laws state explicitly that everybody may speak his/her native language in legal proceedings. If the person to be heard in legal proceeding does not speak Hungarian and court is not fluent enough in the language used by the person, an interpreter shall be used for the hearing.

Persons belonging to national and ethnic minorities enjoy the right to have both their first and given names registered in their native language. At the request of the person belonging to the national and ethnic minority, birth, death or marriage certificates as well as other personal documents may be issued in his/her native language.

Members of the Parliament belonging to the national and ethnic minorities are guaranteed the right to use their native language in Parliament. Likewise, minority representatives enjoy the same right in local governments (not only in the minority self-governments).

### **The use of language in everyday life e.g. education, broadcasting and other**

#### **SCHOOLS**

According to the law, kindergartens, primary and secondary school classes in the minority languages will be conducted if so requested by the parents of eight or more children belonging to the respective minority. Teacher training exists in Croatian, German, Slovak and Slovenian.

Currently there are three types of minority education programs:

- Schools where all subjects but the minority language are taught in Hungarian
- Bilingual schools where at least 50% of the subjects are taught in the minority language
- Monolingual schools where all subjects but the Hungarian language and literature are taught in the minority language

Although private minority schools do not exist on the territory of the country, the establishment of such institutions would be entirely legal and they would also be entitled to receive public funding.

#### **MEDIA**

Hungarian Television produces 638 minutes of minority programs per month. As for the print media for national and ethnic minorities, its funding is provided by the Government-established Public Foundation for National and Ethnic Minorities in Hungary. This foundation allocates state budget sources to the nation-wide distribution of at least one newspaper respectively for each national minority.

#### **ROMA**

Roma-children in public schools are often segregated from Hungarian children and receive poor education. Many Roma children (in northeastern regions of Hungary 90%) are sent to special schools for mentally handicapped. This method is described as an effort to exclude socially weak Roma children from mainstream education.

The Gandhi high school in Pecs in southern Hungary is the country's only secondary school for Roma.

**Did the country ratify any international treaty dealing with the protection of minorities?**

The Framework Convention for the Protection of National Minorities signed on February 1, 1995, ratified on September 25, 1995 and enacted on February 1, 1998.

European Charter for Regional or Minority Languages signed on November 5, 1992, ratified on April 26, 1995 and enacted on March 1, 1998.

## **SECTION C**

### **Legislation dealing with the use of languages**

#### ***Updated (January 2002)***

The Hungarian Parliament adopted the *Law on Hungarians living in Neighboring Countries* on June 19, 2001 with a vote of 306 in favor, 17 against and 8 abstentions. It came into force on January 1, 2002 and covers persons of Hungarian nationality residing in Croatia, Yugoslavia, Romania, Slovenia, Slovakia, and Ukraine (Austria was excluded).

The law guarantees the following privileges only to ethnic Hungarians, who possess an ID-card: (29 Articles have been compiled)

- To work in Hungary for a maximum period of three months a year irrespective of the labor market situation
- To pay taxes and make national insurance contributions on any income earned in Hungary as well as the opportunity to qualify for free health care and pension (set in a separate law decree)
- Benefits for the students and teachers - to take advantage of the improved rights to study, to get scholarship, post-graduate training, or receive prizes and diplomas
- To get financial support – parents of at least two minors attending Hungarian-language school in their home country will receive financial assistance of 20,000 HUF (ca 4,000 SKK, 117 CAD) from Hungary

- Traveling benefits - to use means of domestic, long-distance public transportation in Hungary at 90% discount four times a year (transport will be free for children under six and people over 65, other group benefits once a year)
- To get support for the ethnic Hungarian organizations operating in neighboring countries dealing with preservation and promotion of Hungarian language, literature, culture, and traditions, etc

According to the Treaty of Trianon signed in 1920, Hungary had to cede two-thirds of its territory, including the people living there, to the newly created Czechoslovakia, and to Romania, Ukraine, and Yugoslavia. Today, as a result, there are approximately 3.5 million ethnic Hungarians living in the states neighboring Hungary.

Hungary is trying to reassure all its neighbors that Law on Hungarians living in Neighboring Countries (later only “law”) is not meant as discriminatory and will help to protect the cultural identity of Hungarian minorities in the lands where they have lived for centuries. However, this endeavor has voiced concern among political representatives of the states involved.

On July 17, 2001, the European Union suggested that the implementation of this legislation could cause some problems if international norms were not respected. They appealed to Hungary to consult with the neighboring countries regarding implementation (EU Commissioner G. Verheugen).

### ***Updated (January 2003)***

A new linguistic law came into force at the beginning of 2003 in Hungary. The Law No. 2001/XCVI, aims at protecting the Hungarian language, because currently more and more texts use the terms from foreign languages, especially from English.

The law respects that the Hungarian language needs new terminology so the use of neologisms already assimilated into Hungarian is recognized only adoption of the new ones still remains a challenge.

The direct use of advertising slogans or texts in foreign languages without a Hungarian version is prohibited. The Act outlines very clearly the linguistic criteria for advertisements and notices of economic nature, as well as texts from some public services. In the press, radio programs and television the texts of the adverts including the slogans must be also in Hungarian.

The law does not contradict the legal rights of national and ethnic minorities allowing them to use their languages in the areas where minority bodies are present (Article 42 of Law LXXVII/1993).

Source: Eurolang News, Brussels, January 21, 2003, by Emese Medgyesi,  
<http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4050>

***Updated (July 2003)***

**WORK ON THE AMENDMENT OF LEGAL PROVISIONS CONCERNING  
MINORITIES LIVING IN HUNGARY**

In May and June 2003, representatives of the Hungarian government and national and ethnic minorities strove to prepare concepts for the amendments of two minority-related acts: the Act on the Rights of National and Ethnic Minorities and the Act on the Election of Minority Self-Governments.

For the talks, minorities set up a six-member delegation, including experts delegated by the Bulgarian, Roma, Croatian, German, Slovak and Serbian minority self-governments. The working group included experts from the Prime Minister's office as well as people from the Ministries of Interior, Justice, Education, National and Cultural Heritage and Finances. Minority Ombudsman Dr. Jeno Kaltenbach and a representative of the Parliamentary Commission of Human Rights, Minority and Religious Affairs were also invited to take part in the work.

Administrative conciliation on the concepts started at the beginning of July. Autumn will be dedicated to the wording of the legal texts, which will be re-discussed in November and December at the consultations involving also parliamentary political parties.

One of the most important objectives of these amendments is to make the cultural autonomy of minorities real and tangible, and to ensure them financial stability for running of their educational and cultural institutions.

Source: Minelres News, July 10, 2003, Office for National and Ethnic Minorities, Budapest, Hungary,  
<http://lists.delfi.lv/pipermail/minelres/2003-July/002823.html>

## **The use of language in everyday life, education, broadcasting and other**

***Updated (June 2002)***

The Romanian state secretary of the Ministry of Public Information after his recent visit to Hungary declared that pupils belonging to the Romanian minority can study only two hours per week in their mother tongue. According to the state secretary, it is unfair in comparison with the situation of the Hungarian minority in Romania.

In the same declarations he stated that the Romanian government intended to give further financial support and sent Romanian teachers to Hungary in order to revive the teaching of the Romanian language.

Source: Mercator, <http://www.troc.es/ciemen/mercator/index-gb.htm>, June 2002



## APPENDIX A

### MAP OF HUNGARY



## **APPENDIX B**

### **HUNGARY - CONSTITUTION**

(Adopted on Aug 20, 1949)

(Official Title Constitution of the Republic of Hungary)

(The Constitution was established by Act XX of 1949)

(Document Status in 1997)

(Editor's Note: The ICL edition is an unofficial translation by Kendall Logan, kindly provided by him on 29 Sep 1997. The edition is consolidated with all Amendments up to and including Act LIX of 1997 on the Amendment of the Constitution of the Republic of Hungary)

Paragraph (1) of Article 68 of the Constitution stipulates that the national and ethnic minorities living in Hungary share the people's power and are part of the state. The Constitution guarantees minorities' collective participation in public life, the establishment of organs of local and national self-government, the nurturing of their own cultures, the use of their native languages, education in their native languages, and the right to use their names in their own languages.

#### **Article 68 (Minorities)**

(1) The national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the State.

(2) The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure 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.

(3) The laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.

(4) National and ethnic minorities shall have the right to form local and national bodies for self-government.

(5) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the rights of national and ethnic minorities.

### **Article 32B**

(1) The Parliamentary Ombudsman for Civil Rights is responsible for investigating or initiating the investigation of cases involving the infringement of constitutional rights which come to his attention and initiating general or specific measures for their remedy.

(2) The Parliamentary Ombudsman for the Rights of National and Ethnic Minorities is responsible for investigating or initiating the investigation of cases involving the infringement of the rights of national or ethnic minorities which come to his attention and initiating general or specific measures for their remedy.

(3) Everyone has the right to initiate proceedings by the Parliamentary Ombudsmen in the cases specified by law.

(4) The Parliamentary Ombudsmen for Civil Rights and for the Rights of National and Ethnic Minorities shall be elected by a majority of two-thirds of the votes of the Members of Parliament, based on the recommendation made by the President of the Republic. The Parliament may also elect special Ombudsmen for the protection of individual constitutional rights.

(6) The Parliamentary Ombudsmen shall present the Parliament with an annual report on their activities.

(7) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on Parliamentary Ombudsmen.

Note: The complete text of the Constitution and further information on the constitutional background of Germany are provided by the International Constitutional Law Project at the University of Wuerzburg.

# **ACT LXII OF 2001 ON HUNGARIANS LIVING IN NEIGHBORING COUNTRIES**

Adopted by Parliament on June 19, 2001.

Parliament

- In order to comply with its responsibilities for Hungarians living abroad and to promote the preservation and development of their manifold relations with Hungary prescribed in paragraph (3) of Article 6 of the Constitution of the Republic of Hungary,
- Considering the European integration endeavors of the Republic of Hungary and in-keeping with the basic principles espoused by international organizations, and in particular by the Council of Europe and by the European Union, regarding the respect of human rights and the protection of minority rights;
- Having regard to the generally recognized rules of international law, as well as to the obligations of the Republic of Hungary assumed under international law;
- Having regard to the development of bilateral and multilateral relations of good neighborhood and regional co-operation in the Central European area and to the strengthening of the stabilizing role of Hungary;
- In order to ensure that Hungarians living in neighboring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country;
- Based on the initiative and proposals of the Hungarian Standing Conference, a coordinating body functioning in order to preserve and reinforce the awareness of national self-identity of Hungarian communities living in neighboring countries;
- Without prejudice to the benefits and assistance provided by law for persons of Hungarian nationality living outside the Hungarian borders in other parts of the world;

Herewith adopts the following Act:

## CHAPTER I

### GENERAL PROVISIONS

#### **Scope of the Act**

##### **Article 1**

(1) This Act shall apply to persons declaring themselves to be of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, and who

a) have lost their Hungarian citizenship for reasons other than voluntary renunciation, and

b) are not in possession of a permit for permanent stay in Hungary.

(2) This Act shall also apply to the spouse living together with the person identified in paragraph (1) and to the children of minor age being raised in their common household even if these persons are not of Hungarian nationality.

(3) This Act shall also apply to co-operation with, and assistance to organizations specified in Articles 13, 17, 18 and 25.

##### **Article 2**

(1) Persons falling within the scope of this Act shall be entitled, under the conditions laid down in this Act, to benefits and assistance on the territory of the Republic of Hungary, as well as in their place of residence in the neighboring countries on the basis of the Certificate specified in Article 19.

(2) The provisions of this Act shall be applied without prejudice to the obligations of the Republic of Hungary undertaken in international agreements.

(3) The benefits and assistance claimable under this Act shall not affect other existing benefits and assistance ensured by legislation in force for non-Hungarian citizens of Hungarian nationality living in other parts of the world.

### **Article 3**

The Republic of Hungary, in order to

- a) ensure the maintenance of permanent contacts,
- b) provide for the accessibility of benefits and assistance contained in this Act,
- c) ensure undisturbed cultural, economic and family relations,
- d) ensure the free movement of persons and the free flow of ideas,

and taking into account its international legal obligations, shall provide for the most favored treatment possible with regard to the entry and stay on its territory for the persons falling within the scope of this Act.

### **CHAPTER II**

#### **BENEFITS AND ASSISTANCE AVAILABLE FOR PERSONS FALLING WITHIN THE SCOPE OF THIS ACT**

#### **Education, Culture, Science**

### **Article 4**

(1) In the field of culture, persons falling within the scope of this Act shall be entitled in Hungary to rights identical to those of Hungarian citizens. Accordingly, the Republic of Hungary shall ensure for them in particular:

- a) the right to use public cultural institutions and the opportunity to use the services they offer,
- b) access to cultural goods for the public and for research,
- c) access to monuments of historic value and the related documentation,
- d) the research for scientific purposes of archive materials containing protected personal data, if the neighboring state where the Hungarian individual living outside the borders has a permanent

residence is a party to the international convention on the protection of personal data.\*

(2) Persons falling within the scope of this Act shall be entitled to use the services of any state-run public library, and to the free of charge use of the following basic services:

- a) visit of the library,
- b) on-the-spot use of certain collections determined by the library,
- c) use of stock-exploring instruments,
- d) information on the services of the library and of the library system,
- e) in the case of registration, borrowing of printed library material in accordance with the regulations of the library.

(3) Further benefits with respect to the availability of services offered by state-run museums and public cultural institutions to persons falling within the scope of this Act shall be laid down in a separate legal rule.

## **Article 5**

Hungarian scientists falling within the scope of this Act may become external or regular members of the Hungarian Academy of Sciences.

## **Distinctions and Scholarships**

## **Article 6**

(1) The Republic of Hungary shall ensure that persons falling within the scope of this Act, in recognition of their outstanding activities in the service of the Hungarian nation as a whole and in enriching Hungarian and universal human values, may be awarded distinctions of the Republic of Hungary and may receive titles, prizes or honorary diplomas founded by its Ministers.

(2) In the process of determining conditions for state scholarships, the possibility to receive such scholarships shall be ensured for persons falling within the scope of this Act.

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\* Act VI of 1998 on the promulgation of the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, signed on 28 January 1981 in Strasbourg.

## **Social Security Provisions and Health Services**

### **Article 7**

(1) Persons falling within the scope of this Act who, under Article 15, work on the basis of any type of contract for employment in the territory of the Republic of Hungary shall pay, unless otherwise provided for by international agreements, health insurance and pension contribution of an amount equal to that laid down in the relevant Hungarian social security legislation to the authority designated for this purpose in a separate legal rule. Those contributions shall entitle such persons to health and pension provision specified by a separate legal rule.

(2) Persons falling within the scope of this Act who are not obliged to pay health insurance and pension contributions as stipulated in paragraph (1) shall have the right to apply for reimbursement of the costs of self-pay health care services in advance. Applications shall be submitted to the public benefit organization established for this purpose.

(3) In cases requiring immediate medical assistance, persons falling within the scope of this Act shall be entitled to such assistance in Hungary according to the provisions of bilateral social security (social policy) agreements.

### **Travel benefits**

### **Article 8**

(1) Persons falling within the scope of this Act shall be entitled to travel benefits in Hungary on scheduled internal local and long-distance lines of public transport. With regard to railways, such benefits shall apply to 2<sup>nd</sup> class fares.

(2) An unlimited number of journeys shall be provided free of charge for:

- a) children up to six years of age,
- b) persons over sixty-five years of age.

(3) A 90% travel discount shall be provided on means of internal long-distance public transport for:

- a) persons identified in paragraph (1) four times a year,
- b) a group of at least ten persons under eighteen years of age traveling as a group and falling within the scope of this Act, and two accompanying adults once a year.



(4) The detailed rules of travel benefits shall be laid down in a separate legal rule.

## **Education**

### **Article 9**

(1) Persons falling within the scope of this Act, in accordance with the relevant provisions of Act LXXX of 1993 on Higher Education applicable to Hungarian citizens, shall be entitled to participate, according to the conditions specified in this Article, in the following programs of higher education institutions in the Republic of Hungary:

- a) undergraduate level college or university education,
- b) supplementary undergraduate education,
- c) non-degree programs,
- d) Doctor of Philosophy (PhD) or DLA programs,
- e) general and specialized further training,
- f) accredited higher education level vocational training in a school-type system.

(2) Students participating in state-financed full-time training programs specified in paragraph (1), shall be entitled to formula funding on the one hand, and financial and other benefits in kind on the other, both being part of the appropriations of budgetary expenditure for students, as well as to the reimbursement of detailed health insurance contributions provided by Act LXXX of 1993 on Higher Education. The detailed conditions of these forms of assistance and further benefits shall be regulated by the Minister of Education in a separate legal rule.

(3) Persons falling within the scope of this Act may pursue studies in the higher education institutions of the Republic of Hungary in the framework of state-financed training in a fixed number to be determined annually by the Minister of Education.

(4) Students from neighboring countries participating in education programs not financed by the state may apply for the partial or full reimbursement of their costs of stay and education in Hungary to the public benefit organization established to this end.

## **Student Benefits**

### **Article 10**

(1) Registered students of a public education institution in a neighboring country who are pursuing their studies in Hungarian language, or students of any higher education institution who are subject to this Act are entitled to benefits available under the relevant regulations to Hungarian citizens with student identification documents.

(2) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the Certificate (Article 19) serving for this purpose. The detailed rules of access to these benefits shall be laid down in a separate legal rule.

## **Further Training for Hungarian Teachers Living Abroad**

### **Article 11**

(1) Hungarian teachers living abroad, teaching in Hungarian in neighboring countries and falling within the scope of this Act (hereinafter referred to as "Hungarian teachers living abroad") shall be entitled to participate in regular further training in Hungary, as well as to receive the benefits specified in paragraph (2). Further training and the benefits shall be applicable to a fixed number of teachers determined annually by the Minister of Education.

(2) For the duration of further training and to the extent stipulated by a separate legal rule, persons identified in paragraph (1) shall be entitled to request the Hungarian educational institution providing further training to

- a) reimburse accommodation costs,
- b) reimburse travel expenses, and
- c) contribute to the costs of registration.

(3) The detailed rules of further training for Hungarian teachers living abroad shall be regulated by a separate legal rule.

### **Article 12**

(1) Hungarian teachers living abroad, falling within the scope of this Act and those teaching in higher education institutions in neighboring countries (hereinafter referred to as "Hungarian instructors living abroad") shall be entitled to special benefits.

(2) Benefits available to Hungarian teachers and instructors living abroad shall be identical with the benefits related to Teacher Identity Cards issued to teachers of Hungarian citizenship on the basis of legislation in force.

(3) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the "Certificate of Hungarian Nationality" serving for this purpose. The detailed rules of access to these benefits shall be regulated in a separate legal rule.

## **Education Abroad in Affiliated Departments**

### **Article 13**

(1) The Republic of Hungary shall promote the preservation of the mother tongue, culture and national identity of Hungarians living abroad also by supporting the establishment, organization and operation of affiliated Departments of accredited Hungarian higher education institutions in neighboring countries.

The financial resources necessary for the realization of these goals shall be set out as targeted appropriations in the budget of the Republic of Hungary. The Minister of Education shall decide on the allocation of the available resources according to a separate legal rule.

(2) The Republic of Hungary supports the establishment, operation and development of higher education institutions (faculties, study programs, etc.) teaching in Hungarian and seeking accreditation in neighboring countries. Financial resources required for the realization of these goals may be applied for at the public benefit organization established for this purpose.

## **Educational Assistance Available in the Native Country**

### **Article 14**

(1) Parents falling within the scope of this Act and bringing up at least two children of minor age in their own household may apply for educational assistance for each of their children if:

- a) the child attends an education institution according to his/her age and receives training or education in Hungarian, and
- b) the education institution specified in point a) is in the neighboring country of residence of the parents.

(2) Parents falling within the scope of this Act may receive assistance for books and learning materials (hereinafter referred to as "assistance for learning materials") if the child of minor age living in their own household attends an educational institution in the neighboring country of residence of the parents and receives education in Hungarian.

(3) Applications for assistance for education and learning materials may be submitted to the public benefit organization established for this purpose. In the process of evaluating the applications, the public benefit organization shall request the position, formulated with the consent of the Hungarian Minister of Education, of the recommending body (Article 20) in the neighboring country concerned whether instruction and education in Hungarian are ensured in the education institution in question.

(4) Persons falling within the scope of this Act may apply for assistance for their studies at the higher education institutions of neighboring countries from the public benefit organization established for this purpose.

## **Employment**

### **Article 15**

(1) Persons falling within the scope of this Act may be employed in the territory of the Republic of Hungary on the basis of a permit. Work permits shall be issued under the general provisions on the authorization of employment of foreign nationals in Hungary, with the exception that the work permit can be issued for a maximum of three months per calendar year without the prior assessment of the situation in the labor market. A separate legal rule may allow for the issuing of work permits for longer periods of time under the same conditions.

### **Article 16**

(1) The persons concerned may apply to the public benefit organization established for this purpose for the reimbursement of expenses related to the fulfillment of the legal conditions for employment. These expenses include, in particular, the costs of proceedings for the prior certification of the necessary level of education, of specialized training and of compliance with occupational health requirements.

(2) The detailed rules of the proceedings for the issuing of work permits and the registration shall be regulated by a separate legal rule.

## **Duties of the Public Service Media**

### **Article 17**

(1) Public service media in Hungary shall provide, on a regular basis, for the gathering and transmission of information on Hungarians living abroad and shall transmit information on Hungary and the Hungarian nation to Hungarians living abroad. The purpose of this information shall be:

- a) the transmission of Hungarian and universal spiritual and cultural values,
- b) the forming of an unbiased picture of the world, of Hungary and of the Hungarian nation,
- c) the preservation of the awareness of national identity, of the mother tongue and culture of the Hungarian minority communities.

(2) The Republic of Hungary shall provide for the production and broadcasting of public service television programs for the Hungarian communities living abroad through the establishment and operation of an organization devoted to such purposes. The financial resources necessary for such programs shall be provided by the state budget.

## **Assistance to Organizations Operating Abroad**

### **Article 18**

(1) The Republic of Hungary shall support organizations operating in neighboring countries and promoting the goals of the Hungarian national communities living in neighboring countries.

(2) The organizations specified in paragraph (1) may apply to the public benefit organization established for this purpose and operating in a lawful manner if their goals include, in particular, the following:

- a) the preservation, furtherance and research of Hungarian national traditions,
- b) the preservation and fostering of the Hungarian language, literature, culture and folk arts,
- c) the promotion of higher education of Hungarians living abroad by facilitating the work of instructors from Hungary as visiting lecturers,

d) the restoration and maintenance of monuments belonging to the Hungarian cultural heritage,

e) the enhancement of the capacity of disadvantaged settlements in areas inhabited by Hungarian national communities living abroad to improve their ability to preserve their population and to develop rural tourism,

f) the establishment and improvement of conditions of infrastructure for maintaining contacts with the Republic of Hungary,

g) the pursuance of other activities promoting the goals specified in paragraph (1).

### CHAPTER III

#### RULES OF PROCEDURE OF APPLICATION FOR BENEFITS AND ASSISTANCE

#### **"Certificate of Hungarian Nationality" and "Certificate for Dependants of Persons of Hungarian Nationality"**

##### **Article 19**

(1) Benefits and assistance specified in this Act may be received by presenting either the "Certificate of Hungarian Nationality" or the "Certificate for Dependants of Persons of Hungarian Nationality", both of which may be issued under the conditions specified in Article 20 at the request of persons of both Hungarian and non-Hungarian nationality.

(2) From the Hungarian central public administration body (hereinafter referred to as "the evaluating authority") designated by the Government of the Republic of Hungary for this purpose:

a) persons of Hungarian nationality falling within the scope of this Act may request a "Certificate of Hungarian Nationality" with a photo,

b) a "Certificate for Dependants of Persons of Hungarian Nationality" with a photo may be requested by spouses of non-Hungarian nationality living together with persons specified in point a) and children of minor age being brought up in the same household, provided that:

The applicant meets the requirements set out in points a) and b) of paragraph (1) of Article 1 and the recommending authority

specified in Article 20 has issued the recommendation; and neither an expulsion order nor a prohibition of entry or stay, issued by the competent Hungarian authorities on the basis of grounds determined in a separate Act, is in effect against the applicant in Hungary; and no criminal proceedings have been instituted against the applicant in Hungary for intentional criminal offence.

(3) In addition to the requirements specified in paragraph (2), the "Certificate for Dependants of Persons of Hungarian Nationality " shall also be conditional upon whether the person of Hungarian nationality entitling the dependants in question to submit an application for the "Certificate for Dependants of Persons of Hungarian Nationality" is already in the possession of, or entitled to, a "Certificate of Hungarian Nationality". The withdrawal of the "Certificate of Hungarian Nationality" shall entail the withdrawal of the "Certificate for Dependants of Persons of Hungarian Nationality ".

## **Article 20**

(1) The evaluating authority shall issue the "Certificate of Hungarian Nationality" if the applicant is in the possession of a recommendation which has been issued by a recommending organization representing the Hungarian national community in the neighboring country concerned, and being recognized by the Government of the Republic of Hungary as a recommending organization, and which:

- a) certifies, on the basis of a declaration made by the applicant (or in the case of a minor by his/her statutory agent), that the applicant is of Hungarian nationality,
- b) certifies the authenticity of the signature of the applicant and
- c) includes the following:
  - ca) the application, photo and address of the applicant,
  - cb) the personal data to be recorded in the Certificate (Article 1),
  - cc) the name and the print of the official seal of the recommending organization, the name and signature of the person acting on behalf of the recommending organization,
  - cd) place and date of issue of the recommendation.

(2) The recommendation required for the issuing of the "Certificate for Dependants of Persons of Hungarian Nationality" shall certify, instead of

the information specified in paragraph (1) point a), the family relationship between the applicant and the person of Hungarian nationality falling within the scope of this Act.

(3) The Government of the Republic of Hungary shall recognize an organization representing the Hungarian community in the given neighboring country as a recommending organization if it is capable of:

- a) representing the Hungarian community living in the given country in its entirety,
- b) providing for the organizational and personnel conditions for receiving and evaluating applications for recommendation.

## **Article 21**

(1) The period of validity of the Certificate

- a) shall expire on the day of the eighteenth birthday in the case of minors,
- b) shall be five years in the case of persons between 18 and 60 years of age,
- c) shall be indefinite in the case of persons over 60 years of age.

(2) If the period of validity of the Certificate expires, the proceedings specified in Articles 19-20 shall be repeated upon request.

(3) The Certificate shall be withdrawn by the evaluating authority if

- a) the recommending organization has withdrawn its recommendation due to the submission of false data by the bearer of the Certificate in the application process,
- b) its bearer has been granted an immigration or permanent residence permit,
- c) its bearer has acquired Hungarian citizenship,
- d) its bearer has been recognized as a refugee or temporarily protected person by the authorities responsible for refugee matters,
- e) its bearer has been expelled from the territory of the Republic of Hungary, or a prohibition of entry or stay has been issued against him/her,



- f) criminal proceedings have been instituted against the bearer in Hungary,
  - g) the Certificate has been used in an unauthorized way or has been forged,
  - h) the family relationship entitling the bearer to use the Certificate for Dependants has ceased to exist,
  - i) upon request by the bearer of the Certificate.
- (4) The recommending organization shall also be notified of the final decision on the withdrawal of the Certificate.
- (5) The Certificate shall contain the following data of the entitled person:
- a) family and given name (also the maiden family and given name in the case of women) as it is used officially in the neighboring country of residence (in Latin script), and in the case of persons of Hungarian nationality in Hungarian as well,
  - b) name of the place of birth as it is used officially in the neighboring country and in Hungarian,
  - c) date of birth and gender,
  - d) mother's name as it is officially used in the neighboring country of residence (in Latin script) and in the case of persons of Hungarian nationality in Hungarian as well,
  - e) passport photo, citizenship or reference to stateless status,
  - f) signature in the entitled person's own hand, and
  - g) date of issue, period of validity and number of the document.
- (6) Notes and certifications required for access to benefits and assistance available under this Act shall be recorded in the Appendix to the Certificate.
- (7) In order to ensure the authenticity of the Certificate and to supervise the granting of benefits, the evaluating authority (for the purpose of the application of these provisions: the data handling organ) shall keep records of the data of the Certificates, the identification marks in the Appendices, the foreign address of the bearers, the family relationship entitling the bearer to the document, the number and period of validity of the permit entitling to stay as well as the data specified in paragraph (3). The data contained in the records may be handled by the data handling

organ until the withdrawal or the expiry of the period of validity of the Certificate. The data contained in the records may be forwarded to the Hungarian Central Statistical Office (KSH) for statistical purposes. Bodies responsible for providing and keeping records of benefits and assistance may also receive those data for the purpose of verifying entitlement and preventing abuse, and so may Courts in charge of criminal proceedings, law enforcement bodies, national security services and the alien policing authority.

(8) For the purpose of evaluating applications and examining the existence of reasons for the withdrawal of the Certificate, the evaluating authority may request information from the following organs:

- a) the Central Registry of Aliens on whether the applicant is subject to proceedings under the law on aliens, or on any order of expulsion or prohibition on entry to and stay in Hungary against the applicant, as well as on the details of the residence permit entitling the applicant to stay in Hungary,
- b) organs responsible for naturalization on issues related to the acquisition Hungarian citizenship,
- c) the Central Registry of Refugees on recognition as a refugee or temporarily protected person,
- d) the Criminal Records Office on criminal proceedings in process.

## **Article 22**

(1) Proceedings of the evaluating authority shall be governed by the provisions of Act IV of 1957 on the General Rules of Public Administration Procedures. The costs of public administration procedures shall be covered by the State.

(2) The applicant may institute proceedings in Court against a final administrative decision on the appeal against the first instance decision regarding the issue or withdrawal of a Certificate by the evaluating authority. The Court may alter the administrative decision and its proceedings shall be governed by the provisions of the Code of Civil Procedure.

(3) The detailed rules of procedure of the evaluating authority and the order of registration of the issued Certificates, as well as the data content and form of the Certificates, shall be regulated by a separate legal rule.

## **Use of Benefits on the Territory of the Republic of Hungary**

### **Article 23**

(1) Hungarian persons living abroad shall be entitled to use the benefits set out in Article 4, paragraph (1) of Article 7, Article 8, Article 10, paragraph (2) of Article 11 and Article 12 — under the conditions determined in the aforementioned Articles — by presenting their Certificates (Article 19) during their lawful stay in the Republic of Hungary.

(2) The state-run organizations and institutions granting the benefits specified in paragraph (1) and economic organizations providing travel benefits shall receive the financial resources necessary for granting these benefits out of the central state budget.

## **Application Procedures for Assistance Available in the Republic of Hungary**

### **Article 24**

(1) The Government shall establish public benefit organization(s) in order to evaluate the applications of and distribute assistance for persons (organizations) falling within the scope of this Act.

(2) The founding document of the public benefit organization, taking into account the provisions of Act CLVI of 1997 on Public Benefit Organizations, shall contain the goals of the activities and the range of applications to be evaluated by it and shall determine its main decision-making body as well.

(3) Applications for publicly advertised assistance under this Act may be submitted to the respective public benefit organization competent according to their subject matter.

(4) Data and documents required in the advertisement by the respective public benefit organization shall be attached to the applications.

(5) In the case of a favorable decision, the applicant and the public benefit organization shall conclude a civil law contract containing the conditions of assistance and the amount thereof, as well as determining the purpose of the use of assistance and the rules of rendering accounts thereof.

(6) The financial resources required for the activities of such public benefit organization(s) shall be provided, on an annual basis, in a separate group of appropriations of the central state budget.

## **Application Procedures for Assistance Available in Neighboring Countries**

### **Article 25**

(1) Requests (applications) for assistance regulated in this Act may be submitted by persons (organizations) falling within the scope of this Act to lawfully operating non-profit organizations established in the neighboring country of their permanent residence (registered office) for this purpose (hereinafter referred to as "foreign public benefit organizations")

(2) The civil law contract concluded between the public benefit organization established in Hungary and the foreign public benefit organization established for the evaluation of applications and the granting of assistance shall contain the required range of data, which are to be supported by documents, declarations, planning or documentation, etc.

(3) The public benefit organizations operating in Hungary shall evaluate the application based on the data specified in the civil law contract as laid down in paragraph (2) and on the opinion of the foreign public benefit organization.

(4) Assistance shall be granted to applicants by the Hungarian public benefit organization on the basis of a civil law contract. This contract shall determine the conditions of the assistance and the amount thereof as well as the purpose of the use of such assistance and the rules of rendering accounts thereof.

## **Central Registration of Assistance**

### **Article 26**

(1) For the purpose of coordinating the entire system of assistance, a central registry of applications for assistance and the relevant decisions made by public benefit organizations established for their evaluation shall be set up.

(2) The Government shall designate the central public administration organ responsible for managing the records.

(3) The organ managing the records shall handle the following data:

- a) name, permanent address (registered office) and document number of those submitting applications for assistance,

- b) the type of assistance sought,
- c) the amount of assistance granted.

(4) Data specified in paragraph (3) may be handled by the organ managing the records for ten years from the date of the granting of assistance.

(5) Data from the records shall be made available to public benefit organizations established in Hungary and in the neighboring countries for the purpose of evaluating applications for assistance, as well as to the central public administration organs of Hungary responsible for providing the financial resources for assistance.

## CHAPTER IV

### FINAL PROVISIONS

#### **Article 27**

(1) This Act shall enter into force on 1 January 2002.

(2) From the date of accession of the Republic of Hungary to the European Union, the provisions of this Act shall be applied in accordance with the treaty of accession of the Republic of Hungary and with the law of the European Communities.

#### **Article 28**

(1) The Government shall be empowered to regulate by decree:

- a) the provisions on the assignment of the national public administration organ entitled to issue, withdraw and register the Certificates, as well as on the assignment of its superior organ, on the definition of their competencies and on the rules of procedure of the issuing, replacement, withdrawal and registration of such Certificates,
- b) the detailed rules of travel benefits for persons falling within the scope of this Act,
- c) the detailed rules related to the provision and use of student benefits for persons specified in paragraph (1) of Article 10 of this Act.

(2) The Government shall ensure the establishment of Hungarian public benefit organization(s) evaluating applications and allocating assistance under this Act. The Government shall also ensure the co-ordination of

the activities of public benefit organizations already operating for this purpose, the appropriate modification of their founding documents and the reallocation of resources in this framework.

## **Article 29**

(1) The Minister of the Interior and the Minister of Foreign Affairs shall determine in a joint decree, with respect to educational assistance with the consent of the Minister of Education, the detailed rules on registering the Certificates, as well as the requirements of the content and form of the Certificates.

(2) The Minister of Economic Affairs shall:

- a) determine, in a joint decree with the Minister for Foreign Affairs, the rules of procedure and registration related to work permits for Hungarians living abroad and designate the public administration organ responsible for carrying out these duties,

- b) be empowered to regulate by decree the conditions for issuing work permits for a period longer than the one specified in Article 15 of this Act with regard to employees falling within the scope of this Act, or for a particular group of employees, in consensus with the Minister for Youth and Sports Affairs in cases involving professional sportspersons.

(3) The Minister of Foreign Affairs shall be empowered to substitute his own declaration for the recommendation specified in Article 20 of this Act in cases deserving exceptional treatment on grounds of equity in the course of proceedings of the evaluating authority designated in Article 19, and furthermore in cases where the proceedings specified in paragraph (1) of Article 20 are impeded, to ensure the smooth conduct of administrative proceedings.

(4) The Minister of National Cultural Heritage shall determine by decree the detailed rules of benefits available to Hungarians living abroad with respect to the use of the services provided by museums and public cultural institutions.

(5) The Minister of Education, with the consent of the Minister of Foreign Affairs, shall determine by decree the detailed rules on further training for Hungarian teachers living abroad, as well as detailed rules on the benefits set out in Article 9, Article 11 and 12, paragraph (1) of Article 13 and Article 14 of this Act, including the extent of such assistance.

Note: We acknowledge with thanks data from the Embassy of the Republic of Hungary; <http://www.huembwas.org/default.htm>

# **ACT LXXVII OF 1993 ON THE RIGHTS OF NATIONAL AND ETHNIC MINORITIES**

The National Assembly

- in keeping 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 coexistence 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 community rights of national and ethnic minorities are fundamental rights of freedom, which it will honor 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 recognized universal moral and legal norms. The mother tongue, the intellectual culture, and culture as incarnated by physical objects, 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 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, through this Act also the National Assembly guarantees all the rights, not only human rights, of persons belonging to minorities as Hungarian citizens and of their communities, 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 contact 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 decade 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 international 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 ensure 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 settlement's conditions, relations, economic interests and established traditions regarding national and ethnic minorities.

### **Article 5**

(1) In the Republic of Hungary minorities have a constitutional right to establish self-governments 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 their 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 realization 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) Admitting and acknowledging 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 that 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 organizations to express and represent their interests - in accordance with the regulations of the Constitution.

## **Article 11**

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

## **Article 12**

(1) A person belonging to a minority has the right to choose 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 development in their mother tongue; c) protect any personal data related to their minority status as determined by a separate Act.

## **Article 14**

Persons belonging to minorities have the right to maintain contact 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 communal 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 organizations, as well as self-governments 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 programs 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 programs 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 structure 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 festivals 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 organizations 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 LXI 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 settlement-level minority self-government in townships, towns, or the districts of the capital city, or a minority self-government formed directly or indirectly, or national minority self-government. In the capital city directly formed minority self-government-minority governments may be established.

(2) Concerning citizens belonging to minorities who are elected as self-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 settlement government may declare itself settlement-level minority self-government if more than half the members of the elected body represent one national or ethnic minority. (2) If more than 30% of the members of the self-government body represent one particular minority, the representatives, acting as a minority, may form a minority self-government (hereinafter 'indirectly formed minority self-government') with a minimum of 3 members.

## **Article 23**

(1) In accordance with the provisions of Articles 51-54 of Act LXIV of 1990 on the election of self-government representatives and mayors, amended by Article 64 of the Act, electors may form minority self-governments by direct election (hereinafter `directly formed minority self-government').

(2) The minimum membership of directly formed 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 minority self-government - through a majority decision of the elected body in accordance with set rules - elects its own leaders.

(4) A member of a minority self-government who is not a self-government representative may only become a member of the body of an indirectly formed minority self-government if elected in accordance with Articles 51-54 of Act LXIV of 1990 on the election of self-government representatives and mayors, which is amended by Article 64 of this Act.

(5) One minority in one settlement may establish only one indirectly formed 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 minority self-governments (hereinafter together `minority self-government') have the same scope of duties and authority.

(7) A spokesperson may only represent a minority in a settlement government if the minority represented by the person does not have minority self-government.

## **Article 24**

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

The scope of duties and authority of settlement-level minority self-governments and minority self-governments

## **Article 25**

(1) A minority government is a legal entity. The scope of duties and authority of settlement-level minority self-governments, where different from the scope of duties and authority assigned to settlement governments, is provided for by the provisions of this Act.

(2) In the course of the management of public affairs of self-interest, settlement-level minority self-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 settlement-level minority self-government or a 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.

## **Article 27**

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

a) in accordance with this Act, the utilization of the property set aside for it (i.e. for the minority self-government) as a part of the total property of the settlement government;

b) its budget, closing balance sheet, the utilization of the resources made available to it by the settlement 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 self-regulations regarding their protection.

(2) the minority self-government shall define within its authority

a) its organizational structure and operational system;

b) The name and insignia of the minority self-government, and its medals/decorations, as well as the requirements and regulations for the awarding of such medals/decorations;

c) the self-festivals, and the minority represented by them.

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

a) self-basic education;

b) self-printed and electronic media;

c) promotion of traditions;

d) general education.

(4) Within the limits of the resources at their disposal, they have the right to

a) establish and run a company or other business organization;

b) invite tenders;

c) establish scholarships.

(5) If it is necessary to obtain the approval of the settlement 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 settlement government - as defined under the terms of its organisation and operation - is obliged to help the work of minority self-governments.

## **Article 29**

(1) Concerning the issues of self-basic education, self-media, self-promotion of traditions and culture, and the language used by the community, any settlement 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 the population.

(2) The appointment of heads of minority institutions, or concerning the settlement government, the taking of decisions involving the training of people belonging to minorities, requires the approval of the minority self-governments affected. In the absence of such a minority self-government, the self-spokesperson for the minority, or in the absence of a spokesperson, the opinion of the self-society of the minority is necessary.

(3) Whoever is entitled either to the right to approve or to express an opinion shall make a statement within 30 days of the submission or 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 settlement-level minority self-government and also the minority self-government may maintain contacts with any minority organization or society, and may enter into an agreement on co-operation.

(2) Minority organizations, institutions and societies may enter competitions focusing on national culture, education, science, etc., under the same conditions as settlement-level minority self-governments and minority self-governments.

The national minority self-government

## **Article 31**

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

(2) The national council is elected by the minority electors. Every settlement government representative who has been elected a minority

representative is a minority elector, as are minority self-government representatives, and spokespersons. If on the board of representatives of a settlement 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 self-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 self-government representatives and mayors. For the period of the election of the electors the self-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 the activities of the self-election committee, which relate to the electoral meeting of the minority.

(3) A residents' meeting in a settlement whose members belong to the same national or ethnic minority 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, secret voting, or clear majority.

(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 public notary, the self-election committee shall ensure that only the electors that have the right to vote in the settlement participate in the election.

## **Article 33**

(1) The self-election committees shall notify the National Election Committee within 3 days after the electors' meeting of the names of the

electors belonging to the same minority who have been elected at the electoral 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 a minimum of 14 electors are present. 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 council. Several national or ethnic minorities may form one common, joint national council.

### **Article 34**

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

The scope of authority and duties of the national council

### **Article 35**

(1) The term of office of the members of the general assembly of the national council 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 of the election of the members of the general assembly.

(2) If no new general assembly is elected, the national council shall cease to exist.

### **Article 36**

(1) The national council 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 council is a legal entity.

(3) In the event that the national council 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 council is re-established, the Public Foundation must ensure that the property of the national council is returned.

### **Article 37**

The national council - in accordance with the law - decides independently on

a) the location of its headquarters, its form of organization, its operational mode

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 festivals 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 utilization of the radio and television channels at its disposal;

h) the principles governing the utilization 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 organizational structure and mode of operations, 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 minorities;

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;
- r) the performance of other duties which legally fall within its authority.

### **Article 38**

(1) The national council may

(a) state its opinion on bills concerning the minorities represented by it, including regulations issued by the general meetings 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 council - and the minority self-government if self-government provisions on such matters are being enacted - has the right to agree. In the absence of a minority self-government it is the self-spokesperson of the minority, and in the absence of such a person, it is the self-society of the given minority which has the right of agreement.

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

### **Article 39**

The activities of the national council may include inviting tenders and establishing scholarships.

## CHAPTER 5

### THE SELF-SPOKESPERSON FOR MINORITIES

#### **Article 40**

(1) In accordance with par (5) of Article 12 of Act LXV of 1990 on self-governments (hereinafter `LG') the self-spokesperson of a minority (hereinafter `spokesperson') is entitled,

a) unless s/he is a settlement government representative, to attend and participate in the meetings of the board of representatives or any other committee where issues on their 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 from the board of representatives, from the mayor at a meeting of the

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 public notary;

f) to initiate action by the mayor, the public notary, or an adequately authorized 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 authorized 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 a committee meeting from the mayor, the public notary, or the chairperson of the committee at

a meeting of the board of representatives, 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 authorized self-government body enacts a self-government regulation concerning the rights and responsibilities of a minority, or before it reaches a decision concerning a measure with a general impact on the situation of a minority, it must consult with the spokesperson.

#### **Article 41**

(1) The employer must release the spokesperson from his/her duties - if the latter so requests - 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 minority self-government in cases where the spokesperson is also a member of the self-government.

### **CHAPTER 6**

## **THE CULTURAL AND EDUCATIONAL SELF-GOVERNANCE OF MINORITIES**

#### **Article 42**

In accordance with this Act the following languages are deemed languages used by minorities: Bulgarian, Gypsy ('Romani' and 'Beás'),

Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

### **Article 43**

(1) The state recognizes 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 settlement-level minority self-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 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 the capacity and requirements at a self-level.

(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 or self-government.

### **Article 45**

(1) In the course of the legal regulation of education and higher education, the choice of content and structure of educational activity and the supervision of such activity, in line with this Act, must be harmonized with those educational interests, which are the prerequisites of the educational and cultural autonomy of minorities.

(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 in accordance with Article 43.

(3)-(4) it will be ensured that students acquire knowledge of their people, the history of their minority and its motherland, as well as its cultural traditions, and values.



## **Article 46**

(1) Self-and minority governments will co-operate in assessing the demand for minority education and in the organization 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, 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 students 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 settlement-level minority self-government or 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 - providing as many classes 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 a numerical minority, the mother tongue or bilingual education of children whose mother tongue is Hungarian or the other language will be guaranteed by the settlement government - in accordance with the provisions of the law.

#### **Article 49**

(1) Minority organizations may engage in public educational activities - within the framework of applicable legislation - and may establish institutions, which may maintain international relations, for such purposes.

(2) The national council has the right to establish and maintain a minority theatre, museum/exhibition hall, public collection with a countrywide coverage, a library, publishing house, and a national cultural, arts, and scientific institute. It may apply for budget support to run these programs.

(3) A minority library system will ensure that the minority has access to the literature of its mother tongue.

(4) In settlements where no settlement-level minority self-government has been established, it is the responsibility of the settlement 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) the publication of 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 self-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 included in 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 settlement 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 places 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 self-authorities will ensure that in the course of filling vacancies in self-civil or public services, candidates with 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 organizations.

(3) A public foundation shall be established to help preserve the identity of self-minorities, 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 organizations 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 authorized 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 organizations, 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 Government - 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 provisions of legislation concerning the property of settlement governments shall apply to the property of settlement-level minority self-governments - subject to the stipulations specified in this Act.

(2) The financial basis for the operation of minority 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 self-and foreign organizations;
- f) the profits generated by the transfer of assets at their disposal;
- g) donations.

## **Article 59**

(1) The property - in the possession of the self-government on the territory under its authority - necessary for the minority 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 self-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 meters - with compensation by the state - within 3 months of their establishment, if the council is established within two budget years of this Act entering legal 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.

(4) As regards standard Government assistance, institutions operated by national minority self-governments shall be treated in the same way as non-Governmental institutions providing welfare services.

(5) Minority self-governments are entitled to standard Government assistance in accordance with the regulations concerning self-governments. Minority self-governments shall have access to standard Government assistance through self-governments.

## **Article 60**

(1) The property of settlement-level minority self-governments, 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 the assets demanded by such an enterprise.

(4) The exercise of ownership rights to which minority governments are entitled to, falls within the exclusive authority of board sessions or the general assembly.

(5) If minority self-governments terminate their activities, all of their movable and fixed assets will be transferred into the possession of settlement governments, which - should the former resume their activities - are obliged to provide minority governments with property of equal value.

## **CHAPTER 9**

### **CLOSING PROVISIONS**

## **Article 61**

(1) In accordance with this Act the following ethnic groups qualify as ethnic groups native to 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 supported by at least 1,000 electors who declare themselves members of this minority to the Speaker of the National Assembly. 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 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 government representatives, and electors elected for this special purpose.  
b) If a minority does not have a minority government in any of the districts, upon the initiative of 10 electors 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 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 electors cast valid votes for the short list. The minority representatives shall also perform the duties of the electors in the election of the national council of the given minority.

## **Article 62**

(1) The Government - in co-operation with the ministries and national bodies concerned, and with the help of the heads of county and capital city administrative offices - 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 budget years after this Act comes into force. It shall reimburse the verifiable losses of the given settlement governments which resulted from providing premises for the operation of minority self-governments - and where necessary - of national minority self-governments. A committee shall be formed under the chairpersonship of the Head of the Office for National and Ethnic Minorities to evaluate claims for compensation. On



the committee the fair representation of the minority or self-government concerned shall be guaranteed.

(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 regulations of the provisions concerning self-governments and of Act LXV of 1990 on Self-Governments shall be enforced in harmony with the provisions of this Act.

(2) Para (1) of Article 1 of the provision of legal force No 19 of 1989 on the Legal Status of Persons Recognised as Refugees shall be completed by the following point g): 'g) the rights and duties provided by Act LXXVII of 1993 are not their due or do not fall on them.'

(3) The number of members of the General Assembly of the national council 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
Total	HUF	300m

(6) To serve this purpose, an appropriate part of the corporate property of the state to be sold shall be set aside in accordance with the regulations concerning the utilization of compensation coupons.

(6) National minority self-governments may pass on a certain proportion of this property to minority self-governments provided that it does not jeopardize 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)-(4) (3)-(4) (5) The Government is empowered to issue a regulation containing the detailed regulations of the provisions related to the financial aspects of this Act.

#### **Article 65**

Appendix 1 to Act LXXVII of 1993

Sample form of minority self-government petition

Note: The complete text of the Act LXXVII of 1993 and further information can be found on the Website of the Parliamentary Commissioner's office of Hungary

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