

*Distributed at the request of the
High Commissioner on National Minorities*

**REF.HC/8/95
27 September 1995
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 923/95/L

The Hague
24 August 1995

Dear Mr Minister,

May I first of all express my gratitude for the assistance given to the Team of Experts and to myself during our visit to your country on 8 - 10 June 1995. Your Ministry was most helpful in organizing this visit and provided us with a considerable amount of useful documentation and information.

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. In doing so, I have also taken into account the text of the treaty on good neighbourliness and friendly cooperation which was concluded last March between the Slovak Republic and the Republic of Hungary and subsequently ratified by your country, because it contains a number of important principles regarding the treatment of persons belonging to national minorities.

According to the 1990 census 10,459 persons declared that they belonged to the Slovak national minority while 12,745 persons declared that Slovak was their mother tongue. It is likely that the number of persons of Slovak descent is considerably

higher; the policies followed by previous regimes have had considerable consequences for the cultural and linguistic identity of the Slovak national minority in Hungary and has also weakened its national self-identification. The maintenance of the national identity of the Slovaks in Hungary was also affected because they are not living in one compact area, but are spread over 103 localities in various parts of the country.

Against this background, I can only welcome the determination of the Hungarian Government, as shown in its declaration before Parliament when assuming office in 1994, to strengthen the identity of the various national minorities. However, the implementation of this policy has led to a number of problems which have caused me to formulate some comments and recommendations.

Slovak minority self-governments

One of the major steps undertaken by your country to strengthen the identity of the various national minorities was the introduction of legislation which provided the option of elections for self-governing bodies in addition to those for municipal councils. In the elections of 11 December 1994 Slovak minority candidates received over 149,000 votes, and this in turn led to the creation of Slovak minority self-governing bodies in 39 of the 103 localities where persons belonging to the Slovak national minority constitute an important part of the population. In 18 communities without a Slovak minority self-governing body, Slovaks have elected a spokesperson. New elections are planned in November next in towns and villages where no minority self-governing bodies have been created so far. In addition a national Slovak self-governing body consisting of 53 members was elected by a group of 206 persons composed of minority representatives elected as such in municipal councils and of Slovaks belonging to the minority self-governing bodies. The existence of such a body strengthens the system for the protection of the interest of the Slovak national minority in Hungary and can also contribute to its cohesion.

The importance of the local minority self-governing bodies is demonstrated by the fact that in questions relating to local public education and culture and the use of the minority language the municipal council can only adopt bylaws if these have the consent of the local minority self-governing body. (In other fields, such as the protection of the environment and local public transport the local self-governing body has to be consulted.)

Undoubtedly, the system of local minority self-government reflects an original and innovative approach to the problem of ensuring the various minorities the optimal chances for protecting their interests and developing their identity. However, there is in my view the need to take two further steps to ensure that the system works effectively.

The first is that the minority self-governing bodies must be given a more solid financial basis. The original subsidy of HUF 114,000 for each minority self-governing body is apparently now being doubled; but even then the funds available cannot be considered sufficient for a proper functioning of these bodies. In a number of cases municipalities have helped by providing facilities or by giving subsidies. But

the municipalities are themselves often confronted with financial difficulties and it seems preferable to avoid situations in which such subsidies can only be provided at the expense of projected municipal activities. I hope therefore that ways can be found to increase the direct income of the minority self-governing bodies.

In accordance to the text of Chapter VIII of the Act on National and Ethnic Minorities as recently modified a public foundation will be established soon in order to subsidise activities that help preserve the identity of minorities, maintain their traditions and transmit them to new generations, promote and develop their mother tongue, preserve their spiritual and material heritage and attenuate cultural and political disadvantages resulting from the minority status. It is the intention that subsidies allocated by the public foundation are part of the system of financing by the state of minority related activities. In the Board of Trustees representatives of the minorities (either persons delegated by each of the national self-governments of the minorities elected by their general assemblies or persons elected by minority organizations in case minorities might not have a national self-government) will occupy 13 of the 25 seats.

According to my information, HUF 400 million have been reserved for the new foundation. I express the hope that it will start its work soon and that most of the funds will be allotted to the national self-governments or to national minority organizations, thus giving them more opportunities to decide for themselves which projects for the strengthening of the identity of the minority in various fields would have to be given priority.

My second comment relates to the interaction of state administration, municipal authorities and minority self-governing bodies, a fairly complicated subject. It is in my view useful that various one-day training programmes concerning this subject have been planned for the current year. I suggest, however, that, in addition, an analysis will be made to introduce further constitutional and administrative legislation with the aim of reducing the risk of conflict of competencies between the various organs.

Educational questions facing the Slovak minority

In the 1994 Declaration on Government policy I noted the following passage : "It is the chief condition of the strengthening of the identity of minorities that there should be real progress in minority education. In observation of the autonomy of the minorities, the Government will assure adequate conditions for the operation of minority nursery schools, teaching in minority languages in elementary and secondary schools, tuition in institutes of higher education, furthermore, the running of libraries and other cultural facilities and the upgrading of mass media in minority languages. It is a governmental function to assure the training of minority teachers, the training of bilingual lecturers, and the supply of textbooks and teaching aids needed for minority education."

In my view, the consistent implementation of the policies as quoted above is especially important in the case of the Slovak minority because under past regimes there were great deficiencies in the system of teaching the Slovak language. At present, at the level of primary education, there are 71 schools where the Slovak

language is taught as an optional subject and as a foreign language. Only 6 schools can be considered as being bilingual. Furthermore, there are two grammar schools with Slovak as the language of instruction, and a hotel school where students are taught in both the Hungarian and Slovak languages. Teachers for schools where Slovak is a subject are trained in the Teachers Institute in Esztergom, the department of Slavonic at ELTE university in Budapest and the Pedagogical college in Szeged.

Slovak minority self-governing bodies could try to improve the present instruction either by trying to create a unilingual Slovak school with Hungarian as a compulsory subject, by increasing the number of bilingual schools or by stimulating the interest of parents and pupils for optimal classes in the Slovak language. The programme of your Government makes it clear that it would be willing to support such efforts, even though the creation of new schools might meet financial difficulties. Considering the need to strengthen the linguistic identity of the Slovak minority in Hungary, it would in my view be of considerable importance to create an unilingual Slovak school, or, in case this would be the preference of the parents, to make a major effort to increase the number of bilingual schools and to secure greater interest for optional courses in the Slovak language.

Finally, I should like to recall Article 12, paragraphs 6 and 7 of the treaty between the Slovak Republic and Hungary. I hope that the close cooperation foreseen both in the linguistic and cultural fields will soon become a reality.

Parliamentary representation of ethnic minorities

In your letter of 8 November 1994 you recalled that although members of various minority groups gained seats in Parliament on party lists in the 1994 elections, no persons were elected who could be considered as representing the various national minorities as such. This has created a complicated situation because on the one hand paragraph 20 of the Minorities Act mentions the right of parliamentary representation of minorities, while on the other hand the Constitution of the Republic of Hungary requires that the members of Parliament have to be elected directly, and not by delegation. As changes in the Constitution are required to resolve this question, it has to be assumed that parliamentary representation of the minorities can be expected to begin only after the next general elections, due in 1998.

As you also mentioned in your letter of 8 November 1994, however, the Government envisioned an interim solution : the establishment of a Minority Interest Mediation Council, consisting of representatives of political parties, representatives of government organizations involved in minority questions, and independent experts. Also under consideration was the convening of a committee alongside the Parliamentary Committee on Human Rights and Minority and Religious Affairs, consisting of members delegated by the national self-governing bodies of the minorities who would be enabled to take part in the work of Parliament without the right of vote. During my visit in June, however, this idea had still not been implemented. I express the hope that ways will be found to introduce such an interim-system or a formula on similar lines without further delay.

Parliamentary Commissioner for Minority Affairs

In the 1994 Declaration on Government policy it was stated that there should be no delay in electing a parliamentary commissioner for minority affairs. I do realise, however, that the amending of the Constitution in order to enable Parliament to change from a collegiate form of commissionership to a single commissioner inevitably takes time. Still I hope that it will be possible to elect a parliamentary commissioner for minority affairs. The importance of the role of such a commissioner in the system of protection of the rights of minorities is obvious.

These are the comments I wanted to submit to you, Mr Minister. I was encouraged to make these because your Government has repeatedly emphasized the importance it attaches to satisfactory solutions for problems with which minorities have to cope. I look forward with great interest to your reply.

Yours sincerely,

Max van der Stoel
OSCE High Commissioner
on National Minorities

REPUBLIC OF HUNGARY
Minister for Foreign Affairs

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

The Hague

New York, 26 September 1995

Dear Mr. High Commissioner,

In response to your kind letter making final assessments and recommendations on the situation of the Slovak minority in Hungary, based on your personal and the Team of Experts' experience, let me first of all express my sincere gratitude and appreciation for the valuable work you and the Team have done during the past two years.

In 1993, when Hungary and Slovakia requested that you dispatch a Team of Experts to study the situation of the respective minorities in these countries, our Governments believed that your activities would help the international community to have a clear picture of the situation of these minorities, and to receive information on the initiatives and measures taken by the two Governments to implement commitments in order to improve the situation of national minorities.

I believe that your last two letters, providing recommendations, were very useful in this regard. I highly appreciate your balanced approach to issues that are extremely delicate and often have historical roots.

With regard to your assessments and recommendations, my first and general comment is that the state of assimilation of the Slovak community in Hungary had been far advanced before the democratic changes took place. I would also like to emphasize that in the course of history the Slovak community sought and found a new home in Hungary through voluntary settlement sporadically all over the country while Hungarians forming large, homogenous communities now in countries, adjacent to Hungary happen to be minorities there as a result of the peace treaties that concluded World War I.

The present Hungarian Government, in accordance with its programme, is taking steps to stop and, if possible, to reverse the process of assimilation of the Slovak minority. During their latest meeting in Brno, Prime Minister Gyula Horn presented Prime Minister Vladimir Meciar a document outlining the Hungarian Government's plans aimed at bringing to a halt the assimilation of the Slovak minority. For your information, I enclose herewith a copy of that document. At the same time it is important to note that in addition to the efforts taken by the Hungarian Government, any radical change in this situation of the Slovak minority in Hungary requires active contribution by the representatives of the Slovak minority as well as by the Slovak Government. We believe, however, that the rights of the Hungarian community in Slovakia, consisting of 600.000 members, and those of the 100.000 members of the Slovak minority living in Hungary cannot be expected to match item by item. We, therefore, would not agree with the introduction of reciprocity in this regard.

Concerning funding of the self-governing bodies, I think it is worth stressing that the subsidy extended directly to them is not funding for the minority-related activity of local authorities, but simply auxiliary support for the minority self-governing bodies.

Apart from the quota of 114,000 Forints, which is shortly to be doubled, each minority self-governing body in Hungary also receives other provisions essential to its operation. These include, for instance, funding for basic activities and for furnishing premises by the local authorities, state-provided headquarters, etc.

Distinct from these benefits designed to ensure the operation of the minority self-governing bodies, there is also financing for minority activity. Although the minority leaders had hoped to control these types of funding, it was agreed at the negotiations with them to establish the Public Foundation for National and Ethnic Minorities in Hungary, with a budget of 400 million Forints. This assigns the subsidies for activities using a system of competitive applications. Further funds are thus gained by the self-governing bodies and minority groups that make specific initiatives to preserve,

nurture and develop their identity, language and traditions. This makes it possible to avoid having these sums of money merely swollen by the bureaucracy of the self-governing bodies.

A regrettable obstacle arose when it took three months to register the Public Foundation with the Courts. It was able to start its activity only in the last few days. For the Public Foundation to perform its tasks successfully, however, it is essential to have initiatives from representatives of the minority self-governing bodies.

A codification committee will begin to work this autumn on harmonizing respective laws, in order to improve relations between the administration of the state, the local authorities and the minority self-governing bodies, and to avoid conflicts over their powers. The committee consists of representatives of ministries and of national minorities self-governing bodies.

On the issue of education for the Slovak minority, it is essential to underline the Government's readiness to support all forms of education claimed by those concerned. The primary reason for Slovak language education is its use and benefit for members of the Slovak community. Some parents belonging to the minority have called for Slovak to be the sole language of instruction for their children. At present, however, even to establish a single school teaching in Slovak and made a few educational institutions bilingual are goals requiring major efforts not only from the State, but also from the minority itself. It should be underlined that the efforts of the Hungarian Government can be successful only if coupled with initiatives from the minority and support and attention from its mother country.

Among the achievements, however, it can be stated that the conversion of Budapest's Slovak Grammar School to a single language of instruction is underway. A regional Slovak cultural centre is being set up in the town of Békéscsaba in a building supplied to the Slovak minority self-governing body by the Békéscsaba local authority. It is worth noting that the new institution teaching the Slovak language, the Slovak Institute at the Péter Pázmány Catholic University of Theology opened in 1992. The Slovak institute has developed an excellent reputation in Slovakia as well.

Until minority representation in Parliament is attained the forum for reconciling minority interests will be the Minority Interest Conciliation Council (KET). The minority self-governing bodies have received the proposal for founding this Council. Its members will be delegates of the national minority self-governing bodies and the minorities that have not formed such bodies, and representatives of the Government. The task of the KET will be 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 develop cooperation between minorities.

It should be noted, however, that representatives of the national minority self-governing bodies already take an active part in preparing decisions. They have a chance to contribute to the work of requisite parliamentary committees. Their right to be consulted on legislation affecting minorities is enshrined in the Minorities Act.

Finally, I am pleased to inform you that a Parliamentary Commissioner for Minority Rights was appointed by the Government on June 30, along with a general ombudsman and an ombudsman for data protection. The Parliamentary Commissioner for Minority Rights is Mr. Péter Kaltenbach, a member of the German minority. The Parliamentary Commissioner's Office has been established as well. The scope of responsibility of the Commissioner for Minority Rights is not confined to examining conflicts with a minority aspects after the event, but includes measures to avoid such conflicts.

In conclusion allow me, Mr. High Commissioner, to emphasize that we do not consider our work to be done, rather, we ought to turn to the next chapter of development, full tasks and responsibilities. In this we rely on the activities of national minorities as well as on the cooperation and advice of international organizations. The Hungarian Government supports the continuation of your valuable mission, including the visits by the Team of Experts, and is looking forward to cooperating closely in the forthcoming year.

Yours sincerely,

[signature]
(László Kovács)