



**Resolution ResCMN(2005)10
on the implementation of the Framework Convention for the Protection of National Minorities
by Hungary**

*(Adopted by the Committee of Ministers on 14 December 2005
at the 951st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Hungary on 25 September 1995;

Recalling that the Government of Hungary transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 7 May 2004;

Having examined the Advisory Committee’s second opinion on Hungary, adopted on 9 December 2004, and the written comments of the Government of Hungary, received on 25 April 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Hungary:

a) Positive developments

Hungary has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first opinion of the Advisory Committee in September 2000 and the Committee of Ministers’ resolution in November 2001. This process has included important legislative changes as well as changes in practice, and it has been facilitated by the continuation of a constructive dialogue between the authorities and representatives of minorities. In this context, mention should be made of the new legislation adopted by the Hungarian Parliament in 2005 with a view to improving the operation and financing of minority self-governments, the election of their representatives, and their participation in local municipal government.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting parties casting a vote, including a majority of the representatives of the Contracting parties entitled to sit on the Committee of Ministers, vote in favour.”

Since the adoption of the first opinion of the Advisory Committee, Hungary has improved markedly its anti-discrimination legal and institutional framework. The most significant step was the adoption, in December 2003, of the Law on Equal Treatment and the Promotion of Equal Opportunities, the scope of which covers a number of societal settings. Furthermore, this Law contains major innovations such as the introduction of an *actio popularis*, the reversal of the burden of proof and the creation of an administrative authority at national level to oversee the application of the law.

In the field of media, Hungary endeavoured to facilitate the extension of radio and television programmes intended for minorities.

Progress has been made in terms of expanding the provision of teaching of minority languages within the public education system, particularly the languages of numerically smaller minorities. Despite certain difficulties, the national self-governments of some minorities have, with help from the state, been able to take over, run or even establish kindergartens or schools that offer teaching in or of minority languages.

b) Issues of concern

At the time of the adoption of the Advisory Committee's second opinion on Hungary, the 1993 Law on the Rights of National and Ethnic Minorities contained a number of shortcomings that the legislative amendments introduced in 2005 aim to address. These shortcomings include the election process of the minority self-governments, which has regularly led to abuses and made it possible for a number of candidates to be elected in respect of a minority with which they had no link whatsoever, thus affecting the credibility and functioning of the minority self-governments. The process enabling the minority self-governments to take over schools has also faced difficulties, including financial ones, which the authorities are taking steps to resolve.

Generally speaking, the funding of the national minority self-governments remains problematic. Although the local minority self-governments receive state funding, they seem to remain dependent on the support of local authorities in this matter. Relations between the minority self-governments and local authorities are indeed often difficult, even tense, partly for financial reasons.

Despite important measures to promote the integration of the Roma into society, these persons continue to face particular difficulties and various forms of discrimination in a range of fields such as employment, housing and health care. The collection of additional statistical data in these fields seems indispensable to better assess the effectiveness of the measures taken.

The programme slots for television broadcasts intended for minorities have raised objections for several years from those concerned and a recent change in programming could render them even less favourable.

In the field of education, the persistence of various exclusion and segregation practices at the expense of a high number of Roma pupils by local authorities is a source of deep concern. The governmental control on local authorities in this field is not efficient enough to discourage the perpetuation of such practices. As far as bilingual education is concerned, further progress is needed, taking into account the interest shown by persons belonging to several minorities.

A specific mechanism for the representation of minorities in the parliament is still awaited despite existing constitutional obligations in this area.

2. Adopts the following recommendations in respect of Hungary:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Ensure the full and effective implementation of the Law on Equal Treatment and the Promotion of Equal Opportunities, in particular by ensuring the effective functioning of the administrative authority tasked to oversee its application, and ensure co-ordination between the different bodies involved in the fight against discrimination.

- Pursue the efforts already made to remedy the shortcomings of the 1993 Law on the Rights of National and Ethnic Minorities by improving the electoral system of the minority self-governments, strengthening their functional and financial autonomy as regards the acquisition, running and managing of public institutions and clarifying state and local authority funding and support for the minority self-governments.

- Redouble efforts to put an end to exclusion and segregation practices at the expense of Roma pupils, in particular through a more efficient control on local authorities in this field.

- Intensify existing measures to enable all Roma to enjoy decent living conditions.

- Define the geographical areas in which the use of minority languages in relations with the administrative authorities could be more actively encouraged and pursue efforts to employ officials who can speak minority languages.

- Encourage more systematically forms of bilingual teaching for minorities.

- Resume and accelerate efforts to create a mechanism for the representation of minorities in the parliament.

3. Invites the Government of Hungary, in accordance with Resolution (97) 10:

a) to continue the dialogue in progress with the Advisory Committee;

b) to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.