

Agreement between the Republic of Hungary and Serbia and Montenegro on the Protection of Rights of the Hungarian Minority living in Serbia and Montenegro and the Serbian Minority living in the Republic of Hungary

The Republic of Hungary and Serbia and Montenegro (hereinafter: the Contracting Parties),

- recognising that national minorities constitute an integral part of the State and society they live in and that they enrich their material and spiritual culture,
- emphasising that the protection of national minorities and of the rights of persons belonging to them constitutes an essential component of both the international protection of human rights and international cooperation, and that the endeavour on the part of a mother country to support national minorities within the limits of international law is legitimate,
- convinced that full integration of national minorities is possible only through the preservation of the ethnic, linguistic, cultural and religious identity of their communities,
- guided by the intention to secure the highest level of legal protection for the Hungarian Minority living in the state union of Serbia and Montenegro, and the Serbian Minority living in the Republic of Hungary and to create circumstances conducive to the preservation and development of their national identity,
- aware that their co-operation in the field of protection of minority rights and the promotion of the status of minorities contributes to the strengthening of good neighbourliness, mutual understanding, friendly relations and trust, and thus to the consolidation of international security and stability,
- respecting the principles and provisions of international instruments on human rights and on the protection of minorities, with special reference to the following:
 - Charter of the United Nations;
 - Universal Declaration of Human Rights;
 - UNESCO Convention against Discrimination in Education;
 - International Convention on the elimination of all forms of Racial Discrimination;
 - International Convention on Civil and Political Rights;
 - International Convention on Economic, Social and Cultural Rights;
 - United Nations Convention on the Rights of the Child;
 - UN General Assembly Declaration on the elimination of all forms of Intolerance and of Discrimination based on Religion and Belief;
 - UN General Assembly Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities;
 - Declarations, positions and recommendations adopted within the framework of the CSCE process and the OSCE, including the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1992), the Helsinki Document of the CSCE (1992) and the OSCE Charter for European Security (Istanbul, 1999);
 - European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights);
 - European Charter for Regional or Minority Languages of the Council of Europe;
 - Framework Convention for the Protection of National Minorities of the Council of Europe;

Have agreed as follows:

Article 1

The Contracting Parties agree to ensure for the Hungarian national minority living in Serbia and Montenegro and for the Serbian minority living in the Republic of Hungary (hereinafter: the national minorities) the preservation and development of their national, linguistic, cultural and religious identity pursuant to the principles and provisions enshrined in the cited OUN, CSCE/OSCE and Council of Europe instruments.

Article 2

- 1) Belonging to a national minority is a matter of free personal choice. No one may suffer negative consequences of this choice or of his/her exercise of the rights pertaining to him/her on that basis. All forms of discrimination based on national grounds shall be prohibited.
- 2) The Contracting Parties shall guarantee to persons belonging to the national minorities equality before the law and the equal legal protection.
- 3) The Contracting Parties shall take appropriate measures in the fields of economic, social, political and cultural life, in order to ensure equal opportunities to persons belonging to the national minorities. They shall pay special attention in doing so to specific needs of the national minorities. Such measures may not be considered to be discriminatory against other citizens.
- 4) The rights set out in this Agreement shall equally belong to both national minorities. The Contracting Parties recognise that the manner of the exercise of these rights may depend on the size of the minority concerned, but the essence of these rights may not be restricted.
- 5) The Contracting Parties shall refrain from the policies and measures aimed at assimilation of persons belonging to the national minorities and protect such persons from any act aimed at such assimilation. They shall refrain from measures which may change the proportions of the populations in the areas inhabited by persons belonging to the national minorities, and which restrict the exercise of rights of persons belonging to the national minorities.
- 6) The Contracting Parties shall undertake not to change administrative units and electoral precincts at the levels of the State and local self-government with a view to putting the national minorities in a disadvantaged position.

Article 3

- 1) Persons belonging to the national minorities shall have the right, both individually and in community with other members of their group, to freely express, preserve and develop their ethnic, cultural, linguistic and religious identity.
- 2) The Contracting Parties shall pay special attention to the meeting of educational, cultural, information and religious needs of the national minorities. They shall provide conditions necessary for the functioning of minority self-governments and other minority institutions, organisations and foundations, encourage as well the establishment of minority educational, information and cultural centres. The Contracting Parties shall provide assistance in supplying to such minority self-governments, foundations and associations of citizens, on a non-commercial basis, books, magazines, artistic publications, audio-visual materials, exempt from customs duties and other charges, aid an independent publishing industry of the national minorities, guest performances of their professional and amateur ensembles and organisation of all cultural and artistic events aimed at enriching the culture and identity of the national minorities.
- 3) The Contracting Parties shall co-operate in the protection of historical monuments and cultural heritage related to the culture and history of the national minorities. The Contracting Parties shall create conditions necessary for the national minorities to preserve their material and architectural monuments and other works of art that are part of their cultural heritage and tradition. Representatives of minority self-governments and other minority organisations shall take part in the

development of programs for the protection and preservation of the cultural heritage of the minorities.

4) The Contracting Parties shall recognise the right of persons belonging to the national minorities to manifest and exercise their religion, and to that end they shall allow the acquisition, possession and use of religious materials and the establishment of religious institutions, organisations and associations. The Contracting Parties shall respect the right of the national minorities to exercise their religion and pursue their activity of religious instruction in their mother tongue, and in this respect they shall grant assistance. The Contracting Parties shall, in accordance with their national legislation and on an equal footing with the legal status of other churches operating on their territory, settle the legal status of the church communities of the national minorities. They shall make it possible for the church communities of the national minorities to send and receive priests.

Article 4

1) The Contracting Parties shall ensure to persons belonging to the national minorities institutionalised education in their mother tongues and the teaching of the mother tongues of the national minorities at all levels of education. The Contracting Parties shall ensure the operation of pre-school establishments, primary and secondary schools and institutions of higher education which teach in the mother tongues of the national minorities and support the setting up of such institutions. The exercise of these rights shall be governed by the national legislation of the Contracting Parties.

2) For the purpose of accomplishing the objectives set forth in paragraph (1) of this Article, the Contracting Parties shall make possible and encourage the operation of state, religious and private educational institutions in which instruction can be organised entirely in the mother tongue, as bilingual instruction or as fostering the mother tongue of the national minority.

3) The Contracting Parties shall support initiatives of minority organisations, religious communities and parents, whose objective is education in one's mother tongue.

4) The Contracting Parties shall lend support to the operation of faculties and language departments where the mother tongues of the national minorities are taught.

5) The Contracting Parties shall support the employment of teachers from among the national minorities in educational institutions where classes are conducted in the mother tongue of the national minority. The Parties shall make possible the minorities to make use of state scholarships and fellowships of foundations for education, professional training and post-graduate studies, and in particular for the education of teachers and theologues. They shall make possible the organisation of courses for professional training of teaching staff of the national minorities in both countries.

6) The Contracting Parties shall support mutual exchanges of students and lecturers and ensure conditions for their professional training, i.e. postgraduate studies.

7) The Contracting Parties shall make possible the recruitment of teaching staff from the mother country in case there are not enough lecturers in the mother tongues of the national minorities. The terms of their engagement shall be jointly determined by the Contracting Parties.

8) The Contracting Parties shall support, at all levels of minority education, the instruction of the language, culture and history of the national minority and its mother country and help in procuring books and teaching aids for these purposes.

9) The Contracting Parties shall encourage the dissemination and teaching of knowledge and teaching of the history and culture of the national minorities among the majority population.

Article 5

1) Persons belonging to the national minorities shall be entitled, both individually and in community with other members of their group, to freely, without any restrictions, use their mother tongue in oral and in written communication, in private and public life.

2) The Contracting Parties shall commit themselves to recognising in their national legislation the right of persons belonging to the national minorities to use their first and family names in their

mother tongues and scripts in their personal identification documents, official records and personal databases. The issuance of personal documents to persons belonging to the national minorities in their mother tongues shall be governed by the regulations of the Contracting Parties.

3) Persons belonging to the national minorities shall be entitled, in accordance with the national legislation and in places they inhabit traditionally or in substantial numbers, to the use of their mother tongues in proceedings before official bodies – including proceedings before public administration bodies and before courts of law. In these proceedings, persons belonging to the national minorities shall be entitled to obtain information in their mother tongues in the shortest possible period of time and, if necessary, with the free assistance of an interpreter.

4) The bodies of the minority self-government shall be entitled to conduct their business also in their mother tongue.

5) In areas inhabited by persons belonging to the national minorities in substantial numbers or of a particular cultural significance to them, the Contracting Parties shall, in accordance with their national legislation, make it possible for the national minorities to display, in the mother tongue and according to its orthography, the names of towns, streets and other public places, as well as topographical indications, inscriptions and information in public places. Persons belonging to the national minorities shall have the right to publicly display in their mother tongue nameboards of enterprises, inscriptions and other information of a private nature.

Article 6

1) The Contracting Parties shall recognise the right of the national minorities to access to the media and to the creation and management of their own media outlets.

2) The Contracting Parties shall recognise the right of the national minorities to have access to information in their mother tongues in the press, on the radio, television and other electronic means of public information.

3) In accordance with their national legislation, the Contracting Parties shall:

– make it possible to produce and regularly broadcast programs in the mother tongue on the radio or television in an appropriate length and at appropriate times, while taking into account the territorial distribution of the national minorities,

– facilitate the reception and broadcasting of radio and television programs from the mother country, and

– support information activities of the national minorities.

Article 7

The Contracting Parties shall support scientific research and studying of the past and of the present status of the national minorities. The Contracting Parties shall encourage the involvement of the national minorities in those scientific-research activities and aid the establishment, work and cooperation of their scientific institutions. The Contracting Parties shall make possible research on the minorities in their territories and, in accordance with national legislation, allow access to archives and other relevant documents.

Article 8

The Contracting Parties, in conformity with their national legislation, shall recognise the right of the national minorities to participation in public life and, in that context, by taking adequate measures, they shall ensure:

– effective participation of persons belonging to the national minorities in public affairs, particularly in the process of taking decisions affecting them,

– the appropriate representation of persons belonging to the national minorities in public services, including the police, at local, regional and state levels, while taking into account, with respect to employment, the ethnic composition of the population and the knowledge of the language spoken in the area where the body or agency concerned is competent to act, and

– the material and other conditions necessary for the work to be carried out by representatives of minority organisations in the representative bodies, as well as for their election to such bodies at all levels.

Article 9

1) The Contracting Parties, in accordance with their national legislation, shall make possible for the national minorities to set up minority self-governments, organisations and association and support their activities.

2) The Contracting Parties, in accordance with their national legislation which governs the status, freedoms, and rights of national minorities, shall guarantee to persons belonging to the national minorities appropriate forms of minority self-government, i.e. the cultural and personal autonomy.

3) The Contracting Parties shall further pay particular attention to support the activities of the Hungarian National Council in Serbia and Montenegro and the Country Self-Government of the Serbs in the Republic of Hungary.

Article 10

1) Government agencies, organisations of public and private law, as well as citizens of the Contracting Parties may, for the purpose of realising the objectives specified in this Agreement and within the framework set by international law, grant assistance to organisations of the national minorities living on the territory of the other Contracting Party, and to persons belonging to these national minorities, and these organisations and persons shall be entitled to receive such assistance.

2) The Contracting Parties shall ensure the possibility for their national minorities to maintain intensive, free and direct contacts with communities having the same language and culture, but living in other states, as well as with the institutions and organisations of the latter.

Article 11

1) The Contracting Parties shall assume the obligation to take into account the interests of the minorities in their plans for economic development and to take measures, according to their abilities, in order to ensure economic and social development of areas inhabited by the minorities, thus offering fair and equal opportunities to the minorities in the economic sphere. To that end, the Contracting Parties shall support the activities of the economic development, which may eliminate the causes for migrations of minorities and prevent alteration of the ethnic composition of the population.

2) In the interest of their national minorities, the Contracting Parties shall support all forms of cross-border and regional co-operation, in particular the economic and trade development and the development of rural areas, as well as cultural cooperation, and shall endeavour to make use of the intermediary role of their national minorities in that area.

3) The Contracting Parties shall endeavour to enhance the permeability of their borders. To that effect, they shall, in line with their abilities, introduce new border crossings and take measures to improve transportation links between their countries.

Article 12

The Contracting Parties shall make a maximum effort to restore to the minority communities, or the church communities of the national minorities and their organisations, their property, assets, real estate, documentation and archives which were confiscated or seized by other measures in the past.

Article 13

1) The Contracting Parties shall assume the obligation to take into account their commitments arising from this Agreement in their mutual negotiations over the conclusion of bilateral agreements and other forms of co-operation.

2) The Contracting Parties shall endeavour to ensure the involvement of representatives of minority organisation in the preparation of bilateral agreements and in international activities related to their status and rights.

Article 14

The Contracting Parties shall ensure adequate financial resources and other assets necessary for the fulfilment of their commitments specified in this Agreement.

Article 15

1) No provision of this Agreement shall be interpreted or implemented in the manner, which diminishes the extent of the already provided and exercised rights.

2) No provision of this Agreement shall be interpreted or implemented in the manner, which would be in contravention of international legal obligations and generally recognised international principles with regard to the respect for national sovereignty and territorial integrity.

Article 16

1) The Contracting Parties shall set up and operate a special Intergovernmental Joint Commission on National Minorities (hereinafter: the Commission), which shall monitor the implementation of the provisions of this Agreement. The Governments of the Contracting Parties shall appoint equal numbers of Commission members, with the mandatory participation of representatives of the national minorities. The members of the Commission who are representatives of the Hungarian national minority in the Serbia and Montenegro shall be appointed at the proposal of the Hungarian National Council of Serbia and Montenegro, and representatives of the Serbian minority in Hungary at the proposal of the Country Self-Government of the Serbs in the Republic of Hungary.

2) The Commission shall hold its meetings as appropriate, but at least once a year, alternately on the territory of the state union of Serbia and Montenegro and the Republic of Hungary.

3) The Commission shall hold its meetings as appropriate, but at least once a year, alternately on the territory of the of Serbia and Montenegro or the Republic of Hungary. The Commission shall be responsible for the following:

- discussing current issues related to both national minorities,
- reviewing and evaluating the realisation of the commitments arising from this Agreement, and
- submitting recommendations to the Governments of the Contracting Parties with respect to the implementation and, if necessary, amendment of the Agreement.

4) The Commission shall adopt its decisions by consensus of the two Sides.

Article 17

This Agreement shall enter into force on the day on which the Contracting Parties inform each other, through diplomatic channels, that the conditions prescribed by their national legislation for the entry into force of the Agreement have been met.

Article 18

(1) This Agreement shall remain in force for a period of five years. Unless any of the Contracting Parties denounces this Agreement in writing, at least six months prior to its expiration, the validity of the Agreement shall be automatically renewed for another five-year period.

(2) The Contracting Parties shall register this Agreement pursuant to Article 102 of the Charter of the United Nations.

Done in Budapest, on the 21 October 2003, in two original copies, in the Hungarian, Serbian and English languages, each original copy being equally authentic. In case of a dispute, the English text shall prevail.