

## **Act LXXVII of 1993 on the Rights of National and Ethnic Minorities**

The National Assembly,

- keeping up with the most noble traditions and values of Hungarian history;
- in the spirit of its commitment to the notions of democracy and humanism;
- with the intention of promoting friendly co-operation and understanding between peoples and nations;
- and, conscious of the fact that the peaceful co-existence of national and ethnic minorities with the nation in majority is a component of international security,

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

In their entirety these rights are neither a gift from the majority nor the privilege of the minority, nor is their basis the numerical proportion of the national and ethnic minorities within the majority nation, but the right to be different, which is based on respect for the freedom of the individual and for social harmony.

In declaring the notions of equality and solidarity, and the principles of the active protection of minorities, the National Assembly is guided by respect for minorities, esteem for moral and historical values, and the consistent representation of the shared vital interests of the minorities and the Hungarian nation within the framework of recognised universal moral and legal norms.

The mother tongue, the intellectual and material culture, the historical traditions of the national and ethnic minorities who are Hungarian citizens and live in Hungary, and other characteristic qualities which support their minority status are considered aspects of their identity as individuals and as a community.

All these are special values, the preservation, cultivation and augmentation of which is not only a basic right of the national and ethnic minorities, but also in the interest of the Hungarian nation, and ultimately in that of the community of governments and nations.

In consideration of the fact that self-governments form the basis of democratic systems, the establishment of minority self-governments, their operation and the resulting cultural autonomy is regarded by the National Assembly as one of the fundamental preconditions of the special enforcement of the rights of minorities.

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

institutional structures necessary to achieve these goals.

To achieve these objectives, the National Assembly has formulated the following Act to record the due rights of persons and their communities belonging to national and ethnic minorities so as to ensure the enforcement of these rights and to regulate the means of enforcement - while observing the provisions of international law, the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Paris Charter, the European Convention on Human Rights, and the principles laid down in the Constitution of the Republic of Hungary:

## **CHAPTER 1**

### **Basic Provisions**

#### **Article 1**

(1) This Act applies to all persons of Hungarian citizenship living in the Republic of Hungary who consider themselves members of any national or ethnic minority and to the communities of these people.

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

#### **Article 2**

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

#### **Article 3**

(1) Minorities living in Hungary share the power of the people: they are components in the formation of the state [Article 68 par (1) of the Constitution]. Their culture is part of the culture of Hungary.

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

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

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

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

#### **Article 4**

(1) The Republic of Hungary prohibits any policy that

- aims at, or leads to, the assimilation of a minority into the majority nation;
- aims to alter the national or ethnic conditions of territories inhabited by minorities to the disadvantage of the minorities;
- persecutes a national or ethnic minority or any of its members because of their national status, makes their living conditions more difficult, or prevents them from exercising their rights;
- aims at the forced evacuation or resettlement of a national or ethnic minority.

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

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

#### **Article 5**

(1) In the Republic of Hungary minorities have a constitutional right to establish local and national self-governments.

(2) The basic function of minority governments is to protect and represent the interests of minorities by performing their duties and exercising their statutory authority.

(3) To assist them in performing these duties, this Act regulates the process of establishing a self-government, its rights and obligations, the terms of its operation, and its relations with governmental bodies.

#### **Article 6**

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

### **CHAPTER 2**

#### **Individual Minority Rights**

#### **Article 7**

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

belongs to.

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

### **Article 8**

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

### **Article 9**

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

### **Article 10**

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

### **Article 11**

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

### **Article 12**

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

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

### **Article 13**

Persons belonging to a minority have the right to

- a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;
- b) participate in education and cultural activities in their mother tongue;
- c) have their personal data related to their minority status protected as determined by a separate Act.

### **Article 14**

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

### **CHAPTER 3**

#### **Rights of Minorities as Communities**

##### **Article 15**

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

##### **Article 16**

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

##### **Article 17**

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

##### **Article 18**

(1) Public service television and radio stations - as provided for in a separate Act - will ensure that national and ethnic minority programmes are produced and broadcast on a regular basis.

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

(3) Minority communities have the right to

a) initiate the creation of the necessary conditions for kindergarten, primary, secondary and higher education in the mother tongue or 'bilingually' (i.e. in the mother tongue and in Hungarian);

b) establish a national educational, training, cultural and scientific institutional network of their own within the boundaries of existing laws.

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

##### **Article 19**

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

##### **Article 20**

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

(2) The National Assembly shall elect an Ombudsman for National and Ethnic Minority Rights. Before the President of the Republic puts forward a proposal for the position of Ombudsman for National and Ethnic Minority Rights, s/he shall seek the opinion of national minority self-governments, or in the absence of such a council, the view of the registered national board representing the interests of the given minority. The provisions of Act LIX of 1993 on the Ombudsman for Civil Rights shall apply to the Commissioner for National and Ethnic Minority Rights.

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

## **CHAPTER 4**

### **The Governments of Minorities**

#### **Article 21**

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

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

(2) Concerning citizens belonging to minorities who are elected as representatives, the amended version of the present Act, as amended by Article 64 of Act LXIV of 1990 on the election of self-government representatives and mayors, shall apply.

#### **Article 22**

(1) A municipal government may declare itself a minority municipal government if more than half the members of the elected body have been elected as candidates of one national or ethnic minority.

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

#### **Article 23**

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

(2) The minimum membership of directly formed local minority self-governments is 3 in the case of settlements with a population of 1,300 or lower, whereas in settlements with a population of over 1,300 - including a district of the capital city - the minimum is 5, and in the capital city itself it is 9.

(3) A directly formed local minority self-government elects its own leaders in accordance with the rules set by a majority decision.

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

(5) One minority in one settlement may establish only one indirectly formed local minority self-government, or, in the absence of such a body, may establish one directly formed minority self-government.

(6) Both directly and indirectly formed local minority self-governments (hereinafter together 'minority self-government') have the same scope of duties and authority.

(7) A minority may only be represented in the municipal government by a spokesperson if the minority represented does not have a local minority self-government.

#### **Article 24**

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

*The scope of duties and authority of minority municipal governments and local minority self-governments*

#### **Article 25**

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

(2) In the course of the management of public affairs of local interest, minority municipal governments - in accordance with par (1) - are obliged to ensure the assertion of the rights of the Hungarian population in a numerical minority, or the rights of any other national or ethnic minority.

#### **Article 26**

(1) A minority municipal self-government or a local minority self-government may approach the head of the board of the appropriate public body with the necessary authority and competence with a request concerning any issue affecting the minority, and may

a) ask for information;

b) make a proposal;

c) initiate measures;

d) object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.

(2) The head of the appropriate board with the necessary authority and competence - in cases defined in par (1) - is obliged to provide a material response to the request within 30 days.

(3) If the subject of the request does not fall within the authority or competence of the head of the board, s/he is obliged to transfer the request to the person with appropriate authority and competence within 3 days after the request.

### **Article 27**

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

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

b) its budget, closing balance sheet, the utilisation of the resources made available to it by the municipal government;

c) within the limits of the provision on the protection of historical monuments, the full list of such historical buildings and memorial sites, and the local regulations regarding their protection.

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

a) its organisational structure and operational order;

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

c) the local feasts of the minority represented.

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

a) local basic education;

b) local printed and electronic media;

c) promotion of traditions;

d) adult education and socio-cultural animation.

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

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

b) announce calls for project proposals;

c) establish scholarships.

(5) If it is necessary to obtain the approval of the municipal government for the minority self-government to exercise its rights, the board of representatives must put the initiative of the minority self-government related to this issue on the agenda of its next meeting. If the



decision-making process falls within the authority of another self-government board the decision must be made within 30 days of the submission of the request for action.

### **Article 28**

The mayor's office, established by the municipal government - as defined under the terms of its organisational and operational statutes - is obliged to help the work of local minority self-governments.

### **Article 29**

(1) Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.

(2) The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.

(3) Whoever is entitled to the right either to approve a decision or to express an opinion shall make a statement within 30 days of the submission or the announcement of the request as defined in paras (1) and (2). Failure to comply with the deadline shall lead to the loss of this right.

### **Article 30**

(1) The minority municipal government as well as the local minority self-government may maintain contacts with any minority organisation or association, and may enter into an agreement on co-operation.

(2) Minority organisations, institutions and associations may submit applications focusing on national culture, education, science, etc., to state funding organizations under the same conditions as minority municipal governments and local minority self-governments.

*The national minority self-government*

### **Article 31**

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

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

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

### **Article 32**

(1) The electoral meeting shall be convened by the local election committee. One session must be held for each national and ethnic minority, in which only members of the electorate whose permanent residence is in the settlement may participate. The venue and time of the meeting must be made known by public notice.

(2) The electoral meeting must be held within 60 days of the day of the election of local government representatives and mayors. For the period of the election of the electors the local election committee is joined by one extra representative, jointly appointed by members of the electorate [par (3) of Article 31 ] initiating the electoral meeting. This common representative has the right to participate only in those activities of the local election committee which relate to the electoral meeting of the given minority.

(3) A meeting of residents belonging to the same national or ethnic minority in a settlement is entitled to elect an elector. The electoral meeting constitutes a quorum if there are at least 10 people present. The participants decide on the election of the elector with ballots prepared on the basis of open nomination, by secret voting, with a simple majority of votes.

(4) In any given settlement, one minority may only elect one elector, and one elector may only accept one electoral appointment.

(5) By using the electoral register compiled by the chief administrator of the Mayor's Office, the local election committee shall ensure that only the electors that have the right to vote in the settlement participate in the election.

### **Article 33**

(1) Within 3 days after the electoral meetings, the local election committees shall notify the National Election Committee of the names of the electors belonging to the same minority who have been elected at these meetings.

(2) The National Election Committee shall convene the electors' meeting on a date no later than 60 days after the date stipulated in par (2) of Article 32, provided that the number of electors has reached 14. The number of eligible representatives [par (3) of Article 63 ] must be less than the number of electors present.

(3) The same national or ethnic minority may only form one national self-government. Several national or ethnic minorities may form a common, joint national self-government.

### **Article 34**

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

*The scope of authority and duties of the national self-government*

**Article 35**

(1) The term of office of the members of the general assembly of the national self-government lasts until the convention of the first meeting of the new general assembly. The statutory assembly of the new general assembly must be convened within 30 days after the election of the members of the general assembly.

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

**Article 36**

(1) The national self-government represents and protects the rights of the minority represented by it at a national and area (regional, county) level. With a view to the establishment of the cultural autonomy of the minority it may establish institutions and co-ordinate their activities.

(2) The national self-government is a legal entity.

(3) In the event that the national self-government ceases to exist, its property is transferred to the Public Foundation established in accordance with par (3) of Article 55 , which assumes the management of this property, and ensures its protection. In the event that the once terminated national self-government is re-established, the Public Foundation must ensure that the property of the national self-government is returned.

**Article 37**

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

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

collection with a countrywide collection network;

*m)* the maintenance of a library for the minority;

*n)* the establishment and maintenance of an institute for the arts and/or sciences, and a publishing house;

*o)* the maintenance of secondary and higher educational institutions with countrywide coverage;

*p)* the establishment and operation of legal advisory services;

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

### **Article 38**

(1) The national self-government may

(a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;

(b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;

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

(2) An administrative board which receives a request as outlined in point b) of par (1) shall proceed in accordance with the provisions of paras (2) and (3) of Article 26.

(3) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities, the national self-government - and also the local minority self-government if municipal government provisions on such matters are being enacted - has the right to agree. In the absence of a local minority self-government it is the spokesperson of the minority, and in the absence of such a person, it is the local association of the given minority which has the right of expressing its opinion.

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

### **Article 39**

The activities of the national self-government may include the announcement of calls for project proposals and the establishment of scholarships.

## **CHAPTER 5**

### **The Local Spokesperson for Minorities**

#### **Article 40**

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

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

#### **Article 41**

- (1) The employer must release the spokesperson from his/her duties - at his/her own request -

for the period s/he performs his/her duties as spokesperson. The board of representatives shall compensate him/her for the loss of income resulting from his/her absence from work. On the basis of this income the spokesperson is also entitled to social security.

(2) The provisions regulating the reimbursement of costs, payment of allowances, and the honorariums of town councillors shall apply to the spokesperson.

(3) The provisions of paras (1) and (2) do not affect the rights and duties of members of the board of representatives of a municipal government in cases where the spokesperson is also a member of the municipal government.

## **CHAPTER 6**

### **The Cultural and Educational Autonomy of Minorities**

#### **Article 42**

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

#### **Article 43**

(1) The state recognises the mother tongues of minorities as a factor contributing to community cohesion, and supports their teaching - where requested - in educational institutions which are not under the authority of minority municipal governments in accordance with the provisions of paras (2) and (4), and Articles 44-49.

(2) In accordance with the decision of their parents or guardian, children belonging to a minority will be and may be educated in their mother tongue, 'bilingually' (in their mother tongue and in Hungarian), or in Hungarian.

(3) The education of minorities in their mother tongue or 'bilingually' may be provided in minority kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.

(4) At the request of the parents or legal representatives of eight students belonging to the same minority group, it is compulsory to establish and run a minority class or group.

#### **Article 44**

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

#### **Article 45**

(1) In the course of the legal regulation of education and higher education, the choice of the content and the structure of educational activity and the supervision of such activity, in line with this Act, cultural and educational interests corresponding to the cultural autonomy of minorities have to be enforced.

(2) To relieve the disadvantages of the Gypsy minority in the field of education specific educational conditions may be introduced.

(3) In educational institutions established for minorities in accordance with paras (3)-(4) of Article 43. (3)-(4) it will be ensured that students acquire a knowledge of their people, the history of their minority and its motherland, as well as its cultural traditions and values.

#### **Article 46**

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

(2) It is the duty of the state to train native teachers to provide education in the mother tongue or 'bilingually' to minorities.

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

(4) To act in accordance with the provisions of par (2) the state shall support the employment in Hungary of visiting lecturers from the mother country or from the linguistic region of the minority concerned.

(5) If persons belonging to minorities pursue their studies in countries where there are universities, colleges and other educational institutions which run their courses in the mother tongue of that person and cultivate the culture of the community s/he belongs to, the degrees, diplomas and other certificates the student is awarded there - within the authority of applicable laws and international agreements - must be considered equivalent to the appropriate degrees, diplomas and certificates obtained in the Republic of Hungary.

#### **Article 47**

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

#### **Article 48**

(1) Those who do not belong to the minority concerned may only study in educational institutions for minorities if the institutions still have places available after satisfying the needs of the minority. The admission of students (enrolment) will occur on the basis of regulations made public in advance.

(2) The teaching of the Hungarian language - carried out in as many classes as necessary and at the standard necessary to acquire the language - will also be ensured in educational institutions for minorities.

(3) In settlements where the Hungarian population - or the population of another national or ethnic minority - is in numerical minority, the mother tongue or bilingual education of children whose mother tongue is Hungarian or the other language will be guaranteed by the municipal government - in accordance with the provisions of the law.

#### **Article 49**

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

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

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

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

(5) The right of acquisition of minority public collections does not extend to documents which must be transferred to archives in accordance with effective legislation governing archives.

### **Article 50**

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

(2) The state supports

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

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

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

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

## **CHAPTER 7**

### **Language Use**

#### **Article 51**

(1) In the Republic of Hungary everybody may freely use his/her mother tongue wherever and whenever s/he wishes to do so. The conditions of the language use of minorities - in cases provided for by a separate law - must be guaranteed by the state.

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

#### **Article 52**

(1) In the National Assembly, MPs belonging to minorities may also use their mother tongue.

(2) On the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If the contribution is made in the language of a minority, the Hungarian translation of the contribution or a summary of its contents will be enclosed to



the minutes of the meeting.

(3) If, from among the population of a settlement, there are people who belong to a minority, the minutes and resolutions of the board of representatives may also be recorded or worded in the mother tongue of the given minority - as well as appearing in Hungarian. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

### **Article 53**

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

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

### **Article 54**

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

## **CHAPTER 8**

### **Assistance to Minorities, the Financial Management and Property of Minority Governments**

#### **Article 55**

(1) The state shall financially contribute to the enforcement of the rights of minorities in accordance with the provisions of paras (2)-(4).

(2) To the extent specified in the prevailing Central Budget Act, the state shall

- a) provide additional standard assistance for the kindergarten education of minorities, and for their mother tongue (bilingual) schooling
- b) the National Assembly shall ensure, in a proportion specified by itself, the operation of the governments of national or ethnic minorities, and support the operation of national or ethnic civil organisations.

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

(4) The provision of assistance by the public foundation is part of the public financing scheme targeted at minorities.

#### **Article 55/A**

(1) The public foundation referred to in paras (3)-(4) of Article 55 shall be established by the Government of the Republic of Hungary under the name 'Public Foundation for Hungarian National and Ethnic Minorities' (hereinafter 'Public Foundation') with its headquarters in Budapest.

(2) The property of the Public Foundation comprises the assets transferred to it, and the financial assistance specified in the prevailing annual Central Budget Act.

(3) The primary decision-making board of the Public Foundation is the Board of Trustees. Its members shall be the following:

a) one representative from each national minority self-government - elected at their general meeting - or, in the absence of a national minority self-government, a person chosen by the organisations of the given minority;

b) one person appointed by each political party which has a group of representatives in the National Assembly;

c) one person appointed by each of the following: the Minister of Internal Affairs, the Minister of Foreign Affairs, the Minister of Culture and Education, the Children and Youth Co-ordination Council, and the President of the Hungarian Academy of Sciences.

(4) The President of the Board of Trustees and the Head of the Office for National and Ethnic Minorities shall be one in the same person.

(5) The members of the body authorised to control the Public Foundation (Supervisory Committee) shall be the following:

a) two persons appointed by the Speaker of the National Assembly, at least one of whom shall represent a party in opposition;

b) a person appointed by the Administrative State Secretary in the Prime Minister's Office;

c) a person appointed by the Minister of Finance.

(6) The Chairperson of the Supervisory Committee shall be a person appointed by the Government official in charge of the supervision of the affairs of national and ethnic minorities.

(7) The Board of Trustees and the Supervisory Committee shall be appointed by the founder - from among the persons specified in paras (3)-(6).

#### **Article 56**

Domestic and foreign organisations, foundations, and individuals may contribute to the aid provided to minorities. In cases of donations for the promotion of minority culture, the Government - in accordance with separate legislation - may offer partial or full exemption from customs duty.

**Article 57**

The lawful use of subsidies provided by the State - in accordance with the regulations prescribed for the use of public funds - shall be supervised by the National Audit Office.

*The property of minority governments***Article 58**

(1) The legal provisions concerning the property of municipal governments shall apply to the property of minority municipal governments - subject to the stipulations specified in this Act.

(2) The financial basis for the operation of minority self-governments may be provided from the following sources:

- a) contributions from the state budget;
- b) contributions by the settlement or county government;
- c) their own revenues (including the profits generated by their enterprises);
- d) assistance from foundations;
- e) assistance from Hungarian and foreign organisations;
- f) the profits generated by the transfer of assets at their disposal;
- g) donations.

**Article 59**

(1) The property - in the possession of the local municipal government on the territory under its authority - necessary for the minority self-government to perform its duties and exercise its authority shall be transferred for usage by the minority self-government. This transfer must not hinder the municipal government in performing its duties and exercising its authority.

(2) In order to ensure the operating conditions of individual national minority self-governments, the locally competent government must transfer a self-contained building, or part of a building with a net area of 150-300 square metres - with compensation by the state - within 3 months from their establishment, if the national minority self-government is established within two budgetary years from this Act coming into force.

(3) The general regulations of the provisions governing the property of self-governments shall apply to the right of use and to the transfer procedure.

At the moment of the transfer, a written document shall record:

- a) the exact description and the value of the property transferred
- b) the aims to achieve by the transfer of this property
- c) whether, and in what proportion, the municipal government accepts responsibility for debts which have occurred during the implementation of the tasks and have not been settled from the

property of the local minority self-government, in case if the local minority self-government has taken over, together with the property transferred, part of the tasks prescribed as legal obligation for the municipal government.

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

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

## **Article 60**

(1) The property of minority municipal governments, local minority self-governments and national minority self-governments (hereinafter 'minority governments') comprises all the fixed and movable assets transferred to their possession by legal entities, private persons, and natural persons under any legal title.

(2) Concerning the fixed or movable assets transferred, the minority government shall have the rights and duties of owners in accordance with the general regulations of property acquisition through transfer.

(3) Minority governments may participate in enterprises in which their liability does not exceed the total value of their own financial contribution.

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

(5) If a local minority self-government terminates its activities, all of its movable and fixed assets will be transferred into the possession of the municipal government, which - should the former resume its activities - is obliged to provide the minority self-government with property of equal value.

(6) The municipal government is answerable for the debts of the local minority self-governments only incase if this has been explicitly accepted in an agreement passed between the two bodies and only to an extent specified in this agreement.

## **CHAPTER 9**

### **Closing Provisions**

## **Article 61**

(1) In accordance with this Act the following ethnic groups qualify as ethnic groups native of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.

(2) If a minority other than those listed in par (1) wish to prove that they meet the requirements specified in this Act, they may submit a petition related to this subject to the Speaker of the National Assembly if supported by at least 1,000 voters who declare themselves members of this minority. In the course of this procedure the provisions of Act XVII of 1989 on Referendums and Petitions shall apply.

(3) Those national federations which are currently functioning shall decide independently whether to continue their operations, dissolve, or be transformed.

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

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

## **Article 62**

(1) The Government - with the involvement of the ministries and organs with nation-wide authority concerned, and in co-operation with the heads of county and capital city offices of public administration - shall assist the enforcement of the rights and special interests of minorities and arrange to ensure the conditions of this through the Office for National and Ethnic Minorities.

(2) The Government is obliged to set aside a sum of HUF 500-500 million under a 'minority compensation fund' in the budget proposal for two budgetary years after this Act comes into force. It shall reimburse the verifiable losses of the given municipal governments which resulted from providing premises for the operation of national minority self-governments - and where necessary - of local minority self-governments. A committee shall be formed under the leadership of the President of the Office for National and Ethnic Minorities to evaluate claims for compensation. On the committee the fair representation of the minority and the organs of public administration concerned shall be guaranteed. The sum remaining unused in the "minority compensation fund" shall be allocated to national and ethnic minority purposes, primarily to support minority self-governments and minority educational and cultural institutions in crisis situation.

(3) The Government shall review the situation of minorities living in the Republic of Hungary at least once every two years, and submit a report to the National Assembly.

## **Article 63**

(1) The provisions of Act LXV of 1990 on Municipal Governments and other regulations concerning municipal governments shall apply in harmony with the provisions of this Act.

(2)

(3) The number of members of the General Assembly of the national minority self-government at its first convention shall be set by the Assembly of the electors at a number between 13 and 53.

(4) The national minority self-governments are entitled to a once-off allocation of property - to meet their operational expenses - on the basis of the following distribution system:

Gypsies	HUF 60m
Germans	HUF 30m
Croatians	HUF 30m
Slovaks	HUF 30m
Romanians	HUF 30m
Bulgarian	HUF 15m
Greeks	HUF 15m
Poles	HUF 15m
Armenian	HUF 15m
Ruthenians	HUF 15m
Serbs	HUF 15m
Slovenians	HUF 15m
Ukrainians	HUF 15m
<i>Total</i>	<i>HUF 300m</i>

(5)

(6) National minority self-governments may pass on a certain proportion of this property to local minority self-governments provided that it does not jeopardise the financial coverage of their own operations.

#### **Article 64**

(1) This Act - with the exception of paras (2) and (3) of Article 20 - shall come into effect on the 90th day following its official announcement. A separate Act shall provide for the entry into force of paras (2) and (3) of Article 20.

(2)

(3)-(4)

(5) The Government is empowered to pass a decree containing the detailed regulations of the provisions related to the financial aspects of this Act.

(6)

#### **Article 65**

*Appendix 1 to Act LXXVII of 1993*

*Sample form of minority self-government petition*

To the Local Election Committee

.....(Name of the settlement) .....

Name of the local minority self-government to be established:

.....

Name of the petitioner:

.....

Permanent address of the petitioner:

.....

Identification code of the petitioner:

.....

A statement by the petitioner that s/he has the right to vote and  
a declaration of the minority group s/he belongs to.

Signature:

.....

Date, .... day, ..... month, ..... year