



Hungary

Statement by Hungary at the OSCE Supplementary Human Dimension Meeting Vienna, 29-30. October 2015

SESSION I: Minority rights 25 years after the adoption of The Copenhagen Document

In addition to the statement made on behalf of the European Union, with which we fully align ourselves, let me make the following points:

1. International standards agreed by the OSCE participating States in the last 25 years encompass a commitment to create a pluralistic society in which national minorities do not just exist, but form an integral part of the identity of the State. The identities, cultures, languages and religions of national minorities are frequently reduced to being second class when compared to majority. In the 1990 Copenhagen Document the participating States have firmly committed themselves not only to protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory but also to take positive action and to create conditions for the promotion of that identity, after due consultations with organizations of such minorities. Further to that, we would like to reiterate Hungary's continuous support of the office and mandate of the OSCE High Commissioner on National Minorities as an autonomous OSCE institution. Throughout more than 20 years the work of the High Commissioner has been essential for conflict prevention in the OSCE area in providing early warning and seeking early action with regard to the tensions involving national minorities.
2. Hungary has crafted its domestic legislation and shaped its practice concerning national minorities living in its territory in full compliance with standards stemming from the Copenhagen Document. According to the Hungarian Fundamental Law, minorities living in Hungary shall be constituent elements of the State. Every Hungarian citizen belonging to a minority shall have the right to freely express and preserve his or her identity. Furthermore, minorities living in Hungary shall have the right to use their mother tongue, to use their own names in their mother tongue individually and collectively, to nurture their own culture and to receive education in their mother tongue. We advocate for guaranteeing the same rights and level of protection in other countries where Hungarian communities live.
3. There is currently an unfortunate trend in Central and Eastern Europe widening the gap between "law in books and law in action". Therefore the genuine implementation of the assumed international obligations by States and State practice reflecting those commitments are of utmost importance. Hungary would also like to emphasize that the concept of tolerance, dialogue and mutual respect is predicated on equality and non-discrimination. It is thus essential to guarantee to national minorities the right of equality before the law and of equal protection provided by the law. In this respect, any direct or indirect discrimination based on belonging to a national minority shall be strictly prohibited. Hungarian national minorities living abroad continue to report discrimination: they are not permitted to use their mother tongue in the courts and in administrative proceedings, many municipalities cannot use bilingual signs, there were obstructions and bans against the use of their national symbols and restrictions concerning the freedom of assembly. The mere legal possibility of imposing fines

in relation to the use of minority languages is not compatible with international obligations undertaken by the participating States. As regards the use of a state language, a policy of incentives should be given preference over the punitive approach, as pointed out by the Advisory Committee on the Framework Convention for the Protection of National Minorities. It is of great importance to introduce activities on raising awareness and increasing tolerance in terms of minority languages and cultures minorities represent. Despite OSCE efforts throughout the last 25 years, another recurring issue is minority-related hate crime and hate speech. Many States have adopted criminal law provisions explicitly stipulating that the racist motivation of an offence constitutes an aggravating factor. However, the inadequacy of some authorities' reaction to these events was widely reported. It is highly important that the criminal justice system adequately addresses hate crimes by preventing, exhaustively investigating and prosecuting acts of violence targeting persons belonging to national minorities.

4. Finally, we would like to point out that tolerance should not simply mean not suppressing or persecuting minorities: it should entail also the full acceptance and promoting their ambitions aimed at preserving their identity. Diversity becomes an issue when minorities claim recognition for their position in society, demand a more equal say in affairs of the State or in managing their own affairs. In this regard we would like to recall the 1999 Lund Recommendations of the OSCE High Commissioner on National Minorities. According to this reference document, drawing on the principle of subsidiarity, States should favourably consider territorial devolution of powers, including specific functions of self-government, particularly where it would improve the opportunities of minorities to exercise authority over matters affecting them. In the next 25 years, OSCE should better focus on the self-governance aspects of the protection of national minorities as part of the democratisation process in the region.