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**부록 2. 소수민족 보호 하는 현재 국제 제도 (문서 목록)**

보편적 (권리를 조정 하는 양과 참가자 범위에 관한) 법적으로 의무하는 국제 문서, 국제 연합 현장 (UN 현장)

- 인권 선언문 (1948년)
- 제노사이드 (genocide) 범죄 방어 및 형벌 가하는 협약 (1948년)
- 전쟁 피해자 보호 1949년 제네바 협약과 추가 의정서 (1977년)
- 노동과 직업 분야에서의 차별을 방어하는 국제노동기관 (ILO, International Labor Organization) 협약 №111 (1959년).
- 교육분야의 차별을 방어하는 국제 교육, 과학, 문화 연합 (UNESCO) (1960년)
- 모든 인종 차별 형식 퇴치 국제 조약 (1965년)
- 공민 및 정치적 권리에 관한 국제 조약 (1966년)과 본 조약의 임의 의정서 (1996년)
- 경제적, 사회적 및 문화적 권리 관한 국제 조약 (1966년)
- 어린이의 권리 협약 (1989년)

**국지적 법적으로 의무하는 국제 문서.**

- 인권 및 기본 자유 보호 유럽 협약 (1953년)
- 유럽 안보 및 협력 회의 최후의 결의 (1975년)
- 인권 및 민족권 아프리카 조약 (1981년)
- 유럽 안보 및 협력회에서 주최한 인간차원 회의의 코펜하겐에서 공포된 문서 (1990년)
- 신 유럽의 파리 조약 (1990년)
- 소수민족 보호 유럽 기본 협약 (1995년)
- 소수민족인 인권보호에 관한 독립국가연합 협약 (1994년)

**관련 국제 문서**

- UNESCO 의 국제 문화 협력 원칙 선언서 (1966년)
- 사회 진보와 발전 UN 선언서 (1969년)
- 국제연합현장에 따라 우호관계 및 협력에 관한 국제법 원칙 유엔 선언서 (1970년)
- 인종과 인종 편견고집에 관한 UNESCO 선언서 (1978년)
- 종교 및 사상 원칙으로 차별을 퇴치하는 유엔 선언서 (1981년)
- 소수 민족, 종교 및 언어 소수인의 권리에 관한 유엔 선언서 (1992년)

**국지적 국제문서**

- 유럽 안보 및 협력 회의 참가국과 대표들의 1980년 마드리드 회의 결의문 (1983년)

- 인권 및 민족 권리에 관한 아-태 선언서 (1988년)
- 인권 및 민족 권리에 관한 튀니스 선언서 (1988년)
- 유럽 안보 및 협력 회의 참가국과 대표들의 1986년 비엔나 회의 결과 (1989년)
- 소수민족 문제에 관한 원칙을 법률을 통해 조력하는 유럽 위원회가 유럽 연합에 제안한 문서 (1990년)
- 유럽 안보 및 협력회에서 주최한 회의의 코펜하겐에서 공포된 문서 (1990년)

**부록 3. 독립국가연합 공동 계약서에 러시아 제외동포 권리와 자유를 보호하는 문제 (문서 목록)**

- 알마아따 선언서 (알마아따, 1991년 12월 21일). 외교 월보, 1992년 № 1.
- 군인, 퇴직한 군인, 본인들의 가족 사회 및 법적 보장에 관한 독립국가연합 국가들이 서명한 계약서 (민스크시, 1992년 2월 14일, 이날부터 효력을 발생했다). 국제 계약서 보고, 1993 № 1
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# The Policy of Korean government towards Overseas Koreans

Rhee, Jong-hoon

## 1. Introduction

### (1) Definition

Korean government divide the Overseas Korean into two group, the one is 'Korean Nationals residing abroad' who have the nationality of the Republic of Korea, and stay in a foreign country for a long term or obtain permanent residentship in a foreign country, the other is 'Foreign Koreans' who have the lineage of the Korean, regardless of their nationality, and reside and make a living in a foreign country.

### (2) Distribution

According to government, there are about 5 and half million Overseas Koreans around the world. Among them, about 2 millions are Korean Nationals.

Area \ Year	'95	'97	'99	2001	%
<b>Asia</b>	2,723,920	2,801,383	2,811,300	2,670,723	47.24
Japan	696,811	702,967	660,214	640,234	11.32
China	1,940,398	1,985,503	2,043,578	1,887,558	33.39
<b>America</b>	1,964,750	2,209,409	2,271,393	2,375,525	42.02
USA	1,801,684	2,000,431	2,057,546	2,123,167	37.55
<b>Europe</b>	527,231	522,585	551,324	595,073	10.53
CIS	461,145	450,104	486,857	521,694	9.23
<b>Africa/ Middle East</b>	12,672	10,852	10,541	12,488	0.22
<b>Total</b>	5,228,573	5,544,229	5,644,558	5,653,809	100

figure 1

A distinctive feature of it is about 95% of them lives in the countries which

surround Korea like China, USA, Japan, and CIS(former Soviet Union). It means not only they are influenced directly by their mother land but also they are influencing to their mother land for many sides.

## 2. The Influence of Overseas Koreans to Korean society

### (1) Influences to South Korea

Overseas Koreans have done and will do many things for Korea, both of north & south. In general, they have done much role in the economic development and reunification process.

During the Japanese rule, overseas Korean society had been working as the center of resistant movement to Japan. After the liberation, leaders of the resistant movement came back to (South) Korea to take part in the process of re-founding. Especially, repatriated Koreans from USA had brought western culture and system. The first president of Korea, Dr. Rhee was one of the repatriated Korean American.

Since then, Overseas Koreans are closely related with Korean society. Comparatively higher portion of Overseas Koreans to the Korean population could be a simple barometer of it.

According to one survey, 26% of Korean people have relatives in Overseas Korean society and more than 50% of them have kept in touch with them. About 91.3% of Korean American, 71.3% of Korean nationals in Japan, 25.1% of Koreans in CIS have contacted with their relatives in Korea. There are also lots of repatriated people who are working in various fields.

Overseas Korean society have also contributed to the economic development. They have been a source of capital and technology. During the economic development they have invested in Korea, imported Korean goods, taught high skills and technologies, and made remittance.

In case of remittance, most of personal remittances are remittance by Overseas Koreans). In case of investment, There is only a data on the investment of Foreign Koreans in personal base. according to it. It consists about 4.1%(by amount) of total investment by foreigners. If the investment by foreign Koreans in company base and by overseas Korean nationals in small amount are added, the percentage will be risen.

Overseas Koreans have done a vital role in increasing the exports as the main

source of buying, as well. but, unfortunately, there is no data on it. But, sometimes, Overseas Korean societies around world send buying-groups for purchasing Korean products.

And recently, Korean Chinese and Korean Russian peddlers are becoming new customers of Korean products. Finally, Overseas Koreans like Korean Chinese are also a reservoir of laborers. Among foreign laborers from China % of them are Chinese Koreans. They supplies lacks of laborers in the area of 3D industries.

Overseas Korean also has done vital role in mass-culture area. Both of Korean American society and Korean Japanese society has long been a supplier of advanced modern culture. Korea has imported it by way of Overseas Korean artists and finally can generate Korean Wave. Now, Korean Chinese are becoming the messengers of Korean Wave in China.

### (2) Influences to North Korea

Now, let's look at their influence on the North Korea. In the process of socialist state-building in North Korea, many Korean Russians participated.

And during the Korean war, lots of Korean Chinese took part in the war as Chinese soldiers.

In 1960's and 70's many younger Korean Nationals in Japan got back to North Korea for participating in the economic development process of North Korea.

Since then, and especially since 1980's, pro-North Korean Nationals in Japan have invested to North Korea. Enterprises established by them are called 'patriotic enterprise' in North Korea. Almost all of foreign investment, about 90% of foreign invest is the investment by them.

Recently, investment by Korean American has also been increasing gradually.

Foreign trading is also very much relied on Korean Chinese and Korean nationals in Japan. In so far as I know, in the Chinese Korean autonomous district, about 200 trading companies which have deep relationship with North Korea are working and North Korea is also running about 20 trading companies in the area. And Chinese Korean peddlers about 1,000 persons per day visit North Korea for trading the necessities.

Finally, as you probably know, a lot of North Koreans are visiting the Chinese Korean society for getting foods. This role of Chinese Korean society as foods

supplier will continue for a while.

### 3. The policy of Korean government

#### (1)The Object

Now, let' turn to the Overseas Korean policy of Korean government. The object of the Overseas Korean policy is focusing on the fact that the root, culture, and heritage of Overseas Koreans are closely related with the Korea, within the range of international laws, domestic laws, and the laws of host countries, supporting to stabilize the standard of living and to grow as a respected and well-behaved citizen in the host countries.

#### (2)Guidelines

The guidelines are ①to support the efforts of self-help ②to support them to contribute for the development of host countries and to reconciliated with the host societies ③to support the classes of Korean language & Korean heritage and the activity of art ④to support the Korean communities on the basis of liberty, democracy, humanity ⑤to support the improvement of the legal and social status in the host countries ⑥to amend the domestic laws and systems for encouraging the economic activities like investment and protecting the right of property.

#### (3)The system

The supreme decision making organization is 'The Commission of Overseas Korean Policy' which was founded in 1996. The chairman of the commission is the prime minister. Commissioners of the commission are ministers, some specialists and representatives of Overseas Koreans not exceeding 15 members. It used to be held about twice a year irregularly.

The competent authority of Overseas Korean policy is the Overseas Residents & Emigration Division of the Ministry of Foreign Affairs and Trade. It has only 7 staffers.

The main organization supporting the Overseas Korean society is the Overseas Koreans Foundation, which was established in 1997. It is one of the Affiliated organization of the Ministry of Foreign Affairs and Trade.

And the educational service for Korean Nationals residing abroad is mainly supported by the Ministry of Education.

#### (4)Activities

After the foundation, the commission have dealt with subjects like the establishment of Overseas Koreans Foundation, the rehabilitation of Sakhalin Koreans to Korea, the human right protection of Chinese Koreans in Korea, the enhancing the efficiency of educational service, the widening the benefits of military service, etc.

Overseas Koreans Foundation is an active organization operating several assisting programs including research & survey, internet networking, making data-base on Overseas Koreans, sending cultural performance bands, inviting Overseas Korean artists, assisting cultural & sport events by Overseas Korean societies, supporting korean classes and sending educational materials, supporting Overseas Adoptees, etc. In the foundation, 35 persons are working and the budget is about 7 million-US dollar.

	Expenditure, 2001
Total	16,892,960
Wages & Salaries	841,500
Ordinary Expenditure	393,460
Working Expenditure	7,179,000
1. Research programs	303,000
2. Online Networking programs	602,000
3. Culture programs	924,000
4. PR programs	323,000
5. Exchange Programs	1,766,000
6. Education programs	3,261,000
7. Assisting programs for Japanese Korean organization	8,479,000

figure 2

The educational service for Korean Nationals abroad by Ministry of Education is the running of 23 Korean schools in 17 countries, 38 Korean language centers in 13 countries. And total amount of budget for Overseas Korean is about 20 million US

dollar. And, some other ministries are also running some programs for Overseas Koreans.

Ministry	Programs
Ministry of Foreign Affairs & Trade	<ul style="list-style-type: none"> <li>○ Establishing the policy</li> <li>○ Directing the Overseas Korean Foundation</li> </ul>
Ministry of Education	<ul style="list-style-type: none"> <li>○ Running Korean Education Centers and Korean schools around the world</li> <li>○ Visiting &amp; Education programs for Overseas Korean Students</li> <li>○ Visiting &amp; Education programs for the teachers of Korean schools</li> <li>○ Supplying texts for teaching Korean language</li> </ul>
Ministry of Justice	<ul style="list-style-type: none"> <li>○ Immigration control for Overseas Koreans</li> </ul>
Ministry of Culture	<ul style="list-style-type: none"> <li>○ World Korean Culture Festival</li> <li>○ Cultural Exchange programs for the Overseas Koreans</li> <li>○ Sending specialists on Korean language</li> <li>○ Inviting programs for the teachers of Korean language</li> </ul>
Ministry of Unification	<ul style="list-style-type: none"> <li>○ PR Events for advertising the Unification policy of Korea toward Overseas Koreans</li> </ul>

figure 3

### 5. Some Implications of other countries

Finally, let's take a look shortly of other countries' policy on their people abroad.

In 1998, I got a chance to study the cases of other countries who have big immigrants around the world, like Italy(60 millions), India(6 millions), Greece(5 millions), Mexico(8 millions), Lebanon(10 millions), France(2 millions). Among them, I visited Italy, Greece and India. I would like to introduce you some characteristic features of their policies.

At first, Italian, French, and Greek government are running or assisting directly a single global organization of their people(There is no single worldwide Overseas Korean organization).

Secondly, German, Israeli, and Greek governments are positively supporting the repatriated people from other countries like former Soviet-Union(even though some Koreans living in former Soviet Union and China would like to come back to Korea,

Korean government has not accepted them, yet).

Thirdly, Mexican, Lebanese, Greek, and French governments are actively assisting immigrants to other countries. In case of Mexico, the government is protecting the rights of illegal stayers in USA(Korean government is very indifferent to illegal stayers and even to legal immigrants).

### 6. Issues on the policy

#### (1) Past Issues

Overseas Koreans have demanded the establishment of Ministry of Overseas Koreans and dual citizenship since 1970's. Those had been the two main issues of the policy of Korean government toward them.

Even though the demands had been high and continuous, the authoritarian military government didn't accept. One of the reason of it was Overseas Korean's tendency of favoring democracy. Especially, Korean Americans who openly demand them were the main supporters of democratic camps at that time.

In 1995, Kim Young Sam government partly accepted the demand of the establishment of Ministry of Overseas Koreans and made a measure for making the commission and the foundation.

In 1999, Former Kim Dae Jung government partly accepted the demand of dual citizenship and made an act called 'The act about immigration control and legal status of Overseas Koreans'. It gave some benefits of entrance & stay, welfares including insurance, and economic activity to Overseas Koreans.

In relation with the making of the act, Chinese government announced some worries about some negative effects on Korean Chinese society. Korean government also considered some side effects of rush of Korean Chinese into Korea then made a plan to rule the Korean Chinese out of the act. The act was suggested by the Ministry of justice.

#### (2) Pending Issues

##### 1) Laws

In 1998, the ruling party of Kim Dae Jung government tried to make 'The basic act on Overseas Koreans' at first, but she had to meet a strong resistance of Ministry of Foreign Affairs and Trade. The reasons of resistance are (1)it might cause some diplomatic conflicts with host countries, (2)it might bring about over-expectation of Overseas Koreans to Korean government, (3)foreigners can also demand those kinds of benefits in terms of 'most favored nation treatment', etc.

Even though it may bring about some side-effects, I think the act can solve many conflicting factors between Korea & Overseas Korean society. Making a basic act is now a pending issue in the National Assembly. Especially, the ruling party of Roh Mu Hyun government is trying to make 'The basic act on Overseas Koreans' again. But, she's just trying to make 'The basic act of Korean Nationals abroad', as well. It is little confusing situation. I think she has two options, the one is making two different acts, the other is making two acts into one. Whether she takes this or that options, she has to coordinate two acts wisely.

#### 2)Right to vote

Another issue is the right to vote of Korean Nationals residing abroad. Korea is the only country who doesn't give the right to nationals abroad among OECD countries. National Election Committee of Korea recently suggested a reform act which include the voting right of them. At this moment, the Ministry of Foreign Affairs and Trade hesitated accept it as it might bring heavy administrative cost and manpower. It may be right, but it doesn't make sense. For the right to vote is the basic right of people who live in democratic countries. It would be accepted by the National Assembly right before the next election, I presume.

#### 3)The system

To fix the bankrupted decision making system is also very important issue. First of all, the function of 'The Commission of Overseas Korean Policy' should be recovered as soon as possible. After that, we have to consider to make it stronger or not. Personally, I agree with a measure to strength it. I want it to be an independent executive committee which has its own supporting staffers and controled by the President directly.

This can be followed by reinforcement of the Overseas Residents & Emigration Division of the Ministry of Foreign Affairs and Trade and the Overseas Koreans

Foundation.

#### 4)Activities

In the area of activities, there are three issues. At first, reasonable reintegration of programs of several ministries into the Overseas Koreans Foundation is needed. Secondly, programs of the Overseas Koreans Foundation should be rearranged and redistributed to NGOs. Thirdly, the revenue of the Overseas Koreans Foundation has to be raised. But, the Overseas Koreans Foundation should suggest a clear background data for it.

Recently, the Ministry of Planning & Budget try to integrate the revenue of the Overseas Koreans Foundation into that of Korea Foundation. Because of her decision, two organization under the Ministry of Foreign Affairs and Trade should share the International Exchange Fund from 2005. After making the decision, one of committee of the Ministry of Planning & Budget announces a plan to abolish the fund in the near future. If the committee abolish the fund, the Overseas Koreans Foundation should find out other source of revenue.



## Symposium on ethnic policies

### – the Hungarian model –

(Seoul, 10. September 2004.)

The matter of the Hungarian minorities and the situation of the Hungarian Nation itself is a very complex one. In order to understand the case and our developed model better I try to give a short overview about the historical background, the actual situation and the today pursued nationality policy, together with the basic facts in relation to the country and people.

The Republic of Hungary lies in Central Europe. The territory of the state is 93 030 sq km about the same size as the land of South Korea. The country has slightly more than 10 million inhabitants.

The territory and the population of today's Hungary was formed after World War I, when the victors broke up the Austro-Hungarian Monarchy. In the process, instead of one already existing medium sized political and economic unit with many nationalities, the victorious powers created five small, economically and politically unstable "quasi-national" states, and in the case of three successor states - Czechoslovakia, Rumania and Yugoslavia - with significant minority communities on their territory. This fact eventually – together with other causes – led to World War II, with the well known tragic consequences. In 1920 according to the regulations of the Peace Treaty of Trianon the Hungarian Kingdom lost two third of it's territory and - what was even more painful and terrible for the Hungarian Nation - one third of the ethnic Hungarian population. The real losers of the Peace Treaties were unequivocally the Hungarians. The Nation lost almost four million Hungarians to the above mentioned successor states. These on their native land autochthon people lost their Hungarian citizenship and found themselves in a totally unknown, strange and in the most cases hostile environment.

Between the two World Wars the alteration of the unjust borders, the retrieval of the ethnic Hungarian territories was the main goal of the policy, mainly as a consequence of the impairment and later collapse of the system of the international minority protection, or rather the paralysis of the League of Nations. This endeavor partly succeeded in the period between 1938-41, due to the fact that - more or less by peaceful means - the country could extend its sovereignty on the predominantly Hungarian populated areas of former „historic Hungary”.

After the country's defeat in World War II., according to the Peace Treaty of Paris, in 1947 the borders before 1938 were restored and confirmed, hence the country lost again the – in time not so far – regained territories. In the second half of the last century, during the communist era the minority issue was not important at all. After the communist takeover in 1949 till the late 80's the speaking and writing about, or even the mentioning of the problem of the Hungarian minorities was unacceptable and intolerable for the then political regime.

After the fall of communism the new democratic Government set up the institutional basis of the Hungarian minority policy. In the beginning of the 90's, the three pillar of the Hungarian foreign policy was laid down. Namely: (1.) euroatlantic integration, acquiring NATO and full EU membership; (2.) friendly cooperation with the neighbouring countries and last but not least the (3.) nationality policy, that is to say the support of the Hungarian minority communities living outside the territory of the country.

As I mentioned before, the case of the Hungarian minorities is very complex. Due to historical reasons Hungarians living in masses in the neighbour countries of Hungary but also scattered throughout the rest of the world, as a diaspora. Those communities that are living in the neighbouring countries are living on their native homeland, which they have never left. They were only stepped over by the borders. Those Hungarians who are living in other parts of the world - mainly on the Western Hemisphere - have left or had been forced to leave Hungary because of political, economical etc. reasons. It must be stressed that approximately - in percentage - one third of the Hungarian Nation lives today outside the borders of Hungary.

The largest in number Hungarian community can be found in Romania. According to the last official Romanian census data 1,5 million Hungarians are living in the region Transylvania. Nevertheless the estimated number of this ethnic population is around 1,8 million. Significant part of these Hungarian people are living in border areas. Contrarily the land of - an ancient and populous (700 000 souls) Hungarian ethnic group - the Seklers lies in the eastern part of Transylvania, 500 km far from the Hungarian-Romanian stateborder.

In the southern part of Slovakia, along the Hungarian border approximately 600 000 Hungarian nationals are living. Hungarians are also living in masses in the northern part of today Serbia-Montenegro, in the region Voivodina. The number of this ethnic community exceeds 300 000. A relatively large Hungarian community exists also in Ukraine, inhabiting the Hungarian-Ukrainian border region. The Hungarian population of Transcarpathia - this western county of Ukraine - reaches the number of 180 000.

In Croatia 20 000, in Slovenia 10 000, in the eastern Province of Austria, in Burgenland 7000 native Hungarians preserving still today their national identity.

Nevertheless Hungarians are also living outside the Carpathian-basin, outside this geographical unit, which parallels to the territory of the historical Hungarian Kingdom, that existed till 1920. The number of these people altogether, who are living in the rest of the world is more than 2,5 million. According to census data and variable estimations: in Europe 350 000, in North America approximately 1 900 000 people of Hungarian origin are living.

### **The main goal of the policy**

As an elemental aim, the Government and the other non-governmental organisations and foundations, all support the **preservation of the identity** of Hungarian nationals living outside the borders of Hungary.

The main objectives of Hungary's policy towards the Hungarian population outside the borders is the following: (1) concerning the Hungarians living in the neighbouring countries the conservation and preserverence of these communities on their native homeland and the assistance of their prosperity gets top priority; (2) in the case of the Hungarian diaspora the

preserving of the identity in a non Hungarian speaking environment is the crucial and most important issue; (3) the cultural, spiritual and financial support of the Hungarian communities, or their initiatives and their organisations is of high importance in relation to both of the above mentioned two groups of Hungarian people.

These principles were first laid down in the new Constitution of the Republic, which was adopted by the Parliament as a basic and inevitable element of the transition from socialism to plural democracy.

### **The Constitution of the Republic of Hungary (related article to the minority policy of the Country)**

„Chapter I  
General Provisions

....  
Article 6

(1) The Republic of Hungary repudiates war as a means of dealing with conflicts between nations and refrains from the use of force against the independence or territorial integrity of other states. It also refrains from making threats implying recourse to force.

(2) The Republic of Hungary is working for cooperation with all the peoples and countries of the world.

**(3) The Republic of Hungary bears a sense of responsibility for what happens to Hungarians living outside of its borders and promotes the fostering of their relations with Hungary.**

.....  
In order to achieve these detailed goals Hungary follows a friendly policy towards the neighbouring countries and develops comprehensive bilateral cooperation with them, at the same time urges an increased international responsibility for the fate and future of minorities existing anywhere in the World.

Hungary lays stress upon the bilateral cooperation. The country has signed different types of bilateral interstate agreements with its neighbours in order to secure mutually the protection of minorities on each other's territory. In the most cases a special mechanism has also been established: the system of the Intergovernmental Joint Committees. These international bodies or boards - which sit regularly, usually once in every year - are the primarily forums for bilateral cooperation in the field of the protection of minorities. These bodies adopt recommendations which the Hungarian Government makes for itself mandatory by generally accepting comprehensive Government Resolutions. The partner countries not always, not in every relation follow this Hungarian practice.

Hungary tries to be active in international level too. For Hungarian policy makers is of crucial importance to visualise and focus the international dialogue on the question of the Hungarian minority communities and of the minorities at all. The very best example of these objectives is the latest successful Hungarian initiative: the featuring of the minority issue in the text of the Constitutional Treaty of the European Union.

Supporting the preservation of the identity of the Hungarian minorities includes also the financial assistance of the cultural programs and initiatives of these people and their organisations. Hungary operates a joint system in allocating financial support for mainly cultural and educational issues or programs. The joint system means that on the one hand in Hungary and among the Hungarian nationals in the neighbouring countries a complex and multifunctional system of public foundations is existing, and this system is partly financed by the national budget. On the other hand the budget of the country secures sources of funds for direct initiatives too, first of all for the achievement of educational and cultural objectives. In 2003 9 600 000 000 HUF / 48 000 000 USD, in 2004 10 500 000 000 HUF / 52 500 000 USD was expended – as financial support – on Hungarian minority programs. This amount totals up to approximately 0,2% of the Hungarian State Budget.

### Act on Hungarians Living in the Neighbouring States

#### (The Status or other the Benefit Law)

Hungary is active not only on bilateral and on international level. The leaders of the country lay a special importance also on the own legislation. The consequence of this approach is the Act on Hungarians Living in the Neighbouring States, the so called Status Law or Benefit Law which the Hungarian Parliament passed on 19 June 2001. The law unambiguously expresses the responsibility of the Republic of Hungary for the Hungarian minorities and in its present form provides a wide range of cultural and educational benefits for the Hungarian nationals falling under the scope of the Act.

Following the acceptance of the Law by the National Assembly, Hungary had to face several critics from its two neighbours. Romania and Slovakia – both with a significant Hungarian minority in Transylvania (Romania) and in southern Slovakia – has called the bill discriminatory and incompatible with European laws on minorities. It was a surprising development for the Hungarian officials because both countries have – in intention – similar legal documents. The objective of Hungary was to create a formalised and comprehensive law which precisely comprises in one special legal norm all of the regulations related to the Hungarian minorities living in the neighbouring states.

We have to stress that it is a constitutional duty for any Hungarian government to care about Hungarians abroad. Hungarian officials never say that we are the political representatives of these people. They are citizens of different states and hence should be loyal to them. But these two affiliations - the one to the host state and the one to the 'cultural nation' - are not contradictory.

This is the background according to which the Hungarian law should be seen. In fact, Europe has a spectrum of policies and corresponding legislation reflecting the underlying ethnic base of the state, but this tends to be screened out in the determined drive for being seen as civic. This helps to explain the contradictions in responses to the benefit law - acceptance coupled with reluctance. In broader terms, the benefit law can be said to have two dimensions. One of these is the aim to regulate Hungary's relations with the Hungarian communities in the neighbouring states, a problem that was not created by Hungary but by the victorious powers after 1918. The hard reality is that the very existence of the Hungarian state generates tension between Hungary and the minorities living in the neighbouring states, given the intimacies of the shared culture. These intimacies exist between all kin states and neighbouring minorities, even when these are thoroughly screened, as between Swiss and Belgian Francophones and

France. By virtue of speaking the same philological language, all Francophones have more in common than not and thus necessarily means defining a relationship with France. Much the same applies to Hungary and the Hungarian speakers. The law aims to achieve this objective. At the end of the day, it is not possible to decouple national culture totally from political power and political power is, at some level, necessarily vested in the state.

Second, the broader context of the law is the historic drive to establish a new narrative for the Hungarian nation in its cultural dimension as a modern community. The break up of Great Hungary in 1918 was a catastrophe for the Hungarian model of modernity and ever since, Hungary has been struggling to find a new narrative that would reestablish the model in the new context. Indeed, this model is essential for Hungary's return to Europe and for Hungary's successful membership in the European Union. The law, therefore, is intended to reflect the requirements of democracy, of the European environment and the needs of the Hungarian state. However, matters are never as simple as they might appear at first sight and while prima facie, one might have expected a general approval for Hungary that it should seek to make its relationship with the Hungarians of the neighbouring states explicit and legible, the response has been different. By and large, the majority of European states has equivalent legislation for regulating their relationship with their co-ethnics, but given the de-emphasis on ethnicity sketched above, this is mostly screened out. What the benefit law has done is to make this state of affairs transparent and this has caused a degree of embarrassment.

Hungary as a small state is not all that significant in Europe. It has only limited voice and its ability to make itself heard is nothing like as substantial as, say, that of Germany or France. At the end of the day, every state makes provision for the protection of both individual rights and for the reproduction of the collectivity - the cultural context within which the individual exercises those right. Collective norms constitute a vital aspect of human agency, the capacity to act, precisely because these norms ensure that the individual is not culturally naked but is operating in a context in which action will be understood. This law, by offering options for the cultural reproduction of all Hungarians, is a significant contribution towards that strategy and can take its place in other, similar attempts to regulate ethnicity within a civic and etatic framework

In effect, by separating citizenship from ethnic identity and constructing a clear definition of citizen of the Hungarian state and citizens of other states but ethnically Hungarian individuals, the Hungarian law is enhancing and enriching the concept of citizenship. The critics of the law presumably not well understood their own underlying, implicit assumptions, which were themselves ethnically coded, and, therefore, believed sincerely that they were articulating universalist presumptions.

The law was amended last year according to the statements of The Council of Europe's Venice Commission - in Fall 2001 published - report on the Preferential Treatment of National Minorities by their Kin-State, which after long and multiple bilateral talks eventually offered a modus vivendi for every parties. Following the end of the necessarily long modification process - in the second half of year 2003 - Hungary has concluded an agreement on the implementation of the Act both with Romania and Slovakia. As a consequence of this measure Hungary had managed to put a period on the two year long embarrassing and more or less useless disputes with the two neighbours.

## The Organizational System and the Government Office for Hungarian Minorities Abroad

The organizational system of the Hungarian minority policy is very specific. The central board of the Hungarian minority policy is the Government Office for Hungarian Minorities Abroad (Office), which is primarily responsible for the coordination of the related activities. Those ministries which regular activities affect the Hungarians living abroad has usually a special department in their organisational structure, which is exclusively responsible for the professional execution of the different tasks in relation to the Hungarian communities. It is also the responsibility of the Office to closely work together with the aforementioned organizational units and their officials. In the following I would like to present more in details the structure and useful work of this Office and the organizational system itself.

**The Office was founded:** by the Government Decree 90/1992 (V.29.), with the simultaneous discontinuation of the Secretariat for Hungarians Abroad at the *Office of the Prime Minister*.

### Place in the organizational system of Hungarian public administration:

The Office is a public administrative body with nationwide competence under Government direction and supervised by the Minister Heading the *Office of the Prime Minister* through the Political State Secretary responsible for Hungarians abroad.

### Most important tasks:

#### *The coordination of governmental activities related to Hungarian minorities abroad*

- participation in the preparation of government decisions related to Hungarian minorities, in the formulation of the minority policy concept and in promoting the implementation of this concept;
- cooperation with the ministries (bodies with nationwide competence) in their activities related to Hungarian minorities, and initiation of relevant decisions and statements;
- paying attention to the drafting of laws affecting Hungarian minorities, formulation of proposals to the legislative program, and maintenance of contacts with the committees and deputy factions of Parliament;
- participation in expressing opinions about the laws affecting Hungarian minorities, in the preparation of international agreements and, if justified, initiation of international accords;
- submission of proposals on the most important areas of the budgetary support of Hungarian minorities, and coordination of the activities of public foundations affecting these minorities;
- coordination of the tasks related to the organization of economic cooperation affecting Hungarian minorities.

The present government in power has made modifications at the Ministries scope of duties and competence. Thus, every single portfolio has an official responsible for maintaining Hungarian-Hungarian Ties, significantly contributing to carry out the coordinating tasks outlined above.

### *Maintenance of Hungarian-Hungarian Ties*

- with the political and social organizations, associations, and Churches of the Hungarian minorities abroad;
- with the NGOs in Hungary whose activities have got to do with the Hungarian minorities.

From the viewpoint of the work of the Government Office for Hungarian Minorities Abroad, a very important event was the establishment in 1999 of the Hungarian Standing Conference (HSC), which is the main consultative forum and organisation of the Hungarian-Hungarian relationship, operating within an institutional framework between the Hungarian minority communities and the Hungarian political, parliamentary forces. The conference sits regularly, usually once in every year. These sessions are providing excellent opportunities for coordinating the Governmental activities related to the Hungarian minorities and reviewing the most important and actual issues of the Hungarian-Hungarian relations.

The Office is primarily responsible for the organising of the actual sessions of the Standing Conference. The Secretariat of the Hungarian Standing Conference is also part of the organisation of the Office.

On the basis of the July 1999 resolution of the Government, the HSC's special committees were set up to deal with cultural, educational, social and health, economic, citizenship and self-government matters and with the special fields of European integration, in order to work out proposals on the basis of a review of the current situation, and to forward them directly to the Government. The special committees are run by the relevant ministries but part of the organizational work and the coordination are carried out by the Office.

In the closing statement of the November 1999 meeting of the HSC, countersigned by all participants, the demand arose that the Government should examine the possibility of legal regulation affecting the Hungarian minorities abroad. After November 1999 committees of experts discussed on several occasions ideas on how to regulate various areas of the future law; the concept drafted on the basis of these ideas was codified into a draft text by the Office and the Ministry for Foreign Affairs. This draft was discussed in December 2000 by the HSC meeting, and the proposals made there were included into the draft. The administrative harmonization of the draft began in January 2001. During this phase of the drafting of the law, the various ministries worked out their viewpoints related to the draft law and submitted their comments and proposals. Following the administrative harmonization, the draft law was put on the agenda of the 20 March 2001 meeting of the Government which approved it and forwarded it to the deputies of the National Assembly. The Law was passed by the Parliament on 19 June 2001. Thus the Act LXII of 2001 on Hungarians Living in the Neighbouring States was born, with the Office being entrusted with the coordination of the enforcement.

### *Bilateral Relations*

- with the governmental bodies competent for minority affairs in the affected countries;
- carrying out the tasks related to the functioning of the intergovernmental joint committees set up on the basis of interstate treaties.

The intergovernmental joint committee system developed in the past years serves as an adequate forum for the bringing up of problems. At the same time, it cannot be said that it would guarantee in every case the finding of a solution.

### *Bringing International Attention to the Problems of the Hungarians Abroad*

- Participation in the formulation and representation of the related foreign policy.

Among other things, the Office actively takes part in the government's efforts to extend of the possible advantages of EU integration beyond the borders and the practice of regionalism. Another task is participation in working out of answers to questions raised from the viewpoint of Hungarians living abroad in connection with Hungary's EU integration. These answers should on the one hand conform to the EU's expectation not to see an increase in security risks, on the other hand, they should ensure that the unhindered relations, family and kinship ties of three and half million Hungarians living in the neighbouring countries remain intact.

### *Preparation of Analyses and Forecasts*

- in connection with the tasks mentioned above, and paying attention to the interdependence of Hungarian politics and of the minority issue;
- examination of the trends influencing the situation of minorities, primarily that of Hungarians.

### *Informing the Public*

- initiation and organization of press conferences and meetings.

### *Coordination of the implementation of the provisions contained in the Act LXII of 2001 on Hungarians Living in the Neighbouring States*

- cooperation in the organization of the collection and forwarding of the data required for the issuance of the Hungarian identity card and the Hungarian dependent identity card;
- promotion of the establishment of the public organizations participating in the judging and disbursement of the supports available through competition determined by the Act on Hungarians Living in the Neighbouring States, and promotion of the creation of the legal frameworks for their cooperation;

- coordination of the support policy of the central administrative bodies providing the support and of the participating Hungarian public organizations;
- central registration of the applications for support submitted and of the relevant decisions;
- continuous evaluation of the effect of the provisions of the Act on Hungarians Living in the Neighbouring States from the viewpoint of the preservation of the identity, language and culture of the Hungarian national communities living in the neighbouring countries, and initiation of decisions on the basis of the findings.

### **Direction and Structure of the Office:**

The Office is headed by a President appointed and dismissed by the Prime Minister at the recommendation of the Minister Heading the Office of the Prime Minister.

The President is responsible for the professional direction of the Office activities connected with the Hungarian minorities abroad, and the implementation of the relevant government decisions and legal regulations. He determines the internal management conditions and spheres of authority (rules of procedure), and within existing legal rules regulates through instructions the economy, work performance, administration, and so on, of the Office. He represents the Office before the ministries, external bodies, and the press, directly manages the activities of the Secretariat for the Hungarian Standing Conference, the Vice-President, as well as of the Main Departments for Press and Documentation; for Legal, Administrative and Personnel Affairs; for Economic Development and for Information; for Development of the Education and for Maintenance of Contacts with Cultural and Religious Organisations; and for Finances.

The Vice-President of the Office is appointed and dismissed by the Minister Heading the Office of the Prime Minister at the recommendation of the President.

The Vice-President has full authority to substitute for the President during the latter's absence, coordinates the tasks of the Office in the preparation of government decisions related to Hungarian minorities, coordinates the maintenance of contacts with the organizations of the Hungarian minorities, directly manages the activities of the territorial main departments, and the Main Department for Strategy and Evaluation.

Currently 85 persons are working at the Office. Due to historical, geographical and practical reasons the Structure of the Office is the following: *five territorial main departments* (Romania; Slovakia; the Ukraine; Serbia and Montenegro, Slovenia and Croatia; as well as Austria plus countries and regions outside the Carpathian Basin) for carrying out the tasks directly connected with the Hungarian minorities; *six functional main departments* (for Strategy and Evaluation; for Press and Documentation; for Legal, Administrative and Human Resources; for Economic Development and Information Services; for Educational Development, Cultural and Religious Relations; Budget Office), as well as the Secretariat for the Hungarian Standing Conference.

I.

**Act LXII of 2001**  
**on Hungarians living in neighbouring states**  
*(the consolidated text inclusive of amendments\* passed*  
*by the Parliament on 23 June 2003)\*\**

\* Act LVII of 2003 on amendments of the Act LXII of 2001

\*\* Non-official translation

- In order for the Republic of Hungary to meet its obligations to Hungarians living outside Hungary and to promote the preservation and development of their manifold relations with Hungary as provided for in Article 6 Paragraph 3 of the Constitution,
- With a view to the accession of the Republic of Hungary to the European Union and in keeping with the fundamental principles espoused by international organisations, and in particular by the Council of Europe regarding respect for human rights and protection of the rights of minorities;
- With regard for the generally recognised rules of international law, as well as for the obligations of the Republic of Hungary assumed under international law;
- With regard for the development of bilateral and multilateral good-neighbourly relations and partnership and regional co-operation in the Central European region in particular with a view to bilateral treaties concluded by the Republic of Hungary with neighbouring countries to maintain good neighbourly relations and cooperation, and to guarantee the rights of minorities and for the need to strengthen the stabilising role of Hungary;
- In order to ensure the well being of Hungarians living in neighbouring states in their home-state, to promote their ties to Hungary, to support their Hungarian identity and their links to the Hungarian cultural heritage as expression of their belonging to the Hungarian nation;
- Upon the initiative and based on the proposals of the Hungarian Standing Conference, as the consultative body working to preserve and reinforce the identity of Hungarian communities living in neighbouring states;
- Without prejudice to the benefits and grants provided by law for persons of Hungarian ethnic origin living outside Hungary in other parts of the world;

Parliament has adopted this Act:

**Chapter I**

**GENERAL PROVISIONS**

**Section 1.**

(1) This Act shall apply to persons declaring themselves to be of Hungarian ethnic origin who are not Hungarian citizens and who reside in the Republic of Croatia, Romania, Serbia and Montenegro the Republic of Slovenia, the Slovak Republic or Ukraine (hereafter referred to as neighbouring states).

(2) Unless otherwise provided for by treaties, this Act shall also apply to spouses living with persons identified in paragraph (1) and to minor children residing within a common household (hereafter collectively referred to as immediate family members) even if these persons do not declare themselves to be of Hungarian ethnic origin.

(3) The Act shall not apply to persons

- a) who have lost their Hungarian citizenship due to a voluntary renunciation;
- b) whose Hungarian citizenship has been revoked because it had been obtained under fraudulent circumstances;
- c) who have been granted an immigration permit or a permanent residence permit on the territory of the Republic of Hungary or who have been granted refugee or temporarily protected person status.

**Section 2.**

(1) The Republic of Hungary wishes to contribute to the well-being and prosperity of Hungarians living in neighbouring states and to the preservation of their cultural and linguistic identity by providing benefits and grants to persons covered by the scope of this Act and their organisations as laid down in this Act.

(2) The provisions of this Act shall be applied in conformity with the obligations of the Republic of Hungary assumed under treaties and in keeping with the generally recognised rules of international law, in particular the principles of the territorial sovereignty of states, *pacta sunt servanda*, friendly relations amongst states and the respect for human rights, including the prohibition of discrimination.

**Section 3.**

(1) Persons falling within the scope of this Act shall be entitled, under the conditions laid down in this Act, to benefits and grants on the territory of the Republic of Hungary.

(2) Persons falling within the scope of this Act and declaring themselves to be of Hungarian ethnic origin shall be entitled to cultural and educational grants at their place of residence in neighbouring states in order to assist them in preserving their cultural and linguistic identity. Unless otherwise provided for by treaties, this Act shall be applied to the awarding of grants claimable on the territory of neighbouring states.

(3) The benefits and grants provided for in this Act shall be without prejudice to the benefits and grants provided by legislation in force for persons of Hungarian ethnic origin but not of Hungarian citizenship living outside Hungary in other parts of the world.

## Chapter II

### BENEFITS AND GRANTS CLAIMABLE BY PERSONS FALLING WITHIN THE SCOPE OF THIS ACT

#### Culture and sciences

##### Section 4.

(1) The Republic of Hungary shall ensure within its territory to persons falling within the scope of Section 1 paragraphs (1) and (2):

- a) access to public cultural institutions and services thereof,
- b) access to cultural goods for researchers and members of the public,
- c) access to historic monuments and related documentation,
- d) access for the purposes of scientific research to archive materials containing protected personal particulars, if the neighbouring state in which the ethnic Hungarian has his/her domicile is a party to the international convention on the protection of personal particulars<sup>1</sup>.

(2) Persons falling within the scope of Section 1 paragraphs (1) and (2) shall be entitled to have access to the services of any state-run public library, and the following basic services free of charge:

- a) visits to the library,
- b) on-site use of certain selected collections held by the library,
- c) use of cataloguing tools,
- d) information on the services of the library and of the library network,
- e) borrowing privileges for printed library materials upon registration and under the conditions laid down in the library regulations.

(3) Further benefits with respect to access of persons falling within the scope of Section 1 paragraphs (1) and (2) to services offered by state-run museums and public cultural institutions shall be laid down in a separate law.

(4) The entitlement to benefits available under paragraph (1)-(3) shall be certified by the „Ethnic Hungarian card” or the „Family of ethnic Hungarian card”.

##### Section 5.

(1) Hungarian scientists falling within the scope of Section 1 paragraph (1) of this Act shall have the right to become external or regular members of the Hungarian Academy of Sciences.

(2) Scientists identified in paragraph (1) are entitled to their research in Hungary to benefits as laid out in a separate law.

#### Distinctions and scholarships

##### Section 6.

(1) The Republic of Hungary shall ensure that persons falling within the scope of this Act, in recognition of their outstanding and exemplary activities in the service of all Hungarians and in enriching Hungarian and universal human values, are entitled to distinctions bestowed by the Republic of Hungary and to titles, prizes or diplomas established by its Ministers.

(2) Eligibility criteria for state scholarships shall be set in a way that persons falling within the scope of this Act can receive such scholarships.

#### Social Security Benefits and Health Services

##### Section 7.

[Abrogated]

#### Travel benefits

##### Section 8.

(1) Persons falling within the scope of Section 1 paragraphs (1) and (2) shall - in accordance with the purpose of this Act and to strengthen their attachment to the Hungarian culture - be entitled to travel benefits on scheduled domestic local or long-distance public transport on the territory of the Republic of Hungary. With regard to railways, such benefits shall apply to second-class fares.

(2) An unlimited number of journeys shall be provided free of charge for:

- a) children under six years of age and
- b) persons over sixty-five years of age.

(3) A ninety-percent travel discount shall be provided on domestic long-distance public transport for

- a) persons identified in paragraph (1) four times a year,
- b) groups of at least ten persons under eighteen years of age travelling as a group and falling within the scope of this Act, and two accompanying adults once a year.

(4) The detailed rules related to travel benefits shall be laid down in a separate law.

(5) The entitlement to benefits available under paragraph (1)-(3) shall be certified by the „Ethnic Hungarian card” or the „Family of ethnic Hungarian card”.

## Education

### Section 9.

(1) Persons falling within the scope of Section 1 paragraphs (1) and (2), in accordance with the provisions of a separate law, shall be entitled to take part in

- a) undergraduate-level college or university education,
- b) supplementary undergraduate education,
- c) non-degree programmes,
- d) doctoral (PhD) and Doctor of Liberal Arts (DLA) programmes,
- e) general and specialised further training,
- f) accredited institutional tertiary vocational training

in Hungarian language at institutions of higher education in the Republic of Hungary.

(2) Students falling within the scope of Section 1 paragraphs (1) and (2) and participating in state-financed full-time training programmes specified in paragraph (1), shall be entitled to formula funding on the one hand, and in-cash and in-kind benefits on the other, both being part of the appropriations of budgetary expenditure for students, as well as to the reimbursement of detailed health insurance contributions. Types of grants and additional benefits shall be regulated by the Minister of Education in a separate law.

(3) Persons falling within the scope of this Act shall be entitled to pursue studies at institutions of higher education in the Republic of Hungary within the framework of state-financed training in a fixed number to be determined annually by the Minister of Education.

(4) Students falling within the scope of Section 1 paragraphs (1) and (2) and participating in non-state-financed training shall be entitled to apply for the partial or full reimbursement of the costs of their stay and tuition in Hungary. The terms and conditions of reimbursement shall be regulated in a separate law.

### Student benefits

#### Section 10.

Minors falling within the scope of Section paragraphs (1) and (2) pursuing their studies in institutions of primary, secondary and tertiary education are entitled to student benefits on the territory of the Republic of Hungary. Entitlement to benefits shall be certified jointly by the "Ethnic Hungarian card" or the "Family of ethnic Hungarian card" and the special appendix (Student Pass) appended to it for this purpose. The Student Pass shall be issued by an agency laid down in a separate Law. The agency authorised to issue Student Passes shall maintain a record of the information supplied on the application form for "Ethnic Hungarian cards" and "Family of ethnic Hungarian cards" and entered into the Student Pass until the date of expiry. Detailed rules on access to these benefits shall be laid down in a separate law.

### Grants to teachers and instructors

#### Section 11.

(1) Instructors teaching in an institution of primary and secondary education falling within the scope of Section paragraphs (1) and (2) shall be entitled to take part in regular further training in Hungary in a fixed number determined annually by the Minister of Education.

Furthermore, unless otherwise provided for by treaties, teachers and instructors falling within the scope of this Act shall also be entitled to take part in accredited and recognised regular training courses held by Hungarian institutions in a neighbouring country, and to receive the benefits specified in paragraph (2).

(2) For the duration of the further training and to the extent stipulated by a separate law, persons identified in paragraph (1) shall be entitled to request from the Hungarian educational institution providing the further training

- a) reimbursement of their accommodation costs,
- b) reimbursement of their travel expenses, and
- c) a contribution to their costs of enrolment.

(3) Detailed rules on the further training for teachers specified in paragraph (1) shall be laid down in a separate law.

### Section 12.

Instructors and teachers teaching in an institution of primary, secondary and tertiary education falling within the scope of Section 1 paragraphs (1) and (2) are entitled to teachers' benefits on the territory of the Republic of Hungary. Their entitlement shall be certified jointly by the "Ethnic Hungarian card" or the "Family of ethnic Hungarian card" and the special appendix to it (the Teacher/Instructor Pass) that serves this purpose. The agency authorised to issue such cards shall maintain a record of the information supplied on the application form for "Ethnic Hungarian cards" and "Family of ethnic Hungarian cards" and entered into the Teacher/Instructor Pass until the date of expiry. Detailed rules on access to these benefits shall be laid down in a separate law.

### Affiliated training and education programmes in neighbouring states

#### Section 13.

(1) The Republic of Hungary shall promote the preservation of the mother tongue, culture and identity of ethnic Hungarians living in neighbouring states by facilitating the establishment and operation of departments affiliated with accredited Hungarian institutions of higher education in neighbouring states.

The financial resources necessary for the realisation of these goals shall be set out as targeted appropriations in the budget of the Republic of Hungary. The Minister of Education shall make a determination on the allocation of available resources pursuant to the provisions of a separate law.

(2) The Republic of Hungary shall support the establishment, operation and development of institutions of higher education (faculties and departments) using Hungarian as the language of instruction and seeking accreditation in neighbouring states. Applications for the financial resources necessary for the realisation of these goals may be submitted to the public benefit organisation established for this purpose.

## Educational grants available in neighbouring states

### Section 14.

(1) Minors pursuing their studies in the Hungarian language or in the subject of Hungarian culture in an institution of primary, secondary and tertiary education falling within the scope of Section 1, paragraphs (1) and (2) with the participation of a non-governmental organisation established in a neighbouring state with the purpose of maintaining Hungarian education and culture are entitled to educational grants as well as grants for the purchase of books and learning materials, and students of higher education, to study grants.

(2) On the basis of a bilateral agreement, recipients of such grants may also include parents' or instructors' association operating alongside the institution of education.

(3) The detailed rules related to awarding grants and disbursing funds specified in paragraphs (1) shall be laid down in a separate law.

## Employment

### Section 15.

Employment on the territory of the Republic of Hungary of persons falling within the scope of Section 1 paragraphs (1) and (2) shall be governed by the general rules concerning the issuance of work permits to foreigners in Hungary. Derogation from the general rules may be provided for by treaties.

### Section 16.

[Abrogated]

## Tasks of the public service media

### Section 17.

(1) The Hungarian public service media shall ensure that information on ethnic Hungarians living in neighbouring states is collected and transmitted on a regular basis, and that information on Hungary and the Hungarian people is transmitted to ethnic Hungarians.

This information shall serve the following objectives:

- a) to transmit Hungarian and universal intellectual and cultural values,
- b) to form a balanced picture of the world, of Hungary and of the Hungarian people,
- c) to preserve the identity, mother tongue and culture of ethnic Hungarian communities.

(2) The Republic of Hungary shall ensure the production and broadcasting of public service television programmes for ethnic Hungarians living in neighbouring countries through the establishment and operation of an organisation devoted to such purposes, in accordance with the European Convention on Transfrontier Television. The financial resources necessary to this end shall be made available by the central state budget.

## Grants to organisations in neighbouring states

### Section 18.

(1) The Republic of Hungary shall provide grants to organisations in neighbouring states working to facilitate the preservation of the identity, mother tongue and culture of Hungarian kin-minority communities.

(2) In order to obtain such grants, the organisations specified in paragraph (1) may submit applications to foreign organisations (Section 25 paragraph (1)) established for this purpose provided they promote in particular the following goals:

- a) the preservation, furtherance and research of Hungarian national traditions,
- b) the preservation and fostering of the Hungarian language, literature, culture and folk arts,
- c) support of higher education for Hungarians in neighbouring states by facilitating the availability of instructors from Hungary as visiting lecturers,
- d) the restoration and maintenance of monuments that form part of the Hungarian cultural heritage and preservation of the heritage of the countryside.

## Chapter III

### RULES RELATED TO PROCEDURE FOR THE ADMINISTRATION OF BENEFITS AND GRANTS

#### The „Ethnic Hungarian card” and the „Family of ethnic Hungarian card”

### Section 19.

(1) The entitlement of persons falling within the scope of Section 1 paragraphs (1) and (2) to certain benefits available under this Act shall be certified by the „Ethnic Hungarian card” or the „Family of ethnic Hungarian card”.

(2) From the Hungarian state agency (hereafter referred to as the evaluation authority) designated by the Government of the Republic of Hungary for this purpose

- a) persons falling within the scope of Section 1 paragraph (1) declaring themselves to be of Hungarian ethnic origin, in the case of minors through their legal guardians, shall be entitled to apply for an „Ethnic Hungarian card”;
- b) unless otherwise provided for by treaties, persons falling within the scope of Section 1 paragraph (2), in the case of minors through their legal guardian, shall be entitled to apply for a „Family of ethnic Hungarian card”.

(3) Persons specified in paragraph (2) subparagraph a) shall upon applying be entitled to an „Ethnic Hungarian card” provided that they

- a) are proficient in the Hungarian language, or
- b) are
- ba) registered by their state of residence as persons declaring themselves to be of Hungarian ethnic origin, or

- bb*) registered members of an organisation uniting persons of Hungarian ethnic origin and operating on the territory of their state of residence, or  
*bc*) registered by a church operating on the territory of their state of residence as persons of Hungarian ethnic origin.

(4) Applicants are not entitled to an „Ethnic Hungarian card” if they

- a*) already hold a valid „Ethnic Hungarian card”, unless they have re-submitted their application due to changes in the information contained therein;  
*b*) are subject to restrictions on their entry into or stay in, or to expulsion from, the territory of Hungary;  
*c*) do not hold the certificate specified in Section 20 paragraph (2).

(5) Unless otherwise provided for by treaties, immediate family members shall upon applying be entitled to a „Family of ethnic Hungarian card” provided that they

- a*) certify with an official document their family relationship as specified in paragraph (2) subparagraph *b*) with a person of Hungarian ethnic origin as specified in paragraph (3), and  
*b*) apply for the card on the basis of their family relationship with a person of Hungarian ethnic origin who holds or is entitled to hold an „Ethnic Hungarian card”.

(6) Applicants are not entitled to a „Family of ethnic Hungarian card” if they

- a*) already hold a valid „Family of ethnic Hungarian card”, unless they have re-submitted their application due to changes in the information contained therein;  
*b*) are subject to restrictions on entry into or stay in, or to expulsion from, the territory of Hungary;  
*c*) do not hold the certificate specified in Section 20 paragraph (3),  
*d*) apply for the „Family of ethnic Hungarian card” on the basis of their family relationship with a person of Hungarian ethnic origin  
*da*) who does not hold the certificate specified in Section 20 paragraph (2);  
*db*) whose application for an „Ethnic Hungarian card” has been rejected by the evaluation authority; or  
*dc*) whose „Ethnic Hungarian card” is not valid.

#### Section 20.

(1) Applications for an „Ethnic Hungarian card” or a „Family of ethnic Hungarian card” shall contain

- a*) the applicants' application, passport-size photograph and address,  
*b*) personal particulars to be recorded on the card (Section 21 paragraph (5)),  
*c*) the designation of the Hungarian diplomatic mission or consulate participating in the process,  
*d*) the place and date of the issuance of the certificate.

(2) The Hungarian diplomatic mission or consulate operating in the state of residence of the applicant shall issue a certificate to the applicant once the conditions set forth in Section 19 paragraph (3) are satisfied.

(3) The Hungarian diplomatic mission or consulate operating in the state of residence of the applicant shall issue a certificate to the applicant upon the presentation of evidence of the applicant's family relationship with a person falling within the scope of Section 1 paragraph (1).

(4) Evidence that the conditions set forth in Section 19 paragraph (3) subparagraph *b*) and Section 19 paragraph (5) subparagraph *a*) are satisfied shall be supplied in the form of the relevant official documents. If evidence that the conditions set forth in Section 19 paragraph (3) subparagraph *b*) are satisfied cannot be supplied, the Hungarian diplomatic mission or consulate shall be entitled to request information from non-governmental organisations established by ethnic Hungarian communities living in neighbouring states.

(5) If the fulfilment of conditions for the issuance of the certificate cannot be verified either by official documents or the information requested, the Hungarian diplomatic mission or consulate shall not issue the certificate but shall forward the request to the evaluation authority in any case.

#### Section 21.

(1) With regard to period of validity, the „Ethnic Hungarian card” and of the „Family of ethnic Hungarian card”

- a*) shall expire on the eighteenth birthday of minors holding such cards;  
*b*) shall be valid for five years for persons between eighteen and sixty years of age;  
*c*) shall be valid indefinitely for persons over sixty years of age.

(2) After the expiry of such cards the issuance process shall be repeated upon applying. If during the period of validity set forth in paragraph (1) subparagraphs *a*) and *c*), the Appendix to the card becomes unsuitable to certify entitlement to benefits as a result of five years having passed after the issuance of the card, the card shall be replaced upon applying in order to ensure continued entitlement to benefits.

(3) The evaluation authority shall revoke the card

- a*) if the bearer has provided false information when applying for the certificate or the card;  
*b*) if the bearer has been granted an immigration permit or a permanent residence permit;  
*c*) if the bearer has been granted Hungarian citizenship;  
*d*) if the bearer has been recognised as a refugee or temporarily protected person by the authorities charged with asylum matters;  
*e*) if the bearer has been expelled from, or is subject to restrictions on entry into or stay on the territory of the Republic of Hungary;  
*f*) if the card has been forged or used in an unauthorised manner;  
*g*) if the family relationship entitling the bearer to a „Family of ethnic Hungarian card” has ceased to exist or if the „Ethnic Hungarian card” of the person with respect to whom the bearer applied for the „Family of ethnic Hungarian card” has been revoked;  
*h*) upon the bearer's request.

(4) [Abrogated]

(5) The „Ethnic Hungarian card” and the „Family of ethnic Hungarian card” shall contain the following information:

- a) the bearer's surname and given name (as well as the maiden surname and given name in the case of women), as officially used in the neighbouring state of residence (written in Latin script), as well as in Hungarian for persons of Hungarian ethnic origin;
- b) the bearer's place of birth in the official language of the neighbouring state of residence, as well as in Hungarian;
- c) the bearer's date of birth and sex;
- d) the bearer's mother's name as officially used in the neighbouring state of residence (written in Latin script), as well as in Hungarian for persons of Hungarian ethnic origin;
- e) a passport-size photograph of the bearer, his/her citizenship or reference to stateless status;
- f) the bearer's signature;
- g) the date of issue and expiry and the document number, as well as
- h) an explanatory note that the card does not serve as an official identification document or travel document and does not entitle the bearer to exit or enter a country.

(6) Entries and certifications required for access to benefits and grants available under this Act shall be recorded in the Appendix to the Card, as well as in the Appendices thereto (Student Pass, Teacher Pass and Instructor Pass) serving the purposes specified in Section 10 paragraph (2) and Section 12 paragraph (3). The document identification number and date of expiry of the independent Appendix shall be recorded in the heading of the Card Appendix.

(7) In order to ensure the authenticity of the Card and to supervise the granting of benefits, the evaluation authority (or the information processing agency for the purposes of the provisions of the Act) shall maintain records of the information contained in the Cards, the document identification number of the Appendix to the Card, the address of the bearer's residence in the home-state, the family relationship entitling him/her to the Card, the number and date of expiry of the permit authorising the stay [on the territory of Hungary], and the information specified in paragraph (3). The information contained in the records shall be processed by the information processing agency not later than the revocation or expiry of the Card. The information contained in the records may, in accordance with the international convention on the protection of personal particulars, be forwarded, for statistical purposes, to the Hungarian Central Statistical Office (KSH), for the purposes of verifying entitlement and preventing abuse, to the bodies responsible for granting and maintaining records of the benefits and grants, to diplomatic missions and consulates, to Courts carrying out criminal proceedings, to law enforcement agencies and the alien policing authority. The information processing agency may release information in its records to the agency exercising official functions with regard to the issuance, replacement, revocation and record-keeping of Student Passes, Teacher Passes and Instructor Passes.

(8) For the purpose of evaluating applications and examining the existence of grounds for revoking the Card, the evaluation authority may request information from the following bodies:

- a) the Central Alien Policing Registry, on whether the applicant is subject to alien policing proceedings, on any expulsion from or any restrictions on entry into or stay on the territory of Hungary, as well as on the details of the residence permit authorising the stay in Hungary;
- b) bodies responsible for naturalisation, on issues related to the acquisition of Hungarian citizenship;
- c) the Central Refugee Registry, on recognition of refugee or temporarily protected person status.

## Section 22.

- (1) Proceedings of the evaluation authority shall be governed by the provisions of Act IV of 1957 on the General Rules related to Public Administration Procedures. The costs of public administration procedures shall be borne by the State.
- (2) The applicant may institute proceedings in Court against a final administrative decision on appeal against the first instance decision regarding the issuance or revocation of a Card by the evaluation authority. The Court may alter the administrative decision and its proceedings shall be governed by the provisions of the Code of Civil Procedure
- (3) Detailed rules related to procedure of the evaluation authority, and the order of registering the Cards issued, as well as the content and form of the information contained in the Cards, shall be laid down in a separate law.

## Access to benefits on the territory of the Republic of Hungary

### Section 23.

The financial resources necessary for providing these benefits shall be made available by the central state budget to the state-run organisations and institutions granting the benefits provided for in this Act as well as to the profit-oriented organisations granting travel benefits.

## Application procedures for grants available in the Republic of Hungary

### Section 24.

[Abrogated]

## Application procedures for grants available in neighbouring states

### Section 25.

- (1) Applications for grants available under Section 13 paragraph (2) and Section 18 paragraph (2) shall be submitted to non-profit organisations established for this purpose in the neighbouring state of registered office, registered and operating in accordance with the legislation of that state (hereafter referred to as foreign organisations).
- (2) The civil law contract concluded by and between the public benefit organisation established in Hungary and the foreign organisation for the purpose of evaluating applications and disbursing grant funding shall contain the information, supported by documents, declarations, project documentation, etc., necessary for the evaluation of applications.
- (3) The public benefit organisations operating in Hungary shall evaluate the application on the basis of the information laid down in the civil law contract, as specified in paragraph (2), and of the opinion rendered by the foreign organisation.
- (4) Grant funding shall be disbursed to applicants by the Hungarian public benefit organisation on the basis of a civil law contract. This contract shall contain the conditions of the grant and the amount thereof as well as the purpose of the use of such funding and the rules related to rendering accounts thereof.

## Central registration of grants

### Section 26.

- (1) For the purposes of co-ordinating the entire system of grant funding, a central registry of applications for grants and the relevant decisions made by public benefit organisations established for their evaluation shall be set up.
- (2) The central state agency charged with managing the registry shall be designated by the Government.
- (3) The agency managing the registry shall process the following information:
  - a) name, permanent address (registered office) and Card number of the person (or organisation) submitting a grant application,
  - b) the type of grant sought and
  - c) the amount of funding provided.
- (4) Information specified in paragraph (3) shall be handled by the agency managing the registry for a period not to exceed 10 years from the date on which the grant is awarded.
- (5) Information from the registry may be made available, in accordance with the international convention on the protection of personal particulars, to public benefit organisations established in Hungary and in the neighbouring states for the purpose of evaluating grant applications, as well as, in a manner not suitable for the identification of specific individuals, to the state agencies of the Republic of Hungary charged with providing the financial resources for grants.

## Chapter IV

### FINAL PROVISIONS

#### Section 27.

- (1) This Act shall enter into force on 1 January 2002<sup>2</sup>.
- (2) From the date of entry into force of the Act on the promulgation of the international treaty on the accession of the Republic of Hungary to the European Union, the provisions of this Act shall be applied in accordance with the *acquis communautaire* of the European Union.
- (3) Pursuant to international agreements, the provisions set forth in Section 10 and Section 14 shall also apply to pupils enrolled in primary and secondary educational institutions in a neighbouring country where the language of instruction is Hungarian as well as to students enrolled in an institution of higher education in a neighbouring country and pursuing studies in Hungarian language or in the area of Hungarian culture.
- (4) Pursuant to international agreements, the provisions set forth in Sections 11-12 shall also apply to teachers of primary and secondary educational institutions of neighbouring states using Hungarian as the language of instruction or teaching Hungarian culture, as well as to instructors of Hungarian culture at an institution of higher education.

- (5) Detailed rules related to awarding grants and disbursing funds specified in paragraphs (3)-(4) shall be laid down in a separate law.

### Section 28.

- (1) The Government shall be empowered to regulate by Decree
  - a) the provisions on the designation of the state agency authorised to issue, revoke and register „Ethnic Hungarian cards” and „Family of ethnic Hungarian cards”, as well as on the assignment of the state agency under which it is located administratively, on the definition of their competencies and on the rules related to procedure for the issuance, replacement, revocation and registration of such Cards;
  - b) the detailed rules related to travel benefits as laid down in Section 8, paragraphs (1)-(3) for persons falling within the scope of Section 1 paragraphs (1) and (2), on the basis of Section 8 paragraph(4);
  - c) the detailed rules related to student benefits and grants for persons falling within the scope of Section 1 paragraphs (1) and (2), on the basis of Section 10;
  - d) the detailed rules related to of instructors’ further training benefits for persons falling within the scope of Section 1, paragraphs (1) and (2) on the basis Section 11 paragraphs (1)-(3) and of the instructors’ benefits provided on the basis of Section 12.
  - e) the detailed rules related to the disbursing funds for persons falling within the scope of Section 1 paragraphs (1) and (2) as laid down in Section 1 paragraphs (1) and (2), on the basis of Section 14 paragraph (3).
  - f) the detailed rules related to application for grants available in the neighbouring countries, on the basis of Section 25.
  - g) the detailed rules related to benefits available in Hungary and assistance available in the neighbouring countries for nationals of Member States of the European Unions that do not fall within the scope of Section 1 paragraph (1) and (2), on the basis of Section 27, paragraph (2).
- (2) The Government shall be empowered, on the basis of Section 3 paragraph (2), to conclude international agreements for the purpose of providing benefits in the neighbouring countries, as identified in Section 14 paragraphs (1) and (2), and for the purpose of implementing Section 27, paragraphs (3) and (4).
- (3) The Government will provide for the establishment of Hungarian public benefit organisations to evaluate grant applications and award grants provided for in this Act. The Government shall also ensure the co-ordination of the activities of public benefit organisations already operating for this purpose, the appropriate changes to their founding documents and the reallocation of resources within this framework, as well as the maintenance of cooperation with non-governmental organisations established by ethnic Hungarian communities living in neighbouring countries.

### Section 29.

- (1) The Minister of the Interior and the Minister of Foreign Affairs shall lay down in a joint decree – with the consent of the Minister of Education in the case of educational grants – detailed rules on the requirements as to content and form of the „Ethnic Hungarian card” and the „Family of ethnic Hungarian card”.

(2) The Minister for National Cultural Heritage shall lay down in a decree – with the consent of the Minister of Foreign Affairs – the availability of services of state-run museums and establishment of public education, and the detailed rules related to benefits entitled to on the basis of Section 4 paragraphs (1)-(3) and of further benefits as laid down in paragraph (3) for the persons falling within the scope of Section 1 paragraphs (1) and (2).

(3) The Minister for Education shall lay down – with the consent of the Minister for Foreign Affairs – the detailed rules on the benefits falling within the scope of Section 5 paragraph (2) for research in Hungary for external members or members of the executive board of the Hungarian Academy of Sciences falling within the scope of Section 1 paragraph (1).

(4) The Minister of Education shall lay down – with the consent of the Minister for Foreign Affairs – in a decree the detailed rules related to benefits for persons falling within the scope of Section 1, paragraphs (1) and (2) they are entitled to during their participation in higher education in Hungary, in accordance with Section 9.

(5) The Minister of Education shall lay down – with the consent of the Minister for Foreign Affairs – in a decree the detailed rules related to the use of the framework amount of assistance as laid down in Section 13 paragraph (1).

(6) The Minister for National Cultural Heritage shall lay down – with the consent of the Minister for Foreign Affairs – the detailed rules related to assistance for institutions operating in neighbouring countries with the purpose of promoting the self-awareness, mother tongue and culture of Hungarian ethnic communities living in neighbouring countries as laid down in Section 18 paragraph (1).

(7) The Minister for Education shall lay down – with the consent of the Minister for Foreign Affairs – the detailed rules related to higher-level education on the subject of Hungarian culture and of instruction on the subject of Hungarian culture.

### Section 30

In the context of application of this Act, Hungarian culture shall be understood as to include the Hungarian language, literature, history, cultural history and Hungarian science.

## II.

### Government Decree 90/1992. (V.29) On the Government Office for Hungarian Minorities Abroad

Art.1. The Government, on the basis of the authority granted in par.1 and par.3 of Art.88 of Law XXXVIII/1992 on the state budget, and in the interest of carrying out its state duties of maintaining contacts with the Hungarians living outside the borders of Hungary, creates – with the simultaneous termination of the Secretariat for Hungarians Abroad in the Prime Minister's Office – the Government Office for Hungarian Minorities Abroad (hereafter referred to as Office).

Art.2.(1) The Office stands under the direction of the Government and under the supervision of the Minister heading the Office of the Prime Minister.

(2) The Office is a partially independently operating budgetary body endowed with full authority, and as from 1 January 2003 its budget is in a separate entry in the Office of the Prime Minister chapter.

(3) From the viewpoint of the application of the legal regulation on the sphere of competence of bodies with national authority, the Office must be considered as a body with national authority.

Art.3.(1) The Office is headed by a Chairman, who is appointed and dismissed by the Prime Minister upon the recommendation of the Minister heading the Office of the Prime Minister.

(2) The Office's Vice Chairman is appointed and dismissed by the Minister heading the Office of the Prime Minister upon recommendation of the Office Chairman.

Art.4. The organization and operational order of the Office are established by the Office Chairman with the approval of the Minister heading the Office of the Prime Minister.

Art.5. The tasks of the Office are:

a) to keep continuous contact with the organizations of the Hungarians living throughout the world – with particular attention to the minorities in the neighboring countries – and with the government bodies of the various countries competent in minority affairs;

b) to mutually cooperate in the course of its activities with the relevant ministries, bodies of national authority, and other organizations, and to coordinate governmental activities connected with the Hungarian minorities and diaspora;

c) to prepare analyses and forecasts of all developments which affect the situation of minorities, primarily of the Hungarian minorities;

d) to examine European and other international developments which affect the settlement of the minority question;

e) to pay attention to the interdependence between Hungarian politics and the minority question, to participate in the formulation and representation of the related foreign policy, and to maintain ties with the world of science;

f) to give an opinion about the concepts, legal provisions, and international agreements;

g) to pay attention to the utilization of the amounts originating from the central budget intended to support the Hungarians abroad, and to submit proposals upon the emphasis to be given to this support;

h) to promote border region, regional, and sub-regional social, cultural, and economic cooperation;

i) to perform the tasks related to the functioning of the joint committees set up on the basis of interstate treaties.

Art. 6. To effects a coordination of the implementation of the provisions contained in Law LXII of 2001 on Hungarians living in neighbouring countries the Office

a) takes part in the organization of the collection and forwarding of the data required for the issuance of the Hungarian identity card and the Hungarian dependent identity card;

b) promotes the establishment of the public organizations participating in the judging and disbursement of the supports available through competition determined by the Law on Hungarians living in neighbouring countries, and promotes the creation of the legal frameworks for their cooperation;

c) coordinates the support policy of the central administrative bodies providing the support and of the participating Hungarian public organizations;

d) attends to central registration of the applications for support submitted and of the relevant decisions;

e) executes a continuous evaluation of the effect of the provisions of the Law on Hungarian minorities living in neighbouring countries from the viewpoint of the preservation of the

identity, language and culture of the Hungarian national communities living in the neighbouring countries, and initiates decisions on the basis of the findings.

### III.

#### Bilateral Documents

(This compilation is not a complete, absolute enumeration. It is only the list of those agreements which text is available in english)

#### Romania

##### TREATY

#### between the Republic of Hungary and Romania on Understanding,

#### Cooperation and Good Neighborhood

(September 16, 1996)

The Republic of Hungary and Romania,

- being convinced that good neighborhood, mutual respect and cooperation correspond to the fundamental interests of Hungary and Romania;

- reaffirming that they are committed to the human rights and fundamental freedoms, democracy, humanism and the rule of law and expressing the conviction that their enforcement and substantial enrichment constitutes the basis of freedom, justice and peace;

- being guided by their common effort aimed so that Europe becomes a unified continent of peace, security and cooperation for the benefit of all states and peoples, and determined to act in order to develop such relations which would enable the advancement of these goals;

- recognizing that national minorities constitute an integral part of the society of the state where they live and taking furthermore into account that their protection forms part of the international protection of human rights and as such falls within the scope of international cooperation, and that normalization of their cooperation in this field constitutes an important contribution to stability and understanding in Europe, to the strengthening of democracy in their respective countries and to their integration into the European and Euro-Atlantic structures;

- reaffirming their commitment to act in order to implement the purposes and principles contained in the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for a New Europe and other documents of the Organization on Security and Cooperation in Europe;

- being convinced that the irreversible changes which have occurred in Europe and in their respective countries open new perspectives in their bilateral relations;

have agreed as follows:

#### Article 1

(1) The Republic of Hungary and Romania (hereinafter referred to as "the Contracting Parties") will base their relations on confidence, cooperation and mutual respect.

(2) The Contracting Parties shall, both in their mutual relations and in relations with other states, respect the principles enshrined in the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for a New Europe and other documents of the Organization on Security and Cooperation in Europe, as well as other accepted principles and norms of international law.

#### Article 2

(1) The Contracting Parties shall act in order that Europe as a whole becomes a peaceful and democratic community of states based on the rule of law and will contribute to the safeguarding and strengthening of security of this region, and to the guaranteeing of peace and security based on cooperation, in accordance with their obligations undertaken within the framework of the Organization on Security and Cooperation in Europe.

(2) The Contracting Parties, in order to strengthen European peace and security, support the continuation of processes aimed at controlling and limiting European armed forces and armaments to the level necessary for defense. They will furthermore support the elaboration of new confidence-building and confidence-strengthening measures and will strive at making similar steps in their bilateral relations.

#### Article 3

(1) The Contracting Parties confirm that they shall, in their mutual relations, refrain from the use, or the threat of use, of force against the territorial integrity or political independence of the other Contracting Party, as well as from any actions which are inconsistent with the purposes of the United Nations and the Helsinki Final Act. They shall also refrain from supporting such actions and they shall not allow a third party to use their territory for conducting similar actions against the other Contracting Party.

(2) The Contracting Parties shall settle any dispute arising between them exclusively by peaceful means.

#### Article 4

The Contracting Parties confirm that, in accordance with the principles and norms of international law and the principles of the Helsinki Final Act, they shall respect the

inviolability of their common border and the territorial integrity of the other Party. They further confirm that they have no territorial claims on each other and that they shall not raise any such claims in the future.

#### Article 5

(1) The Contracting Parties shall, with the view to implementing the purposes of this Treaty, establish an appropriate framework for cooperation in all fields of mutual interest.

(2) When implementing this Treaty, the Contracting Parties will attach special attention to the enhancement of cooperation and the extension of relations between the legislative and executive bodies.

(3) They will continue, at different levels, regular exchanges of views in order to ensure further development and deepening of their bilateral relations and to become mutually acquainted with each other's views on international issues. Within this framework, the Prime Ministers will meet at least once a year and the Ministers for Foreign Affairs shall also meet annually with the aim of reviewing the implementation of this Treaty.

(4) Regular meetings of leaders of other different ministries and central agencies shall be provided for in the agreements to be concluded between them.

#### Article 6

(1) The Contracting Parties will, in order to contribute actively to preserving and strengthening of peace and security in the region, support the further development and consistent implementation of European cooperation mechanisms.

(2) If, in the opinion of either of the Contracting Parties, a situation emerges that may present a threat to international peace and security or to its own security interests, this Contracting Party may propose to the other Contracting Party to consider jointly those steps to be taken in order to ease the tension or to eliminate the emerged situation, taking into account the principles and mechanisms enshrined in the Charter of the United Nations, as well as those available within the framework of the European cooperation.

(3) The Contracting Parties shall conduct regular consultations at various levels on questions of mutual interest concerning security and defense. Upon the request of either Party they shall inform each other on the fulfillment of their international engagements concerning security and disarmament, stemming from such documents they have both subscribed to.

(4) Cooperation between the military institutions of the Contracting Parties shall be realized on the basis of a separate agreement.

#### Article 7

(1) The Contracting Parties will broaden their relations and cooperation in international organizations, including regional and sub-regional organizations. They shall mutually support each other's efforts aimed at integration to the European Union, NATO and the Western European Union.

(2) The Contracting Parties shall, together with other interested European countries, cooperate in the realization of regional and sub-regional projects and other forms of cooperation with the aim of promoting, in the field of economy, industry, agriculture, ecology, transport and communication as well as in other fields of mutual interest, the acceleration of development of the countries participating in those projects and other forms of cooperation. They shall encourage the participation of those directly interested in the realization of these forms of cooperation and projects, in accordance with the domestic legislation of the Contracting Parties.

#### Article 8

(1) The Contracting Parties shall, on the basis of international trade practice and norms, develop their economic cooperation and mutually advantageous trade in all fields of the economy.

(2) For this purpose they shall, in accordance with their domestic legislation and other international obligations, incite direct contacts and cooperation between the participants in the economy of the two States and will endeavor to create favorable conditions for natural and legal persons of both Contracting Parties in order to enable them to exert the undertaking of entrepreneurial, commercial and other economic activity in the territory of the other Contracting Party.

(3) The Contracting Parties shall also encourage and promote mutual capital investments and shall guarantee their safety.

(4) The Contracting Parties shall pay particular attention to the cooperation in the coordinated, international standard-conform development of their national and interconnected infrastructures, including their energy systems, transport and telecommunication networks.

#### Article 9

(1) The Contracting Parties shall support mutually advantageous and efficient cooperation in the field of basic and applied research, with special emphasis on modern equipment and technology.

(2) The Contracting Parties shall encourage direct contact between, and the shared initiatives of, scientists and researchers of the two countries, as well as cooperation between scientific research institutes and libraries and other institutions specializing in this field.

#### Article 10

(1) The Contracting Parties shall cooperate, at sub-regional or regional level, in preventing, reducing and eliminating the pollution affecting their territories, as well as in improving the conditions for their ecological security.

(2) In the event of an ecological catastrophe or of an accident threatening with such consequences or of the risk thereof the Contracting Parties shall, without delay, inform each other concerning the situation which has emerged and on emergency measures they have taken.

#### Article 11

(1) The Contracting Parties will broaden their cooperation between each other and with other Danubian states, keeping in view the development of Danubian shipping, the cooperation of riparian states in all fields representing mutual interest, as well as the prevention, reduction and control of pollution of the Danube.

(2) Furthermore, the Contracting Parties shall cooperate on the questions of mutual interest between the two countries related to the issues of transboundary watercourses, on the basis of those bilateral and multilateral treaties which the Contracting Parties are, or will be, a party to.

#### Article 12

(1) The Contracting Parties shall promote their cooperation in the fields of culture, science and education.

(2) The Contracting Parties shall support the development of cultural exchanges between the institutions, creative associations, non-governmental organizations and associations, as well as the exchange of natural persons of the two countries and will conclude for this purpose inter-governmental and inter-ministerial agreements and work programs.

(3) The Contracting Parties shall develop and promote, also on the basis of direct arrangements, cooperation between universities, other educational institutions and the scientific research institutes and centers of the two countries, as well as the exchange of pupils, students, teachers, professors and scientific research fellows. They attach particular importance to cooperation in the field of vocational education and the post-graduate training of specialists and declare that they are ready to broaden and deepen this cooperation.

(4) The Contracting Parties shall encourage direct cooperation and exchange between archives, libraries and museums, and shall grant, in accordance with the domestic regulation of the given country, access to the source material available in these institutions for researchers and other persons of the other country.

(5) The Contracting Parties shall take the necessary measures in order to have the competent authorities of the two countries examine the issue of recognition of diplomas with a view to conclude an appropriate agreement in this field.

(6) Both Contracting Parties encourage the teaching of the language of the other country in universities, schools and other institutions, and they shall, for this purpose, grant support for the training of teachers and the organization of education.

(7) The Contracting Parties shall support the activity of their cultural centers and will make to a full extent use of those possibilities offered by these centers for developing mutual cultural exchanges, in accordance with the relevant bilateral agreement.

(8) The Contracting Parties shall, in the interest of the realization of the aims established in this article and the development of an institutional framework of bilateral cooperation, act in order to conclude a new convention concerning cooperation in the field of culture, education and science, as well as other appropriate agreements.

#### Article 13

(1) The Contracting Parties shall cooperate in the preservation of their cultural heritage and in making the two peoples mutually acquainted with that heritage.

(2) The Contracting Parties shall endeavor to protect historical and cultural monuments, memorial sites, written and material relics located in their respective territories related to the history and culture of the other Contracting Party and will support their preservation and will facilitate, in accordance with their domestic legislation, access to them

#### Article 14

The Contracting Parties shall promote the climate of tolerance and understanding among their citizens of different ethnic, religious, cultural and linguistic origin. They condemn xenophobia and all kind of manifestations based on racial, ethnic or religious hatred, discrimination and prejudice and will take effective measures in order to prevent any such manifestation.

#### Article 15

(1)

a) In regulating the rights and duties of persons belonging to national minorities living on their territories, the Contracting Parties undertake to apply the Framework Convention of the Council of Europe for the protection of national minorities, if more favorable provisions concerning the rights of persons belonging to national minorities do not exist in their domestic legislation.

b) Without prejudice to the contents of the preceding paragraph, the Contracting Parties shall, with the aim of protecting and developing the ethnic, cultural, linguistic and religious identity of the Hungarian minority in Romania and the Romanian minority in Hungary, apply as legal obligations the provisions defining the rights of persons belonging to such minorities as contained in the documents of the United Nations, the Organization on Security and Cooperation in Europe and the Council of Europe, listed in the Annex of this Treaty.

(2) The Contracting Parties shall reconfirm accordingly, that the persons referred to in the preceding paragraph shall have, individually or in community with other members of their group, the right to freely express, preserve, and develop their ethnic, cultural, linguistic and religious identity. Accordingly, they shall have the right to establish and maintain their own educational, cultural and religious institutions, organizations and associations which are entitled to seek voluntary financial and other contributions, as well as public support in accordance with the domestic legislation.

(3) The Contracting Parties shall respect the right of persons belonging to the Hungarian minority in Romania and the Romanian minority in Hungary to use freely both orally and in writing their mother tongue in private and in public. They shall take the necessary measures to ensure that such persons can learn their mother tongue and have adequate opportunities for being educated and trained in this language at all levels and forms within the framework of the State education system, according to their needs. The Contracting Parties shall ensure the conditions allowing the use also of the mother tongue of these persons in their relations with

local administrative and judicial authorities, in accordance with the domestic legislation and the international obligations the Contracting Parties have subscribed to. These persons shall have the right to use their surnames and first names in their mother tongue and to have them officially recognized. In areas where persons belonging to the minority concerned live in a substantial number, both Parties shall allow the display, also in the language of the minorities, the traditional local denominations, street names and other topographical indications intended for the public.

(4) The Contracting Parties shall respect the right of persons belonging to national minorities to have access, in their mother tongue, to information and to the electronic and printed media, as well as to freely exchange and disseminate information. The Contracting Parties shall, within the framework of their domestic legislation, grant the possibility to establish and operate their own media.

(5) The Contracting Parties shall ensure the right of persons belonging to the minorities to effectively participate, individually or through their parties or organizations, in the political, economic, social and cultural life and, through their representatives elected to central and local public authorities and administrations, in the settlement of issues representing national or local interests. Both Contracting Parties shall, in the process of decision-making concerning questions related to the protection and enforcement of the national identity of these persons, consult the organization, political parties or associations of these persons according to democratic decision-making procedures as provided by the law.

(6) The Contracting Parties shall respect the cultural and historical heritage of national minorities and shall support their efforts to preserve the architectural monuments and memorial sites related to minority culture and history, and will take appropriate measures to allow citizens living in regions of mixed population to become acquainted with Hungarian and Romanian cultural values.

(7) The Contracting Parties shall respect the rights of persons belonging to national minorities to maintain free contacts among themselves and across frontiers with citizens of other States, as well as to participate in the activities of national and international non-governmental organizations.

(8) The Contracting Parties agree that, in the exercise of the rights referred to in this article, persons belonging to national minorities, similarly to any other citizen of the state concerned, shall respect the national legislation and the rights of others. These persons shall enjoy the same rights and have the same duties of citizenship as other citizens of the State in which they live.

(9) Without prejudice to measures taken in pursuance of their general integration policy, the Contracting Parties shall refrain from policies or practices aimed at the assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aiming at such assimilation. They shall further refrain from measures which by altering the proportions of the population in areas inhabited by persons belonging to national minorities are aimed at restricting the rights and freedoms flowing from the international standards and norms listed in paragraph 1 of this article.

(10) The Contracting Parties shall assist each other in observing the implementation of the present article. For this purpose they will also examine, in the framework of the regular

consultations referred to in Article 5 of this Treaty, those questions of their bilateral cooperation related to national minorities concerning the implementation of this Treaty and shall establish an intergovernmental expert commission. They will cooperate in the appropriate operation of the mechanisms of the Organization on Security and Cooperation in Europe and the Council of Europe verifying compliance with obligations contained in the documents of these organizations and to which the Parties have entered into.

(11) The Contracting Parties shall cooperate in further developing the international legal framework for the protection of national minorities. They agree that they will apply as part of this Treaty the provisions relating to further developing the rights of persons belonging to national minorities contained in those international documents to which they will subscribe in the future.

(12) Neither of the obligations contained in the present article shall be interpreted as implying any right to engage in any activity to perform any act contrary to the purposes and principles of the Charter of the United Nations, other obligations of international law or the Helsinki Final Act and the Paris Charter of the Conference on Security and Cooperation in Europe, including the principle of the territorial integrity of states.

#### Article 16

The Contracting Parties shall develop their cooperation in the field of mass media. They shall facilitate free flow of information relating to the social, political, economic, cultural and scientific life of their countries and shall support all efforts aimed at becoming mutually and objectively acquainted, understanding each other and overcoming prejudices.

#### Article 17

(1) The Contracting Parties shall develop and support cooperation in the fields of health care and research in the medical sciences.

(2) The Contracting Parties shall furthermore urge cooperation, in the interest of citizens of each other sojourning in the territory of the other Contracting Party, in the field of social security and social protection, and they will examine the possibility to conclude agreements to this effect.

#### Article 18

The Contracting Parties shall support the broadening of direct contacts between political organizations, trade unions, churches and religious communities, foundations, organization of women, youth, sport and associations of other type.

#### Article 19

(1) The Contracting Parties shall support and facilitate direct contact between their citizens.

(2) The Contracting Parties shall extend their consular relations and will simplify border crossing and custom control, including the opening of new border crossing points and the enlargement of the existing ones to the extent of their possibilities, in order to facilitate the traffic of persons and goods. They will conclude appropriate agreements for this purpose.

#### Article 20

(1) The Contracting Parties shall, in accordance with the treaties in force, grant each other mutual legal assistance in civil, family and criminal law matters and they will develop, under separate agreement, the cooperation between their police bodies.

(2) The Contracting Parties shall cooperate in preventing and combating organized crime, with special emphasis on terrorism, illicit traffic in drugs, unlawful seizure of aircraft, smuggling and illegal traffic of cultural, historical objects and valuables and of museum pieces. They express readiness to cooperate in this field also within an international framework.

#### Article 21

(1) The Contracting Parties will settle all their disputes concerning the interpretation or implementation of this Treaty through direct consultations and negotiations. After that point when both Contracting Parties have become Party to an international multilateral treaty on peaceful settlement of disputes, those disputes referred to in this article that could not be settled through direct consultations and negotiations within a reasonable time, will be settled according to procedures prescribed in the above mentioned international multilateral treaty, provided that the obligations to be assumed under that treaty would encompass disputes of this kind.

(2) The Contracting Parties shall endeavor, whenever necessary, to insert in their bilateral provisions under which they may submit their disputes concerning the interpretation or implementation of such treaties to available mechanisms of settlement of disputes.

#### Article 22

The present Treaty is not aimed against any third state and shall not prejudice the rights and obligations of either Contracting Party flowing from its bilateral or multilateral treaties concluded with other states.

#### Article 23

The present Treaty is concluded for a period of ten years. Its validity shall be automatically extended, for further five year periods, unless one of the Contracting Parties, at least one year before the given validity period expires, notifies the other Contracting Party in writing of its intention to renunciate.

#### Article 24

This Treaty shall be ratified in accordance with the constitutional requirements of both Contracting Parties and shall enter into force on the date of exchange of the instruments of ratification. The Contracting Parties take note that the "Treaty on Friendship, Cooperation

and Mutual Assistance between the Hungarian People's Republic and the Socialist Republic of Romania", signed in Bucharest, February 24, 1972, is no longer in force.

#### Article 25

This Treaty shall be registered with the Secretariat of the United Nations, in accordance with Article 102 of the Charter.

Done at Timisoara, this 16th day of September, 1996 in two original copies, both in the Hungarian and Romanian languages, both texts being equally authentic.

For the Republic of Hungary For Romania

#### Annex

##### List of documents referred to in Article 15, paragraph (1) b), of the Treaty on Understanding, Cooperation and Good Neighborhood between the Republic of Hungary and Romania

1. Document of June 29, 1990 of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe;
2. Declaration of December 18, 1992, of the General Assembly of the United Nations on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Resolution 47/135);
3. Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe on an additional protocol on the rights of national minorities to the European Convention on Human Rights.

#### Agreement

##### between the Government of Romania and the Government of the Republic of Hungary

The Government of Romania and the Government of the Republic of Hungary, hereinafter referred to as "*the Parties*",

*Guided* by a joint effort to strengthen their bilateral relations in the spirit of mutual understanding and good-neighbourly co-operation,

*Bearing in mind* the Treaty on understanding, co-operation and good-neighbourliness between Romania and the Republic of Hungary, signed in Timisoara, on the 16th of September 1996, in particular the provisions concerning the protection of the rights of persons belonging to national minorities, acknowledging that providing effective equality in rights and chances for the national minorities living in their respective countries and creating conditions for them to prosper in their land of birth, constitute an indispensable contribution

to the stability of the region and to the creation of a future Europe, based on values as cultural and linguistic diversity and tolerance,

Led by the Declaration on Strategic Partnership between the Government of Romania and the Government of the Republic of Hungary, signed in Budapest, on the 29th of November 2002,

Taking into account the prospective membership of the two countries in the European Union, Willingful of promoting the European values and standards,

Guided by the willingness to promote the preservation and development of the cultural and linguistic identity of the persons belonging to Romanian and Hungarian national minorities living in the two countries, in order for the citizens to have better knowledge on the culture and language of the other State, in conformity with the international treaties on the matter, in force between the two States,

Bearing in mind the provisions of the European and international documents in the field of the protection of the rights of persons belonging to national minorities and the recommendations of the European institutions, in particular the OSCE High Commissioner on National Minorities and the European Commission,

Guided by the provisions of the Venice Commission's report on the preferential treatment of national minorities by their kin States, setting forth the conditions in which the involvement of the kin State is legitimate, as the respect of the territorial sovereignty, *pacta sunt servanda*, the principle of good neighbourliness, respect of human rights and fundamental freedoms, in particular the principle of non-discrimination,

Have agreed upon conditions with regard to implementing the Law on Hungarians Living in Neighbouring Countries concerning Romanian citizens, as follows:

#### Article 1

The Romanian citizens of non-Hungarian ethnic origin shall not be granted any Certificate and, on this basis, shall not be entitled to apply for any benefits set forth by the Law on Hungarians Living in Neighbouring Countries.

#### Article 2

The Parties note that the entire procedure of granting the certificate (receiving of applications, issue, distribution) takes place on the territory of the Republic of Hungary, including the Hungarian diplomatic and consular missions as to the receiving of applications.

#### Article 3

The Parties acknowledge that non-governmental organisations established by the ethnic Hungarians on the territory of Romania shall not issue any recommendations concerning the ethnic origin or other criteria, as far as the procedure of granting the Certificate is concerned.

#### Article 4

The Romanian Party notes that Romanian citizens which are pupils in elementary schools and high-schools and learn in Hungarian language, as well as the students studying in Hungarian language in higher educational institutions or attend classes in the field of

Hungarian culture may enjoy, on the territory of the Republic of Hungary, benefits for the support of their studies, on the basis of their pupil/student quality in Romania.

#### Article 5

The Romanian Party notes that Romanian citizens teaching in Hungarian language or in the field of Hungarian culture in elementary schools and high-schools or in higher educational institutions may enjoy, on the territory of the Republic of Hungary, benefits for teachers and professors for the support of their teaching activities, on the basis of their teacher/professor quality in Romania.

#### Article 6

The Parties convened that the „School” Foundation, in conformity with the Romanian legislation, distributes, by contest, on the basis of projects, educational benefits, for educational institutions or for individuals for the purpose of scholarships, on a non-discriminatory basis.

#### Article 7

The Hungarian Certificates for Romanian citizens shall be used only on the territory of the Republic of Hungary;

#### Article 8

The Government of the Republic of Hungary strives to take the necessary steps in order to bring the Certificates into conformity with the Recommendations of the European institutions, including those of the European Commission of December 2002.

#### Article 9

The Government of the Republic of Hungary agrees that the Hungarian citizens of Romanian ethnic origin living in the Republic of Hungary shall be granted, in accordance with the Romanian relevant legislation regarding the support for the Romanian minorities living abroad and on the basis of reciprocity, the same level of facilities as those granted to Romanian citizens of Hungarian ethnic origin living in Romania, in accordance with the legal framework in force between Romania and the Republic of Hungary on this matter.

#### Article 10

On the entry into force of this Agreement, the Memorandum of Understanding between the Government of Romania and the Government of the Republic of Hungary concerning the Law on Hungarians Living in Neighbouring Countries and Issues of Bilateral Co-operation, signed in Budapest, on the 22<sup>nd</sup> of December 2001 shall terminate its validity.

#### Article 11

This Agreement shall enter into force on the date of the latter notification regarding the fulfilment of the domestic procedures necessary for the entry into force of this Agreement.

Signed in Bucharest, on the 23 September 2003, in two original copies, each of them in the English language.

**TREATY**  
**on Good-neighbourly Relations and Friendly Co-operation**  
**between the Republic of Hungary and the Slovak Republic**  
(March 19, 1995)

The Republic of Hungary and the Slovak Republic (hereinafter referred to as "the Contracting Parties"),

Being convinced that the historical change that took place in Europe and in their respective countries offer unprecedented opportunities for resolving the common tasks that derive from the development of their bilateral relations in a spirit of good neighbourliness and friendly co-operation,

Making efforts to contribute to building Europe, in the framework of current integration processes, as a continent of peace, security and prosperity,

Confirming that respect for, and implementation of human rights and fundamental freedoms and the principles of democracy, the rule of law and humanism constitute the basis of freedom, justice and peace,

Recognising that persons belonging to national minorities constitute an integral part of the society and of the State of the Contracting Party on whose territory they live and they concurrently contribute to the enrichment of the life of their societies and to building confidence, friendship and co-operation between their countries, and declaring that the feel responsibility for granting protection to, and promoting preservation and deepening of, national or ethnic, cultural, religious and linguistic identity of the minorities living within their respective territories,

Confirming they are guided by the principles laid down in the Charter of the United Nations, the Final Act of the Helsinki Conference on Security and Co-operation on Europe, the Paris Charter for a New Europe of the Conference on Security and Co-operation on Europe and other documents adopted by the Organisation for Security and Co-operation in Europe,

Being convinced that the further development of friendly relations and co-operation based on new foundations meet the vital interests of their countries and peoples,

Have agreed as follows:

**Article 1**

The Contracting Parties shall develop their relations in the spirit of good neighbourliness, confidence and friendly co-operation and shall maintain a dialogue in all the areas of mutual interest.

**Article 2**

The Contracting Parties, in their mutual relations as well as in their relations with other States, shall respect the generally accepted principles and norms of international law, in particular the principles laid down in the Charter of the United Nations, the Helsinki Final Act, the Paris Charter for a New Europe and other documents adopt within the framework of the Organisation for Security and Co-operation in Europe.

**Article 3**

(1) The Contracting Parties, in accordance with the principles and norms of international law, confirm, that they shall respect the inviolability of their common state border and each other's territorial integrity. They confirm that they have no territorial claims on each other and will not raise any such claims in the future.

(2) The Contracting Parties declare that, in their mutual relations, they shall refrain from the use of force or the threat of use of force against the territorial integrity or political independence, or from other acts or support for any such actions against the other Party that would be contrary to the Charter of the United Nations or to the international law, and that they shall not allow a third Party to use their territory for conducting similar actions against the other Party. They shall settle any disputes arising between them exclusively by peaceful means.

**Article 4**

(1) If, in the opinion of either of the Contracting Parties, a situation has emerged in the international relations that may present a threat to international peace and security or to its own security interests, this Party may request a consultation with the other Party in order to examine what they might do towards easing or eliminating the tension, in conformity with the principles of the Charter of the United Nations and the principles of the Organisation for Security and Co-operation in Europe.

(2) The Contracting Parties shall conduct regular consultations at various levels on questions of mutual interest concerning security and defense. Upon the request of either Party, they shall provide information on the fulfilment of their international undertakings concerning security and disarmament. Their bilateral relations in the defense area shall be governed by a separate agreement.

**Article 5**

(1) The Contracting Parties shall, with a view to implement this Treaty, establish an appropriate frame for co-operation in every field of mutual interest.

(2) The Contracting Parties attach special significance to co-operation and the development of relations between their legislative and executive bodies.

(3) The Contracting Parties shall hold regular consultations at various levels with the view to further development and deepening of their bilateral relations and of mutual acquaintance with their positions on international issues. The Prime Ministers shall, within this framework,

have at least once a year a meeting and the ministers for foreign affairs shall also meet or least once a year to access the implementation of this Treaty.

(4) Co-operation among other sectors of administration, including regular meeting of their leaders, shall be governed by agreements concluded between the sectors concerned.

#### Article 6

The Contracting Parties confirm that their interests and endeavours are identical in relation to their integration into the European Union, the North Atlantic Treaty Organisation and the Western European Union and in relation to the Council of Europe and the Organisation for Security and Co-operation in Europe, and they declare they resolve to extend each other support in this respect.

#### Article 7

(1) The Contracting Parties shall, in the framework of developing their bilateral relations and in the process of their integration into the European Union, promote a mutually advantageous co-operation in the field of economy, particularly in industry, agriculture, trade, transport and expedition, telecommunications and services.

(2) The Contracting Parties shall create conditions for developing various forms of economic co-operation in the border region at regional and local levels, including co-operation between legal entities and natural persons.

(3) The Contracting Parties shall attach importance to co-operation between higher-level self-governing units, towns and villages, in conformity with their competence and with the principle of subsidiarity.

#### Article 8

The Contracting Parties shall support co-operation in the field of science and technology. They shall promote the creation of conditions for effective co-operation in basic and applied researches with special emphasis on modern technology and support direct contacts between, and common initiatives of the scientists and fellows of scientific and research institutes of the two countries.

#### Article 9

(1) The Contracting Parties, motivated by their interest concerning care for the natural environment and preservation of acceptable living conditions for future generations, shall co-operate in environmental and nature protection aiming at preventing and reducing environmental pollution, especially as regards trans-frontier pollution.

(2) The Contracting Parties, in accordance with relevant agreements and, above all, by co-operating with the European Union and its member States, shall develop their co-operation in the field of environmental protection and take part in the development and implementation of the Union's co-ordinated international strategy concept.

(3) The Contracting Parties, in furthering the adoption of specific measures aimed at enhancing the protection of the environment, shall conclude a separate intergovernmental agreement regulating co-operation in accident risk reduction, the system of early warning on accidents occurred and that of the elimination of their consequences.

#### Article 10

(1) The Contracting Parties shall by using the latest technology, expand their co-operation in the development of the infrastructure of air, railway, road, waterway, maritime, pipeline and combined transport and in postal and telecommunication services.

(2) The Contracting Parties confirm that land-locked States have the right of access to the sea and to the freedom of transit related to this right and that they are ready to co-operate with other States in this respect.

#### Article 11

The Contracting Parties, in accordance with the manifold development of their co-operation, are ready to increase the permeability of their borders, including the opening of new border crossing points, in accordance with the possibilities and needs of the two Contracting Parties.

#### Article 12

(1) The Contracting Parties shall promote their co-operation in the field of culture, science and education.

(2) The Contracting Parties consider as the basic form of cultural, scientific and educational co-operation between their countries such co-operation as is based upon the mutual demands and interests of groups founded on the initiative of institutions, organisations, associations, federations, communities, local-government authorities or citizens, or, upon those of the individuals themselves. They shall support, on the basis of respective agreements and programmes, initiatives designed to promote mutual acquaintance and closer ties between state, social and private institutions, organisations, associations and natural persons.

(3) The Contracting Parties shall promote co-operation between schools and other educational establishments and scientific research institutes, and exchange of pupils of elementary and secondary schools, students of higher education institutions, teachers and scientists.

(4) The Contracting Parties shall facilitate scientific research activities in the archives, libraries, museums and other institutions of similar nature on their territories, including the granting of access to materials kept by those institutions.

(5) The Contracting Parties shall, on the basis of the respective agreements, recognize certificates on school and professional education as well as on academic and research degrees of the other Contracting Party, issued in accordance with the respective domestic legislation.

(6) The Contracting Parties shall support the teaching of the language of the other Contracting Party in schools and other educational institutes alike. To this effect they shall assist one another in linguistic training and further education of teachers.

(7) The Contracting Parties shall endeavour to expand the opportunities in their institutions of higher education for gaining acquaintance with the culture, literature and language of the other Contracting Party and for promoting the Hungarian and Slovak language studies in such institutions.

(8) Each Contracting Party shall ensure within its country, on the basis of mutual agreement, conditions necessary for functioning of cultural centres of the other Contracting Party.

#### Article 13

(1) Each Contracting Party shall endeavour to preserve the historical and cultural monuments and the memorial sites of the other Contracting Party located within its territory.

(2) The Contracting Parties shall proceed to exchange of cultural values and archive materials on the basis of agreements between the ministries concerned.

#### Article 14

The Contracting Parties shall strengthen the climate of tolerance and understanding among their citizens of different ethnic, religious, cultural and linguistic origin. The Contracting Parties, in accordance with their obligations under international law, shall ensure equal and effective protection of rights of every person on their territories irrespective of race, skin colour, sex, language and religious, political or other conviction or national or social origin.

#### Article 15

(1) The Contracting Parties confirm that protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights and as such falls within the scope of international co-operation and, in this sense, it is therefore not an exclusively domestic affair of the States concerned but constitute a legitimate concern of the international community. The Contracting Parties recognize that their co-operation in this field contributes to the strengthening of good-neighbourly relations, mutual understanding, friendship and confidence between their countries and, at the same time, to the consolidation of international security, stability and European integration.

(2) The Contracting Parties, in protecting the national minorities and the rights of persons belonging to those minorities, are guided by the following principles:

(a) membership of a national minority shall be a matter of free personal choice and no disadvantage shall result from the choice of such membership,

(b) all persons belonging to a national minority shall be equal before the law and have equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited,

(c) persons belonging to national minorities shall have the right, individually or in community with other members of their group, to freely express, maintain and develop their

ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects,

(d) reaffirming the aims of their general integration policy, the Contracting Parties shall refrain from policies and practices aimed at assimilation of persons belonging to minorities against their will, and shall protect these persons from any actions aimed at such assimilation. The Contracting Parties shall refrain from measures that would alter the proportions of the population in areas inhabited by persons belonging to national minorities and which aim at restricting the rights and freedoms of those persons that would be to the detriment of the national minorities,

(e) persons belonging to national minorities shall have the right to establish and operate, in conformity with their respective legislation and with the objective of maintaining, development and transfer of their identity, their own organisations and associations, including political parties and educational, cultural and religious organisations. Both Governments shall create legal conditions to this effect,

(f) persons belonging to national minorities shall have the right to take part effectively at the national, and where appropriate, at the regional level, in the decisions affecting the minorities or the regions inhabited by the minorities, in the manner which is not incompatible with domestic legislation,

(g) persons belonging to the Hungarian minority in the Slovak Republic and those belonging to the Slovak minority in the Republic of Hungary shall have the right to use freely, individually or in community with other members of their group, orally or in writing, their mother tongue in public or private life. They shall also have the right, in conformity with the domestic law and with the international commitments undertaken by the two Contracting Parties, to use their mother tongue in contacts with official authorities, including public administration, and in judicial proceedings, to display in their mother tongue the names of municipalities in which they live, street names and names of other public areas, topographical indications, inscriptions and information in public areas, to register and use their first names and surnames in this language, to have - without prejudice to the learning of the official language or the teaching in this language - adequate opportunities in the framework of the State educational system for being taught their mother tongue or for receiving instruction in their mother tongue and the right of access to public mass media without discrimination and the right to their own media. The Contracting Parties, in accordance with their international commitments, shall take all the necessary legal, administrative and other measures for the implementation of the aforementioned rights unless their respective domestic law already contains such provisions,

(h) in accordance with point (c) of this paragraph they shall create the necessary conditions enabling the persons belonging to national minorities to preserve their material and architectural memorials and memorial sites constituting their cultural heritage, history and traditions.

(3) The Contracting Parties agree that the same rights and duties flowing from their citizenship shall be applied to the persons belonging to national minorities shall as to any other citizens of the State concerned.

(4) The Contracting States declare

(a) that as regards the regulation of the rights and obligations of persons belonging to national minorities living within their respective territories they shall apply the Framework Convention for the Protection of National Minorities adopted and signed by the Contracting Parties on 1 February, 1995, as from the date of ratification of the present Treaty and of the above Framework Convention by both Contracting Parties, unless their respective domestic legal systems provide a broader protection of rights of persons belonging to national minorities than the Framework Convention,

(b) that without prejudice to the content of the previous paragraph (a), they shall apply, in defending the rights of persons belonging to the Hungarian minority in the Slovak Republic and the Slovak minority in the Republic of Hungary, the norms and political commitments laid down in the following documents as legal obligations:

- Document of June 29, 1990 of the Copenhagen Meeting of the Conference of Human Dimension of the Conference on Security and Co-operation in Europe;

- Declaration 47/135 of the General Assembly of the United Nations on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

- Recommendation 1201 (1993) of the Parliamentary Assembly of the Council of Europe, respecting individual human and civil rights, including the rights of persons belonging to national minorities.

(5) Nothing in this Article shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

(6) The Contracting Parties shall co-operate to assist one another in following the implementation of the content of this Article. They shall therefore consider the manner by which they can, in the framework of their mutual co-operation, and on the basis paragraph (1) of Article 5 of the present Treaty and in the spirit of mutual understanding and confidence, exchange information about, and experience with, questions relating to the application of the present Article. To this end, they shall set up an intergovernmental joint commission, entitled to make recommendations, consisting of section whose composition will be determined as they deem necessary. In monitoring the implementation of their commitments in the field of protection of national minorities, the Contracting Parties shall apply the rules of the Council of Europe and the Organisation for Security and Co-operation in Europe that are binding upon both Contracting Parties.

#### Article 16

(1) The Contracting Parties shall support manifold co-operation on the field of health care, sanitary hygiene and pharmaceutical research, in particular in preventing and combating civilisation and infectious diseases.

(2) The Contracting Parties shall develop their co-operation in the area of social security and social welfare and their competent bodies will conclude appropriate agreements for this purpose.

#### Article 17

(1) The Contracting Parties shall, on the basis of appropriate agreements, co-operate in the field of legal and consular relations and in police activities.

(2) The Contracting Parties shall develop their co-operation in combating organised crime, with special focus on terrorism, drug abuse, air piracy and illegal export of cultural, historical and museum objects and articles of value.

#### Article 18

Recognizing the importance of co-operation between the means of mass media, the Contracting Parties shall support free exchange of information and all effort aimed at providing objective information that promote better knowledge and understanding of each other.

#### Article 19

The Contracting Parties shall support the expansion of relations between the political and social organisations, trade unions, churches, religious and other organisations and between the youth, sports and other federations.

#### Article 20

The present Treaty is not aimed against any third country. It does not affect the rights and obligations of the Contracting Parties flowing from their bilateral and multilateral treaties.

#### Article 21

(1) The Contracting Parties, in the event of a difference of view in connection with the interpretation or application of the present Treaty, shall consult with each other pursuant to the provisions of Article 5 of this Treaty.

(2) If such consultations fail to eliminate, within reasonable time, the difference of view, the Contracting Parties shall consider by what other methods in accordance with the principles and norms of international law this can be achieved.

#### Article 22

(1) The present Treaty is concluded for a period of ten years. Its validity shall be extended, always for another five-year period, unless one of the Contracting Parties denounces it in writing at least one year before the given validity period expires.

(2) The present Treaty is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification.

(3) The Contracting Parties shall register the present Treaty accordance with Article 102 of the Charter of the United Nations.

Done at Paris, this 19th day of March, 1995, in duplicate each in Hungarian and Slovak languages, both texts being equally authentic.

## Serbia and Montenegro

### Agreement

#### between the Republic of Hungary and Serbia and Montenegro, on the protection of Rights of the Hungarian Minority living in Serbia and Montenegro, and the Serbian Minority living in the Republic of Hungary

(October 21, 2003)

The Republic of Hungary and Serbia and Montenegro (hereinafter: the Contracting Parties),

– recognising that national minorities constitute an integral part of the State and society they live in and that they enrich their material and spiritual culture,

– emphasising that the protection of national minorities and of the rights of persons belonging to them constitutes an essential component of both the international protection of human rights and international cooperation, and that the endeavour on the part of a mother country to support national minorities within the limits of international law is legitimate,

– convinced that full integration of national minorities is possible only through the preservation of the ethnic, linguistic, cultural and religious identity of their communities,

– guided by the intention to secure the highest level of legal protection for the Hungarian Minority living in the state union of Serbia and Montenegro, and the Serbian Minority living in the Republic of Hungary and to create circumstances conducive to the preservation and development of their national identity,

– aware that their co-operation in the field of protection of minority rights and the promotion of the status of minorities contributes to the strengthening of good neighbourliness, mutual understanding, friendly relations and trust, and thus to the consolidation of international security and stability,

– respecting the principles and provisions of international instruments on human rights and on the protection of minorities, with special reference to the following:

– Charter of the United Nations;

– Universal Declaration of Human Rights;

– UNESCO Convention against Discrimination in Education;

– International Convention on the elimination of all forms of Racial Discrimination;

– International Convention on Civil and Political Rights;

– International Convention on Economic, Social and Cultural Rights;

– United Nations Convention on the Rights of the Child;

– UN General Assembly Declaration on the elimination of all forms of Intolerance and of Discrimination based on Religion and Belief;

– UN General Assembly Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities;

– Declarations, positions and recommendations adopted within the framework of the CSCE process and the OSCE, including the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1992), the Helsinki Document of the CSCE (1992) and the OSCE Charter for European Security (Istanbul, 1999);

– European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights);

– European Charter for Regional or Minority Languages of the Council of Europe;

– Framework Convention for the Protection of National Minorities of the Council of Europe;

Have agreed as follows:

#### Article 1

The Contracting Parties agree to ensure for the Hungarian national minority living in Serbia and Montenegro and for the Serbian minority living in the Republic of Hungary (hereinafter: the national minorities) the preservation and development of their national, linguistic, cultural and religious identity pursuant to the principles and provisions enshrined in the cited OUN, CSCE/OSCE and Council of Europe instruments.

#### Article 2

1) Belonging to a national minority is a matter of free personal choice. No one may suffer negative consequences of this choice or of his/her exercise of the rights pertaining to him/her on that basis. All forms of discrimination based on national grounds shall be prohibited.

2) The Contracting Parties shall guarantee to persons belonging to the national minorities equality before the law and the equal legal protection.

3) The Contracting Parties shall take appropriate measures in the fields of economic, social, political and cultural life, in order to ensure equal opportunities to persons belonging to the national minorities. They shall pay special attention in doing so to specific needs of the national minorities. Such measures may not be considered to be discriminatory against other citizens.

4) The rights set out in this Agreement shall equally belong to both national minorities. The Contracting Parties recognise that the manner of the exercise of these rights may depend on the size of the minority concerned, but the essence of these rights may not be restricted.

5) The Contracting Parties shall refrain from the policies and measures aimed at assimilation of persons belonging to the national minorities and protect such persons from any act aimed at such assimilation. They shall refrain from measures which may change the proportions of the populations in the areas inhabited by persons belonging to the national minorities, and which restrict the exercise of rights of persons belonging to the national minorities.

6) The Contracting Parties shall undertake not to change administrative units and electoral precincts at the levels of the State and local self-government with a view to putting the national minorities in a disadvantaged position.

### Article 3

1) Persons belonging to the national minorities shall have the right, both individually and in community with other members of their group, to freely express, preserve and develop their ethnic, cultural, linguistic and religious identity.

2) The Contracting Parties shall pay special attention to the meeting of educational, cultural, information and religious needs of the national minorities. They shall provide conditions necessary for the functioning of minority self-governments and other minority institutions, organisations and foundations, encourage as well the establishment of minority educational, information and cultural centres. The Contracting Parties shall provide assistance in supplying to such minority self-governments, foundations and associations of citizens, on a non-commercial basis, books, magazines, artistic publications, audio-visual materials, exempt from customs duties and other charges, aid an independent publishing industry of the national minorities, guest performances of their professional and amateur ensembles and organisation of all cultural and artistic events aimed at enriching the culture and identity of the national minorities.

3) The Contracting Parties shall co-operate in the protection of historical monuments and cultural heritage related to the culture and history of the national minorities. The Contracting Parties shall create conditions necessary for the national minorities to preserve their material and architectural monuments and other works of art that are part of their cultural heritage and tradition. Representatives of minority self-governments and other minority organisations shall take part in the development of programs for the protection and preservation of the cultural heritage of the minorities.

4) The Contracting Parties shall recognise the right of persons belonging to the national minorities to manifest and exercise their religion, and to that end they shall allow the acquisition, possession and use of religious materials and the establishment of religious institutions, organisations and associations. The Contracting Parties shall respect the right of the national minorities to exercise their religion and pursue their activity of religious instruction in their mother tongue, and in this respect they shall grant assistance. The Contracting Parties shall, in accordance with their national legislation and on an equal footing with the legal status of other churches operating on their territory, settle the legal status of the church communities of the national minorities. They shall make it possible for the church communities of the national minorities to send and receive priests.

### Article 4

1) The Contracting Parties shall ensure to persons belonging to the national minorities institutionalised education in their mother tongues and the teaching of the mother tongues of the national minorities at all levels of education. The Contracting Parties

shall ensure the operation of pre-school establishments, primary and secondary schools and institutions of higher education which teach in the mother tongues of the national minorities and support the setting up of such institutions. The exercise of these rights shall be governed by the national legislation of the Contracting Parties.

2) For the purpose of accomplishing the objectives set forth in paragraph (1) of this Article, the Contracting Parties shall make possible and encourage the operation of state, religious and private educational institutions in which instruction can be organised entirely in the mother tongue, as bilingual instruction or as fostering the mother tongue of the national minority.

3) The Contracting Parties shall support initiatives of minority organisations, religious communities and parents, whose objective is education in one's mother tongue.

4) The Contracting Parties shall lend support to the operation of faculties and language departments where the mother tongues of the national minorities are taught.

5) The Contracting Parties shall support the employment of teachers from among the national minorities in educational institutions where classes are conducted in the mother tongue of the national minority. The Parties shall make possible the minorities to make use of state scholarships and fellowships of foundations for education, professional training and post-graduate studies, and in particular for the education of teachers and theologues. They shall make possible the organisation of courses for professional training of teaching staff of the national minorities in both countries.

6) The Contracting Parties shall support mutual exchanges of students and lecturers and ensure conditions for their professional training, i.e. postgraduate studies.

7) The Contracting Parties shall make possible the recruitment of teaching staff from the mother country in case there are not enough lecturers in the mother tongues of the national minorities. The terms of their engagement shall be jointly determined by the Contracting Parties.

8) The Contracting Parties shall support, at all levels of minority education, the instruction of the language, culture and history of the national minority and its mother country and help in procuring books and teaching aids for these purposes.

9) The Contracting Parties shall encourage the dissemination and teaching of knowledge and teaching of the history and culture of the national minorities among the majority population.

### Article 5

1) Persons belonging to the national minorities shall be entitled, both individually and in community with other members of their group, to freely, without any restrictions, use their mother tongue in oral and in written communication, in private and public life.

2) The Contracting Parties shall commit themselves to recognising in their national legislation the right of persons belonging to the national minorities to use their first and family names in their mother tongues and scripts in their personal identification documents, official records and personal databases. The issuance of personal documents to persons belonging to the national minorities in their mother tongues shall be governed by the regulations of the Contracting Parties.

3) Persons belonging to the national minorities shall be entitled, in accordance with the national legislation and in places they inhabit traditionally or in substantial numbers, to the use of their mother tongues in proceedings before official bodies – including proceedings before public administration bodies and before courts of law. In these proceedings, persons belonging to the national minorities shall be entitled to obtain information in their mother tongues in the shortest possible period of time and, if necessary, with the free assistance of an interpreter.

4) The bodies of the minority self-government shall be entitled to conduct their business also in their mother tongue.

5) In areas inhabited by persons belonging to the national minorities in substantial numbers or of a particular cultural significance to them, the Contracting Parties shall, in accordance with their national legislation, make it possible for the national minorities to display, in the mother tongue and according to its orthography, the names of towns, streets and other public places, as well as topographical indications, inscriptions and information in public places. Persons belonging to the national minorities shall have the right to publicly display in their mother tongue nameboards of enterprises, inscriptions and other information of a private nature.

#### Article 6

1) The Contracting Parties shall recognise the right of the national minorities to access to the media and to the creation and management of their own media outlets.

2) The Contracting Parties shall recognise the right of the national minorities to have access to information in their mother tongues in the press, on the radio, television and other electronic means of public information.

3) In accordance with their national legislation, the Contracting Parties shall:

– make it possible to produce and regularly broadcast programs in the mother tongue on the radio or television in an appropriate length and at appropriate times, while taking into account the territorial distribution of the national minorities,

– facilitate the reception and broadcasting of radio and television programs from the mother country, and

– support information activities of the national minorities.

#### Article 7

The Contracting Parties shall support scientific research and studying of the past and of the present status of the national minorities. The Contracting Parties shall encourage the involvement of the national minorities in those scientific-research activities and aid the establishment, work and cooperation of their scientific institutions. The Contracting Parties shall make possible research on the minorities in their territories and, in accordance with national legislation, allow access to archives and other relevant documents.

#### Article 8

The Contracting Parties, in conformity with their national legislation, shall recognise the right of the national minorities to participation in public life and, in that context, by taking adequate measures, they shall ensure:

– effective participation of persons belonging to the national minorities in public affairs, particularly in the process of taking decisions affecting them,

– the appropriate representation of persons belonging to the national minorities in public services, including the police, at local, regional and state levels, while taking into account, with respect to employment, the ethnic composition of the population and the knowledge of the language spoken in the area where the body or agency concerned is competent to act, and

– the material and other conditions necessary for the work to be carried out by representatives of minority organisations in the representative bodies, as well as for their election to such bodies at all levels.

#### Article 9

1) The Contracting Parties, in accordance with their national legislation, shall make possible for the national minorities to set up minority self-governments, organisations and association and support their activities.

2) The Contracting Parties, in accordance with their national legislation which governs the status, freedoms, and rights of national minorities, shall guarantee to persons belonging to the national minorities appropriate forms of minority self-government, i.e. the cultural and personal autonomy.

3) The Contracting Parties shall further pay particular attention to support the activities of the Hungarian National Council in Serbia and Montenegro and the Country Self-Government of the Serbs in the Republic of Hungary.

#### Article 10

1) Government agencies, organisations of public and private law, as well as citizens of the Contracting Parties may, for the purpose of realising the objectives specified in this Agreement and within the framework set by international law, grant assistance to organisations of the national minorities living on the territory of the other Contracting Party, and to persons belonging to these national minorities, and these organisations and persons shall be entitled to receive such assistance.

2) The Contracting Parties shall ensure the possibility for their national minorities to maintain intensive, free and direct contacts with communities having the same language and culture, but living in other states, as well as with the institutions and organisations of the latter.

#### Article 11

1) The Contracting Parties shall assume the obligation to take into account the interests of the minorities in their plans for economic development and to take measures, according to their abilities, in order to ensure economic and social development of areas inhabited by the minorities, thus offering fair and equal opportunities to the minorities in the economic sphere. To that end, the Contracting Parties shall support the activities of the economic development, which may eliminate the causes for migrations of minorities and prevent alteration of the ethnic composition of the population.

2) In the interest of their national minorities, the Contracting Parties shall support all forms of cross-border and regional co-operation, in particular the economic and trade development and the development of rural areas, as well as cultural cooperation, and

shall endeavour to make use of the intermediary role of their national minorities in that area.

3) The Contracting Parties shall endeavour to enhance the permeability of their borders. To that effect, they shall, in line with their abilities, introduce new border crossings and take measures to improve transportation links between their countries.

#### Article 12

The Contracting Parties shall make a maximum effort to restore to the minority communities, or the church communities of the national minorities and their organisations, their property, assets, real estate, documentation and archives which were confiscated or seized by other measures in the past.

#### Article 13

1) The Contracting Parties shall assume the obligation to take into account their commitments arising from this Agreement in their mutual negotiations over the conclusion of bilateral agreements and other forms of co-operation.

2) The Contracting Parties shall endeavour to ensure the involvement of representatives of minority organisation in the preparation of bilateral agreements and in international activities related to their status and rights.

#### Article 14

The Contracting Parties shall ensure adequate financial resources and other assets necessary for the fulfilment of their commitments specified in this Agreement.

#### Article 15

1) No provision of this Agreement shall be interpreted or implemented in the manner, which diminishes the extent of the already provided and exercised rights.

2) No provision of this Agreement shall be interpreted or implemented in the manner, which would be in contravention of international legal obligations and generally recognised international principles with regard to the respect for national sovereignty and territorial integrity.

#### Article 16

1) The Contracting Parties shall set up and operate a special Intergovernmental Joint Commission on National Minorities (hereinafter: the Commission), which shall monitor the implementation of the provisions of this Agreement. The Governments of the Contracting Parties shall appoint equal numbers of Commission members, with the mandatory participation of representatives of the national minorities. The members of the Commission who are representatives of the Hungarian national minority in the Serbia and Montenegro shall be appointed at the proposal of the Hungarian National Council of Serbia and Montenegro, and representatives of the Serbian minority in Hungary at the proposal of the Country Self-Government of the Serbs in the Republic of Hungary.

2) The Commission shall hold its meetings as appropriate, but at least once a year, alternately on the territory of the state union of Serbia and Montenegro and the Republic of Hungary.

3) The Commission shall hold its meetings as appropriate, but at least once a year, alternately on the territory of Serbia and Montenegro or the Republic of Hungary. The Commission shall be responsible for the following:

- discussing current issues related to both national minorities,

- reviewing and evaluating the realisation of the commitments arising from this Agreement, and

- submitting recommendations to the Governments of the Contracting Parties with respect to the implementation and, if necessary, amendment of the Agreement.

4) The Commission shall adopt its decisions by consensus of the two Sides.

#### Article 17

This Agreement shall enter into force on the day on which the Contracting Parties inform each other, through diplomatic channels, that the conditions prescribed by their national legislation for the entry into force of the Agreement have been met.

#### Article 18

(1) This Agreement shall remain in force for a period of five years. Unless any of the Contracting Parties denounces this Agreement in writing, at least six months prior to its expiration, the validity of the Agreement shall be automatically renewed for another five-year period.

(2) The Contracting Parties shall register this Agreement pursuant to Article 102 of the Charter of the United Nations.

Done in Budapest, on the 21 October 2003, in two original copies, in the Hungarian, Serbian and English languages, each original copy being equally authentic. In case of a dispute, the English text shall prevail.

### Ukraine

#### DECLARATION

#### on the principles of cooperation

#### between the Republic of Hungary and the Ukrainian Soviet Socialist Republic

#### in guaranteeing the rights of national minorities

(May 31, 1991)

The Republic of Hungary and the Ukrainian Soviet Socialist Republic, hereinafter the Parties,

- confirming their commitment to carry out the provisions of the United Nations Charter, the human rights documents of the UNO, the Helsinki Final Act and other documents from the Conference on Security and Cooperation in Europe,

- stressing their common objective of creating a democratic social system which, within the framework of constitutional statehood, ensures to all citizens the rights to enjoy in full their basic rights and liberties, to freely express their lawful interests and endeavors, the rights to political pluralism, social tolerance and equality before the law, as well as to the legal protection of individuals and communities,

- starting from the fact that the territory of the Parties is inhabited by national minorities who enjoy appropriate rights, at both individual and collective level, along with the other persons within their groups,

- recognizing that the national minorities historically living in their territories make useful contributions to the well-being of the Parties and their cultural and humanitarian advancement,

- admitting that the observance and enforcement of national minority rights as part of universal human rights is a relevant factor of peace, justice, security, stability and democracy, as well as an essential condition for the development of friendly relations and cooperation between the Parties,

- on the basis of their conviction that the promotion of constructive and effective cooperation between the Parties is indispensable to the consistent observance and ensurance of national minority rights, as well as to the expression, preservation and enhancement of ethnic, cultural, linguistic and religious identity,

decided to adopt the present Declaration on the principles of cooperation pertinent to the guaranteeing of national minority rights, and to put its provisions into practice in their activities.

1. The Parties are to respect the basic rights and liberties of the national minorities who constitute an integral part of their society and state, both individually and together with other persons within their groups, including equality before the law and non-discrimination, and shall consistently provide for the enforcement of these. Members of the national minorities are obliged to observe the laws of the country in which they live.

2. The Parties shall respect the rights of their citizens to freely decide to which minority they wish to belong, and whether they want to exercise the ensuing rights or not, and shall guarantee that such a decision is in no way to their detriment.

3. In their pursuit of democracy and constitutional statehood, the Parties shall take into consideration in their policies the lawful interests of the national minorities and take political, legal and administrative steps aimed at creating favorable conditions for the preservation and enhancement of their ethnic, cultural, linguistic and religious identity. These measures should serve the interests of the whole of society and must not infringe the rights of other citizens.

4. The Parties shall ensure to the national minorities protection in court and in other forms against all activities, including propaganda, which may jeopardize their existence or identity, and incite, promote or justify the advocacy of hatred and discrimination on grounds of nationality.

5. The Parties are to express their readiness to encourage the provision of a national minority status which guarantees the rights to effective participation in the administration of public affairs, including matters related to the protection and enhancement of their identity, and the passing and implementation of decisions concerning their place of residence.

6. The Parties shall regard the rights of the national minorities to set up and operate their own organizations and societies within legal frameworks in the territory of the Parties as a natural element of a democratic state governed by the rule of law. These organizations or societies may establish and maintain contacts with organizations or societies abroad on grounds of common ethnic or nationality origin, cultural background or religion. These organizations or societies may apply for voluntary financial assistance or other kind of help, as well as for state subsidy. Their activity along this line must comply with the national legal norms of the country in which they operate.

To decide on questions concerning such support by the Parties shall be the responsibility of the Joint Committee to be set up in keeping with point 16. of this Declaration.

7. The Parties wish to observe the principle that the state bodies in charge of nationality and ethnic minority affairs are to be set up by democratic means, with the participation, and with regard to the interests, of all nationalities living in the given area, particularly organizations or societies which represent their position.

8. The Parties shall take no administrative, economic or other steps towards assimilating the minorities or changing the set-up of the population of minority-inhabited regions.

9. The Parties shall adopt the necessary legal, administrative and other measures to enable the national minorities to freely exercise their rights to communicate in their mother tongue in private and public life, in the written and spoken language alike, including the use of their national first and family names.

Exercise of this rights shall not affect the obligation to learn the official language or languages of the Parties.

10. The Parties agree to ensure to the national minorities the necessary conditions for learning, and studying in, their native language at all levels of education. Practical problems arising on this score will be settled by the Joint Committee to be set up according to point 16. of this Declaration, in conformity with requirements, the Parties' possibilities and their effective rules of law. The Parties shall enable the national minorities living in one another's territory to pursue their studies and attend postgraduate courses in their own institutes of higher education, and shall provide for exchanges of experts in the fields of education and culture. The Parties shall observe the principle of equivalence at all levels of education, and recognize their citizens' enrollment or studies in schools of the other Party. In their own institutes of education they shall encourage the teaching of minority history and culture.

11. The Parties shall guarantee to their national minorities the rights to preserve and advance their cultural identity, including the maintenance and research of their cultural traditions, at both amateur and professional level; they shall help their national minorities become familiar with each other's cultures, erect statutes for prominent representatives of culture and guarantee the preservation and protection of historical monuments and other cultural values.

12. The Parties shall declare that believers belonging to the national minorities have the rights to practise their religion and, within this, to acquire, possess, produce or use religious materials, as well as to conduct religious worship in their native language, including religious instruction.

13. The Parties shall recognize the right of national minorities to spread, exchange and obtain information in their native language free from discrimination, and shall be taking concrete moves in support of the mother-tongue media.

14. The Parties are to help members of the national minorities establish and maintain contact with one another within their own country and with citizens of other countries with identical ethnic or national origin, cultural background or religion.

15. The Parties shall forbid every citizen, among them members of the national minorities, to perform activities, including propaganda, which incite violence, hatred and dissent on nationality grounds.

16. To monitor implementation of the principles laid down in the present Declaration, as well as fulfillment of the commitments undertaken, the Parties are to express their readiness to set up a Joint Committee composed of representatives from the two Parties' state bodies and national minorities. The mandate and set-up of the Joint Committee will be defined in a separate inter-governmental Protocol.

17. The Parties confirm their intention to promote the international codification of minority rights at bilateral, regional and universal level. They express their readiness to support efforts along this line in the UNO and the forums of the Conference on Security and Cooperation in Europe.

18. None of the provisions of this Declaration is to be interpreted as authorization for activities or actions which run counter to the purposes and principles of the UN Charter, other international legal obligations or the provisions of the Helsinki Final Act, including the principle of the territorial inviolability of states.

19. The Parties declare that further states shall be welcome to join the present Declaration, and express their readiness to consult all concerned states on the principles laid down herein.

Prepared in Budapest on May 31, 1991, in two copies in the Hungarian and Ukrainian languages. Both versions are authenticated.

On behalf of the Republic of Hungary Ukrainian Soviet Socialist Republic

## PROTOCOL

### to the Declaration

#### on the principles of cooperation

#### between the Republic of Hungary and the Ukrainian Soviet Socialist Republic

#### in guaranteeing the rights of national minorities

To promote the putting into practice of the Declaration on cooperation in the guaranteeing of national minority rights, the Republic of Hungary and the Ukrainian Soviet Socialist Republic - herein after the Parties - concluded the following agreement:

1. They will set up a Joint Committee, in which the Hungarian Party will be represented by delegates from the Office for National and Ethnic Minorities, the Foreign Ministry of the Republic of Hungary, the Ministry of Culture and Education of the Republic of Hungary, the local government of Szabolcs-Szatmár-Bereg County and the Ukrainian population of the Republic of Hungary, whereas the Ukrainian Party will be represented in identical numbers by delegates from the State Nationality Committee of the Ukrainian SSR, the Foreign Ministry of the Ukrainian SSR, the Ministry of Culture of the Ukrainian SSR, the Ministry of National Education of the Ukrainian SSR, as well as from the Soviet of People's Deputies of the Subcarpathian Territory and the Hungarian population of the Ukrainian SSR.

The delegations will be headed by Foreign Ministry officials of deputy foreign minister's rank.

2. To discuss and settle issues as they arise, the Joint Committee will meet in session twice a year in general, alternately in the territory of the two Parties.

Costs incurred by the stay and work of the Joint Committee will be covered by the receiving Party.

3. It will be within the Joint Committee's jurisdiction to adopt recommendations for the governments of the Parties concerning implementation of principles laid down in the Declaration with the consent of the Parties.

4. For the carrying out of the recommendations of the Joint Committee, the Parties will take resort to the relevant national institutions.

Prepared in Budapest on May 31, 1991, in two copies in the Hungarian and Ukrainian languages. Both versions are authenticated.

**CONVENTION**

**between the Republic of Hungary and the Republic of Croatia on the protection of the Hungarian minority in the republic of Croatia and the Croatian minority in the Republic of Hungary**

(April 5, 1995)

The Republic of Hungary and the Republic of Croatia (hereinafter: "The Contracting Parties")

starting from the fact that the existence and culture of the Hungarian minority living in the Republic of Croatia, and the Croatian minority living in the Republic of Hungary (hereinafter: "minorities"), enriches the cultural values of the two countries,

guided by the purpose to provide for the Hungarian minority living in the Republic of Croatia, and the Croatian minority living in the Republic of Hungary, the highest level of legal protection as well as preservation and development of their respective national identities; in addition, being convinced that the integration of minorities is possible only through the preservation of their features as ethnic communities, and that an important element of it is their effective participation at various levels in the decisions concerning their identity,

considering those provisions of the Convention on Friendship and Co-operation, signed by the Republic of Hungary and the Republic of Croatia on December 16, 1992 in Budapest, which refer to the rights of the minorities, and with a view to implement the Declaration on the Protection of Minorities signed by Hungary, the Ukraine, Croatia and Slovenia,

starting from the principles laid down in international documents on human rights and fundamental freedoms as well as on the protection of minorities, with special regard to the following:

- the UN Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Discrimination in Education, the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

- the relevant documents adopted within the CSCE process, particularly the Document of the Copenhagen Meeting of the Conference of the Human Dimension of the CSCE in 1990, and the Report of the CSCE Meeting of Experts on National Minorities in Geneva 1991,

- the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities as well as the recommendations of the

Parliamentary Assembly of the Council of Europe, particularly the recommendation 1201 (1993),

- the Instrument of the Central European Initiative for the Protection of Minority Rights, considering that generally the improvement and protection of the rights of minorities contribute to political and social stability of the states where they live,

emphasising that continuous guarantee and realisation of the rights of minorities - as a component of social development within a democracy based on the rule of law - contribute to the deepening of friendship and co-operation between peoples and states, and to the improvement of the international security,

confirming that the Hungarian minority have the right to return to those presently occupied territories of the Republic of Croatia, from which they were driven away in 1991, whereas it is one of the prerequisites for the implementation of the protection of their minority rights ensured by this Convention,

have agreed as follows:

**Article 1**

The Contracting Parties shall ensure the preservation of culture, language, religion as well as the Hungarian and Croatian identity of the minorities. For this purpose, in the fields of bilateral economic co-operation, regional development, representation of the minorities, education, culture, mass media, publishing and scientific research, legislation, and other fields pertaining to culture the Contracting Parties shall take appropriate measures and shall create and implement adequate mechanisms which contribute to comprehensive development of the minorities.

**Article 2**

The Contracting Parties shall lend full support to the appropriate organisation of the existing kindergartens, primary and secondary schools and higher education institutions as well as to the establishment of new educational institutions. The Contracting Parties shall, at all levels and in forms consistent with the requirements of the minority organisations based on the requests by the parents, support the operation of the educational institutions, which forms can be the following:

- a) full educational process in the language of the respective minority
- b) bilingual educational process
- c) additionally arranged optional teaching of the language and culture of the respective minority.

The Contracting Parties with paramount attention shall promote at these educational institutions the employment of adequately skilled teachers from among the members of the minorities, and only in exceptional cases shall they depart from this rule requiring fluency in the language of the respective minority.

The Contracting Parties shall encourage the exchange of experience through meetings of the experts of minority education in both countries, and through mutual exchange of textbooks in mother tongue. They shall also promote the exchange of pupils, teachers as well as educational work-help materials, the organisation of professional training courses for minority teachers in both countries, mutual granting of state and foundation grants for studies and professional training of the minorities, in particular for teachers and catechism-teachers.

The Parties shall, in the schools of the majority nation, encourage learning of the language, culture and history of the respective minority and its mother nation.

### Article 3

The Parties shall, with special attention, follow the manner in which cultural, educational and religious needs of the minorities are met on the territories of the Republic of Hungary inhabited by Croats and of the Republic of Croatia inhabited by Hungarians. They shall encourage the establishment of cultural and educational centres, as well as the operation of other institutions and foundations, and the promotion of operation of the existing institutions and organisations on the territory of Hungary inhabited by Croats and in the territory of Croatia inhabited by Hungarians, in compliance with their respective domestic legislation.

To this end, they shall in particular support the fee and duty free sending of books, magazines, video and sound records to such institutions and foundations for non-commercial purposes, the minorities' own publishing activity, guest players of professional and amateur artistic groups as well as the organisation of all cultural and artistic events which may serve the enrichment of the culture and identity of the minorities in both countries.

They shall co-operate in the protection of monuments related to the history of the minorities as well, and shall support any such efforts of the minorities.

### Article 4

The Contracting Parties shall ensure for the members of the minorities the free use of their mother tongues in private and public, as well as the free use and registration of their original first names and surnames.

The Contracting Parties undertake to ensure within the territory inhabited by the respective minorities the appropriate use of both languages, especially in regard to geographic names and public signs, in the local self government authorities, in oral and written communications, in the administrative authorities and judiciary, as well as other public institutions, in compliance with their respective domestic legislation.

### Article 5

The Contracting Parties recognise the right of both minorities to receive information through printed media, radio and TV broadcasts in their mother tongue. In compliance with their domestic legislation the Parties shall:

- enable regular radio and television broadcasts in their mother tongue in an appropriate length of time

- encourage the adoption and distribution of radio and television programs of the mother nation

- support the minorities to exercise their own information activities

### Article 6

The Contracting Parties shall respect the right of minorities to practice their religion in their mother tongue and shall support such efforts by churches. For this purpose the Hungarian and Croatian authorities will permit the mutual exchange of priests for the religious minority communities operating in their territories.

### Article 7

The Contracting Parties shall support scientific research and studies on the rights, history and present situation of the minorities. To this end, they shall support the participation of the minorities in such research, the creation, operation and co-operation of scientific institutions of the minorities and of the Parties, as well as they shall allow research on minority issues in their respective territories.

### Article 8

In the interest of their minorities the Contracting Parties shall support all form of trans-frontier co-operation, especially in the area of economic and trade co-operation, and shall endeavour to exploit the mediating role of the minorities in this field.

The Contracting Parties undertake that, making plans on economic development, they shall take account the special interest of the minorities, including the reconstruction of the war-affected areas of the Republic of Croatia inhabited by Hungarians, and shall ensure the economic and social development in areas inhabited by minorities in order to guarantee the economic and social equality of minorities.

The Contracting Parties shall support such kind of economic development measures which eliminate the causes of the emigration of minorities and the alteration in any forms of the ethnic composition of the population.

### Article 9

The Contracting Parties, in compliance with their domestic legislation, shall ensure:

- appropriate participation of minorities in the local, regional and national decision-making process relevant to the rights and status of the minorities

- material and other conditions required for the election and work of minority representatives in the Hungarian and Croatian representative bodies

The Contracting Parties undertake not to change the administrative and territorial organisations of the state and local governments as well as the electoral districts aimed at being to the detriment of minorities.

The Republic of Hungary shall confirm to ensure the material conditions for the establishment and effective operation of the Croatian minority self-governments in Hungary within the framework of current regulations and the appointed date.

The Republic of Croatia shall confirm to ensure, in accordance with its domestic legislation, the right of the Hungarian minority to cultural autonomy, in addition, shall promote the free union and association of the Hungarian minority intended or preserve their national and cultural identity.

#### Article 10

The Contracting Parties shall endeavour with the help of the international community to enable the displaced persons and refugees, including those who belong to the Hungarian minority, to return freely and voluntarily to their homes in the presently occupied areas of the Republic of Croatia aimed at restoring the ethnic composition before 1991.

#### Article 11

The Contracting Parties shall ensure for the minorities the possibilities of maintaining versatile, free and direct contacts with members of the nation with whom they speak the same language and manifest the same culture as well as with its state and public institutions. For this purpose and to the extent of their capacities they shall open new border crossings, provide transport connections and support the development of cultural and economic contacts as well as the exchange of professionals.

To achieve the aims of this Convention, the governments, organisations and citizens of the Parties may assist the organisations of minorities living the territory of the other Party and these organisations shall have the right to accept such assistance.

#### Article 12

The Contracting Parties undertake to take into account of obligations deriving from this Convention in the conclusion of other agreements and co-operation programs.

The Contracting Parties shall ensure the representatives of minority organisations to participate in the conclusion of those agreements which, according to this Convention, directly affecting their status and rights.

#### Article 13

The Contracting Parties shall provide appropriate material and other support to the implementation of obligations under the present Convention.

#### Article 14

No Article of the present Convention shall be interpreted or implemented in a way that the level of rights already guaranteed or achieved be diminished.

#### Article 15

No provision of the present Convention shall be interpreted or implemented in a way which would threaten or violate the territorial integrity of each Contracting Party.

#### Article 16

The Contracting Parties shall set up a special joint inter-governmental committee for minorities to monitor the implementation of the provisions of the present Convention. The respective governments of the Contracting Parties shall delegate an appropriate number of members. The members of the Committee from the respective minorities shall be appointed upon the proposal of minority organisations.

The Joint Committee shall meet as required, but at least annually and alternately in the Republic of Hungary and the Republic of Croatia.

The tasks of the Joint Committee are the following:

- to discuss the current issues relevant to the two minorities
- to evaluate the implementation of obligations under the present Convention
- to prepare and adopt recommendations for their respective governments concerning the implementation and in case of necessity the modification of this Convention.

The Committee adopts its decisions by consensus.

#### Article 17

The present Convention shall enter in force on the day of receipt of the last notification sent through the diplomatic channel whereby the Contracting Parties notify each other that the required conditions for its entering into force have been fulfilled in compliance with their constitutional process.

The Convention shall be temporarily applied as from the date of its signing.

#### Article 18

The present Convention shall remain in force for a period of five years after entering force. Its validity shall thereafter be extended for another five-year periods unless either of the Parties denounces it in writing at least six months before its expiration.

Done at Osijek, on the 5th day of April, 1995, in two originals, each in the Hungarian and Croatian languages, both texts being equally authentic.

## Slovenia

### CONVENTION on providing special rights for the Slovenian minority living in the Republic of Hungary and for the Hungarian minority living in the Republic of Slovenia

(November 6, 1992)

The Republic of Hungary and the Republic of Slovenia (hereinafter: the Contracting Parties)

- desiring to ensure the legal protection and preservation and development of the identities of the Slovenian national minority living in the Republic of Hungary and the Hungarian minority living in the Republic of Slovenia at as high a level as possible;

- being convinced that the real equality of the Hungarian and Slovenian national minorities, and the preservation of their national identities could be achieved through ensuring special individual and common rights for them;

- having in mind the principles of the international documents safeguarding the rights of national minorities, namely:

the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child, the Helsinki Final Act, the Paris Charter for New Europe, the meetings of the Conference on Human Dimension of the CSCE in Paris, in Copenhagen and in Moscow, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the concept of the European Charter for Regional or Minority Languages;

- taking into account of the fact that the full development of the national minorities especially within the territories where they are historically inhabited, alongside the Raba River in the Republic of Hungary and alongside the Mura River in the Republic of Slovenia, may enrich the cultural life and the co-operation between both countries

have agreed as follows:

#### Article 1

The Contracting Parties shall ensure the possibilities for the national minorities and individuals belonging to them of preservation, development and free expression of their cultural, linguistic, religious, full Slovenian and Hungarian identities. To this end, they shall create and implement such appropriate measures and mechanism in the fields of education, culture, mass information, publishing and scientific-research activity, economy and other which may promote the multifolded development of the minorities.

#### Article 2

The Contracting Parties with paramount attention shall promote the institutionalised learning of and studying in their mother tongue in pre-school, elementary, secondary and higher

education and the knowledge of the culture, history and present reality of the mother nation and the national minority.

To this end, they shall endeavour the exchange of experience in the educational system of the national minorities especially the bilingual teaching and the alternative use of the school-books of each others.

In addition, they shall promote the exchange of teachers and students, educational work-help materials and instruments, organisation of courses and professional training, mutual granting of state and foundation scholarship for full, partial and post-graduate education, especially education for teachers and theologians.

Beside it, they shall encourage the study and learning the language, culture and history of the national minorities and their mother nation by individuals belonging to the majority nation.

#### Article 3

The Contracting Parties shall encourage the full gratification of the cultural needs of the national minorities.

They shall promote the establishment and operation of their cultural institutions, associations and foundations.

To this end, they shall promote the sending for non-commercial purpose (free of duty taxes) of books and periodicals, sound and video records, the publishing activity of the national minorities, guest plays of professional and amateur artistic groups as well as the organisation of all cultural and artistic events which may serve the enrichment of the culture and identity of the national minorities living in both countries.

#### Article 4

The Contracting Parties shall ensure for the members of the national minorities the free use of their own language in their private and public life, including the free use and registration of their original surnames and given names.

The Contracting Parties undertake to ensure within the territory historically inhabited by their respective national minorities the equal use of both languages especially in regard to geographic names and public signs, in the local administration, in oral and written communications, in front of administrative and judicial organs and in public institutions.

#### Article 5

The Contracting Parties admit the rights of both minorities for receiving and disseminating information through radio and television broadcasts in their mother tongue.

To this end, they shall ensure for the national minorities to exercise their own information activity and to develop it. They shall support the free flow of information in the languages of the national minorities as well as the co-operation between the mass media of the minority and majority nations.

The Contracting Parties shall provide the possibilities of receiving radio and television broadcasts from their country of living and from the mother nation, as well as regular and suitable time for radio and television programs in their mother language.

#### Article 6

The Contracting Parties shall support scientific research and studies on the rights, history and present situation of the national minorities. To this end, they shall support the participation of the national minorities in such research, the creation and operation of the organisations of the national minorities and their co-operation with the Contracting Parties and shall allow research on minority issues in their respective territories.

#### Article 7

The Contracting Parties undertake that, making plans on regional and economic developments, they shall take into account the special interests of the national minorities, and within the territories historically inhabited by national minorities, they ensure economic and social development, that makes possible the social and economic equality of national minorities.

The Contracting Parties in the interest of the national minorities shall support all forms of trans-boundary co-operation, especially economic co-operation.

The Contracting Parties shall support such kind of regional economic development which prevent the emigration of the inhabitants and the forcible change of the ethnic composition of the population in territories historically inhabited by national minorities.

#### Article 8

The Contracting Parties in conformity with their national legislation shall ensure the appropriate participation of the national minorities in adopting decisions at local, regional and national level concerning the rights and situation of the national minorities and their members.

#### Article 9

The Contracting Parties undertake not to form the administrative and regional organisations of the state and local self-governments at the expense of the national minorities. They shall make efforts to close the administrative districts and parliamentary constituencies to the districts inhabited by both national minorities. The Contracting Parties in conformity with their national legislation shall ensure the conditions for the activity of the nation-wide organisations of the national minorities for the protection of the national minorities and for the protection of their interests.

#### Article 10

The Contracting Parties shall ensure for the minorities the possibilities of maintaining free and direct contacts with the citizens, state, and public organisations of their respective mother nations. To this end, they shall first open new border points, provide transport connections and support the economic and cultural contacts as well as the exchange of professionals.

#### Article 11

The Contracting Parties undertake to take into account of obligations deriving from this convention in the conclusion of other agreements and programmes on co-operation.

The Contracting Parties shall ensure the participation of the representatives of the national minorities in the conclusion of treaties directly concerning the situation and rights deriving from this Convention.

#### Article 12

The Contracting Parties shall provide appropriate material and other support to the implementation of obligations under the present Convention.

#### Article 13

No article of the present Convention shall be interpreted or implemented in a way that the level of rights guaranteed or achieved be diminished.

#### Article 14

No provision of the present Convention shall be interpreted in a way that it harms the territorial integrity of each Contracting Parties.

#### Article 15

The Contracting Parties shall set up a special inter-governmental minority Commission for monitoring the implementation of the provisions of the present Convention. The respective governments of the Contracting Parties shall delegate an appropriate number of representatives to this Commission at every meeting. The members of the Commission from the respective national minorities shall be appointed upon the proposal of their organisations.

The inter-governmental Commission shall meet, at least, twice a year alternatively in the territories of the Contracting Parties.

The tasks of the inter-governmental Commission are the following:

- to discuss the current issues of both minorities;
- to evaluate the implementation of obligations under the Convention;
- to prepare and adopt recommendations for their respective governments concerning the implementation and in case of necessity the amendment of the Convention.

The Commission adopts its decisions by consensus.

## Article 16

The present Convention is subject to ratification in conformity with the relevant legislation of each Contracting Parties.

The present Convention shall enter into force after the expire of two month from the date of the exchange of the instruments of ratification, the Commission referred to in Article 15 may be set up immediately after signing the Convention.

## Article 17

The present Convention shall remain in force for five years, its validity shall thereafter be extended for another 55 years unless either of the Parties terminates it giving a six month notice in written form.

Done at Ljubljana on 6 November 1992, in duplicate in the Hungarian and Slovenian languages, both texts being equally authentic.

## Russia

### DECLARATION

on the principles guiding the co-operation  
between the Republic of Hungary and the Russian Federation  
regarding the guarantee of the rights of national minorities  
(November 11, 1992)

The Republic of Hungary and the Russian Federation, heretofore the Parties,

Emphasising their common goal of creating democratic systems that, within the framework of a constitutional state, ensure all citizens the rights to fully enjoy their human rights and fundamental freedoms, to freely express their lawful interests and endeavour, to enjoy political pluralism, social tolerance and equality before the law, and to be protected legally as individuals and as groups,

Proceeding from the Agreement on friendly relations and co-operation between the Republic of Hungary and the Soviet Federal Socialist Republic of Russia signed on December 6, 1991,

Recognising that respect for and promotion of the rights of national or ethnic, religious and linguistic minorities (heretofore minorities) and the universally recognised components of human rights are significant factors of peace, justice, security, stability and democracy, and are required for the development of friendly relations and co-operation between States,

Expressing their concern with intolerant and discriminatory manifestations in numerous states, including the increase of acts of violence against persons belonging to these groups and ethnic cleansing,

Considering the activities of international forums and non-governmental organisations in this area, with special regard to the latest developments, namely, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities embodied in

the United Nations, the European Charter for Regional or Minority Languages open to signatures by the Council of Europe, and the establishment of the High Commissioner on Minorities recently initiated in the CSCE process,

Considering that there is a need for further development of international elaboration and codification in the sphere of minority rights,

Declare that the following principles form the foundation of the policies of the Parties in the area of the guarantee of minority rights:

1. The Parties undertake to consistently guarantee the exercise of the fundamental rights and liberties of minorities, both alone or in community with other members of their group, including their equality before law and the prohibition of discrimination.
2. The Parties undertake to improve the available international legal documents that provide the foundation for the measures adopted in given territories; moreover, they will investigate the possibilities of elaborating new international standards.
3. To this end, at existing international forums, the Parties shall cooperate in the uniform interpretation of available legal documents, and the improvement and more effective implementation of developing institutions and mechanisms.
4. Proceeding from the universal values of social peace and individual liberty, as well as the requirement to extensively guarantee these values, the Parties consider as their most significant task the establishment of the necessary conditions for the preservation and development of the national or ethnic, religious and linguistic identity of minorities. These measures shall serve the interests of the whole of society and shall not lead to encroachment on the rights of other citizens.
5. The Parties shall respect the right of each individual to freely determine his or her national affiliation and to practice the rights associated with this affiliation, proclaiming that this decision may not lead to any negative consequences for the individual. In this respect, the Parties note that in a democratic society, the above-mentioned self-definition – individual and in community with other members of the group – may include possibilities such as the establishment of elected organs that deal with minority issues, local and autonomous administrative organs, and autonomies based on the territorial principle and other forms of minority self-rule, as well as other means of expression of legal interests within the constitutional framework of the democratic rule of law.
6. The Parties shall provide legal or other means of protecting the minorities from any activity – including propaganda – that may endanger the realisation of their rights or their identity, provoke the use of force or encourage the incitement of hatred, or engender or justify negative discrimination based on national affiliation.
7. The Parties deem it necessary to guarantee the unhindered exercise of the right of individuals to participate substantially in social life, as individuals or in community with others, through the establishment of independent social organisations and associations, in order that the minorities may protect and express their legal interests, and including their participation in all matters that are related to the safeguarding and development of their identity and the adoption and execution of decisions affecting their place of inhabitation.

8. The Parties declare the need for the realisation of the principle that state organs that deal with the issues of the nationalities and national minorities shall come about through democratic means and with the participation and consideration of the interests of the nationalities inhabiting the given territory, including the social organisations and associations that express their opinions.

9. The Parties deem as unacceptable those administrative, economic or other measures that are directed toward the forceful assimilation or alteration of the ethnic composition of the districts within the territories inhabited by minorities.

10. The Parties consider practical the adoption of necessary legal, administrative and other measures that aim at allowing the minorities to practice their right to use their native language in writing and orally and in their personal lives and in public, including the use of their national first and family names. Exercise of this right shall not affect the obligation of minorities to learn the official language or languages of the State.

11. The Parties shall respect the right of minorities to preserve and develop their cultural identity, including the preservation and maintenance of their particular cultural heritage.

12. The Parties shall respect the right of those members of a community of faith belonging to a minority to practice their religion; to obtain, own, produce and use the necessary religious materials in their native language; and to receive religious training in their native language.

13. The Parties shall respect the right of minorities both to protect and represent their fundamental rights and to freely access information in their native language, including the right to disseminate and exchange information and to receive state support according to the capacity of the State.

14. The Parties shall utilize all of its means within its reach to assist individuals belonging to minorities in establishing and maintaining relations with one another within their state and without discrimination, and also with the citizens of other states, with whom they share the same ethnic or national origins and cultural heritage.

15. The Parties confirm their intention to bilaterally, regionally and universally promote the international codification of national minority rights. They express their readiness to support such efforts within the framework of the United Nations and the CSCE.

16. In the interest of the application of the above-mentioned principles and the attainment of the objectives, the Parties shall co-ordinate their co-operation in various international forums, striving to establish extensive international consensus and to enforce peaceful instruments in conflict resolution.

17. Nothing in this Declaration shall be interpreted as implying any right to engage in any activity or perform any action in contravention to the purposes and principles of the United Nations Charter, other international legal obligations, or the provisions of the Helsinki Final Act, including the principle of the territorial integrity of States.

Signed in November 11, 1992 in Budapest, Hungary, in two copies, each in both Hungarian and Russian.

#### IV.

### Proposals and initiatives of the Hungarian government regarding the rights of national minorities at EU level

Hungary has been active in this field since the beginning of the European Convention. During the Convention the Hungarian delegates presented different proposals aiming at amending the text of the Praesidium or complementing the draft Constitutional Treaty. The whole collection of the Hungarian suggestions for amendment may be found at [www.kum.hu/eu/konvent.pdf](http://www.kum.hu/eu/konvent.pdf).

The minority issue concerns mainly Article I-2 of the draft Constitutional Treaty, which deals with the fundamental values of the Union.

The following suggestions were made:

- 1) Péter Balázs: suggestion for amendment of Article 2
- 2) József Szájer: „Unity in diversity – Proposal for the representation of national and ethnic minorities in the institutional system of the European Union, Committee of National and Ethnic Minorities (CONEM)” 26 February 2003
- 3) Pál Vastagh: suggestion for amendment of Article 3
- 4) Contribution of Balázs, Szájer, MacCormick, Eckstein-Kovács, Szent-Iványi, members and alternate members of the Convention: „Respect for minorities and the European constitutional structure” 25 March 2003
- 5) Joint proposal of Hungarian members of the Convention and others for amendment in respect of the protection of minority rights, Article I-2

The Hungarian government's activity in the field of minority protection in the still ongoing Intergovernmental Conference:

At the June European Council in 2003 Valéry Giscard d'Estaing, Chairman of the Convention presented the draft Constitutional Treaty. At the summit the Hungarian Prime Minister Péter Medgyessy made a call for the inclusion of the national and ethnic minorities' collective rights in the draft Constitutional Treaty indicating that the issue of protection of and respect for minorities will be a priority issue during the upcoming Intergovernmental Conference.

On 13 October 2003 Hungary requested in a letter to the Italian Presidency to place the Hungarian proposal relating to minority rights on the agenda and forwarded the concrete proposal which was approved by the Grand Committee on the European Union of the Hungarian National Assembly at its meeting of 8 October 2003.

In the compromise proposal package put forward for the November Conclave, the Presidency changed two aspects of the Hungarian proposal. On the one hand, it established the connection of „minority” and „rights” on the notion of individual rights instead of the possibility of collective interpretation by referring to „the rights of persons belonging to a