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Permanent Mission of Hungary to the OSCE, the UN and
other International Organizations
in Vienna

**Statement of the Hungarian Delegation with regard to the report of the High Commissioner of
National Minorities**

Permanent Council

2. June 2016.

We fully align ourselves with the statement delivered on behalf of the EU but let me make some additional comments in my national capacity, also in light of the recent visit of the High Commissioner and her team to Budapest, as mentioned in the report.

Let me start by saying that we very much appreciated the interest of the HCNM in our region and also the opportunity for constructive dialogue and exchange of views on national minority issues which are of high importance to my country.

International standards agreed by the OSCE participating States in the last 25 years encompass a commitment to create a pluralistic society in which national minorities do not just exist, but form an integral part of the identity of the State. The identity, culture, language and religion of national minorities are frequently reduced to being second class when compared to majority. In the 1990 Copenhagen Document the participating States have firmly committed themselves not only to protect the ethnic, cultural, linguistic and religious identity of national minorities but also to take positive action.

We would like to reiterate Hungary's continuous support to the office and mandate of the High Commissioner on National Minorities. Throughout more than 20 years the work, the HCNM has been essential for conflict prevention in the OSCE area in providing early warning and seeking early action with regard to the tensions involving national minorities.

Mr. Chair,

Hungary has crafted its domestic legislation and shaped its practice concerning national minorities in full compliance with standards stemming from the Copenhagen Document. According to the Hungarian Fundamental Law, minorities living in Hungary shall be constituent elements of the State. Every Hungarian citizen belonging to a national minority shall have the right to freely express and preserve his or her identity. Furthermore, minorities shall have the right to use their mother tongue, their own names in their mother tongue individually and collectively, to nurture their own culture and to receive education in their mother tongue. We advocate for guaranteeing the same rights and level of protection in other countries where Hungarian communities live.

Let me highlight some measures of our Government from the past few years which positively affected the situation of national minorities living in the territory of Hungary.

The new Law on the Rights of Nationalities adopted in December 2011 has been put under thorough scrutiny by the Venice Commission. The rapporteurs recognized that the new law *confirmed Hungary's internationally recognized commitment to minority protection, based on the applicable international standards and the particular circumstances prevailing in the country.*

During the reform of the electoral system, a long-standing constitutional obligation has been fulfilled by the setting-up a meaningful Parliamentary representation of the nationalities living in Hungary. There is a close cooperation and frequent exchanges between the Parliamentary spokespersons of the nationalities and high-ranking Government officials regarding any issue of interest for a given community. Regarding the related election procedure itself, the legislator is giving due consideration to the recommendations of the observers of the OSCE ODIHR. However any change can only be implemented if it meets the consent and support of the nationality communities, as well.

Mr. Chair,

Hungary would also like to emphasize that the concept of tolerance, dialogue and mutual respect is predicated on equality and non-discrimination. It is thus essential to guarantee to national minorities the right of equality before the law and of equal protection provided by the law. In this respect, any direct or indirect discrimination based on belonging to a national minority shall be strictly prohibited.

In the European continent where State borders and ethno-cultural boundaries do not necessary correspond, inter-State cooperation and effective kin-State policies, in the spirit of good neighbourliness and friendly relations, play a significant role in protecting the rights of minorities. National minorities can serve as a bridge between the respective States, which might help and foster mutual understanding and cross-border dialogue between the neighbouring countries.

I would like to highlight that our kin-State policy fully aligns with the international standards complied in the Bolzano/Bozen Recommendations. First, Hungary has concluded various bilateral agreements and other arrangements with its neighbours in the last two decades relating to the respect for and the protection of the rights of minorities living in the respective countries. Second, the bilateral treaties not only set forth a high standard of legal protection for the national minorities concerned, but they have also established institutional follow-up mechanisms overseeing the actual implementation of the mutually undertaken obligations in the contracting parties (in form of joint intergovernmental committees, meeting regularly). The joint intergovernmental committees as bilateral institutional frameworks made possible the open discussion of all outstanding issues concerning our national minorities and could gradually contribute to further improving their protection and situation in the respective countries.

Madame High Commissionaire,

we thank for your observations from your visit to Budapest, as described in the report, we will duly communicate them to our capital. Allow me to briefly refer to one point that was mentioned in the context of Roma issues about the commitment to tackle hate speech and hate crime. My government takes this issue very seriously. Prime Minister Orbán has repeatedly stressed our “Zero Tolerance Policy” towards anti-Roma attitude. In this spirit, we took robust measures in adjusting our legal framework: the 4th Amendment of the Hungarian Fundamental Law now states that the “freedom of expression may not be exercised with the

aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community” and individuals can file a civil law suit on grounds of hate speech. Furthermore, House Rules on hate speech by Members of Parliament were tightened as well.

Finally let me thank Mrs Thors you and your able team for the work you've done and let me wish you every success in your further endeavours.