

Second Minority Forum (12-13 November 2009)

Statement by Norbert Tóth, independent expert on minority rights

Statement delivered under agenda item V. National practices and real experiences: existing mechanisms providing for the political participation of minorities

Madame Chair of the Forum, Madam High Commissioner Madam Independent Expert on Minority Issues, Distinguished Delegates, honourable colleagues, Ladies and Gentlemen,

First of all allow me to express my appreciation and gratitude towards all of you including particularly the United Nations itself who consider the welfare of minorities as a remarkably important and necessary precondition of democracy. As István Bibó a Hungarian philosopher once stated 'being a democrat means not to be afraid of those who have different opinions, speak different languages, or belong to other races.'

As our current item of the agenda is the so-called national practises and real experiences I would briefly summarize the existing practices of Hungary as a state regarding to the issues of minorities. According to the relevant provisions of our present constitution "*The national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the State.*" furthermore "*The laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.*" and "*National and ethnic minorities shall have the right to form local and national bodies for self-government.*"

Based on the constitutional provisions mentioned a Law on the rights of national and ethnic minorities was adopted in 1993 and there are some other laws, decrees and regulations especially on the elections and composition of minority self-governments as well. Hungary worked out a sort of cultural autonomy by this acts and the Law on Minority Rights recognizes not only the individual but the collective rights of minorities. In addition the State created some special authorities and institutions in order to guarantee the protection of minority rights. For instance an ombudsman for minority rights was elected and an Equal Treatment Authority was established both by the Hungarian parliament. These institutions play a key-role in protecting the rights of minorities and promoting the principles of equality and non-discrimination.

The Law on Minorities recognizes 13 different minority groups living in Hungary. All the minorities and the persons belonging to a minority group have the right to form their self-governments at local, territorial and national levels. The relationship between the state (including the system of self-governments) and the minority self-governments are based on the democratic principles of partnership and cooperation.

The core-elements of the self-governance of minorities in Hungary are – amongst others - the following. Firstly, the question of identity that is whether someone belongs to a given minority community or not, solely depends on the individual's choice. Secondly the practice of the rights of minority self-governments is protected by the independent judiciary system of the State. In addition anyone is freely allowed to use his or her native language at all levels of public life without any kind of restrictions. Finally the financial needs necessary to manage the minority self-governments and also the political, economical, and cultural institutions of minorities are funded by different actors including the State budget itself, the budget of local and territorial self-governments and other resources for instance external donations and own revenues. The

Hungarian system of minority self-governments is not a perfect one but a continually developing basis for the effective political participation of minorities.

Though all Hungarian political actors support the issue, the question of direct representation of minorities on a parliamentary level is not yet solved since the political parties could not reach a compromise about the exact details of that. That is why the parliament created a special advisory organ, namely the Forum of National and Ethnic Minorities living in Hungary being a temporary solution until the issue can be reassuringly settled. Furthermore it is important to note that the very first ethnic Roma Members of the European Parliament ever were elected in Hungary in 2004.

According to Hungarian scholars and experts and following from the facts mentioned before Hungary can be considered a multicultural State.

Ladies and gentlemen allow me to share with you some facts regarding the real experiences as well. According to the research work of certain research institutions the legal and institutional framework of minority protection established in the early 1990s contributed to a kind of renaissance of minorities living in Hungary. Even though minority groups living in Hungary were largely assimilated till 1990 (except the Roma) after the adoption of the legal documents mentioned before, a kind of revitalisation of minority cultures can be observed in Hungary, for instance the number of minority self-governments is more and more from an electoral year to another shows a dynamic growth. The number of minority self-governments tripled since 1994 and currently there are around 2000 minority self-governments in Hungary.

Summarizing the reality, minorities living in Hungary were able to create the conditions of their self-management based on the legal framework of the relevant Hungarian constitutional and legal provisions.

Thank you for your kind attention.