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C S C E
High Commissioner

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To the Members of the Permanent Council

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On 27 May 1993 the CSO Vienna group decided on the Terms of Reference of a Team of Minority Rights Experts to be sent to Hungary and Slovakia under the auspices of the HCNM. In accordance with Article 1(h) of the Terms of Reference, I attach a report on the activities of the Team to this letter.

It is my view that it would be desirable to continue the activities of the Team and to leave the Terms of Reference unchanged. After consultations with both the Hungarian and Slovak Governments in accordance with Article 1(c) and 1(h) of the Terms of Reference, I have come to the conclusion that both Governments can agree to a continuation of the work of the Team for a certain period, and are also willing to leave the Terms of Reference unchanged. No unanimity has been reached, however, about the duration of the time period. While the Slovak Government is favouring an extension of the mandate until 27 May 1996, which would enable the Team to visit both countries twice (in the autumn of 1995 and the spring of 1996) the Hungarian Government favours a continuation of the work of the Team until 31 December 1996.

My recommendation to the Permanent Council is that it decides to continue the work of the Team under the same Terms of Reference, provided that agreement will be reached between the two states directly concerned about the duration of the activities of the Team.

Yours sincerely,

[signature]
(Max van der Stoel)

**Activities of the HCNM Team of Experts
in Hungary and Slovakia
September 1993 - June 1995**

In May 1993, a Team of Experts was established at the proposal and under the authority of the OSCE High Commissioner on National Minorities and with the consent of the two general policies towards minorities of each of the governments concerned, both the situation of the Hungarian minority in Slovakia and the situation of the Slovak minority in Hungary, basing themselves on OSCE principles and commitments." As requested by the Committee of Senior Officials *1*, its Terms of Reference *2* were formulated by the High Commissioner in consultation with both governments. The Team was established for an initial period of two years, during which they could pay a maximum of four visits, each of which would "always include a visit to both states."

During the first visit of the Team, its composition was as follows:

Professor Marc Bossuyt (Belgium)
Dr. Karen Knop (Canada) and
Dr. Patrick Thornberry (UK).

During the second visit, the Team was composed of:

Dr. Frank Horn (Finland)
Dr. Karen Knop (Canada) and
Dr. Patrik Thornberry (UK).

The High Commissioner has tried to restrict the number of changes in the composition of the Team as much as possible. However, this aim could not always be realized, because sometimes a member of the Team was not available during the time period which seemed most appropriate for a further visit of the Team to Hungary and Slovakia.

1 See 21 - CSO Journal no. 3/Corrected Version, point 5 (g), p. 8-9 (April 1993)

2 Vienna CSO Group, Journal no 14 of 27 May 1993. The full text of the Terms of Reference is attached to this report as Annex 1.

As foreseen in the Terms of Reference, a member of the staff of the High Commissioner has accompanied the Team on its journeys.

After each mission, the Team of Experts has conveyed its impressions and its views to the High Commissioner, who in turn has used the information they provided as the basis of his recommendations to the governments of Hungary and Slovakia.

A list of all the meetings the Team has had with various personalities and organisations both in Hungary and Slovakia can be found at the end of this report.

The Team has invariably received extensive assistance from both governments in the preparation of its meetings. Various governmental organs provided valuable information. The High Commissioner wishes to express his profound gratitude for this assistance, which also included the provision of interpreters, drivers and transport.

As several of the subjects studied by the Team in both states were later subject of recommendations by the High Commissioner, as mentioned in annexes 2 and 3, this report restricts itself to a summary of the topics analysed by the Team during the four visits it made to Hungary and Slovakia.

Hungary

The main issue the Team discussed in Hungary was the Hungarian Act on the Rights of National and Ethnic Minorities, its implementation and, once implemented, its possible consequences for the minorities in Hungary, in particular the Slovak minority. An important element discussed was the financial effort to make the Act effective in practice.

In connection with the law, the question of minority representation in parliament and the functioning of minority self-governments was also addressed. During the first half of 1995 self-governing bodies of the Slovak minority at local and national level were established. An important element discussed during the fourth visit of the Team to Hungary was therefore the question of the actual functioning and financing of Slovak self-governing bodies.

Two last points of discussion connected to the law was the Minority Ombudsman or Commissioner, as foreseen in the Act and which remains to be established, and the status of Slovak education in the state school system.

The international dimension of minority questions was also raised during discussions, i.e. the issue of Hungarian minorities living in neighbouring countries and the prospects for concluding a treaty on good neighbourliness, friendship and cooperation between Hungary and Slovakia. In the meantime, such a treaty has been signed by the two countries and the ratified by the Hungarian parliament.

Slovakia

Early questions discussed in Slovakia were those concerning bilingual roadsigns and the use of women's surnames in the Hungarian form in official registers. These were resolved in the course of 1994 through the adoption of several laws.

Plans to introduce alternative education classes, i.e. the introduction in Hungarian schools of the option of Slovak as a language of instruction for certain subjects, were studied by the Team. The training of Hungarian teachers at the Nitra pedagogical institute was analysed.

Another issue was the planned administrative reform of Slovakia and its possible consequences for the Hungarian minority. Issues discussed were the boundaries of the new territorial units and the division of competencies between, on the one hand, state administration at its various levels and local self-government on the other. In connection to this, discussions also covered the possibilities for adequate representation of minority interests, in particular with regard to a language, culture and education. In this regard, competencies of local self-government and guarantees for adequate representation of minorities on deliberative and executive bodies through the electoral system were touched upon.

In addition to these questions, discussion during the fourth visit of the Team addressed the draft principles of the law on the state language and the Government's cultural policy toward minorities.

Finally, the need to enhance consultations between the government and the minorities was a topic of the Team's discussions.

At various occasions the position of the Slovak minority in Hungary was discussed. Another international issue discussed has been the signature and then the ratification of the bilateral treaty between Slovakia and Hungary (see above).

Annex 1 - Terms of Reference

TERMS OF REFERENCE FOR A TEAM OF MINORITY RIGHTS EXPERTS TO BE SENT TO SLOVAKIA AND HUNGARY 8

1(a) The CSCE High Commissioner on National Minorities will, in consultation with the participating states concerned, designate three persons who can be considered to be experts on national minority rights questions and to be completely impartial. Their task will be to study, in the light of the general policies towards minorities of each of the governments concerned, both the situation of the Hungarian minority in Slovakia and the situation of the Slovak minority in Hungary, basing themselves on CSCE principles and commitments.

(b) The role and the accountability of the High Commissioner will be governed by the appropriate paragraphs of Chapter II of the Helsinki Decisions of 10 July 1992.

(c) The experts will be appointed for a period of two years, which might be extended if both the governments of Slovakia and Hungary and the High Commissioner on National Minorities would consider this desirable.

(d) During the two year period, the experts can pay a maximum of four visits. A visit will always include a visit to both states. The time to be spent in each country during a

visit will not exceed 9 days. The experts will be enabled to travel and communicate freely.

(e) The experts will not include nationals or residents of either Slovakia or Hungary, or any expert against whom either of the two states has previously entered reservations. They will have to be nationals or residents of a state participating in CSCE, but they will not include more than one national or resident of any state.

7 CSO Vienna Group, Journal No. 14, paragraph 4(a)

8 CSO Vienna Group, Journal No. 14, Annex 1.

(f) Within fourteen days after each visit, the experts will submit a detailed report on their findings an assessment of the follow-up given to earlier advice and recommendations made by the experts and/or the High Commissioner as well as their advice and recommendations to the High Commissioner.

(g) The High Commissioner will decide whether and in what form the advice and recommendations of the experts will be communicated to the governments of Slovakia and Hungary. They will be non-binding. If, after consultations between the High Commissioner and the Chairman-in-Office, it is decided to make the advice and the recommendations available to the CSO, the government concerned will have the opportunity to comment.

(h) When, after completion of the two year period, the report of the High Commissioner evaluating results will be sent to the CSO for consideration, his report will include a recommendation concerning a possible extension of the mandate of the team, taking into account paragraph 1(c) of the terms of reference.

2. The activities of the team can be described in more detail as follows:

(a) The members of the team will meet the representatives of the Hungarian minority in Slovakia and the Slovak minority in Hungary in order to hear their views about various aspects of their situation as a minority.

(b) The members of the team will meet with representatives of the Slovak government in order to hear their views, in the light of their general policies concerning minorities, about the question of the Hungarian minority in Slovakia, and with officials of the Hungarian government in order to hear their views, in the light of their general policies concerning minorities, about the question of the Slovak minority in Hungary.

(c) The members of the team will also meet with the members of the relevant Parliamentary commissions, academicians, NGOs and individuals in order to gather as broad as possible scale of opinions on both the government's minority policy and the assessment of the situation of the Hungarian and Slovak minority, respectively. In

order to facilitate the task of the team the CSCE High Commissioner on National Minorities will provide a briefing for the members of the team before their departure.

3. It is understood that a member of the staff of the CSCE High Commissioner on National Minorities will accompany the team on its journey, and that the governments of Slovakia and Hungary will provide the team with interpreters, drivers and transport in their respective countries.

Annex 2 - Team visit to Hungary

Dates:

24-28 September 1993, 11-16 February 1994, 24-27 November 1994, 8-10 June 1995

Interlocutors in Budapest:

Representatives of the following ministries:

Foreign Affairs, Education and Culture, Interior.

Other governmental bodies:

The Office for Hungarians Living Abroad, the Office for National and Ethnic Minorities within Hungary, the Commissioner on National Minorities in the MFA.

The Parliamentary Committee for Human Rights, Minorities and Religious affairs, and the Parliamentary Committee for Foreign Relations.

The following political parties:

Alliance of Free Democrats, Christian Democratic People's Party, Hungarian Democratic Forum, Smallholders Party, Socialist Party, Young Democrats.

Representatives of the following Slovak organisations in Hungary: Federation of Slovaks in Hungary, Federation of Slovak Teachers, Free Organisation of Slovaks, the Slovak Youth and the Union of Slovak Writers.

Individual representatives of Slovaks living in Budapest. A Slovak secondary school. The Hungarian Institute for Foreign Affairs. The Institute for Society Studies. The Institute of History of the Hungarian Academy of Sciences.

Interlocutors elsewhere:

- Pilisszentkereszt: the mayor, school director, other representatives of the Slovak population, and the Free Organisation of Slovaks.
- Vanyarc: the mayor and other Slovak representatives, and representatives of the Federation of Slovaks in Hungary.
- Pilis (Pilisszentlélek and other villages): representatives of Slovak communities.
- Békéscsaba: the mayor, representatives of the Slovak self-government, school

director, other representatives of the Slovak self-government, school director, other representatives of the Slovak population.

HCNM Reports and Recommendations to the Government of Hungary

CSCE Communication No. 122, 23 April 1993

CSCE Communication No. 307*, 28 November 1993

CSCE Communication No. 307/Add.1, 29 December 1993

CSCE Communication No. 36, 14 November 1994

Annex 3 - Team visit to Slovakia

Dates:

19-23 September 1993, 16-19 February 1994, 20-23 November 1994, 5-7 June 1995.

Interlocutors in Bratislava:

Representatives of the following ministries:

Culture; Education; Foreign Affairs; Interior; Transport; Communications and Public Works.

Representatives of other governmental bodies:

the Presidential Office; Government Council for National Minorities; the Government Commission for the Reform of Public Administration.

Members of the National Council Committee for Public Administration, Self-Administration and Ethnic Minorities.

Representatives of the following political parties:

Christian Democratic Movement, Coexistence, Democratic Union, Hungarian Christian-Democratic Movement, Hungarian Civic Party, Hungarian People's Party, Movement for a Democratic Slovakia, Party of the Democratic Left, Slovak Association of Workers and Slovak National Party.

Various non-governmental interlocutors:

CSEMADOK, FOCUS Centre for Social and Market Analysis, Matica slovenská, Open Society Fund, and Sandor Marai Foundation; the Education and Science Trade Union; journalists of Slovenská Republika (Slovak daily) and új Szó (Hungarian-language). A Hungarian-language secondary school.

Interlocutors elsewhere:

- Nitra: representatives of the board of the Pedagogical Institute and representatives of the Hungarian Department;
- Dunajská Streda: representatives of local self-government and local state administration; a Slovak secondary school
- Komárno: representatives of local self-government and local state administration; of the Union of Hungarian Teachers; local representative of Matica slovenská;

representatives of the Hungarian theatre of Mór Jókai; representatives of the association of Towns and Village of Zitny Ostrov
- Galanta, Nové Zámky, Veľký Krtíš, Nenince and Slovenské Darnoty:
representatives of local self-government and local state and school administration.

HCNM Reports and Recommendations to the Government of Slovakia

CSCE Communication No. 122, 23 April 1993

CSCE Communication No. 308, 25 November 1993

CSCE Communication No. 36, 14 November 1994