

# **THE EAST-CENTRAL EUROPEAN SYNDROME**

**Unsolved Conflict in the Carpathian Basin**

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editor



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# **THE EAST-CENTRAL EUROPEAN SYNDROME**

## **Unsolved Conflict in the Carpathian Basin**

Present day political and diplomatic decision makers have very little knowledge of the roots of problems in Central and East-Central Europe. Therefore, we have to shed some light on the festering sore some politicians - not aware of its importance - would like to sweep under the rug:

### **Facts:**

After World War I, the victors broke up the Austro-Hungarian Monarchy. In the process, instead of one existing medium sized political and economic unit with many nationalities, they created five small, economically and politically unstable "quasi-national" states: Austria, Hungary, Czechoslovakia, Rumania and Yugoslavia. Eventually - with other causes - it led to WW II, with the tragic consequences.

Owing mostly to designs of the Soviet Union, the division was reinstated and become less stable and less viable economically after WW II.

Since then, two of the artificially created states fell apart, resulting in more mini-states. Now there are seven: Austria, Czech Republic, Slovakia, Hungary, Rumania, Rump-Yugoslavia, Croatia, Slovenia and the Ukraine, in the same region.

The real losers are the Hungarians. In the 1920 Trianon (Paris) peace settlement they lost almost three million Hungarians to the successor states. Ever since these states are hell bent on annihilating the Hungarian nationals by all means at their disposal: deportations, forced assimilation, forced emigration, expulsions and (right after WW II) physical destruction.

Naturally, no nation could tolerate such status quo. If the

victorious powers had established the new borders along ethnic lines in 1920, the revisionist movement in Hungary would have subsided in a few years. After such a blatant and unconscientious injustice of a "peace treaty", no self-respecting nation would acquiesce to the perpetuation of such borders.

This unholy situation created the so called "The East-Central European Syndrome, or more precisely " The Trianon Syndrome". All states in the Carpathian Basin suffer from it. No matter, what the government does, most Hungarians cannot accept the situation. The successor states are also mortally afraid of the Hungarian revisionism. They just can not believe, that the Hungarians are really willing to give up those lost territories with Hungarian majority. This "Trianon Syndrome" is hurting everybody.

The Hungarian government - with western "encouragement" - hopes against reasonable hope, that by joining the European Community, the borders will lose their significance in a few years, thus saving the Hungarian minorities. This is not the case. With the exception of Slovakia, no successor state will be admitted into the Union in the foreseeable future. Therefore, in ten-twenty years the Hungarian minorities will be destroyed, chased out, displaced by new settlers or forcibly assimilated by Slovakia, Rumania, the Ukraine and Rump-Yugoslavia.

To dampen the danger, the Hungarian government enacted the so called Status Law, which would encourage the minority Hungarians to keep their culture, language and faith, in accordance with international law and practice.

Now those states, particularly Rumania and Slovakia are up in arms and dead set against the implementation of this feeble attempt to bolster the integrity of the Hungarian nation under foreign rule. It does not bother them, that they, and most European nations, have similar laws in existence.

Since they are unwilling to accept this absolute minimum attempt, they eventually will have to face another solution

### **Solution:**

1. As we know, revision of the borders is impossible because of the German territories annexed by Poland and the USSR after WW II, not to mention the UN stance on the matter.

2. The extension of the European Union has no reality for many years. While Hungary, Slovakia and Slovenia could join in a couple of years, the inclusion of Romania and Yugoslavia are many years away.

3. Therefore, the only solution at the present is autonomy. There are ample number of successful precedents: South-Tyrol in Italy, the Basques and Catalans in Spain, the Aland Islands in Finland and even the Gagauz in the Republic of Moldavia. Great Britain also granted wide ranging autonomy to Scotland, to a lesser degree to Wales and let go most of Ireland a long time ago. The French government facing mounting pressure for autonomy by the Corsicans and other minorities.

Why can't the United Nations or the European Union force the mini-imperialistic nations in the Carpathian Basin to do the same. Failing to act, they will be responsible for the largest scale ethnic cleansing in Europe - in however subtle and mostly clandestine ways - it will be done.

True enough, autonomy was seldom granted without some bloodshed. Do we really want another hot spot in Europe?

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### **LAWS AND PROVISIONS FOR THE BENEFIT OF NATIONAL MINORITIES IN EUROPE**

#### **I.**

##### **PROVISIONS IN THE FOUNDING TREATIES BANNING NEGATIVE DISCRIMINATION**

1. The Maastricht Treaty on European Union Article 6, paragraph 1 declares:

„The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.”

According to paragraph 2 of Article 6, the Union respects fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law. According to paragraph 3 the Union respects the national identities of its Member States. Paragraph 4 gives the Union the authorisation needed for the attainment of these objectives. (Annexe No. 1)

The new Article 7 of the Maastricht Treaty – introduced with the Treaty of Amsterdam – contains provisions for the procedures which may be taken in the case of serious and persistent breach by a Member State of the obligations set out in Article 6, including in given cases suspension of the voting rights of the Member State concerned.

2. The Treaty of Rome establishing the European Community states in Article 12:

„Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any



discrimination on grounds of nationality shall be prohibited.

The Council, acting in accordance with the procedure referred to in Article 251, may adopt rules designed to prohibit such discrimination.” (Annexe No. 2)

Under Article 13 of the Treaty of Rome – introduced with the Treaty of Amsterdam: „Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”

## **II.**

### **BASIC PRINCIPLES OF THE EU CONCERNING THE BAN ON NEGATIVE DISCRIMINATION, AND THE PROTECTION OF NATIONAL MINORITIES**

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin contains the basic provisions regarding the ban on discrimination. (Annexe No. 3)

Article 2 of the Directive defines the concept of discrimination. According to this, direct or indirect discrimination based on racial or ethnic origin is a violation of the principle of equal treatment. Direct discrimination is taken to occur when a person is treated less favourably than another in a comparable situation on grounds of racial or ethnic origin.

Article 5 contains a rule of particular note, under the heading of „positive action”. According to this Article: with a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.

2. Article 12 of the European Charter of Fundamental Rights of the European Union declares the respect of linguistic and cultural diversity: „The Union shall respect cultural, religious and linguistic diversity.”

3. At the initiative of the European Parliament, which has adopted numerous resolutions on this subject, the European Union has taken steps to protect and promote European regional and minority languages: (Resolution on linguistic and cultural minorities in the European Community A3 – 0042/94) (Annexe No. 4)

4. The Copenhagen Criteria elaborated in 1993 also deal with the question of the protection of minorities, as a necessary basic condition for enlargement: (Copenhagen Meeting of the European Council, June, 1993:) „Membership requires that the candidate country : (1) has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”.

### **III.**

#### **INTERNATIONAL CONVENTIONS ON THE PROTECTION OF MINORITIES RELEVANT TO THE EU BASIC PRINCIPLES AND REGULATIONS**

1. The preamble to the treaty of association signed by Hungary and the EU also refers to the documents on the protection of minorities, including the OSCE Charter of Paris. The Charter of Paris declares the need for protection of minorities as follows:

„We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.” (Annexe No. 5)

In this way the principle of the protection of national minorities is incorporated indirectly into the EU-Hungary Treaty of Association.

2. The Framework Convention for the Protection of National Minorities of the Council of Europe and the European Charter for Regional or Minority Languages of the Council of Europe declares that support for minorities shall not be considered to be an act of discrimination. When examining candidate countries, respect of the provisions of CE conventions is examined as a condition for accession: in this way the EU relies indirectly on the documents of the CE.

(CE Framework Convention Article 4, paragraph 2): „The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.”

Article 3, paragraph 3 of the Framework Convention declares: „The measures adopted in accordance with paragraph 2 shall not be

considered to be an act of discrimination.” (Annexe No. 6)

The same principle is reinforced by the CE European Charter of Regional or Minority Languages:

„The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population, or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages”. (Annexe No. 7)

3. The generally valid basic principle that support for minorities is not considered to be discrimination is not restricted to the internal conditions of the given State and its minorities since it does not exclude assistance aimed at the attainment of real equality of rights for minorities (even assistance from outside the country concerned). It can be deduced from the spirit of the documents and from European legal practice (similarly intentioned financing policy of the EU Member States and the Commission) that this principle can also apply to support from the mother country for minorities living outside that country, if it provides financial support to promote the survival and development of different minority groups in the form of financing for projects running for several years. Examples of such support are: the development and introduction of bilingual radio programmes in Austria, the publication of history and geography textbooks in Catalan in France, Roma projects in Hungary, Romania, the Czech Republic. (Source: [http://europa.eu.int C:\TEMP\Promoting and safeguarding regional and minority languages and cultures.html](http://europa.eu.int/C:\TEMP\Promoting and safeguarding regional and minority languages and cultures.html).)

This is also reinforced by the CE Framework Convention for the Protection of National Minorities, which has been signed and ratified by the great majority of the EU Member States and the neighbouring countries. According to the Framework Convention, the question of protection of national minorities cannot be exclusively the internal affair of the State concerned:

„the 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.” (Article 1)

The report of the CSCE Geneva Meeting of Experts on National Minorities also reinforces this principle:

„Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State.”( Report of the CSCE Meeting of Experts on National Minorities, II.(3), Geneva, 1991).

## **IV.**

### **LEGISLATION OF SELECTED EU MEMBER STATES CONCERNING THEIR NATIONAL MINORITIES LIVING ABROAD**

It is worth analysing the legislation of a few EU Member States concerning national minorities since they contain numerous legal solutions identical or similar to those in the Hungarian act, but have not been subject to criticism from the EU.

#### **1. Greece**

By virtue of Act 1991. 12.04./1975 on „The entry, exit, employment and expulsion of foreign nationals”, regulation 4000/3/10 was issued governing the procedure concerning acquisition of the right to residence and employment for Albanian citizens of Greek origin. (Annexes 8 and 9)

a) The regulation provides for the issue of a „Special identity card” for Albanian citizens of Greek origin. Spouses and family members are also entitled to the identity card, irrespective of their national identity, provided that they produce evidence of kinship.

To apply for the special identity card, the applicant must have a valid travel document certifying citizenship and a special visa issued by the Greek consulate. This special visa can be obtained on presentation of the document certifying Greek origin issued by the Federation of North Ipiros Greeks operating in Albania. (Nota bene: a certification issued by a minority civil organisation operating in a foreign State!)

Note: Due to numerous abuses, the procedure of certification was recently changed; Greek origin is now examined by the Greek Embassy in Tirana.

b) The special identity card entitles the holder  
- to permanent residence in Greece,

- to employment in Greece.

c) Since the introduction of the regulation, special identity cards have been issued to approx. 130,000 Albanian citizens of Greek origin.

## **2. Portugal**

Regulation No. 6162/99 of the Secretary of State of the Foreign Ministry provides for support for Portuguese communities living abroad. (Annexe No. 10)

a) The aim of the support is to assist the social and cultural development of Portuguese communities living abroad, to support their participation in the social and political life of the host countries and to spread Portuguese culture.

b) The targets of the support are communities of persons of Portuguese origin and Portuguese nationals living abroad. The supports are available through applications. (The regulation understands communities to be legally registered associations of a non-profit and non-party character whose activity is aimed at the social and cultural development of the given communities.)

c) According to the regulation, the support takes the form of the direct supply of materials attaining the desired effect, or of direct financing for certain concessions and actions. Direct financial subsidies are given only in exceptional cases. The supports are made available abroad, in the permanent place of residence of the Portuguese community.

## **3. Ireland**

Article 2 of the country's Constitution declares:

„ ... the Irish nation cultivates special relations with persons of Irish origin living abroad who share the Irish national cultural identity and heritage.”

Accordingly, Irish citizenship can be obtained in three ways: through nationalisation, marriage or descent.

In the case of nationalisation and descent, persons of Irish nationality may acquire citizenship by a simplified procedure differing from that for other persons: applicants of Irish descent may be given exemption – under a special decision by the Ministry of Justice – from meeting the conditions set out in the nationalisation act.



## V.

### **ACTS OF SOME EU ENTRANT COUNTRIES ON THEIR PARTICULAR NATIONAL MINORITIES LIVING ABROAD**

In what follows, we will examine some enactments pertaining to the relevant topic issued by EU candidate countries, which have

- signed the European Agreement,
- ratified the Framework Convention for the Protection of National Minorities
- ratified or signed the European Charter for Regional or Minority Languages of the Council of Europe.

It follows from their accession to the aforementioned conventions that, where it comes to the legal regulation relating to the nationalities, they must fulfil the same criteria as Hungary. Bearing this in mind, one cannot help remarking on the absence of any criticism, from the European Union, of the legal institutions or legal formulas contained in these pieces of legislation - institutions or formulas which parallel those in the comparable Hungarian statute.

#### **1. Slovakia**

a) The ruling of Act No. 70/1997 on [ethnic] Slovaks living abroad (Annex No. 11) extends to those Slovak citizens who are of Slovak nationality or are of ethnic Slovak origin and have a Slovak cultural or linguistic self-awareness.

This can be certified by a document or, in the absence thereof, by a written testimony of an ethnic organisation acting at the place of his residence abroad. If no such organisation operates at the place of residence of the applicant, written testimonies are required from two foreign Slovaks who are living together with him in the same state.

b) If S/he requires this, the person of Slovak nationality but not of Slovak citizenship will receive, via the Slovak Embassy operating in the country concerned, what the law defines as an „a passport of

foreign Slovak”. (In practice, the aforementioned certificate is called „foreign Slovak’s certificate”).

- a) The holder of the foreign Slovak’s certificate
  - may enter Slovakia without a visa or letter of invitation even when, based on his citizenship, he would otherwise be required to have a visa,
  - may carry on studies in any Slovak education establishment,
  - may apply for employment without obtaining a permit applying to foreigners,
  - may acquire real estate in Slovakia,
  - shall have a right to preferential naturalisation.
  
- b) The law offers preferences only in the territory of Slovakia.

## **2. Romania**

- a) The ruling of Act No 150/1998, called „On the granting of assistance to the Romanian communities of the world at large” (Annex No. 12), extends to the [ethnic] Romanian communities living in states outside Romania. The forms of assistance provided by the Act also extend to the territory of foreign states. Such assistance includes
  - programmes aimed at supporting tuition in Romanian,
  - youth and civic education programmes,
  - individual assistance in health emergencies, within the framework of social welfare assistance.
  
- b) Under the provisions of the Act, a special endowment was set up to fund actions designed to assist [ethnic] Romanian communities living in the territory of other states. Additionally, an autonomous centre (Eudoxiu Hurmuzachi Centre) was established, with budgetary support, subordinated to the Ministry of Education.
  
- c) The Act does not introduce a special certificate for the persons coming under its ruling; therefore - logically - it does not contain any provisions concerning any recommendations etc. required for the obtainment thereof.

### **3. Republic of Slovenia**

a) The situation of native Slovenian minorities living in neighbouring countries is regulated by a Resolution of the National Assembly issued in 1996 (Official Bulletin of Slovenia 35/96) (Annex No. 13). The Resolution affords assistance to the native Slovenian minorities living in adjacent countries in the territory of the country of their citizenship. Accordingly,

- it provides to them permanent funding for the basic functioning of their academic institutes,
- it supports the activities of their publishing houses,
- it supports the provision of books, periodicals, and audio carriers in the territories inhabited by the aforementioned persons.

b) The subsidies are furnished from the state budget.

c) The Resolution does not provide for the issuance of a special certificate to the persons concerned.

### **4. Republic of Bulgaria**

a) The ruling of Act No. 30/2000 on [ethnic] Bulgarians living beyond the borders of the Republic of Bulgaria (Annex No. 14) extends to all states where persons of Bulgarian nationality live.

The personal validity of the Act covers all those who

- have at least one Bulgarian ancestor,
- have a Bulgarian awareness,
- live in the territory of another state.

Bulgarian ancestry can be proved

- by the organs of the Bulgarian or another state,
- via legitimate Bulgarian organizations operating abroad,
- through the Bulgarian Orthodox Church.

b) Under the Act, the Bulgarian state supports the development of „Bulgarians living abroad”. (The terminology of the Acts avoids the terms „minority” and „ethnic group”.) It assists their

organizations if their activity is aimed at the preservation of Bulgarian mother-tongue culture and religious traditions. In the field of education, it promises the delivery school textbooks and teaching aids to cross-border destinations; while, in the field of culture, it provides for the dispatch to foreign countries of printed matter dealing with life in Bulgaria and Bulgarian culture.

The funding for the assistance comes from the budget of the Republic of Bulgaria.

c) The persons coming under the ruling of the Act enjoy the following privileges in the territory of the Republic of Bulgaria:

- work permit through fast-track procedure,
- participation in the so-called „coupon” privatization,
- making investments,
- recovery of their previously nationalized assets,
- participation in primary, secondary, and higher education, in numbers annually determined by the Government.

b) The Act introduces a special certificate for Bulgarians living beyond the borders.

## VI

### **THE HUNGARIAN GOVERNMENT: Consultations with neighbouring countries**

#### 1) Multilateral consultations

On December 11, 2000, Political State Secretary Zsolt Németh briefs the Ambassadors of EU-member countries as well as of neighbouring countries accredited to Budapest on the concept of the Act under preparation.

On April 5, 2001, Foreign Minister János Martonyi briefs the Ambassadors of EU-member countries as well as of neighbouring countries on the Draft Act submitted to Parliament by the

#### **2) Hungarian-Romanian consultations**

On February 5-6, 2001, Deputy State Secretary Csaba Lőrincz holds talks in Bucharest with Foreign Minister Mircea Geoana, State Secretary Cristian Diaconescu and Director General Mihail Dobre.

On February 20-21, 2001, Political State Secretary Zsolt Németh holds talks in Bucharest with Foreign Minister Mircea Geoana, State Secretary Cristian Diaconescu, as well as with Mrs Hildegard Puwak, Minister for European Integration and Romania's Chief Negotiator with the EU, Mr. Vasile Puscas.

On April 4, 2001, Romanian Foreign Minister Mircea Geoana holds talks in Budapest with Prime Minister Viktor Orbán and Foreign Minister János Martonyi.

On May 2, 2001, Ambassador István Íjgyártó holds consultations in the Romanian Foreign Ministry.

Expert-level consultations take place in Budapest on May 24, 2001. The Romanian delegation is headed by Bogdan Aureescu, Head of the International Legal Department of the Romanian Foreign Ministry, while the Hungarian delegation is headed by Mátyás Szilágyi, Head of the Department in charge.

On May 30, Foreign Ministers János Martonyi and Mircea Geoana hold separate bilateral talks at the margins of the Budapest meeting of the North Atlantic Council.

Foreign Ministers János Martonyi and Mircea Geoana meet in Milan on June 22 2001.

On July 12-13, 2001, Foreign Minister János Martonyi holds talks in Bucharest with Prime Minister Adrian Nastase and Foreign Minister Mircea Geoana.

### **3) Hungarian-Yugoslav consultations**

On May 7-8, 2001, Rasim Ljajic, Yugoslav Federal Minister for Minority Affairs holds talks in Budapest with Foreign Minister János Martonyi, Political State Secretary Zsolt Németh, János Báthory, Head of the Office for National and Ethnic Minorities and Kinga Gál, Deputy Head of the Office for Hungarians living abroad.

On May 15-16, 2001 Political State Secretary Zsolt Németh holds talks in Belgrade with President Vojislav Kostunica and Rasim Ljajic, Federal Minister for Minority Affairs.

On June 20, 2001, Presidents Ferenc Mádl and Vojislav Kostunica meet in Budapest. Upon the initiative of Foreign minister Goran Svilanovic, a separate bilateral meeting is held with Foreign Minister János Martonyi.

On July 5, 2001, Administrative State Secretary Iván Bába holds talks in Belgrade with Foreign Minister Goran Svilanovic .

### **4) Hungarian-Ukrainian consultations**

Hungarian-Ukrainian consultations are held at the level of Director General of the Ministry of Foreign Affairs in Budapest on January 18-19, 2001.

The 10th meeting of the Hungarian-Ukrainian Joint Committee on Minority Issues is held in Kyiv on April 3-4, 2001.

On June 18, 2001, Tibor Szabó, Head of the Department for Hungarians living abroad holds talks in Ungvár (Uzhgorod) with Grigory Sereda, Director of the Office for National and Ethnic Minority Issues of the Ukrainian Ministry of Justice.

On July 4-5, 2001, Deputy State Secretary Csaba Lőrincz holds talks in Kyiv with Deputy Foreign Minister Igor Harchenko.

### **5) Hungarian-Croatian consultations**

On May 28, 2001, György Csóti, Hungarian Ambassador to Croatia briefs Croatian Deputy Foreign Minister Nenad Prelog.

On July 10, Deputy State Secretary Csaba Lőrincz and Deputy Foreign Minister 2001 Nenad Prelog meet in Budapest.

### **6) Hungarian-Slovak consultations**

Prime Ministers Viktor Orbán and Mikulas Dzurinda meet in Budapest onn April 23, 2001.

On May 15, 2001, Administrative State Secretary Iván Bába holds talks with Slovak State Secretary for Foreign Affairs Ján Figel at the 3rd meeting of the Joint Committee on integration and foreign policy issues held in Bratislava.

On June 5, 2001, Miklós Boros, Hungarian Ambassador to Slovakia holds talks with Milan Soth, Head of Department of the Slovak Foreign Minister responsible for bilateral issues.

On June 15, 2001, Foreign Minister János Martonyi and Political State Secretary Zsolt Németh have talks in Budapest with Jaroslav Chlebo, Slovak State Secretary for Foreign Affairs.

## VII

### **ACT LXII OF 2001 ON HUNGARIANS LIVING IN NEIGHBOURING COUNTRIES\***

\* Adopted by Parliament on 19 June 2001.

#### Parliament

- In order to comply with its responsibilities for Hungarians living abroad and to promote the preservation and development of their manifold relations with Hungary prescribed in paragraph (3) of Article 6 of the Constitution of the Republic of Hungary,

- Considering the European integration endeavours of the Republic of Hungary and in-keeping with the basic principles espoused by international organisations, and in particular by the Council of Europe and by the European Union, regarding the respect of human rights and the protection of minority rights;

- Having regard to the generally recognised rules of international law, as well as to the obligations of the Republic of Hungary assumed under international law;

- Having regard to the development of bilateral and multilateral relations of good neighbourhood and regional co-operation in the Central European area and to the strengthening of the stabilising role of Hungary;

- In order to ensure that Hungarians living in neighbouring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country;

- Based on the initiative and proposals of the Hungarian Standing Conference, a co-ordinating body functioning in order to preserve and reinforce the awareness of national self-identity of Hungarian communities living in neighbouring countries;

- Without prejudice to the benefits and assistance provided by law for persons of Hungarian nationality living outside the Hungarian borders in other parts of the world; Herewith adopts the following Act:



## **CHAPTER I**

### **GENERAL PROVISIONS**

#### Scope of the Act

#### **Article 1**

(1) This Act shall apply to persons declaring themselves to be of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, and who

a) have lost their Hungarian citizenship for reasons other than voluntary renunciation, and

b) are not in possession of a permit for permanent stay in Hungary.

(2) This Act shall also apply to the spouse living together with the person identified in paragraph (1) and to the children of minor age being raised in their common household even if these persons are not of Hungarian nationality.

(3) This Act shall also apply to co-operation with, and assistance to organisations specified in Articles 13, 17, 18 and 25.

#### **Article 2**

(1) Persons falling within the scope of this Act shall be entitled, under the conditions laid down in this Act, to benefits and assistance on the territory of the Republic of Hungary, as well as in their place of residence in the neighbouring countries on the basis of the Certificate specified in Article 19.

(2) The provisions of this Act shall be applied without prejudice to the obligations of the Republic of Hungary undertaken in international agreements.

(3) The benefits and assistance claimable under this Act shall not affect other existing benefits and assistance ensured by legislation in force for non-Hungarian citizens of Hungarian nationality living in other parts of the world.

### **Article 3**

The Republic of Hungary, in order to

- a) ensure the maintenance of permanent contacts,
- b) provide for the accessibility of benefits and assistance contained in this Act,
- c) ensure undisturbed cultural, economic and family relations,
- d) ensure the free movement of persons and the free flow of ideas, and taking into account its international legal obligations, shall provide for the most favoured treatment possible with regard to the entry and stay on its territory for the persons falling within the scope of this Act.

## **CHAPTER II BENEFITS AND ASSISTANCE AVAILABLE FOR PERSONS FALLING WITHIN THE SCOPE OF THIS ACT Education, Culture, Science**

### **Article 4**

(1) In the field of culture, persons falling within the scope of this Act shall be entitled in Hungary to rights identical to those of Hungarian citizens. Accordingly, the Republic of Hungary shall ensure for them in particular:

- a) the right to use public cultural institutions and the opportunity to use the services they offer,
- b) access to cultural goods for the public and for research,
- c) access to monuments of historic value and the related documentation,
- d) the research for scientific purposes of archive materials containing protected personal data, if the neighbouring state where the Hungarian individual living outside the borders has a permanent residence is a party to the international convention on the protection of personal data.\*

\* Act VI of 1998 on the promulgation of the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, signed on 28 January 1981 in

Strasbourg.

(2) Persons falling within the scope of this Act shall be entitled to use the services of any state-run public library, and to the free of charge use of the following basic services:

- a) visit of the library,
- b) on-the-spot use of certain collections determined by the library,
- c) use of stock-exploring instruments,
- d) information on the services of the library and of the library system,
- e) in the case of registration, borrowing of printed library material in accordance with the regulations of the library.

(3) Further benefits with respect to the availability of services offered by state-run museums and public cultural institutions to persons falling within the scope of this Act shall be laid down in a separate legal rule.

### **Article 5**

Hungarian scientists falling within the scope of this Act may become external or regular members of the Hungarian Academy of Sciences.

## **Distinctions and Scholarships**

### **Article 6**

(1) The Republic of Hungary shall ensure that persons falling within the scope of this Act, in recognition of their outstanding activities in the service of the Hungarian nation as a whole and in enriching Hungarian and universal human values, may be awarded distinctions of the Republic of Hungary and may receive titles, prizes or honorary diplomas founded by its Ministers.

(2) In the process of determining conditions for state scholarships, the possibility to receive such scholarships shall be ensured for persons falling within the scope of this Act.

**Social Security Provisions and Health Services**  
**Article 7**

(1) Persons falling within the scope of this Act who, under Article 15, work on the basis of any type of contract for employment in the territory of the Republic of Hungary shall pay, unless otherwise provided for by international agreements, health insurance and pension contribution of an amount equal to that laid down in the relevant Hungarian social security legislation to the authority designated for this purpose in a separate legal rule. Those contributions shall entitle such persons to health and pension provision specified by a separate legal rule.

(2) Persons falling within the scope of this Act who are not obliged to pay health insurance and pension contributions as stipulated in paragraph (1) shall have the right to apply for reimbursement of the costs of self-pay health care services in advance. Applications shall be submitted to the public benefit organisation established for this purpose.

(3) In cases requiring immediate medical assistance, persons falling within the scope of this Act shall be entitled to such assistance in Hungary according to the provisions of bilateral social security (social policy) agreements.

**Travel benefits**  
**Article 8**

(1) Persons falling within the scope of this Act shall be entitled to travel benefits in Hungary on scheduled internal local and long-distance lines of public transport. With regard to railways, such benefits shall apply to 2nd class fares.

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

- a) children up to six years of age,
- b) persons over sixty-five years of age.

(3) A 90% travel discount shall be provided on means of

internal long-distance public transport for:

- a) persons identified in paragraph (1) four times a year,
- b) a group 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 of travel benefits shall be laid down in a separate legal rule.

## **Education**

### **Article 9**

(1) Persons falling within the scope of this Act, in accordance with the relevant provisions of Act LXXX of 1993 on Higher Education applicable to Hungarian citizens, shall be entitled to participate, according to the conditions specified in this Article, in the following programmes of higher education institutions in the Republic of Hungary:

- a) undergraduate level college or university education,
- b) supplementary undergraduate education,
- c) non-degree programmes,
- d) Doctor of Philosophy (PhD) or DLA programmes,
- e) general and specialised further training,
- f) accredited higher education level vocational training in a school-type system.

(2) Students participating in state-financed full-time training programmes specified in paragraph (1), shall be entitled to formula funding on the one hand, and financial and other benefits in kind 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 provided by Act LXXX of 1993 on Higher Education. The detailed conditions of these forms of assistance and further benefits shall be regulated by the Minister of Education in a separate legal rule.

(3) Persons falling within the scope of this Act may pursue studies in the higher education institutions of the Republic of Hungary in the framework of state-financed training in a fixed

number to be determined annually by the Minister of Education.

(4) Students from neighbouring countries participating in education programmes not financed by the state may apply for the partial or full reimbursement of their costs of stay and education in Hungary to the public benefit organisation established to this end.

## **Student Benefits**

### **Article 10**

(1) Registered students of a public education institution in a neighbouring country who are pursuing their studies in Hungarian language, or students of any higher education institution who are subject to this Act are entitled to benefits available under the relevant regulations to Hungarian citizens with student identification documents.

(2) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the Certificate (Article 19) serving for this purpose. The detailed rules of access to these benefits shall be laid down in a separate legal rule.

## **Further Training for Hungarian Teachers Living Abroad**

### **Article 11**

(1) Hungarian teachers living abroad, teaching in Hungarian in neighbouring countries and falling within the scope of this Act (hereinafter referred to as "Hungarian teachers living abroad") shall be entitled to participate in regular further training in Hungary, as well as to receive the benefits specified in paragraph

(2). Further training and the benefits shall be applicable to a fixed number of teachers determined annually by the Minister of Education.

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

providing further training to

- a) reimburse accommodation costs,
- b) reimburse travel expenses, and
- c) contribute to the costs of registration.

(3) The detailed rules of further training for Hungarian teachers living abroad shall be regulated by a separate legal rule.

## **Article 12**

(1) Hungarian teachers living abroad, falling within the scope of this Act and those teaching in higher education institutions in neighbouring countries (hereinafter referred to as "Hungarian instructors living abroad") shall be entitled to special benefits.

(2) Benefits available to Hungarian teachers and instructors living abroad shall be identical with the benefits related to Teacher Identity Cards issued to teachers of Hungarian citizenship on the basis of legislation in force.

(3) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the "Certificate of Hungarian Nationality" serving for this purpose. The detailed rules of access to these benefits shall be regulated in a separate legal rule.

## **Education Abroad in Affiliated Departments**

### **Article 13**

(1) The Republic of Hungary shall promote the preservation of the mother tongue, culture and national identity of Hungarians living abroad also by supporting the establishment, organisation and operation of affiliated Departments of accredited Hungarian higher education institutions in neighbouring countries.

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 decide on the allocation of the available resources according to a separate legal rule.

(2) The Republic of Hungary supports the establishment,

operation and development of higher education institutions (faculties, study programmes, etc.) teaching in Hungarian and seeking accreditation in neighbouring countries. Financial resources required for the realisation of these goals may be applied for at the public benefit organisation established for this purpose.

## **Educational Assistance Available in the Native Country**

### **Article 14**

(1) Parents falling within the scope of this Act and bringing up at least two children of minor age in their own household may apply for educational assistance for each of their children if:

a) the child attends an education institution according to his/her age and receives training or education in Hungarian, and

b) the education institution specified in point a) is in the neighbouring country of residence of the parents.

(2) Parents falling within the scope of this Act may receive assistance for books and learning materials (hereinafter referred to as "assistance for learning materials") if the child of minor age living in their own household attends an educational institution in the neighbouring country of residence of the parents and receives education in Hungarian.

(3) Applications for assistance for education and learning materials may be submitted to the public benefit organisation established for this purpose. In the process of evaluating the applications, the public benefit organisation shall request the position, formulated with the consent of the Hungarian Minister of Education, of the recommending body (Article 20) in the neighbouring country concerned whether instruction and education in Hungarian are ensured in the education institution in question.

(4) Persons falling within the scope of this Act may apply for assistance for their studies at the higher education institutions of neighbouring countries from the public benefit organisation established for this purpose.



## **Employment**

### **Article 15**

(1) Persons falling within the scope of this Act may be employed in the territory of the Republic of Hungary on the basis of a permit. Work permits shall be issued under the general provisions on the authorisation of employment of foreign nationals in Hungary, with the exception that the work permit can be issued for a maximum of three months per calendar year without the prior assessment of the situation in the labour market. A separate legal rule may allow for the issuing of work permits for longer periods of time under the same conditions.

### **Article 16**

(1) The persons concerned may apply to the public benefit organisation established for this purpose for the reimbursement of expenses related to the fulfilment of the legal conditions for employment. These expenses include, in particular, the costs of proceedings for the prior certification of the necessary level of education, of specialised training and of compliance with occupational health requirements.

(2) The detailed rules of the proceedings for the issuing of work permits and the registration shall be regulated by a separate legal rule.

## **Duties of the Public Service Media**

### **Article 17**

(1) Public service media in Hungary shall provide, on a regular basis, for the gathering and transmission of information on Hungarians living abroad and shall transmit information on Hungary and the Hungarian nation to Hungarians living abroad. The purpose of this information shall be:

- a) the transmission of Hungarian and universal spiritual and cultural values,
- b) the forming of an unbiased picture of the world, of

Hungary and of the Hungarian nation,

c) the preservation of the awareness of national identity, of the mother tongue and culture of the Hungarian minority communities.

(2) The Republic of Hungary shall provide for the production and broadcasting of public service television programmes for the Hungarian communities living abroad through the establishment and operation of an organisation devoted to such purposes. The financial resources necessary for such programmes shall be provided by the state budget.

### **Assistance to Organisations Operating Abroad** **Article 18**

(1) The Republic of Hungary shall support organisations operating in neighbouring countries and promoting the goals of the Hungarian national communities living in neighbouring countries.

(2) The organisations specified in paragraph (1) may apply to the public benefit organisation established for this purpose and operating in a lawful manner if their goals include, in particular, the following:

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) the promotion of higher education of Hungarians living abroad by facilitating the work of instructors from Hungary as visiting lecturers,

d) the restoration and maintenance of monuments belonging to the Hungarian cultural heritage,

e) the enhancement of the capacity of disadvantaged settlements in areas inhabited by Hungarian national communities living abroad to improve their ability to preserve their population and to develop rural tourism,

f) the establishment and improvement of conditions of infrastructure for maintaining contacts with the Republic of Hungary,

g) the pursuance of other activities promoting the goals specified in paragraph (1).

**CHAPTER III**  
**RULES OF PROCEDURE OF APPLICATION FOR**  
**BENEFITS AND ASSISTANCE**  
**"Certificate of Hungarian Nationality" and "Certificate**  
**for Dependants of Persons of Hungarian Nationality"**  
**Article 19**

(1) Benefits and assistance specified in this Act may be received by presenting either the "Certificate of Hungarian Nationality" or the "Certificate for Dependants of Persons of Hungarian Nationality", both of which may be issued under the conditions specified in Article 20 at the request of persons of both Hungarian and non-Hungarian nationality.

(2) From the Hungarian central public administration body (hereinafter referred to as "the evaluating authority") designated by the Government of the Republic of Hungary for this purpose:

a) persons of Hungarian nationality falling within the scope of this Act may request a "Certificate of Hungarian Nationality" with a photo,

b) a "Certificate for Dependants of Persons of Hungarian Nationality" with a photo may be requested by spouses of non-Hungarian nationality living together with persons specified in point a) and children of minor age being brought up in the same household, provided that:

the applicant meets the requirements set out in points a) and b) of paragraph (1) of Article 1 and the recommending authority specified in Article 20 has issued the recommendation; and neither an expulsion order nor a prohibition of entry or stay, issued by the competent Hungarian authorities on the basis of grounds determined in a separate Act, is in effect against the applicant in Hungary; and no criminal proceedings have been instituted against the applicant in Hungary for intentional criminal offence.

(3) In addition to the requirements specified in paragraph (2), the "Certificate for Dependants of Persons of Hungarian Nationality" shall also be conditional upon whether the person of Hungarian nationality entitling the dependants in question to submit an application for the "Certificate for Dependants of Persons of Hungarian Nationality" is already in the possession of, or entitled

to, a "Certificate of Hungarian Nationality". The withdrawal of the "Certificate of Hungarian Nationality" shall entail the withdrawal of the "Certificate for Dependants of Persons of Hungarian Nationality".

## **Article 20**

(1) The evaluating authority shall issue the "Certificate of Hungarian Nationality" if the applicant is in the possession of a recommendation which has been issued by a recommending organisation representing the Hungarian national community in the neighbouring country concerned, and being recognised by the Government of the Republic of Hungary as a recommending organisation, and which:

a) certifies, on the basis of a declaration made by the applicant (or in the case of a minor by his/her statutory agent), that the applicant is of Hungarian nationality,

b) certifies the authenticity of the signature of the applicant and

c) includes the following:

ca) the application, photo and address of the applicant,

cb) the personal data to be recorded in the Certificate (Article 21),

cc) the name and the print of the official seal of the recommending organisation, the name and signature of the person acting on behalf of the recommending organisation,

cd) place and date of issue of the recommendation.

(2) The recommendation required for the issuing of the "Certificate for Dependants of Persons of Hungarian Nationality" shall certify, instead of the information specified in paragraph (1) point a), the family relationship between the applicant and the person of Hungarian nationality falling within the scope of this Act.

(3) The Government of the Republic of Hungary shall recognise an organisation representing the Hungarian community in the given neighbouring country as a recommending organisation if it is capable of:

a) representing the Hungarian community living in the given country in its entirety,

b) providing for the organisational and personnel conditions for receiving and evaluating applications for recommendation.

## **Article 21**

- (1) The period of validity of the Certificate
- a) shall expire on the day of the eighteenth birthday in the case of minors,
  - b) shall be five years in the case of persons between 18 and 60 years of age,
  - c) shall be indefinite in the case of persons over 60 years of age.

(2) If the period of validity of the Certificate expires, the proceedings specified in Articles 19-20 shall be repeated upon request.

(3) The Certificate shall be withdrawn by the evaluating authority if

- a) the recommending organisation has withdrawn its recommendation due to the submission of false data by the bearer of the Certificate in the application process,
- b) its bearer has been granted an immigration or permanent residence permit,
- c) its bearer has acquired Hungarian citizenship,
- d) its bearer has been recognised as a refugee or temporarily protected person by the authorities responsible for refugee matters,
- e) its bearer has been expelled from the territory of the Republic of Hungary, or a prohibition of entry or stay has been issued against him/her,
- f) criminal proceedings have been instituted against the bearer in Hungary,
- g) the Certificate has been used in an unauthorised way or has been forged,
- h) the family relationship entitling the bearer to use the Certificate for Dependants has ceased to exist,
- i) upon request by the bearer of the Certificate.

(4) The recommending organisation shall also be notified of the final decision on the withdrawal of the Certificate.

(5) The Certificate shall contain the following data of the entitled person:

- a) family and given name (also the maiden family and given name in the case of women) as it is used officially in the

neighbouring country of residence (in Latin script), and in the case of persons of Hungarian nationality in Hungarian as well,

b) name of the place of birth as it is used officially in the neighbouring country and in Hungarian,

c) date of birth and gender,

d) mother's name as it is officially used in the neighbouring country of residence (in Latin script) and in the case of persons of Hungarian nationality in Hungarian as well,

e) passport photo, citizenship or reference to stateless status,

f) signature in the entitled person's own hand, and

g) date of issue, period of validity and number of the document.

(6) Notes and certifications required for access to benefits and assistance available under this Act shall be recorded in the Appendix to the Certificate.

(7) In order to ensure the authenticity of the Certificate and to supervise the granting of benefits, the evaluating authority (for the purpose of the application of these provisions: the data handling organ) shall keep records of the data of the Certificates, the identification marks in the Appendices, the foreign address of the bearers, the family relationship entitling the bearer to the document, the number and period of validity of the permit entitling to stay as well as the data specified in paragraph (3). The data contained in the records may be handled by the data handling organ until the withdrawal or the expiry of the period of validity of the Certificate. The data contained in the records may be forwarded to the Hungarian Central Statistical Office (KSH) for statistical purposes. Bodies responsible for providing and keeping records of benefits and assistance may also receive those data for the purpose of verifying entitlement and preventing abuse, and so may Courts in charge of criminal proceedings, law enforcement bodies, national security services and the alien policing authority.

(8) For the purpose of evaluating applications and examining the existence of reasons for the withdrawal of the Certificate, the evaluating authority may request information from the following organs:

a) the Central Registry of Aliens on whether the applicant is subject to proceedings under the law on aliens, or on any order of expulsion or prohibition on entry to and stay in Hungary against the

applicant, as well as on the details of the residence permit entitling the applicant to stay in Hungary,

b) organs responsible for naturalisation on issues related to the acquisition Hungarian citizenship,

c) the Central Registry of Refugees on recognition as a refugee or temporarily protected person,

d) the Criminal Records Office on criminal proceedings in process.

### **Article 22**

(1) Proceedings of the evaluating authority shall be governed by the provisions of Act IV of 1957 on the General Rules of Public Administration Procedures. The costs of public administration procedures shall be covered by the State.

(2) The applicant may institute proceedings in Court against a final administrative decision on the appeal against the first instance decision regarding the issue or withdrawal of a Certificate by the evaluating authority. The Court may alter the administrative decision and its proceedings shall be governed by the provisions of the Code of Civil Procedure.

(3) The detailed rules of procedure of the evaluating authority and the order of registration of the issued Certificates, as well as the data content and form of the Certificates, shall be regulated by a separate legal rule.

## **Use of Benefits on the Territory of the Republic of Hungary**

### **Article 23**

(1) Hungarian persons living abroad shall be entitled to use the benefits set out in Article 4, paragraph (1) of Article 7, Article 8, Article 10, paragraph (2) of Article 11 and Article 12 — under the conditions determined in the aforementioned Articles — by presenting their Certificates (Article 19) during their lawful stay in the Republic of Hungary.

(2) The state-run organisations and institutions granting the benefits specified in paragraph (1) and economic organisations providing travel benefits shall receive the financial resources necessary for granting these benefits out of the central state budget.

## **Application Procedures for Assistance Available in the Republic of Hungary**

### **Article 24**

(1) The Government shall establish public benefit organisation(s) in order to evaluate the applications of and distribute assistance for persons (organisations) falling within the scope of this Act.

(2) The founding document of the public benefit organisation, taking into account the provisions of Act CLVI of 1997 on Public Benefit Organisations, shall contain the goals of the activities and the range of applications to be evaluated by it and shall determine its main decision-making body as well.

(3) Applications for publicly advertised assistance under this Act may be submitted to the respective public benefit organisation competent according to their subject matter.

(4) Data and documents required in the advertisement by the respective public benefit organisation shall be attached to the applications.

(5) In the case of a favourable decision, the applicant and the public benefit organisation shall conclude a civil law contract containing the conditions of assistance and the amount thereof, as well as determining the purpose of the use of assistance and the rules of rendering accounts thereof.

(6) The financial resources required for the activities of such public benefit organisation(s) shall be provided, on an annual basis, in a separate group of appropriations of the central state budget.  
Application Procedures for Assistance Available in Neighbouring Countries

### **Article 25**

(1) Requests (applications) for assistance regulated in this Act may be submitted by persons (organisations) falling within the scope of this Act to lawfully operating non-profit organisations established in the neighbouring country of their permanent residence (registered office) for this purpose (hereinafter referred to as "foreign public benefit organisations")

(2) The civil law contract concluded between the public



benefit organisation established in Hungary and the foreign public benefit organisation established for the evaluation of applications and the granting of assistance shall contain the required range of data, which are to be supported by documents, declarations, planning or documentation, etc.

(3) The public benefit organisations operating in Hungary shall evaluate the application based on the data specified in the civil law contract as laid down in paragraph (2) and on the opinion of the foreign public benefit organisation.

(4) Assistance shall be granted to applicants by the Hungarian public benefit organisation on the basis of a civil law contract. This contract shall determine the conditions of the assistance and the amount thereof as well as the purpose of the use of such assistance and the rules of rendering accounts thereof.

## **Central Registration of Assistance**

### **Article 26**

(1) For the purpose of co-ordinating the entire system of assistance, a central registry of applications for assistance and the relevant decisions made by public benefit organisations established for their evaluation shall be set up.

(2) The Government shall designate the central public administration organ responsible for managing the records.

(3) The organ managing the records shall handle the following data:

a) name, permanent address (registered office) and document number of those submitting applications for assistance,

b) the type of assistance sought,

c) the amount of assistance granted.

(4) Data specified in paragraph (3) may be handled by the organ managing the records for ten years from the date of the granting of assistance.

(5) Data from the records shall be made available to public benefit organisations established in Hungary and in the neighbouring countries for the purpose of evaluating applications for assistance, as well as to the central public administration organs of Hungary responsible for providing the financial resources for assistance.

**CHAPTER IV**  
**FINAL PROVISIONS**  
**Article 27**

(1) This Act shall enter into force on 1 January 2002.

(2) From the date of accession of the Republic of Hungary to the European Union, the provisions of this Act shall be applied in accordance with the treaty of accession of the Republic of Hungary and with the law of the European Communities.

**Article 28**

(1) The Government shall be empowered to regulate by decree:

a) the provisions on the assignment of the national public administration organ entitled to issue, withdraw and register the Certificates, as well as on the assignment of its superior organ, on the definition of their competencies and on the rules of procedure of the issuing, replacement, withdrawal and registration of such Certificates,

b) the detailed rules of travel benefits for persons falling within the scope of this Act,

c) the detailed rules related to the provision and use of student benefits for persons specified in paragraph

(1) of Article 10 of this Act.

(2) The Government shall ensure the establishment of Hungarian public benefit organisation(s) evaluating applications and allocating assistance under this Act. The Government shall also ensure the co-ordination of the activities of public benefit organisations already operating for this purpose, the appropriate modification of their founding documents and the reallocation of resources in this framework.

**Article 29**

(1) The Minister of the Interior and the Minister of Foreign Affairs shall determine in a joint decree, with respect to educational assistance with the consent of the Minister of Education, the detailed rules on registering the Certificates, as well as the requirements of the content and form of the Certificates.

**(2) The Minister of Economic Affairs shall:**

**a) determine, in a joint decree with the Minister for Foreign Affairs, the rules of procedure and registration related to work permits for Hungarians living abroad and designate the public administration organ responsible for carrying out these duties,**

**b) be empowered to regulate by decree the conditions for issuing work permits for a period longer than the one specified in Article 15 of this Act with regard to employees falling within the scope of this Act, or for a particular group of employees, in consensus with the Minister for Youth and Sports Affairs in cases involving professional sportspersons.**

**(3) The Minister of Foreign Affairs shall be empowered to substitute his own declaration for the recommendation specified in Article 20 of this Act in cases deserving exceptional treatment on grounds of equity in the course of proceedings of the evaluating authority designated in Article 19, and furthermore in cases where the proceedings specified in paragraph (1) of Article 20 are impeded, to ensure the smooth conduct of administrative proceedings.**

**(4) The Minister of National Cultural Heritage shall determine by decree the detailed rules of benefits available to Hungarians living abroad with respect to the use of the services provided by museums and public cultural institutions.**

**(5) The Minister of Education, with the consent of the Minister of Foreign Affairs, shall determine by decree the detailed rules on further training for Hungarian teachers living abroad, as well as detailed rules on the benefits set out in Article 9, Article 11 and 12, paragraph (1) of Article 13 and Article 14 of this Act, including the extent of such assistance.**

## VIII

**Report on the Preferential Treatment of  
National Minorities by their Kin-State, adopted  
by  
the European Commission for Democracy  
Through Law  
(Venice Commission) at its 48th  
Plenary Meeting - Venice, 19-20 October 2001**

### I.

Romanian case:

The Hungarian Status Law is an isolated example.

Commission's conclusion:

The Hungarian Status Law is one of several such legal procedures in helping transborder minorities. Moreover, the Romanian political elite and the press tends to "forget" that the Venice Commission originally rejected the Romanian motion of examining the Hungarian law alone and accepted the Hungarian motion of carrying out a comparative study. The Commission examined 11 status laws all around Europe, 8 of which are in Central and Eastern Europe (the Hungarian included), 3 of them are applied by EU-countries (Italy, Greece, Austria). Some of them are going well beyond in providing facilities for transborder co-nationals than the Hungarian project (again, Italy, Greece, Austria).

### II.

Romanian case:

European permissive legal regulations are needed so that the kin-state could provide facilities for its transborder minorities.

Commission's conclusion:

The Commission finds it a positive trend that kin-states take part in preserving multiculturalism in Europe, the acceptance of which is a cornerstone of European stability.

### III.

Romanian case:

In the process of preparing this law, Budapest disregarded European standards.

Not the Commission's conclusion (since it did not examine, as I wrote earlier, individual laws), but a fact emphasized several times by EU-officials, most notably Mr. Verheugen: The Status Law is in harmony with the European Agreements signed by Hungary and the then EC back in 1990.

### IV.

Romanian case:

The so-called Hungarian card should be abolished, or its issue should be carried out on the territory of Hungary.

Commission's conclusion:

The cards are to be issued with the help of the kin-state's consulates in a given country. (i.e., not even on Hungarian territory, as stipulated by the law, which was a result of an amendmant made by the government in taking into account the Romanian apprehensions concerning sovereignty.)

### V.

Romanian case:

Recommendations concerning the subjects of the law should be removed.

Commission's conclusion:

Eligibility for the facilities provided by a status law is to be precisely outlined, pieces of informations not provided by citizenship documents (ie. Romanian passport or "bulletin") can be provided by recommendation bodies.

### VI.

Romanian case:

The status law is discriminatory.

Commision's conclusion:

Facilities and positive treatment exceeding cultural and educational rights do not qualify automatically as discrimination. Criteria: legitimate goal (eg. enhancing kin-state and transborder minority relations, the reduction of "black labour" in Hungary, etc.)

Analysis:

In the light of these points, we would not rush to the judgement that Romania won. The Report did not single out any clause of the Hungarian Status Law as discriminatory. We both know well that the Romanian public needs some success (in fact, any success) with which it can nurture its self-esteem in such a miserable situation Romania is currently facing economically and socially. Perceived "successes" against Hungary are perfectly fitting into this category. Behind the facade of boasting and arrogant Romanian statements and press reports (eg. the one which said that Martonyi was escaping from reporters in order not to answer questions, or Curentul's "Death in Venice" article, or the one celebrating "the Romanian diplomacy's first big victory in the long arduous fight with Hungarian diplomacy", etc), Bucharest is slowly preparing for concessions. This is well demonstrated by Nastase's statement about UDMR-cards (clever step, trying to widen the cleavage between Marko and Tokes), or the fact that Iliescu attended the October 23 national holiday reception given by the Hungarian Embassy in Bucharest, something worth considering, as a Romanian head of state or government hasn't visited a Hungarian national holiday reception at the Embassy since 1918. This trend has already been observed by Stoica, who immediately charged Nastase with betraying Romanian interests.

## IX

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Note:

All of these titles could be found on the  
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