

SUMMARY

General Comment No. 4/2023. of the Minority Ombudsman

on the first 30 years of the comprehensive regulation of nationality rights

In 2023, the 30th anniversary of the first comprehensive Act of Parliament in the history of Hungarian law regulating the rights of national minorities in all areas of cultural autonomy was a significant event. Numerous professional meetings and cultural programmes took place, focusing on a wide range of topics from the first policy issues of the Act's creation to the complex professional challenges of today – held along with policy aspects and subjective recollections rather than in legal terms. In addition to the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Minorities Act), 2023 also marked the anniversary of two important international conventions on national minorities: the European Convention on Human Rights entered into force 70 years ago, and the Framework Convention for the Protection of National Minorities 25 years ago.

It is not the task or purpose of the Minority Ombudsman to review the events of the year, nor the entire history of Hungarian nationality law and its changes. With this resolution, the Minority Ombudsman intends to express her appreciation to the representatives of the nationality communities and to her colleagues working in the field of nationality law for their responsible and self-sacrificing work, who have worked and are working with great commitment to ensure the widest possible implementation of the legal guarantees provided in Hungary. In her resolution, the Minority Ombudsman briefly reviewed the historical and social context of nationality rights and drew attention to the importance of remembering and commemorating solidarity, as she believes that the values that bind our communities together and give hope to all members of society should be celebrated.

The Constitution of the Republic of Hungary, amended in 1989 within a democratic framework and in force until 2011, declared for the first time in Hungarian history that national and ethnic minorities living in the territory of our country are constituent elements of the power of the people: state-building factors. In addition to this recognition, the Constitution opened the way for national and ethnic minorities living on the territory of the country to enjoy de facto equality of rights and guaranteed additional rights for national and ethnic minorities to compensate for disadvantages.

As a result of broad cooperation and political consensus among the members of nationality communities and the professionals of the relevant field, the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities was adopted on 7 July 1993. The legislation was outstanding at European level, unique in its form and it became the foundation of the minority protection system in an unprecedented way, and its basic principles still determine the everyday life of the thirteen nationalities recognised as resident in Hungary.

Due to the specific characteristics of nationality communities in Hungary, primarily the lack of territorial concentration, the concept of autonomy based on the principle of the individual was implemented on the basis of the system of self-governments for national and ethnic minorities and the network of cultural and educational institutions partly maintained by them. This legal framework, which is unique in Europe, including both individual and community rights, and the financing and institutional system based on it, have enabled communities to develop their potential and strengthen their identity. The 1994 municipal

elections gave national and ethnic minorities in Hungary the opportunity for the first time in history to form national minority self-governments on local and national levels, which were established as a central element of national and ethnic minority autonomy.

The entry into force of the Fundamental Law on 1 January 2012 took over most of the provisions of the Constitution. The Fundamental Law, like the Constitution, recognises nationalities living in Hungary as constituent factors of the state, as part of the political community, and the highest level of their legal protection is set out in the Fundamental Law.

The rules of the Fundamental Law are detailed in the Act CLXXIX of 2011 on the Rights of Nationalities (Nationalities Act), replacing and partially transposing and supplementing the provisions of the former Minorities Act. The Nationalities Act also provides in detail for the fundamental individual and collective rights of all thirteen nationalities living in Hungary. The legislator has retained and, in several points, strengthened the three-level system of nationality self-governments that had proved effective for almost two decades, and, in keeping with its promise at the time of the regime change, has also ensured parliamentary representation by allowing the election of a nationality advocate or a nationality MP on preferential terms.

At the end of her general comment, the Minority Ombudsman also draws attention to some messages for the further development of the nationality system in Hungary.

She argues that there is a need for greater solidarity between nationality communities: united action and advocacy in the dialogue with legislators and law-applying bodies is of paramount importance, but it also sends a message to community members and the outside world. Stakeholders need to know and understand the system of possibilities and the ways of connecting to it, and it is important to seek answers and means to solve the problems that arise, both within their own community and by working together.

She stresses that the cultivation and development of nationality culture is not an abstract objective, but a clear and undoubted way of shaping the identity and self-identity of future generations, and therefore young people must be more involved than ever in the decisions affecting their communities, as all actions are about their future.

She is also convinced that the support of nationality communities and the maintenance of an established infrastructure of cultural autonomy for nationalities are also in the best interests of the members of the majority society. Cultural diversity, the idea of an inclusive society based on solidarity, and the recognition, safeguarding and preservation of multiple identities are the key to social coexistence and even to socio-economic success, and the basis for the society of the future.

However, to achieve this, it is essential that legislators and law-applying bodies act with exemplary commitment and consistency in all cases that work against social peace and cooperation.