

**MINORITY AND IDENTITY
IN CONSTITUTIONAL JUSTICE:**

**CASE STUDIES FROM
CENTRAL AND EASTERN EUROPE**

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Identity and Minority Rights as Constitutional Values”.



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DR LAZAR VRKATIĆ

Authors:

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- © Szalai, Anikó 2021
- © Teofilovic, Petar 2021
- © Tribl, Norbert 2021

Editor:

Tribl, Norbert
Proof-reader:
Szalai, Anikó

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Anikó Szalai:¹

Mapping the implementation of minority protection in Central European countries by the Council of Europe²

1. Introduction

This article examines the implementation of the 1995 Framework Convention for the Protection of National Minorities (FCNM) in relation to six Central European states, namely Serbia, Croatia, Slovenia, Hungary, Slovakia and Romania.³ Focus is placed on the development between the period of the first report and the last report, which arches over approximately twenty years. All six countries have similar historical-political backgrounds, starting with the close relationship in the Monarchy of Austria-Hungary, later being communist-socialist countries until the end of the Cold War. This generally means similar legal heritage, while in the field of minority protection significant differences can be identified. Owing to the 1920 Peace Treaty of Trianon, after World War I, there was and there is still an inherent difference between the political objective and understanding of minority protection in these countries. Another factor influencing the present-day situation is that while Slovakia, Romania and Hungary experienced a generally peaceful regime change, the dissolution of Yugoslavia was heavily burdened by armed conflicts. The imprint of that is still visible in the reports on Serbia, Croatia and Slovenia, and in parallel in the opinions of the Advisory Committee of the Council of Europe on the implementation of FCNM. A common issue among all six states is the dire social and economic situation of the Roma community, including discrimination in the field of work and work condition and segregation in the field of education.⁴

Owing to the closer relationship, first Serbia, Croatia and Slovenia are examined, then followed by Romania, Slovakia and finally Hungary.

1 PhD, associate professor, Head of International and Regional Studies Institute, Faculty of Law, University of Szeged

2 The research for this paper has been carried out within the program Nation, Community, Minority, Identity – The Role of National Constitutional Courts in the Protection of Constitutional Identity and Minority Rights as Constitutional Values as part of the programmes of the Ministry of Justice (of Hungary) enhancing the level of legal education.

3 For an analysis on the first twenty years of the application of the FCNM, see e.g.: Erzsébet S. SZALAYNÉ: *A nemzetközi jogi kisebbségvédelem színe és fonákja: 20 éves a Kisebbségi Keretegyezmény*. [The color and background of the protection of minorities in international law: the Framework Convention for Minorities is 20 years old.]. In: *Közjogi Szemle*, 2018/1, pp. 11-15.

4 For detailed analyses of the situation of Roma in Europe see e.g.: Anikó SZALAI: *Protection of the Roma Minority under International and European Law*. The Hague, Hollandia: Eleven International Publishing, 2015

2. Serbia

The initial state report was submitted by Serbia and Montenegro in 2002, only three years after the conclusion of the war in Kosovo in 1999. The country was still in a very fragile state and it dissolved in 2006. This was the last event in the history of the dissolution of Yugoslavia, starting in 1991. Problems characteristic of such a situation is clearly recognizable in the opinion of the Advisory Committee.⁵ The constitutional structures have undergone fundamental changes and the legislative background of human rights and minority protection has developed significantly. Nevertheless, the legal status of the relevant legislation adopted by the former federal authorities was unclear and limited the cooperation between the federal and state authorities which had resulted in discrepancies. Clarification of the competences, completion of the legislative work with regard to establishing detailed legal guarantees for the protection of national minorities below the level of the already established constitutional rules and provisions and monitoring of the implementation are only a few of the mentioned concerns.⁶ At such a transitional stage there is a level of uncertainty as to the future of division of responsibilities between various governmental structures and about the stability of institutions. “Uncertainty and flux, as well as a certain lack of coherence, also characterises the status of the relevant legislation, including new legislation on the protection of national minorities.”⁷

The Advisory Committee noted that “the legacy of the aggressive nationalistic policies of the Milosevic regime” were widely felt in the society and that this legacy had complicated the task of the authorities to implement human rights and measures of minority protection. The rebuilding of inter-ethnic tolerance and effective equality were great challenges.⁸ Besides the deficiencies of legislation, the actual implementation and execution of many of the minority rights requires active participation, direct investment and financial involvement from the state which was extremely difficult while facing serious economic difficulties.⁹

Similarly to the Croatian situation, owing to the armed conflict of the 1990s and the breakup of Yugoslavia, Serbia also faced a range of difficulties in terms of confirmation of citizenship and reducing statelessness.¹⁰ This was especially dire for the Roma, many of whom did not possess personal documents, which resulted in significant difficulties of identification and confirmation of citizenship, as well as hampered their access to public services and social assistance etc.¹¹

Serious problems has been identified by the Advisory Committee in relation to the language use of minorities and declared that it was the obligation of the state to provide for topographical indications and inscriptions at the minority language and to ensure the

5 Opinion on Serbia and Montenegro, adopted on 27 November 2003, Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 02 March 2004, ACFC/INF/OP/I(2004)002

6 *Ibid.* p. 3.

7 *Ibid.* p. 7.

8 *Ibid.* p. 6.

9 *Ibid.* p. 8.

10 *Ibid.* p. 10.

11 *Ibid.* p. 14.

public use of the minority language.¹² It was noted that wide variations existed between regions in terms of efforts taken to protect languages and cultures of national minorities, referring to the comparison of Vojvodina with other parts of Serbia.¹³

The latest fourth opinion of the Advisory Committee on Serbia was issued in 2019 and it highlights that Serbia is a multicultural country with a diversity of national minorities, and even though the legal framework is solid, sectoral discrepancies exist and the implementation of laws is not adequately monitored. A clearly visible contrast exists between the different levels of protection of minority rights in the Autonomous Province of Vojvodina and in Central or Southern Serbia. Due to lack of systemic data collection, for example on the level of representation of national minorities in the state administration, some of the improvements are hard to establish. The Serbian state shall set up and operate a sustainable human rights-based data collection framework with proper legal safeguards.¹⁴ Such data collection and database is essential, among others, for producing long-term and measurable progress on the representation of national minorities in the public administration.¹⁵

Roma still face de facto discrimination with regard to citizenship status, housing, health care, education and employment. The state shall establish, implement, monitor and periodically review a comprehensive strategy aimed at the revitalization of inter-ethnic relations. The subject of which is not only the majority population's relationship to Roma, but all the nationalities of Serbia.¹⁶ For example the Advisory Committee urged Serbian authorities to develop exchange programs between communities as soon as possible in order to promote multicultural and intercultural perspective at every level of education.¹⁷ Another deficiency of education is the lack of proper history curricula and teaching materials which would foster respect for all groups in society and provide broad knowledge on minorities who are an integral part of Serbian society. The state shall promote historical and contemporary research in this field, as well as the state should develop possible models for bilingual and multilingual education.¹⁸

3. Croatia

Croatia has been a party to the FCNM since 1998¹⁹. It has submitted the state report in all 5 cycles. Croatia's first report, prepared in 1999, extensively refers to the history,

12 *Ibid.* p. 22. On minority languages in Europe, see e.g.: Gábor KARDOS: *The European Charter for Regional or Minority Languages – Specific Features and Problems of Application*. In: Marcel SZABÓ – Laura GYENEY – Petra Lea LÁNCOS (eds.): *Hungarian Yearbook of International law and European Law* (2019). Den Haag, Hollandia: Eleven International Publishing, 2020, pp. 259-272.; Noémi NAGY: *Language rights as a sine qua non of democracy – a comparative overview of the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union*. In: *Central and Eastern European Legal Studies*, 2018/2, pp. 247-269.

13 *Ibid.* p. 37.

14 Fourth opinion on Serbia, adopted on 26 June 2019, Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 18 December 2019, ACFC/OP/IV(2019)001, p. 1-2.

15 *Ibid.* p. 38.

16 *Ibid.* p. 5.

17 *Ibid.* p. 29.

18 *Ibid.* p. 30.

19 Date of ratification: 11 October 1997; entry into force: 1 February 1998.

legislation and demography issues of the country.²⁰ It was evident that the legacy of the 1991-1995 conflict severely complicated the implementation of the FCNM and it had negative effect on wide-ranging difficulties, especially with respect to the protection of the Serbian minority. The Croatian government introduced normative improvements already at the second half of the 1990s, but in 1999 it still lacked a proper constitutional law on national minorities and the process was painfully slow. The Advisory Committee found in its opinion that particularly at the local level reluctance among certain authorities could be seen, “not only with regard to remedying the negative consequences of past discriminatory practices and other minority-related problems, but also with regard to ensuring that such problems do not occur in today’s Croatia”²¹. At the time of the adoption of the opinion of the Advisory Committee, the area that necessitated the most urgent attention was the protection of the minorities in the field of employment and the situation of the Roma minority, especially their segregation in education and the situation of women.²²

The opinion of the Advisory Committee already at its introductory remarks highlighted the need for special measures in order to rebuild “inter-ethnic tolerance and true and effective equality in society”²³.

Identification of national minorities had inconsistencies in the legislation and it seemed problematic that the 1997 version of the Croatian Constitution listed only 10 ‘autochthonous’ national minorities, while the Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities, adopted in May 2000, included 22 minorities and envisaged also the inclusion of others in this list. For example, the Constitution did not consider the Bosniacs, Slovenes and Roma to be autochthonous minorities in Croatia, and the influence of this limited listing was also visible in the electoral system.²⁴

The collection of statistical data on minorities has long been a problematic issue across Europe, on the one hand it is sensitive data which has to be handled with appropriate legal safeguards, while on the other, the knowledge of the numerical representation of certain groups is necessary for reaching the balance in legislation. The Advisory Committee was of the opinion that personal data relating to the affiliation with a minority shall be collected by authorities during census and deemed it especially relevant owing to the massive population movements that had taken place on the territory of the former Yugoslavia owing to the 1991-1995 armed conflict.²⁵ Wide discrepancies between the official statistics and the actual numbers on the ground can seriously hamper the ability of the state to fully and effectively implement, ensure and monitor the measures taken.²⁶

20 Report submitted by Croatia pursuant to Article 25 (1) of the Framework Convention for the Protection of National Minorities, 16 March 1999, ACFC/SR(1999)005.

21 Opinion on Croatia, adopted on 6 April 2001 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 6 February 2002, ACFC/INF/OP/I(2002)003, p. 2.

22 *Ibid.* p. 8, 12-13, 16.

23 *Ibid.* p. 4.

24 *Ibid.* p. 5.

25 *Ibid.* p. 6, 8.

26 *Ibid.* 8.

By 2015 the shortcomings were repaired, all 22 national minorities are entitled to protection, though the Advisory Committee's opinion highlights that minority protection is only provided for citizens. The Committee argues that Croatia should pursue an inclusive approach, especially with respect to stateless persons.²⁷

While the Advisory Committee acknowledged the improvements in a wide range of Croatian legislation compared to the state of law during and in the close aftermath of the Balkan conflict, it also noted that general and specific anti-discrimination legislation was sporadic and did not cover, for example, the fields of education and housing. The problem was especially visible in relation to the repossession of property by persons belonging to national minorities, especially Serbs and Hungarians, who left their properties owing to the war.²⁸

With respect to the implementation of other articles, the Advisory Committee emphasized that more financial support shall be given to minorities for preserving of and practicing their culture. Intercultural dialogue shall be strengthened and expanded, with special regard to telecommunication which shall better promote inter-ethnic understanding. The issue of war crimes shall be treated without ethnic bias.²⁹

The legislation on anti-discrimination has improved significantly by 2015, since Croatia implemented the EC Equality Directives in 2009. It is noteworthy that the population is increasingly aware of the complaint procedure to the Equality Body and to the Ombudsperson, which is indicated by a steady rise in the annually received number of complaints.³⁰

The Advisory Committee found it problematic that the numerical threshold for the obligatory introduction of minority language in contacts with the local authorities remained high, and it urged municipal and town authorities to provide for the official use of minority languages in their discretionary power. It urged the Croatian Government to enter into bilateral cooperation in order to solve the shortcomings of textbooks in minority language.³¹

There was generally a high level of unemployment for the total population of Croatia, and this had been a worse burden for minorities. Certain laws adopted in the mid-1990s had aggravated that situation further. The Advisory Committee urged Croatia to adopt such

27 Fourth Opinion on Croatia, adopted on 18 November 2015, Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 29 November 2016, ACFC/OP/IV(2015)005rev, p. 6.

28 Opinion on Croatia, adopted on 6 April 2001 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 6 February 2002, ACFC/INF/OP/I(2002)003, p. 7.

29 *Ibid.* pp. 8-10.

30 Fourth Opinion on Croatia, adopted on 18 November 2015, Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 29 November 2016, ACFC/OP/IV(2015)005rev, p. 8.

31 Opinion on Croatia, adopted on 6 April 2001 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 6 February 2002, ACFC/INF/OP/I(2002)003, p. 11-12.

a new law on minorities, that increases “the stability and foreseeability of the legislative framework pertaining to national minorities”³².

Even though Croatia has already submitted its state report in the Fifth Cycle in 2019, there is no Advisory Committee opinion available yet. Thus, for comparison hereby the opinion issued in the Fourth Cycle in 2015 is examined. Fifteen years’ time passed between the adoption of the first and last available opinions and improvement is still not clearly visible. Even though the authorities have overall been constructive and cooperative toward the Advisory Committee, the situation of minorities has deteriorated owing to an increase in nationalism and political radicalization. While the legal framework is well-constructed and favorable, the practical application is hindered by the absence of a systematic government strategy to promote inter-ethnic dialogue and reconciliation. Problems have especially been visible in areas that were heavily affected by the conflict in the 1990s.³³ The opinion identifies hate speech and repossession of private property as areas of significant issues to be improved. While hate speech is endangering the hard-won peace and security of the country, the slow legal procedures to repossess and reconstruct private property lost or taken during the conflict more than twenty years earlier is impeding the rule of law and such basic human rights as access to justice and the right to fair trial.

Even though the Ombudsperson issued recurring recommendations on the more effective promotion and monitoring of the recruitment of persons belonging to national minorities in public administration and the judiciary, the recommendations have not been followed at the local level. The level of participation at local elections, especially for the national minority councils has not increased and there has been no advance in the funding of these councils nor in their competencies.³⁴

Significant efforts have been made with respect to the Roma community, especially in the field of improvement of living conditions, access to rights and access to pre-school for Roma children.³⁵

The use of minority languages and scripts have improved significantly in several localities and regions, for example the use of Italian language scripts on public buildings in Istria. However, there have been many protests against the use of Serbian language and Cyrillic letters in the City of Vukovar and it “exposed a serious lack of awareness of or consideration for human and minority rights amongst some parts of local government”. Regretfully the application of the Croatian law on the use of languages and scripts of national minorities remains suspended in some localities.³⁶

The report notes that most of the civilian victims of the war have not received any official recognition of their suffering neither any form of compensation yet. This is especially

32 *Ibid.* p. 15.

33 Fourth Opinion on Croatia, adopted on 18 November 2015, Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 29 November 2016, ACFC/OP/IV(2015)005rev, p. 3.

34 *Ibid.* p. 4.

35 *Ibid.* p. 4.

36 *Ibid.* p. 5.

true in relation to members of minority groups, such as Serbs and Roma. The Advisory Committee urges the recognition of the status and rights of all civilian war victims and calls for the acceleration of appropriate legislative steps based on the principle of equality. Besides legislative shortages, it is also relevant that national minorities are persistently and disproportionately underrepresented in the judiciary, which results in the lower level of trust in the judiciary by person belonging to national minorities.³⁷

The general cultural policy shall integrate the promotion of minority cultures as an integral and valued part of Croatia's diverse cultural heritage. Celebration of minority cultures shall not be isolated from the majority cultural events. There is an apparent lack of effort on the side of the government to systematically promote reconciliation and inter-cultural dialogue, there is no state strategy for this issue.³⁸

The legislative framework for protection of minority languages has developed, nevertheless, the Advisory Committee encourages Croatia to withdraw the reservation to Article 7.5 of the European Charter for Regional or Minority Languages (namely that protection is provided for non-territorial minority languages as well) and to monitor the proper execution of the law at the local level.³⁹

4. Slovenia

The first state report of Slovenia was received by the Advisory Committee in 2000, with 16 months of delay to the original expected date, and the Advisory Committee published the first opinion on Slovenia in 2005⁴⁰.

As the FCNM does not provide a definition for the term 'national minorities' and leaves the definitional issues to the state parties, Slovenia, as all other member states of the FCNM, established its own definition, according to which national minorities in Slovenia are "the autochthonous Italian and Hungarian National Minorities"⁴¹. Since one of the duties of the Advisory Committee is to ensure that such definitions are in line with the related international human rights legislation, they asked for a more detailed concept of the definition from the Slovenian Government which in return replied that the autochthonous settlement by Hungarian and Italian national minorities actually was conceptualized in "ethnically mixed areas". As the explanation refers to geographical as well as demographical elements, the Advisory Committee expressed concern on the fact that national minorities living outside of these areas may not have enjoyed the rights ensured in FCNM. Another source of concern of the Advisory Committee was the possible exclusion of Roma community owing to this definition and with the expression of "ethnically mixed areas", even though the Slovene officials ensured that the FCNM also applies to the Roma

37 *Ibid.* p. 13.

38 *Ibid.* p. 16.

39 *Ibid.* p. 23.

40 Opinion on Slovenia, adopted on 12 September 2002 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 14 March 2005, ACFC/INF/OP/I(2005)002

41 *Ibid.* p. 7. On the definition of minority see e.g.: Minorité: Peuple qui n'a pas réussi. In: Hervé ASCENCIO – Mathias FORTEAU – Jean-Marc SOREL (eds.): Dictionnaire des idées reçues en droit international: Mélanges à l'honneur d'Alain Pellet. Éditions Pedone, Paris 2017, pp. 381-387.

people. Roma national minority's domestic legal status was not the same as the Hungarian and Italian minorities. Referring back to the definitional issues, "autochthonous" term used for defining Hungarian and Italian minorities does not fully fit for the Roma people and there is no "autochthonous" character legally defined for Roma people.⁴²

Historical events shaping the current challenges faced by national minorities were visible in Slovenia since it became independent in 1991 from the former Yugoslavia, resulting in that people living in Slovenia from other Yugoslav Republics had become foreigners. Some of these people applied for and obtained Slovene citizenship while some of them chose not to. Called as non-Slovenes of Former Yugoslavia or as ethnic communities which is the term different from Hungarians, Italians and Roma people, these people were left out of the application of the FCNM, as the Slovene Government indicated. Their existing education facilities were abolished and were provided with no other language education.⁴³

Slovenia successfully integrated the Hungarian and Italian national minorities providing them proper environment to access education, exercise their culture and languages. Legal framework is well-established and well-practiced in this sense, but situation is not the same for the Roma community. Funding resources at municipal level are available more in favor of the other national minorities than the Roma community⁴⁴. Street signs are designed bilingual in the places considered "ethnically mixed areas", mostly populated with Hungarian and Italian national minorities. For the Hungarian national minority, bilingual primary schools are available even though course materials in Hungarian are not yet at the demanded level. For the Italian minority, there are kindergartens, primary schools and public secondary schools teaching in Italian. The situation for Roma people is not the same as the previously mentioned national minorities and Roma children have a restricted access to those opportunities. Similar to the other countries of the region, Roma children were placed in special schools designed for mentally handicapped children.⁴⁵

Media access and content creation for Hungarian and Italian national minorities were already being funded by the state, and representatives of these minorities have a special place reserved in the organs of Slovene radio and television. It was noted that the Slovenian Government introduced a program about providing funds for publishing and broadcasting opportunities for the ethnic communities outside of the Hungarian, Italian and Roma minorities in 1992. Media content in Romani language is available, even though in a restricted manner.⁴⁶

The use of the languages belonging to national minorities at public administration level is ensured for Hungarian and Italian languages by the Public Administration Act, however, there is a lack of skilled personnel. Romani language, however, is not considered as a communication language in the public administration.⁴⁷

42 *Ibid.* p. 7.

43 *Ibid.* p. 10.

44 *Ibid.* p. 12.

45 *Ibid.* p. 17.

46 *Ibid.* p. 13.

47 *Ibid.* p. 16. On the language rights of minorities in public administration see e.g.: Noémi NAGY: *Language rights of European minorities in the administration of justice, public administration and public services: International developments in 2019*. In: *European Yearbook of Minority Issues*, 2021, p. 18.

Persons belonging to national minorities participation in the political life in Slovenia has developed positively.⁴⁸

The last opinion of the Advisory Committee on Slovenia was delivered in 2017 on the fourth report. The opinion acknowledges Slovenia's efforts to effectively protect the rights of the national minorities and to fully implement the FCNM, even though the latter aim has not been achieved yet.⁴⁹

First of all, the last report once again ensures the difference between the Italians, Hungarians and Roma people in terms of enjoying better protection of their rights, even though much tangible steps were taken and resulted successful to improve protection of Roma people's rights.⁵⁰

Previously noted as a concern in the first report that the terms and distinction of 'autochthonous' or 'non-autochthonous' still existed but without a significant impact on the policies targeting Roma people since their specific needs were already included in several programs and strategies. Differently, the Sinti community expressed to benefit from the rights ensured in the FCNM. Also, Albanians, Bosnians, Montenegrins, Croats, Macedonians and Serbs were recognized as new national communities. Cultural, media and language-related issues of the citizens of the Republics of Former Yugoslavia was legally initiated by the parliament adopting the Declaration on the Status of National Communities of Members of Nations of the Former SFRY in the Republic of Slovenia in 2011⁵¹. It is clearly observed that there are two public officials actively contributing to the fight against discrimination in Slovenia. Ombudsperson plays an active role in collecting the complaints from national minorities (submitted mostly by Roma people) regarding mal-administration they face at public institutions. It was noted that the Ombudsperson's recommendations to the public authorities were being implemented very slowly and there was a lack of political will of the authorities to find solutions regarding the problems of Roma people⁵².

A newer Advocate of the Principle of Equality was created to investigate complaints lodged by the victims of discrimination and was given effective powers in investigation such as ordering adoption of measures, even though as they are not equal to imposing fines or sanctions.⁵³

As positive steps, programs and strategies aiming to foster equality of Roma people were taken, together with the successfully ended legislative proposals regarding their "illegal" residence and access to education. Even though it works slowly and sometimes remains inefficient, Roma Community Council plays an active role in reporting problems, offering solutions and increasing interaction between Roma community and the state actors.⁵⁴

48 *Ibid.* p. 20.

49 Fourth opinion on Slovenia, adopted on 21 June 2017 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, 25 January 2018, ACFC/OP/IV(2017)003

50 *Ibid.* p. 1.

51 *Ibid.* p. 8.

52 *Ibid.* p. 14.

53 *Ibid.* p. 5-6.

54 *Ibid.* p. 6.

The AC noted that there is an increase of hate speech and intolerant discourse from 2015 onwards, mainly directed towards recent migrants, asylum seekers and refugees and based on religion and ethnicity, as the Ombudsperson noted but could not investigate since such complaints are out of her competences.⁵⁵

Overall improvements and tangible steps in language affairs for national minorities and especially Roma are that all legal entities governed by public law have an obligation to communicate and work in the language of the national minority when requested, including for judicial proceedings. Measures are also in place to ensure that administrative forms and acts are available in both languages and that e-administration portals are also available.⁵⁶

5. Romania

Romania submitted its first report in 1999 and the Advisory Committee prepared its opinion in 2002, starting with a general satisfaction with Romania's efforts to consider the protection of national minorities rights in the country.⁵⁷

As the FCNM leaves the margin to the countries in defining the term 'national minorities', Romania considered Magyars/Szeklers, Gypsies, Germans/Swabians/Saxons, Ukrainians, Russians/Lipoveni, Turks, Serbs, Tatars, Slovaks, Bulgarians, Jews, Croats, Czechs, Poles, Greeks and Armenians as national minorities. The position of Csango people who requested from the relevant authorities to be recognized as a national minority was not clear yet, since the Romanian law did not provide a framework for the conditions to be considered when recognizing a national minority, therefore by the time the first report was created, they could not receive any benefit from the FCNM.⁵⁸

Since data is the main input for initiating a policy matter, the AC urged Romania to take actions to solve the problem existing in large discrepancies between official statistics of the Government and the estimates of national minorities about the numbers of persons belonging to national minorities in Romania.⁵⁹

Most of the national minorities in Romania enjoy access to minority language education, textbooks and teachers. The Constitution and the Act on Education expressly guarantee members of national minorities the right to learn and to be taught in their mother tongue. The AC noted that Hungarian, German, Ukrainian, Serb, Slovak and Czech minorities could fully benefit from learning in their own languages, but unfortunately no school was noted teaching in Romani. In the past, Turks, the Tatars, the Russians and the Bulgarians were also taught in their own languages, however they were faced with a shortage

55 *Ibid.* p. 7.

56 *Ibid.* p. 25.

57 Opinion on Romania, adopted on 6 April 2001, by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 10 January 2002, ACFC/INF/OP/I(2002)001

58 *Ibid.* p. 5-6.

59 *Ibid.* p. 7.

of textbooks in their own languages.⁶⁰ The Advisory Committee declared that attention should also be paid to minorities of smaller number.⁶¹

Besides these commendable efforts, the socio-economic situation of Roma gave rise to deep concern, especially the numerous acts of discrimination and the recurring cases of police brutality.⁶²

Even though inter-community relations had improved compared to the previous period, and a climate of greater tolerance had developed, the Advisory Committee found that certain media outlets had still been strengthening negative stereotypes especially about Roma, Jews and Hungarians. It concluded that the principles of promotion of a culture of tolerance should be taught to journalist.⁶³

The last opinion available for Romania⁶⁴ was issued in 2018. The general evaluation section of the opinion concludes legislative and policy issues, for example pointing out that there is still no legislation comprehensively protecting minority rights in Romania, since the Law on the Status of National Minorities was not adopted and was under discussion at the Parliament⁶⁵.

There are two positive developments reported in enlarging the scope of the application of the FCNM: Hungarian Csangos and providing e-learning platform, courses and cultural events for the Aromanian language. However, even though they are applied to be classified under the national minorities, their applications received no action.⁶⁶

Since the first report, successful data collection mechanisms have been established which provide better and reliable inputs on the number of persons belonging to national minorities.⁶⁷

There are two institutions active in fighting against discrimination: the National Council for Combating Discrimination and the Ombudsperson. They both receive and investigate complaints lodged by natural persons and are both given ex officio powers. Budgetary shortages of the National Council were importantly noted in the opinion by the AC⁶⁸. Even though the Strategy for the Inclusion of Romanian Citizens Belonging to the Roma minority is considered as a positive policy improvement, the AC criticized the fact that representatives of the national minorities were not included at the drafting stage and their feedback after the strategy published were not taken into consideration. Very importantly, the AC notes that the implementation of the strategy operates mostly through the help of

60 *Ibid.* p.13.

61 *Ibid.* p. 2.

62 *Ibid.* p. 10.

63 *Ibid.* p. 20.

64 Fourth Opinion on Romania – adopted on 22 June 2017 Published on 16 February 2018.ACFC/OP/IV(2017)005

65 *Ibid.* p. 5.

66 *Ibid.* p. 6.

67 *Ibid.* p. 11.

68 *Ibid.* p. 12.

EU funds, drawing an image on the public that the national minorities' issue is related to the EU and not to the state.⁶⁹

The previously noted extreme use of police power on Roma people were intervened by trust building actions between the national minority communities and police, as well as providing relevant trainings for the police.⁷⁰

The overall evaluation of the cultural life of the national minorities shows that they have sufficient funds (mostly Hungarian, German, Roma and Ukrainian benefit). However, cases reported in the opinion reflect serious areas of concerns. One of them is related to state refusal of the use of the name Szeklerland', its symbols and traditions of the Hungarian national minorities in Covasna and Harghita county, and the other one is the failed application to UNESCO for taking on the list of cultural heritage one of the Hungarian populated city, referring to problems in the documentation. "The Advisory Committee finds this regrettable."⁷¹

In some counties, the street names and signs still remain only in Romanian, even though the 20% rule is applicable in these cases. Furthermore, in few counties (e.g., where Hungarians constitute more than 20% of the population), either the street signs were not updated to be bilingual, or the existing bilingual signs were replaced with only the Romanian ones.⁷²

Overall teaching practices in national minorities' languages at school was evaluated quite positively by the Advisory Committee. It was observed that in order to ensure inter-community dialogues, children belonging to majority population could be given more knowledge on the minorities' culture and history. To do that, more qualified teachers at an adequate number could be recruited. The legal efforts banning segregation is positive, but there are still few practices on the contrary.⁷³

6. Slovakia

Slovakia has been a party to the FCNM since 1998⁷⁴. While the initial state report was submitted in 1999, the last one was submitted in the fifth cycle in 2019⁷⁵. Even though the first state report was not prepared as detailed as the Advisory Committee expected, it gave a certain degree of explanation about the back then current situation regarding national minorities in the country. According to the first Advisory Committee's opinion⁷⁶, positive indicators as well as fields open for improvement was noted.

69 *Ibid.* p. 14.

70 *Ibid.* p. 21.

71 *Ibid.* p. 17.

72 *Ibid.* p. 29.

73 *Ibid.* p. 31.

74 Date of ratification: 14 September 1995; Date of entry into force: 1 February 1998

75 Cf. <https://www.coe.int/en/web/minorities/slovak-republic>

76 Opinion on Slovakia, adopted on 22 September 2000 Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 6 July 2001, ACFC/INF/OP/I(2001)1.

Among those positive indicators, governmental efforts were made in constructing inter-community relations with Hungarian minorities and there were positive attitudes towards Hungarians where they are in majority of the population, since social interaction between people seemed to be constant. The Treaty on Good Neighborliness and Friendly Co-operation signed in 1995 between Slovakia and Hungary was appreciated. Positive improvements were observed in the introduction of education languages in Hungarian, as well as in Czech, and in Ruthenian group languages (German, Polish and Ukrainian). Furthermore, the minority language program which aimed to increase availability of the contents prepared in minority languages in the public television and radio was welcomed⁷⁷. Also, education materials were evaluated as they were free from negative expressions attempting to negatively identify national minorities. Related to positive implications in minority languages, Law on the Use of National Minority Languages entering into force in 1999 was also reported even though certain weaknesses were noted as it will be discussed below.⁷⁸

On the institutional side, the Advisory Committee noted that a Council of National Minorities and Ethnic Groups which is a consultation body to the authorities assisting in decision-making related to minorities consist of the representatives of the minorities in majority that used to be of government officials⁷⁹. Additionally, the Ombudsman set up by the government was perceived positive in the report⁸⁰, the institution that would heavily provide inputs for the Advisory Committee's further reports (e.g., the fourth report). The Government's plans to reform public administration in an inclusive way that it could ensure effective participation of national minorities in public affairs were also welcomed. Besides the above-mentioned positive developments, several concerns were placed in the report. First and the foremost concerns noted in the report were related to Roma minorities, from several point of views. For example, collection of Roma people's personal data by law enforcement officials without a certain legal basis and necessary legal safeguards, as well as without their consent, was criticized⁸¹. In education and use of minority languages, the country seemed to fail in protecting the interests of Roma minorities effectively. Even though the government realized the problem, it was reported that Roma children were placed in special schools which was designed only for mentally handicapped children, even though some of them did not have any mental handicap. Roma language, on the other hand, is still not recognized in a wide array, the schools lack teachers available in teaching Roma language, as well as in other minority languages. During the practice of minority language programs, Roma language radio programs seemed to have a little broadcasting time and, despite the education materials, media strengthens negative perception towards Roma and other national minorities, and the existed legislation lacked necessary sanctions in case of in-compliance.⁸²

The report identifies serious discriminative implementations towards national minorities and especially Roma minorities in different fields; from health care to education,

77 *Ibid.* p. 16.

78 *Ibid.* p. 10

79 *Ibid.* p. 12.

80 *Ibid.* p. 6.

81 *Ibid.* p. 2

82 *Ibid.* p. 9

employment to housing. Moreover, where discrimination occurred, it is unclear whether necessary investigation or trials were held, since the government could not have presented data about.⁸³ Slovakia also did not have consistent official statistics about the national minorities which made it difficult to refer any demography-related research.

Regarding the use of minority languages, the report identified a lack of resources in terms of developing staff and resources in education and public institutions, as well as raising society's awareness towards these languages. "Even though Article 34 of the Constitution guarantees the right of Slovak citizens belonging to national minorities to receive education in their mother tongue, there are only very limited legislative provisions concerning the implementation of this constitutional guarantee."⁸⁴

Finally, the report noted about the existence of racially motivated violent crimes including the persons belonging to small immigrant groups, even though the situation was already recognized by the government.⁸⁵

The last available Advisory Committee's opinion on the Slovak Republic's compliance with the FCNM is dated in 2014⁸⁶. The report discloses more in-detail evaluation on the articles considered in line with the FCNM. As a general evaluation, it could be stressed that some of the problems noted in the first report remained unsolved, and more anew problems were noted in specific cases. Additionally, positive developments were explicitly mentioned.

Issues raised in the first report and remained unsolved could be summarized as follows: While it was visible also in the first report, Article 34 of the Constitution guaranteeing the right of Slovak citizens to receive education in their own languages was criticized in this report since it limits the application only to those of Slovak citizens, since there are national minorities in the country having different citizenship, such as Czech nationals.⁸⁷ Positive metrics in terms of taking steps to create statistical data was welcomed by the Advisory Committee. For example, "A Population and Housing Census" helped to identify the most frequently used languages, as well as defining the demographic situation from the aspect of their living conditions⁸⁸. Another research was conducted for identifying the obstacles the national minorities are facing in employment generated positive results, meaning that, they do not face particular obstacles in labor market, however, the unemployment rate among Roma national minorities is quite high (80-90%)⁸⁹.

Previously referred in the summary of the first opinion, the Ombudsperson's reports were actively considered in drafting the present opinion and in identification of the obstacles the national minorities face with in public institutions. Based on the complaints the Ombudsperson received, she initiated the Parliament to have a discussion specific to "human

83 *Ibid.* p.6.

84 *Ibid.* p.12.

85 *Ibid.* p. 8.

86 Fourth Opinion on the Slovak Republic adopted on 3 December 2014 ACFC/OP/IV(2014)004

87 *Ibid.* p. 7.

88 *Ibid.* p. 10.

89 *Ibid.* p. 28.

and minority rights violations, including the right to education for Roma children and the misconduct of police forces” but it was dismissed by the Parliament.⁹⁰

One of the most noticeable negative developments observed in the country in terms of effective protection of the rights of the national minorities was noted as abolishment of the Deputy Prime Minister for Human Rights position in 2012 and moving the Council for Human Rights, National Minorities and Gender Equality under the authority of the Ministry of Foreign Affairs⁹¹. The Later established Government Plenipotentiary for Roma Communities, instead of the abolished position, was placed under the Ministry of Interior which was observed as a threat towards having a healthy environment for analyzing and making policies in favor of national minorities. It was also noted that the Ministry treats Roma people as a security challenge.⁹²

Most of the previously reported challenges the Roma people face with continue based on the Advisory Committee’s analysis. There is still no governmental strategy to tackle with anti-Roma propaganda going on within the society and the media. Media actively uses tools to increase prejudices towards Roma people while providing almost no content in Romani language. Assessment on representativeness of the other national minorities’ languages shows a similar output even though it is more positive than in the Roma specific case. Also, there is not much effort taken to raise awareness in the society about anti-discrimination, even though it is known that Roma people were referred as lazy, criminal or a burden in the society. Furthermore, it was noted that anti-Roma propaganda was actually practiced by the far-right politicians during their election campaign.⁹³

Concerns raised in Roma children’s education in the first opinion report still goes on; Roma children are often being placed in schools designated for handicapped children, as the Ombudsperson has continuously proved so.⁹⁴ However, a positive metric was noted since teacher assistants (to assist teachers in integration of Roma students) were employed in schools where Roma population is high. In culture specific assessments, although the local and central government actively contributed to opening new museums and culture centers focusing on national minorities both in content and in visitors, the Advisory Committee noticed that the museums could draw a better image about Roma people and their cultural heritage.⁹⁵

While Roma people are still underrepresented at local and central elected bodies, other national minorities are increasingly represented in these bodies. However, it is a problem for all national minorities to participate in the public administration and very few of them could earn a position at administrative bodies.⁹⁶

90 *Ibid.* p. 9

91 *Ibid.* pp. 9-10.

92 *Ibid.* p. 13.

93 *Ibid.* p. 14.

94 *Ibid.* p. 22.

95 *Ibid.* p. 23.

96 *Ibid.* p. 27.

Language specific assessments show that there were minor issues identified in public as “incidents of harassment based on the use of minority languages” in southern Slovakia and mainly Hungary, but the major problem regarding the use of Romani language, for example, the proficiency of the officials working at municipalities is still inadequate.⁹⁷

In education the available education material in minority languages seems still to be in low quality, few in quality and with inaccurate translations.⁹⁸

Among the positive developments, the adoption of Anti-Discrimination Act and the amendments applied consistently considered as an effective tool to fight against discrimination towards national minorities. Safeguarding the Act with an institutional set-up, namely, the Slovak National Centre for Human Rights enhances effective monitoring of the Act. Another legal development was noted in criminal law which foresees punishing racial violence against migrants and minorities as extremist offenses, even though still the investigations are inefficiently handled and cases referred to the courts are quite few. As it was previously reported in the first opinion, police violence continues, but few steps were taken in order to raise awareness in law enforcement, such as delivered trainings. The Minority Language Act was amended and it now includes a provision for providing traffic signs also in minority languages, at least, at municipality level. The broadcasting in national minority languages was strengthened with extra legislative measures. The final positive development belongs to the continuous international cooperation between Hungary and Slovakia which was upgraded with a new agreement aiming to develop infrastructural and economic conditions in southern Slovakia.⁹⁹

7. Hungary

The first state report which was delivered in May 1999 described the relevant legislation as well as the practices existing in the country relevant to the protection of national minorities. The first opinion report¹⁰⁰ acknowledged Hungary’s legal efforts in providing a high level of protection for national minorities was appreciable. However, few issues were taken under concern. For example, statistics made available by the Government seemed far different from the estimations made on the demographic data on national minorities. This was due to strict rules protecting people to register themselves in official databases based on their ethnicity or nationality, but it was suggested that Hungary should have found other ways to create consistent statistics about national minorities.¹⁰¹

In general and repeatedly, Hungary provided a good level of protection for the rights of the national minorities in its legislative framework, with few issues of concern. Act LXXVII of 1993 on the Rights of National and Ethnic Minorities allows setting up local and national self-governments for national minorities, as well as right to be represented

97 *Ibid.* p. 14.

98 *Ibid.* p. 24.

99 *Ibid.* p. 19.

100 Opinion on Hungary, adopted on 22 September 2000 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 14 September 2001, ACFC/INF/OP/I(2001)4

101 *Ibid.* p. 5.

in the National Assembly, however, the representatives of the national minorities were left out of the law-making procedure. Furthermore, no practice was yet experienced in these senses. Also, a person not belonging to a certain minority never could be elected as a representative of that minority (the so-called “cuckoo-problem”)¹⁰².

Throughout the opinion of the Advisory Committee, most of the raised concerns are related to the Roma/Gypsy community. Among those, “well-documented cases of physical attacks/injury and threats against Roma/Gypsies”¹⁰³ and weak investigation practices consist the priority action area. Following and in connection with that, lack of public awareness about national minorities, as well as specific to Roma/Gypsy community, giving as a reason that public do not have proper media tools to be informed about their cultural and social life. In fact, the AC notes that Roma people face with “extremely difficult social-economic circumstances” as well as discriminatory and negative images are drawn in the public¹⁰⁴. Roma community is given less broadcasting time than the other national minorities, in practice, which could have been used for raising public awareness on these problems.

Education and language related problems general to the national minorities were related to a lack of qualified teachers and textbooks which creates an obstacle for providing proper education for national minorities in their language. Specific to Roma children, Hungary also followed the wrong applications of Slovenia and Slovakia where they were placed in special schools designated for mentally handicapped children. Moreover, extremely low number of Roma students could gain a diploma from secondary and high schools. Also, there was a reported de facto separation of schools into Roma and non-Roma by public in a way that not sending their children to Roma populated schools, decreasing the number of students, therefore causing decreases in funds. Besides these observations, the existence of the legal tools allowing the use of national minority languages in public institutions in relation to the administrative issues at local level and laws allowing national minorities to use their names in their own language were noted as positive. Even though not many practices were yet experienced, the domestic law allowing use of bilingual street tables and signs and use of minority languages in judicial proceedings were perceived positively.¹⁰⁵

The last state report on Hungary was received by the Advisory Committee which led to the preparation of the fifth opinion report in 2020.¹⁰⁶

The number of national minorities defined by the law was raised to 13 as it includes Armenians, Bulgarians, Croats, Germans, Greeks, Poles, Roma, Romanians, Rusyns, Serbs, Slovaks, Slovenians and Ukrainians. Applications of the persons to be identified as Bunjevci were rejected twice by the authorities. Szekler and Russian minorities are also applied in the same way, fulfilled the criteria to be recognized as national minorities, however,

102 *Ibid.* p. 11

103 *Ibid.* p. 7.

104 *Ibid.* p. 12.

105 *Ibid.* p.7.

106 Fifth Opinion on Hungary, adopted on 26 May 2020 by the Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 12 October 2020, ACFC/OP/V(2020)002Final

Szekler's application was rejected as they constitute "modern Hungarian nation"¹⁰⁷ and Russian's application was rejected as they did not fulfil the criteria considering having a residence over a century in Hungary¹⁰⁸.

Regarding the lack of data specific to minorities referred in the first report, organized census served to fulfil this gap, however, several complaints were lodged about the content of the census questions which helps identifying a person's ethnicity or nationality. Moreover, the planned census in 2021 foresees asking people's names directly. Bunjevci people's answers were not separately considered from Croats, leaving policy makers lack of information specific to this community, especially in relation to the recognition of Bunjevci as part of the nationalities.¹⁰⁹

Legislative developments regarding the fight against discrimination and equal treatment remained unchanged, but cases about the well-functioning of the Equal Treatment Authority (ETA) were noted. According to the AC, ETA does not have the capacity to fulfil its duties at maximum, since the number of staff and their salaries are not properly placed. Also, ETA's outcomes reporting discriminative acts towards minorities, especially Roma cannot be effective since it could not order compensation. ETA has efficient tools (e.g., advertisements and publications) in terms of melting the communication problems between the public, public institutions and national minorities.¹¹⁰

Cultural activities of the national minorities were properly taken into account and funded by the related ministries, even though structural changes in allocation of funds occurred without involving the representatives of national minorities in the decision-making process.¹¹¹

Based on the outcomes of the researches¹¹² conducted on measuring the public position towards minorities, the AC noted that there is an increased negative perception towards immigrants, as well as asylum seekers and refugees. Rise of far-right oriented speeches lessens the tolerance towards the national minorities, as well as foreigners residing in Hungary. The AC is in a position for Article 6 to be applied inclusively as it could include all persons regardless of their differences, and calls the government officials to operate intercultural communication programs and have the political will to tackle with the problems due to the fact that no tangible step was taken to solve the mentioned problem.

107 Academy of Sciences, December 2017, (Online) https://mta.hu/mta_hirei/a-szekelyseg-a-magyar-nemzet-resze-108883

«According to the predominant opinions of the historians, archaeologists, ethnographers and linguists, the Szeklers are considered to form part of the modern Hungarian nation in the ethno-cultural sense. Accordingly, the Hungarian Academy of Sciences does not recommend officially recognising Szeklers as a nationality in Hungary.»

108 Fifth Opinion on Hungary, p.7.

109 *Ibid.* p. 9.

110 *Ibid.* p. 6.

111 *Ibid.* p. 12.

112 Studies show in particular an important percentage (23%) of "extreme anti-Semitism" in Hungary, see Tom Lantos Institute, *Modern Antisemitism in the Visegrád Countries*, 2017, p. 54., Pew Research Center (Dorothy Manevich), *Hungary Less tolerant of Refugees, Minorities than Other EU Nations*, December 2016., European Commission, *Standard Eurobarometer 82*, Autumn 2014, page 16; and *Standard Eurobarometer 89*, Spring 2018, p. 7.

Further, legislative amendments should be taken to fight against discrimination and hate speech, as the states should protect all persons from ethnically based violence and should comprehensively criminalize such actions.¹¹³

The AC noted that national minorities, in practice, suffer from exercising their right to establish religious institutions and such institutions face with discrimination in comparison with the big religious institutions in terms of gaining legal personality and tax status.¹¹⁴ Even though the law allows everyone to use his own language in public administration procedure, and to request to use one's own name in one's own language, still a lack of practice stands as an issue to be solved. For example, the AC noted that "magyarisation" of the names (e.g., using Hungarian letters in writing) in practice blocks the full enjoyment of the right to use one's own name in one's own language.¹¹⁵

The use of national minorities' language in media continues comprehensively and good practices do exist in this sense. There are wide range of broadcasters offering contents in different national minorities' languages, even in 24 hours a day, and also including for Roma community. The lack of qualitative and quantitative measures evaluating the content of these broadcasters remains a problem. Also, it was criticized that people could access to the channels offered in neighboring countries only if they pay for the content, limiting their right to engage with media channels in their own language.¹¹⁶

In Hungary, attending kindergarten was made obligatory for the children in 2015 which had also encouraged Roma children to attend kindergartens. Scholarship opportunities offered for Roma students encouraged them to participate in education. However, lowering the school leave age from 18 to 16 had negative impacts on Roma students whose school participation significantly decreased.¹¹⁷

A solution to the previously reported problem on placing Roma students to special schools designated for mentally handicapped children was due to the European Court of Human Rights, Horváth and Kiss v. Hungary case (Application No. 11146/11, judgment of 29 January 2013).¹¹⁸

Finally, experienced segregation of Roma and non-Roma students in particular regions in Hungary was realized even though concrete problems were not properly addressed. As the AC noted, segregation triggers discrimination and prejudices towards Roma people and negatively affects their social inclusion, as well their participation in the labor market.¹¹⁹ It was also stated that Roma students do not explicitly benefit from structural support from the local authorities since several competences in this sense were transferred to the national self-governments or to the central government. In line with that, it must be stressed that schools designated for Roma students are managed only under state support

113 Fifth Opinion on Hungary, p. 13.

114 *Ibid.* p.16.

115 *Ibid.* p. 18.

116 *Ibid.* pp. 16-17.

117 *Ibid.* p. 19.

118 *Ibid.* p. 19.

119 *Ibid.* pp. 19-20.

or owned only by the state, contrary to the other national minorities, leaving a degree of gap between understanding the local specific needs of Roma people.¹²⁰

Based on the latest AC opinion, the overall assessment of the political participation of national minorities is positive. Especially for Roma people, significant policies and strategies are being implemented which target lifting the general life-matters of Roma people, but also increasing their political inclusion. For example, the Hungarian National Social Inclusion Strategy 2011- 2020 is being monitored by the Roma Coordination Council and that is also delivering inputs for the policy-makers in case revision of the strategy. In order to prevent from and fix the situation related to segregation referred in the education part, Inter-Ministerial Committee for Social Integration and Gypsy Matters specifically delivers opinions. The Human Rights Work Group established by the Ministry of Justice also has a Thematic Work Group for Roma Matters. The articpation of the representatives of Roma people in these committees or during the policy-making procedure relevant to them could ensure finding efficient solutions for the problematic areas.¹²¹

Unemployment still stands as a serious problem especially among Roma women. The AC notes that Roma people face with more obstacles than the others in accessing to the labor market. The above-mentioned Strategy leaves a section evaluating this issue and notes that Roma people do not participate in labor market not only because of their level of education, but also as a result of discrimination.¹²²

Reduction of housing benefits which were already poorly covering the actual Roma people's housing needs caused difficulties. Their housing conditions, in fact, are not in the level of expectations, meaning that they are under the standards.¹²³

Even though Health Improvement Offices were set up in the districts where minorities populated, no tangible information was found indicating any improvement for Roma people to access to health-care services. Roma people cannot access health-care services as a result of several obstacles: discriminative treatments at the hospitals, poverty and language obstacles etc.¹²⁴

Hungary took part in inter-governmental meetings aimed at mutually ensuring and protecting the rights of the national minorities, are still in place with regard to the Croat, Romanian, Serb, Slovak, Slovene and Ukrainian minorities. Hungary has also established good communication channels with Germany in protecting Germans in Hungary.¹²⁵

120 *Ibid.* pp.19-20.

121 *Ibid.* p. 23.

122 *Ibid.* p. 23.

123 *Ibid.* p. 25.

124 *Ibid.* p. 27.

125 *Ibid.* p. 28.

8. Conclusions

The great efforts of two decades by the Council of Europe have resulted in a more unified and higher level of protection for the whole region. The more systematic collection of statistical data has shown a clearer situation and made minority protection possible at a higher level.

Although there are significant differences among these six states with regard to the size of the population, the historical attitude toward minorities and the number and size of minorities living in each state, it is clear from the comparison of the reports and opinions that there are lot more similarities than differences. The Yugoslav crisis and armed conflict of the 1990s still exerts some influence on the legislation of Serbia, Croatia and Slovenia. Also, we can see the unifying effect of EU membership (out of the six analyzed countries only Serbia is not an EU member state).

The biggest common problem of these six states is the situation of the Roma minority. Even though great improvement has been reached compared to the situation of the time of the first reports, there are still considerable issues that need to be tackled. These cover the fields of education, labor, employment and socio-economic issues. Systematic segregation and discrimination have been fought with, but subtle forms of it still exist.

The systematic collection of data has improved the implementation and monitoring of minority protection.

The work of the Council of Europe is commendable and there is a clear development in the state of protection for all national minorities.