

REF.HC/8/96
17 May 1996
ENGLISH only

OSCE

High Commissioner
on National Minorities

His Excellency
Mr. László KOVACS
Minister for Foreign Affairs
of the Republic of Hungary
BUDAPEST
Republic of Hungary

Reference:
No 357/96/L

The Hague
26 February 1996

Dear Mr. Minister,

May I first of all express my gratitude for the assistance given once again to the Team of Experts during its fifth visit to your country on 11-13 January 1996. Your Ministry was most helpful in organising this visit.

After having solicited the views of the experts, I submit to you, as I did on previous occasions, a number of comments and recommendations regarding a number of current questions relating to the Slovak national minority in your country.

The Hungarian Government's Policy Statement of 1994 makes it clear that the Government sees it as one of its main tasks to ensure the rights of persons belonging to national minorities and that in this context it will strive to strengthen the identity of the various national minorities. In this connection, I can only welcome the appointment by your Government of a Parliamentary Commissioner for Minority Rights, the establishment of the Public Foundation for National and Ethnic Minorities and the creation of the Hungarian-Slovak Experts Committee. The importance of the work of such bodies in the system of protection and promotion of the rights of minorities is obvious.

Slovak minority self-governments.

One of the major steps undertaken by your country to strengthen the identity of the various national minorities, including the Slovak minority, was the introduction of legislation which provided the option for minorities to establish minority self-governments functioning as a part of the public administration. As of today, in accordance with the law, of 103 Slovak settlements in Hungary, 52 Slovak minority self-governments have been established.

Undoubtedly, the system of local minority self-governments strengthens the system for the protection of the interest of the Slovak national minority in Hungary. However, there appear to be two continuous problems facing the development of the new structures: financial - relating to the need to provide the minority self-governing bodies a more solid financial basis - and legal - relating to the question of delimitation of competencies between the municipalities and the local minority self-governments. It is, in my view, important that the Government takes further steps - both financial and legal - to ensure that the system works effectively.

According to Section 58 (2) of the Minority Act, minority self-governments may in general obtain finances necessary to their functioning from contributions from the state budget, contributions from the country or settlement-level self-governments, their own incomes, support from foundations, support from domestic and foreign organisations, return on assets placed at their disposal and donations. Thus, one source of financing is the contribution from the state budget for each minority self-governing body. Although the annual contribution has been increased recently from HUF 114,000 to some HUF 200,000 for each minority self-governing body, the funds available are insufficient for a proper functioning of these bodies. The municipalities provide a second source. However, some local authorities are more generous than others and the requirements of the minority self-governments are more generous than others and the requirements of the minority self-governments are assessed on a discretionary basis. A third, major source is the newly-established Public Foundation for National and Ethnic Minorities in Hungary. According to my information, HUF 389 million has been allocated this year to the Foundation; of this sum, HUF 334.54 million can be distributed among projects. This source of financing, however, is not under the direct control of the minority self-governments; they are only one of the possible competitors for project funds. I express the hope that ways can be found to further increase the subsidy extended directly to the minority self-governing bodies.

My second comment relates to the matter of competencies of the minority self-governing bodies. I can only encourage your government to continue its policy to organise various training programmes in local administration for local representatives. There is, however, in my view, a continuing need to examine the question of the interaction of state administration, municipal authorities and minority self-governing bodies in order to clarify the present legal situation. In your letter of 26 September 1995, you mentioned a Codification Committee which was scheduled to commence work in Autumn 1995 with the task of harmonisation of the powers and competencies between the administration of the State, the local authorities and the minority self-governing bodies. I welcome the fact that the codification process has started at the level of public administration and that the various ministries involved are in the process of coordinating their standpoints. I express the hope that the discussions will lead to the introduction of further legislation with the aim to strengthen the role of minority self-governing bodies as a part of the public administration.

Parliamentary representation of ethnic minorities.

In your letter of 26 September 1995 you mentioned as an interim solution for the parliamentary representation of ethnic minorities until minority representation in Parliament is attained the establishment of a Minority Interest Mediation Council (KET), consisting of delegates of the national minority self-governing bodies and the minorities that have not formed such bodies, and representatives of the Government.

The KET is proposed as a forum for the minorities to enable them to study, discuss and assess matters of domestic minority policy at the initiative of any participant, to scrutinize how legislation and international treaties and other commitments are implemented, to coordinate, politically and professionally, national, regional and local minority policy, and to promote inter-minority co-operation.

I welcome the fact that the Minority Interest Mediation Council is now de facto functioning, although not yet formally established, and that it has already discussed some important issues affecting minorities, such as the state budget for 1996, the bill on the media or the concept of the new constitution. I hope that its formal establishment will take place as soon as possible with adequate funding. The aim of the Hungarian Government should continue, however, to be the minority representation in Parliament. I hope that progress in solving this question will be made soon.

Educational questions facing the Slovak minority.

In general, the situation of the Slovak language in the education system of Hungary is critical. A complex of factors has contributed to this situation: the deficiencies in the system of teaching the Slovak language under past regimes and the dominance of Hungarian in the present educational system; the resulting relative weakness of the sense of identity within the Slovak minority; the increasing attention paid to international languages such as English and German in the education system.

Considering the need both to stop the further erosion of the linguistic identity of the Slovak minority in Hungary and to establish the conditions for the strengthening of the identity of the Slovak community, I would recommend the elaboration of a comprehensive programme aimed at improving the position of the Slovak language in the school system. The 1994 Declaration on Government policy as well as your letter of 26 September 1995 make it clear that the Government of Hungary would be willing to support such efforts, even though such a support programme might meet financial constraints.

The programme of revitalization of the Slovak language could stop the further erosion of the Slovak language by concentrating on the question of the failing motivation of parents to demand Slovak-medium schools or to send their children to Slovak-medium schools. In my view, the rescue package could consist of a further preferential financial treatment of minority schools, not only in terms of infrastructural investment in school buildings, computers, teaching materials, facilitation of teacher and pupil exchanges with Slovakia, etc. but also in terms of the number of schools offered: there should be more Slovak-medium schools where the Slovaks live. Information about Slovak language schools could be provided to

parents, giving them details about what Slovak schools can offer, while detailed questions about the needs of teachers should be included in a study about the needs of the Slovak minority.

In order to deal successfully with the complex set of issues I have just mentioned, it would, in my view, be desirable to ask the Hungarian-Slovak Experts Committee, which has been recently established by your Government to study the needs and improve the situation of the Slovak minority in Hungary, to give special attention to Slovak education. With the help of government representatives, local representatives, minority experts and representatives of the Slovak minority organisations, the Committee could play a key role not only in developing a programme of revitalization of the Slovak linguistic identity but also in supervising and coordinating its implementation.

Cultural questions.

In accordance to the text of Chapter VIII of the Act on National and Ethnic Minorities as amended last year, the Public Foundation for National and Ethnic Minorities has recently commenced operations in order to subsidise activities that help preserve the identity of minorities, maintain their traditions and transmit them to new generations, and preserve their spiritual and material heritage. The Foundation invites various organisations to submit project proposals in a wide range of fields: education, culture, conflict prevention, support for research, etc. I can only encourage the Foundation to make itself as widely known publicly as possible and continue its search for clear, transparent criteria for assessing project proposals. I suggest, however, that the positive efforts of the Public Foundation to promote minority culture should include a strategy to ensure that the Slovak minority gains at least a proportionate share in the disbursement of funds for cultural support.

Finally, I should like to stress the positive role that community-based cultural centres may play in the promotion of the Slovak minority culture. In this connection, I welcome the news that the reconstruction of the House of the Slovak Culture in Békéscsaba, which was made possible by grants of HUF 7.3 million from your Government and of SK 2 million from the Slovak Government, will be completed in May. In my view, further consideration should be given to strengthening the network of Slovak cultural centres along the lines of the House of Slovak Culture in Békéscsaba.

These are the comments I wanted to submit to you, Mr. Minister. I look forward with great interest to your reply.

Yours sincerely,

[signature]

Max van der Stoep
OSCE High Commissioner
on National Minorities

**MINISTER
FOR FOREIGN AFFAIRS
REPUBLIC OF HUNGARY**

His Excellency
Mr. Max van der Stoel
OSCE High Commissioner
on National Minorities

T h e H a g u e

Budapest, 6 May 1996

Dear Mr. High Commissioner,

May I first of all thank you for your letter of 26 February. Allow me to respond to the comments and recommendations formulated therein as follows.

Slovak minority self-governments

Relating to the Slovak minority self-government in Hungary, you mentioned the necessity of further increasing the subsidy extended directly to these bodies as well as expanding their competencies. In this context, I would like to kindly draw your attention to some relevant aspects of the issue.

The present Hungarian model of minority self-governments has been a unique initiative, unprecedented in Europe. From its pioneer character naturally follows the constant need for further improvement. As a result of continuous evaluation of the experiences provided by its functioning, necessary corrections have been and will be carried out. Let me remind you of the recent redoubling of the additional subsidy allocated to the self-governing bodies. Again, I would like to point out the fact, mentioned in our earlier correspondence, that this amount is not the sole financial source available for their proper functioning. The self-governments are provided with a number of allotments, from furnished offices and the essential infrastructure by the municipalities up to the headquarters for minority self-governments on national level, etc. I also would like to underline the fact that in the board of trustees of the Hungarian Public Foundation for National and Ethnic Minorities, which is in charge of administering the funds destined for financing minority self-governing activities,

representatives of the minorities form the majority, thus being in a decision-making position about the projects to be subsidised.

As to the question of interaction between state administration, municipal authorities and minority self-governing bodies, the principle of shared responsibility laid down in the Minority Act makes it possible that, if agreed upon, minority self-governments may take over certain competencies from the municipalities on settlement level even beyond their basic functions guaranteed by the Act. By this means the legal system secures flexibility for the minority self-governments in receiving competencies according to their needs and capacities. We have not come to know of any case so far that such a request on the part of a minority self-governing body had been turned down by the local municipality.

The amounts allocated directly to the minority self-governments therefore correlate with the concrete state of self-ruling competencies they assume. Any further increase in their financial support and an expansion of their control over state budget sources would only be feasible if they received new tasks simultaneously. Otherwise, an impossible situation would arise, in which state and local municipal authorities, by losing a certain percentage of allotments to the minority self-governing bodies, would have less financial means necessary to fulfil their own obligations. The adequate composition of the board of trustees of the Foundation is a guarantee for the control exercised by minorities over the distribution of subsidies.

Parliamentary representation of ethnic minorities

National and ethnic minorities in Hungary enjoy a fairly wide range of possibilities for participation in public life, parliamentary representation being one of them. Beside the minority self-government, the Office of Parliamentary Commissioner for the Rights of National and Ethnic Minorities, similarly unique in its kind, has been set up. Representatives of the ethnic minorities take part in the Minority Interest Mediation Council. Furthermore, there are members of Parliament belonging to national minorities. These minorities can make full use of their right to enter for parliamentary elections on the list of any party, or, similarly to the Hungarian minority in Slovakia, by forming their own party as well. Nevertheless, the Hungarian Government, though unaware of any European norm stating such an obligation, has not ceased to aim at establishing guaranteed parliamentary mandates for ethnic minorities through the necessary amendments of the Constitution.

Educational questions

The Government seeks to improve the quality of instruction in the mother tongue of national minorities. For this end in view, legal guarantees have been adopted and financial measures taken by the Government, in accordance with the principle of positive discrimination. I would like to point out that, to my best knowledge, no request ever made by a minority self-government for the introduction of instruction in the mother tongue has been rejected by the Government or a local municipal authority. The Government is ready to spend increasing amounts on improving the minority educational system. However, it remains essential that the knowledge of the

Slovak language should be looked upon as beneficial by those belonging to this minority. This would certainly urge parents to send their children to monolingual Slovak schools. For, in spite of the goodwill of the Hungarian Government, the mere possibility of positive change will remain unused unless its efforts are combined with initiatives by the minorities themselves, as well as support from and attention by their respective motherlands. In this context, we would full-heartedly welcome your encouraging intervention.

Allow me to thank you again for the thoughts and ideas you kindly shared with me. Would you, please, convey my thanks also to the Team of Experts. I am looking forward to welcoming all of you in Budapest very soon.

Yours sincerely,

[signature]
(László Kovács)