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Cultural Rights of Minorities in Hungary on the ground of international undertakings

Abstract

The author analyses the human rights obligations of Hungary undertaken concerning the cultural heritage, language and identity of ethnic or national minorities living in the country. These undertakings and pledges made in universal, regional and bilateral agreements are differentiating substantially and in the administrative competences from the national laws on minority rights protection. Hence the article describes the hardly applicable international undertakings due to the absence of stable, clearly structured implementation system in the public administration. In particular, the implementation mechanism of bilateral minority protection agreements (concluded with Ukraine, Croatia, Slovakia, Serbia-Montenegro, Romania, Slovenia) has been half-made in practice, so the Ombudsman for Minority Rights made numerous proposals how to improve it.

1. The universal and regional documents on cultural rights of minorities

The structure and terminology of international public law protecting minority rights is self-contained, and domestic law in Hungary has been in harmony with the international undertakings only in part. Although the Constitution requires harmony inside the dualistic legal system of Hungary respecting legal obligations based on customary law or international treaties¹ this concurrence is neither automatic

¹ Art.7(1) of the Act XX of 1949 on the Constitution of the Republic of Hungary. Accordingly, the legal system of Hungary shall respect for the universally accepted rules in the international community and in treaties, and domestic law shall be in harmony with international obligations. Moreover, the Constitution differentiates national and international legal sources (dualism), so ratification, approval and

nor trivial. The Constitutional Court is entitled to annulment of domestic provisions at variance with international understanding or to determination a deadline to the lawmaking power to adapt implementing rules to international obligations.² While the annulment is an efficient instrument in harmony making, the legislation deadline set up by the Constitutional Court has been a “dull market”. For instance, the Parliament has been in an unconstitutional delay in legislation on how to compensate the frozen bank accounts of owners (descendants) during WWII despite of the international obligation (Peace Treaty) and judgement of the Constitutional Court³ - these together cannot enforce the legislative process. In this context the regular monitoring of the harmony and applicability of international commitments has not been developed yet in the field of minority rights. In the following pages a summary of existing controversies in substantial law and shortages in administrative, financial execution of international pledges can be read through certain examples in the contemporary Hungary.

1.1. The European Charter for Regional or Minority Languages

The document of the Council of Europe (1992) contains optional articles providing proper manoeuvring room for party states taking into account the locality and language usage of different minorities. At the time of ratification Hungary nominated the optional articles as undertaken obligations⁴ that have to be implemented since 1 March 1998. Furthermore, Hungary declared to implement the opted articles on the following languages: Croat, German, Romanian, Serbian, Slovak and Slovenian. In 2008 this undertaking was extended to

publication of international undertaking in accordance with an internal procedure determined in the Act LVI of 2005 is necessary in order to become it a part of the applicable legal provisions.

² Act XXXII of 1989 on the Constitutional Court

³ An example: the Act XVIII of 1947 (on the Peace Treaty in Paris, Art.29) requires an financial compensation for certain victims that has not been regulated. So the Constitutional Court’s judgement No.37 of 1996, 6 September sets up this deadline up to 30 June 1997 – but in vain.

⁴ See the Act XL of 1999 [Art 8: 1. a) (iv), b) (iv), c) (iv), d) (iv), e) (iii), f) (iii), g), h), i), 2.; Art.9: 1. a) (ii), (iii), (iv), b) (ii), (iii), c) (ii), (iii), 2. a), b), c), Art 10: 1. a) (v), c), 2. b), e), f), g), 3. c), 4. a), c), 5., Art. 11: 1. a) (iii), b) (ii), c) (ii), e) (i), f) (i), g), 3., Art 12: 1. a), b), c), f), g), 2, 3., Art 13: 1. a), Art 14 1. a), b)]

Romani and Beas languages⁵ endorsing the Roma population to use their own language in private and public communication. The government responsible for the implementation of this undertaking interprets the subjects of this linguistic right for those who are members of the ethnic or national minorities by a domestic law⁶. Namely that persons who are Hungarian citizens belonging to an ethnic or national minority, because its definition includes a requirement for cohesion inside the minority community based on own culture, traditions and language having lived for at least for a century in Hungary (Art 1 of the Act LVII of 1993 on Rights of Ethnic and National Minorities). However, the European Charter has its own definition of subjects: persons speaking and using a regional or a minority language (differing from the official language or language spread in the whole population) regardless further conditions, such as cohesion in the community or citizenship⁷. Thus the government lumps the domestic and international definition on subjects together for a possible convenience. It means that certain members of the minority or regional language users living in the country have a right to refer to the Charter.

We can raise the question why the government has limited the rights from the Charter only for six and later to eight minorities while the Act 1993 provides wide linguistic rights for thirteen minorities.⁸ Was it its intention to discriminate the excluded seven or five minorities due to the content of undertaken articles and chosen

⁵ Art 2(2) of the Charter offers party states to extend the obligation that was published by the Act XLIII of 2008. However, we have to add that Romani (Lovari) and Beas languages have not been standardized, and about one third of the Roma people living in Hungary can understand one of those. Romani and Beas languages are totally different, each belongs to different language family although the text of declaration use the gathering term of “Roma language” misleading the reader. Majority of Roma population is not familiar with these languages replaced by Hungarian.

⁶ The first report on implementation in Hungary made to the Council of Europe in 1999. See <http://www.szmm.gov.hu/main.php?folderID=1165>

⁷ The Charter shall not be implemented on the languages of migrants and dialects of official language. In Hungary the language of all historical minorities fits to the (positive) definition of the Charter.

⁸ According to the Art 61 (1) of the Act they are: Bulgarian, Roma, Greek, Croat, Polish, German, Armenian, Romanian, Russine, Serbian, Slovak, Slovenian and Ukraine minority.

languages? Or just the opposite, whether the chosen languages required a preferential treatment in comparison to the other domestic minorities, because the non-preferential languages were not endangered in a high scale? Without arguments and assessment in linguistic rights for minorities on the grounds on different scale means discrimination in absence of reasonable and objective reasons. The charge of discrimination would refuse through extension of the implementation of the Charter to all thirteen minorities living in Hungary. In absence of this extension we have to conclude that *the government considers the Charter as an internationally monitored legal instrument that provides more rights for subjects of regional or minority language users than the Act 1993 so its undertakings shall limit in two ways: through re-interpretation of the subjects of rights and limit the circle of minorities*. This conclusion is supported by the three reports on the implementation submitted to the Council of Europe in 1999, 2002 and in 2007 that contains no comparative analysis in domestic and international obligations in linguistic and cultural rights. Furthermore, opinion has been shared publicly that domestic rights for language usage are not below the international standards but more beneficial⁹.

Furthermore, Part II of the Charter requires certain efforts from party states in legislation and supportive measures in favour of all existing (language) minorities regardless whether undertakings were extended or not to some of those (Art 7). Taking into the entitlement for flexibility towards the geographically not fixed language minorities (such as Roma's in case of Hungary), it covers on as follows:

a) the recognition of the regional or minority languages as an expression of cultural wealth;

b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

⁹ See the publications of Prof. Kovács, Péter as a member of the Constitutional Court, international legal expert who was the leading representative of Hungary in the Charter as well as in the preparatory team of the Framework Convention of the Council of Europe. Kovács Péter: Nemzetközi jog és kisebbségvédelem. Osiris, Budapest 1996. [International rights and minority protection]

- c) the need for resolute action to promote regional or minority languages in order to safeguard them;
- d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
- e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
- f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;
- i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

Part III of the Charter expedites measures to promote the use of the regional or minority languages in public life – including in justice, public services and public administration – on whose territory the number of residents who are users of regional or minority languages is justified by these measures. With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field (Art.12). Taking into account the list of optional articles from the Charter undertaken by Hungary, the contradiction between the Act 1993 and the international obligations is embarrassing. For instance, promoting measures were not pledged to be ensured that the bodies responsible for organising cultural activities have staff at their disposal that has a full command also of these languages concerned;

or undertakings were not covered on creation or financing translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language. At the time of the ratification of the Charter the Act 1993 entered into force, so a clear connection between the fundamental minority rights and the international obligations on language (cultural) rights of minorities undertaken by the state would have been determined; there was instead a vague reference difficult to read in the submitted proposal to the Parliament. Accordingly, the rate and locality of scattered minorities speaking in the protected languages can hardly be determined. For this reason, the geographical and numerical determination of minority language users has not been accepted as basis for necessary supporting measures. However, in absence of users' determination, Hungary – by a discretionary and arbitrary decision – opted certain articles to be implemented on six minority languages, and some years later those were extended to Romani and Beas languages.

Up till now these contradictions have not been criticised by the Committee of the Ministers (Council of Europe) reading the reports of the country.¹⁰In fact this forum concentrates on the opinion of the Committee of the Experts that could not perceive the arbitrary limitation of subjects of rights or indefinite regions although the implementation reports of the state gave increasing number of speakers of 12 national and one ethnic minority languages living in each county¹¹. The recommendations of the Committee of the Ministers in 2001, 2004 and 2007 – perhaps on the basis of these indicated figures – pressed

¹⁰ Recommendation RecChL(2007)4, Recommendation RecChL(2004)4, Recommendation RecChL(2001)4

¹¹ Annex 1 and Annex 2 without date and sources contains data on minority language speakers differing from the data indicated in census. <http://www.szmm.gov.hu/main.php?folderID=1165> For instance, accordingly, there are 99 597 and some years later 111 303 persons in Hungary who speak “language of Roma”. Or the given data on financial supports from the central budget to the minorities' cultural institutes are totally misleading because the costs of operation, management, project finance and reconstruction of the old buildings are merged. From the aggregated figures neither the rate of nor the absolute amount of direct budget expenditures to the minorities' cultural and linguistic rights can be recognised. In fact, even the trends cannot be assessed on the basis of the given figures.

forward a more effective promotion of the usage of Romani and Beas languages although extension of undertakings of Hungary happened only in 2008. Furthermore, these partly incompetent recommendations how to support bilingual teaching, usage of minority languages in public administration, at minorities' self-governments, in media and how to extend the responsibility of minorities' self-governments for cultural and education institutions may destroy the credibility and acceptance of the international body.

Notwithstanding these variances, the Ombudsman responsible for Minority Rights urges to extend the undertakings of the Charter to all thirteen minorities living in Hungary. "It is reasonable because progress in protection of language, cultural heritage would be regularly monitored and evaluated."¹²

1. 2. UNESCO Convention on protection of diversity in cultural expressions

Hungary is a party state of the UN Convention (2005) that considers cultural diversity as a value.¹³This international document aims to improve the mutual respect for cultures as a precondition of democracy, social justice and good international relations. On the other side, it supports minorities' culture maintaining their own vitality. Art 2 of the Convention enlists the principles including the respect for human rights and liberties, cultural diversity, free accession to information and freedom of expression. The inter-governmental Committee monitoring the implementation of the Convention and the international Fund (Art 18) may contribute to the efforts of party states. Hungary also undertakes to apply the provisions in good faith and without subordination of other agreements or treaties (Art 20). It means that in absence of bilateral agreements on cultural rights in general or on minorities' rights protection this Convention ensures the legal basis for cultural dialogue with Hungary if that country is a party state in the Convention. This subsidiary position in law would upgrade the role of this less known Convention.

¹² Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

¹³ Act VI of 2008 published the Convention (Paris, 20 October 2005).

Unfortunately the Act publishing the Convention contains neither detailed provisions on implementation nor its personnel and financial conditions. The only rule relates to the responsibility of the Minister of Culture and Education (Art 4(4) of the Act) in implementation without proper entitlements or conditions. Not surprisingly, the maximal effort of the Ministry is to set up a working group from its own staff inviting some NGOs in order to define the most urgent measures. For this reason the Ombudsman requires a standardized, co-ordinated executive and monitoring system by the government “taking into account the strong interests of the minorities in the Convention”.¹⁴

1.3. UN Covenant on Economic, Social and Cultural Rights

The implementation of the articles of the Covenant has deeper roots in Hungary implying the provision for non-discrimination also in cultural rights (Art 2).¹⁵ However, the last three decades were not enough to establish a formal preparatory and co-ordination system inside the Ministry of Foreign Affairs in order to standardise the reporting work in accordance with the Art.16 of the Covenant. Although its regulation was initiated recently internally it has not been adopted. Due to this absence neither organisations dealing with minority rights (self-government of national and ethnic minorities, NGOs, pressure groups), nor the public authorities in the country can participate in the preparations in substance and monitoring the progress of UN for recommendations. Hence a violation of transparent public power and minorities’ cultural rights is stated¹⁶.

¹⁴ Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

¹⁵ The Covenant was published by the Law-decree 9 of 1976.

¹⁶ Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

2. The bilateral agreements

2.1. *About the Joint Committees*

Hungary has concluded bilateral agreements with Serbia, Croatia, Slovenia, Romania and Ukraine in favour of minorities protecting (directly or indirectly) their identity and cultural heritage mutually in recent decades. According to the common scheme the implementation and monitoring of these agreements are based on Joint Committees setting up by the party states together. These bodies may adopt protocols and joint recommendations to the government in concern, so these documents well reflect the (weak) results and shortages in this international co-operation.¹⁷

The recent governmental report on the minorities submitted to the Parliament refers on Joint Committees: “In past years the joint committees dealing with minorities were meeting. Due to their efforts numerous developments were observed, such as opening of the Croat School in Pécs, the reconstruction of the Croat Christian Museum in Peresznye, setting up the statute of Sevcenko in Budapest, the opening the new building of the Romanian School in Battonya or the cultural project of Slovakian House in Pilisszentkereszt.”¹⁸ This report mentions neither financial hardships in operation of the joint committees nor administrative difficulties although, for instance the Serbian-Hungarian Joint Committee did not meet for four years.

The publicity of financial conditions are really limited, e.g. the expenditures from the special budget sum aiming to finance the costs of co-ordination and intervention in minority issues are vague¹⁹. Furthermore, the answer to the simple question who are the chairpersons of the joint committees is not trivial because the prior appointing resolutions were deregulated, the existing nomina-

¹⁷ The Joint Committees as consultative bodies to the party states consist of delegated representatives of government, minorities and experts providing. Components, the meeting order is determined in the bilateral treaties and its executive protocols.

¹⁸ Report on the minority affairs to the Parliament from the Government, J/10808 (October 2009)

¹⁹ For instance, „the 95 million HUF intended to cover on execution the proposals of the joint committees” but its usage in fact cannot be read in the report. Or the supports financed from this sum and other budget lines are aggregated from data in 2007 and 2008.

tions were withdrawn, and the Prime Minister is entitled to appoint the chairman and leading persons determining different deadlines²⁰. The other problematic point is that component of the Joint Committees is defined in bilateral agreements without delegating the power to re-write it by the government. Furthermore, the nomination is applicable for an undefined period, the substitution of nominated chairman and key delegates are not regulated. On the other hand, the autonomy of minority communities requires the nomination of its own representatives to the Joint Committee without any state regulation and consent of the government. But the cited government resolution suggests this concept. In absence of a homepage of Joint Committees or other methods of regular communication, publicity of their activities, meeting, proposals, finance, monitoring of the proposals and impact assessments, the public control including the minorities²¹ – the right to free international relations or contacts with mother country at individual and community level the protection of cultural identity and heritage is endangered (Art 14, 19 of the Act 1993). Transparency would also be ensured by concerning bodies that are publicly financed.

The role of Joint Committees in the cultural diversity, dialogue keeping and minority rights – according to the available sources – is limited. It is difficult to read the resolutions of the government on approving the protocols and sharing the tasks among the responsible ministries and central agencies in execution of Joint Committees' proposals, has only a formal, administrative and retrospective impact. The approval of protocols and virtual division of work passed at Joint Committees' meeting appear in the official gazette of the Government several years later, and is available only for the top of the public administration, frequently in the form of an aggregated

²⁰ Government Resolution 2118 of 2008, 27 August voids the prior appointing Government Resolutions on 28 August 2008 while its point 8 says that acquittal of Joint Committees' chairman and key representatives has to be base on the new nomination system by the Prime Minister. Until his nomination resolution passed their positions will unchanged.

²¹ Looking for documents on Joint Committees' meeting some of them, about sixty were available in totally different libraries, homepages without rationale of publicity, awareness raising, the competence of ministries or right to access to publicly relevant information.

decision and appendix.²² Who can believe in seriousness of implementation of the proposals – that are published one year after the meeting – when deadline of the execution is “continuous for the responsible minister”? In absence of accountability and regular monitoring by the Parliament and the government, only the Ombudsman can state that majority of proposals of the Joint Committees have never been materialized. The media or the minorities are not in awareness the genuine possibilities in the hands of the Joint Committees.

The standard of exchange of information, methods of co-operation concerning the operation of the Joint Committees are missing also among and inside the ministries. The existing system administers only the technical tasks (sending the invitation and the agenda, managing the meeting place, making the protocol, etc.). The governmental agency for minority affairs was dissolved and the task of centralisation of data, policy making and representation of the government was shared between the Prime Minister’s Office and the Ministry of Foreign Affairs in 2006. This duality destroys capacities, professionalism and upgrades rivalry between the units in concern. The Ministry of Foreign Affairs frequently delegates the task to the diplomatic staff serving in the adjacent state but there are only some specific attaché dealing with minority issues (such in Romania). There is a registry of each Joint Committee meeting on the grounds of basic information without standardization at the Ministry of Foreign Affairs while the secretary of the Joint Committee does not belong necessarily to this Ministry. The Prime Minister’s Office has a state secretariat dealing with minority and Diaspora issues together in which the absence of standardization and publicity is also dominant. This unit is responsible for submission of the Joint Committees’ proposals and resolutions to the government for approval, or the nominations to the Prime Minister. The planning of budget payments relating to the Joint Committees’ operation as well as the expenditures of the implementation by each responsible ministry is a “black box”.

²² For instance, the Government Resolution 2049 of 2008, 24 April approves the protocols made by the Hungarian-Slovenian, Hungarian-Slovakian, and the Hungarian-Ukrainian Joint Committee meeting sharing the tasks of the ministers on one page.

There are two constantly recurring topics on the agenda and proposals of the Joint Committee meeting. The first is education, how the education in the mother language and teaching of the mother language of minorities would be improved, how its conditions shall be ensured (e.g. training of teachers, development of curricula, proper textbooks in the given language), in particular the finance and operation of education instituted of minorities. The second is the poor state of the minority cultural institutions (centre for information and culture, theatres, libraries, newspapers, media in minority language, researching workshops) and how their maintenance would be ensured by state measures.

2.2. Some examples on concerns

The agreement concluded with Serbia and Montenegro²³ aims at the improvement of minorities living in the two adjacent states similarly to agreements on co-operation in education, sport, culture and youth exchange²⁴. The personal and geographical scope of the agreement is problematic because the state alliance was established on 4 February 2003 and disintegrated on 21 May 2006. How it is applicable today in the absence of Hungarian minorities in Montenegro, who belong to the minority living in Hungary but affiliated to Montenegro?

According to the promise of the Joint Committee held in May 2009 after years of break a cultural centre for the Serbian minority should be opened soon in Budapest with facilities for theatre spectacles should be provided. In October 2009 the Cultural Centre was opened indeed with a theatre hall – but without dressing rooms, property room and cloakroom. Hence the Serbian community requests for a proper theatre building in the capital - as we can read in the press.

The agreement concluded with Croatia refers to how the party states ensure free circulation and selling of newspapers and books without customs²⁵. Despite of it there was a complaint for paying customs for newspapers, textbooks, CDs and periodicals that are regularly received by the Croat and Hungarian schools, urging the

²³ It was published by the Act IV of 2005

²⁴ Those were published on the two entities by the Government Decree 163 of 2007, 27 June and 164 of 2007, 27 June

²⁵ It was published by the Act XLVII of 1995 (Art.19)

free accession without customs.²⁶ Seven years were not enough to unify and ensure the proper operation, finance the education institutes of the Croat minority with offices under the same roof in Pécs. It was requested and promised in 2000 and again in 2007 on the complaint of the shortage of finances for reconstruction of the Miroslav Krleža nursery, elementary and secondary school and the dormitory. “The support to the reconstruction depends on the resources from the European Union” – stated the 2007 investigation of the form of application²⁷. Similarly, the support to the operation of the bilingual school in Hercegszántó, to the Croatian theatre in Pécs and contribution to the edition of the *Hrvatski Glasnik* weekly was repeatedly requested times²⁸.

The Agreement on friendly relations with Slovakia established the Joint Committee – inter alia in favour of the national minorities and “connecting persons to them” – and its operation order was determined in a Protocol but without regulation on how the minorities are represented (method of delegation, substitution, termination of nomination).²⁹ The consequent practice of the involvement of Slovak minority has been complained with reference to the right of participation in the preparatory of decisions concerning minorities in the Act 1993 in vain³⁰. Moreover, they requested for accession to the budget report on expenditures related to the Slovakian and Hungarian minority up to the end of June following the calendar year of the budget³¹ also without success. The agreement on mutual supports to the minorities’ cultural, scientific and education activity also is based on the Joint Committee.³² It would be logical to gather the Joint Committee taking care for so many tasks including the regular evaluation of the results as to necessity (Art 5) but in fact it

²⁶ Government Resolution 2065 of 2000, 29 March on approval the proposals adopted by the Croatian-Hungarian Joint Committee’s 4th meeting

²⁷ Government Resolution 2065 of 2000, 29 March and Protocol adopted by the Croatian-Hungarian Joint Committee 9th meeting (2 May 2007)

²⁸ Government Resolution 2065 of 2000, 29 March, and 2179 of 2001, 13 July, Protocol adopted by the Croatian-Hungarian Joint Committee 9th meeting (2 May 2007)

²⁹ It was published by the Act XLIII of 1997 (Art.15) and Protocol was published in the Official Gazette, No 1992/2.

³⁰ Government Resolution 2122 of 2000, 31 May

³¹ Government Resolution 2122 of 2000, 31 May

³² It was published by the Government Decree 44 of 2009, 4 March

has been invited once a year. Giving examples of repetitive proposals we can mention the requests for contribution to the establishment of a regional cultural centre, a Slovak Research Institute, to the renovation of cultural monuments, or to setting up a memorial tablet to the honour of minister Jan Kollar in Budapest³³ – in 1999, 2001, 2005 and 2006.³⁴

The Agreement on friendly relations concluded with Romania also prescribes the regular monitoring and evaluation of the implementation, thus an inter-governmental expert committee is setting up dealing with the co-operation in favour of the national minorities, as well as establishment of a Joint Committee system.³⁵ Unfortunately, the involvement of national minorities to this process and forum is not determined bilaterally. However expert committees have been formed by the responsible ministries on various issues, such as scientific, minority and cultural co-operation while their operation has been invisible for the public and minorities, too. The components and agenda of the meeting are determined by the Ministry of the Foreign Affairs gathering the Joint Committee – but the right of participation of minority would be ensured by the Act 1993. The short press release on the reform of bilateral co-operation also in the field of minority issues and contribution to the media of minorities is not equivalent with the standard way of involvement of the community³⁶.

The Agreement on friendship with Ukraine protects mutually all ethnic, religious, national and linguistic minorities living in both

³³ Jan Kollár (1793-1853) was a Slovakian Lutheran minister, poet and collector of folksongs contributing to the Slovak national identity. He was serving as minister for 30 years in the Church of the (today) Deák square in, and he escaped from Pest to Vienna during the War of independence in 1849. Setting up his memorial tablet was promised by the government while the territory of the Lutheran Church and its garden is out of the government competence. Finally, the leaders of the Lutheran Church decided on setting up a joint memorial tablet of all heroes and outstanding personalities from the Church including Jan Kollar. His name is readable among the others but it is not compatible to the request.

³⁴ Government Resolution on approval of the proposals that were adopted by the Hungarian-Slovakian Joint Committee's 5th meeting

³⁵ It is published by the Act XLIV of 1997 (Art.5); Protocol on active partnership and Joint Committee (12 March 1997) is published in the Official Gazette 1997/10

³⁶ Announcement of the Ministry of the Foreign Affairs (29 April 2009)

countries (Art 17).³⁷According to its Protocol, the Joint Committee has to meet twice per annum but in fact it has not been in practice,³⁸ while the Protocol defines the responsible government organisations that have disappeared in the meantime (Office for National and Ethnic Minority Affairs, deputy minister of foreign affairs). Beyond the reluctant operation and delays in implementation of the proposals that were criticised by the minorities in the press by the minorities,³⁹the returning requests may prove the lack of success or community acceptance. For instance, the request for a proper building that would provide place for the Ukraine self-government, establishment of the department of study for Ukraine population (in auspice of the University of ELTE and DTE), setting up memorial tablets to the honour of outstanding personalities of the Ukraine community seems to be evergreen.

Similarly to others, the Agreement on friendly relations concluded with Slovenia also institutionalised the yearly ministerial meeting on evaluation of the progress in contacts and co-operation without its publicity⁴⁰. The Agreement on minority protection is also silent on how to communicate on the operation and results of the Joint Committee that has to be gather twice yearly (Art.15).⁴¹According to available information there are also repeated proposals or requests as proofs of the limited efficiency of the Joint Committee system in this relation. For instance, the promise of support to the establishment of bilingual teaching at the elementary school in Felsőszölnök, contribution to the Slovenian radio programme or at least to support to the radio studio preparing Slovenian programmes in Szentgotthárd, or subsidy to the reconstruction of the houses of culture in the Slov-

³⁷ It is published by the Act XLV of 1995. Its Appendix contains a Declaration on protection of minorities and a Protocol which determines how to implement the Declaration.

³⁸ For instance, there was a break in meeting between 2003 and 2008 but before this period the yearly meeting was applied in 1993-2003.

³⁹ *Pikáns fűszerezéssel indul a Magyar-Ukrán Kisebbségi Vegyes Bizottság ülése* (18 September 2008) MTI; Summary of the meeting held on 3-4 of April 2001 www.ukrajinci.hu/egyeselet/bizodsag.html

⁴⁰ It is published by the Act XLVI of 1995

⁴¹ It is published by the Act VI of 1996

enian community alongside the River Rába.⁴² These issues may prove the fragile structure of the whole system because these rather local or regional decisions have moved to governmental level, and the pledges have not been fulfilled for long years with exception of partly bilingual teaching that was introduced finally at the Slovenian elementary school in 2005.

3. Conclusions

Summing up, we can say that rights to keeping up, develop and protection of minorities' own culture, traditions and language usage on the grounds of undertakings in multilateral and bilateral agreements have been controversial and half-ready in Hungary. At first the execution of the undertakings and pledges have not been established by stable, transparent institutions inside the public administration. Hence the financial planning, evaluation of finance, efficiency and monitoring of the whole machinery has not been standardized by law nor public. The last decades of transition in economy and social changes could form only a virtual Joint Committee or inter-ministerial body system without critical participation of the stakeholders. It is an anomaly in minority rights as the Ombudsman stated in early 2010 in his comprehensive investigation. Furthermore, these international obligations cannot be considered in an isolated way because the Act 1993 had introduced the minority rights to the Hungarian law. Consequently, the implementation mechanism of minority rights protection undertaken at international level shall be compatible to the domestic law, in particular in the field of publicity, involvement of minority communities into the monitoring and evaluation process.

The enlisted examples from the Joint Committees' documents may argue that not only the poor finance is the main hindering factor in cultural and linguistic rights but the shortages in co-ordination, exchange of information and deterioration of the minority adminis-

⁴² Government Resolution 2138 of 2000, 22 June on approval of the proposals that were adopted by the Joint Committee's 5th meeting; Government Resolution 2270 of 1999, 22 October on approval of the proposals that were adopted by the Joint Committee's 4th meeting; Government Resolution 2175 of 2005, 26 August on proposals that were adopted by the Minority Joint Committees' meeting

tration at government level in recent past also have severely contributed to the pattern and obstacles in materialisation of the proposals at least in Hungary. Although the story of the European Cultural Capital in Pécs is out of the scope of this article, the bumpy road towards that Capital may illustrate the institutional hardships here and the level of how to respect for cultural diversity in practice. Officially our stakeholders are echoing the canon from the European Convention “considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe’s cultural wealth and traditions” but for daily purposes the norm is out of the cultural canon.

