

CONVENTION BETWEEN THE REPUBLIC OF HUNGARY AND THE REPUBLIC OF CROATIA ON THE PROTECTION OF THE HUNGARIAN MINORITY IN THE REPUBLIC OF CROATIA AND THE CROATIAN MINORITY IN THE REPUBLIC OF HUNGARY

The Republic of Hungary and the Republic of Croatia (hereinafter: "The Contracting Parties")

starting from the fact that the existence and culture of the Hungarian minority living in the Republic of Croatia, and the Croatian minority living in the Republic of Hungary (hereinafter: "minorities"), enriches the cultural values of the two countries,

guided by the purpose to provide for the Hungarian minority living in the Republic of Croatia, and the Croatian minority living in the Republic of Hungary, the highest level of legal protection as well as preservation and development of their respective national identities; in addition, being convinced that the integration of minorities is possible only through the preservation of their features as ethnic communities, and that an important element of it is their effective participation at various levels in the decisions concerning their identity,

considering those provisions of the Convention on Friendship and Co-operation, signed by the Republic of Hungary and the Republic of Croatia on December 16, 1992 in Budapest, which refer to the rights of the minorities, and with a view to implement the Declaration on the Protection of Minorities signed by Hungary, the Ukraine, Croatia and Slovenia,

starting from the principles laid down in international documents on human rights and fundamental freedoms as well as on the protection of minorities, with special regard to the following:

- the UN Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Discrimination in Education, the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

- the relevant documents adopted within the CSCE process, particularly the Document of the Copenhagen Meeting of the Conference of the Human Dimension of the CSCE in 1990, and the Report of the CSCE Meeting of Experts on National Minorities in Geneva 1991,

- the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities as well as the recommendations of the Parliamentary Assembly of the Council of Europe, particularly the recommendation 1201 (1993),

- the Instrument of the Central European Initiative for the Protection of Minority Rights, considering that generally the improvement and protection of the rights of minorities contribute to political and social stability of the states where they live,

emphasising that continuous guarantee and realisation of the rights of minorities - as a component of social development within a democracy based on the rule of law - contribute to the deepening of friendship and co-operation between peoples and states, and to the improvement of the international security,

confirming that the Hungarian minority have the right to return to those presently occupied territories of the Republic of Croatia, from which they were driven away in 1991, whereas it is one of the prerequisites for the implementation of the protection of their minority rights ensured by this Convention,

have agreed as follows:

Article 1

The Contracting Parties shall ensure the preservation of culture, language, religion as well as the Hungarian and Croatian identity of the minorities. For this purpose, in the fields of bilateral economic co-operation, regional development, representation of the minorities, education, culture, mass media, publishing and scientific research, legislation, and other fields pertaining to culture the Contracting Parties shall take appropriate measures and shall create and implement adequate mechanisms which contribute to comprehensive development of the minorities.

Article 2

The Contracting Parties shall lend full support to the appropriate organisation of the existing kindergartens, primary and secondary schools and higher education institutions as well as to the establishment of new educational institutions. The Contracting Parties shall, at all levels and in forms consistent with the requirements of the minority organisations based on the requests by the parents, support the operation of the educational institutions, which forms can be the following:

- a) full educational process in the language of the respective minority
- b) bilingual educational process
- c) additionally arranged optional teaching of the language and culture of the respective minority.

The Contracting Parties with paramount attention shall promote at these educational institutions the employment of adequately skilled teachers from among the members of the minorities, and only in exceptional cases shall they depart from this rule requiring fluency in the language of the respective minority.

The Contracting Parties shall encourage the exchange of experience through meetings of the experts of minority education in both countries, and through mutual exchange of textbooks in mother tongue. They shall also promote the exchange of pupils, teachers as well as educational work-help materials, the organisation of professional training courses for minority teachers in both countries, mutual granting of state and foundation grants for

studies and professional training of the minorities, in particular for teachers and catechism-teachers.

The Parties shall, in the schools of the majority nation, encourage learning of the language, culture and history of the respective minority and its mother nation.

Article 3

The Parties shall, with special attention, follow the manner in which cultural, educational and religious needs of the minorities are met on the territories of the Republic of Hungary inhabited by Croats and of the Republic of Croatia inhabited by Hungarians. They shall encourage the establishment of cultural and educational centres, as well as the operation of other institutions and foundations, and the promotion of operation of the existing institutions and organisations on the territory of Hungary inhabited by Croats and in the territory of Croatia inhabited by Hungarians, in compliance with their respective domestic legislation.

To this end, they shall in particular support the fee and duty free sending of books, magazines, video and sound records to such institutions and foundations for non-commercial purposes, the minorities' own publishing activity, guest players of professional and amateur artistic groups as well as the organisation of all cultural and artistic events which may serve the enrichment of the culture and identity of the minorities in both countries.

They shall co-operate in the protection of monuments related to the history of the minorities as well, and shall support any such efforts of the minorities.

Article 4

The Contracting Parties shall ensure for the members of the minorities the free use of their mother tongues in private and public, as well as the free use and registration of their original first names and surnames.

The Contracting Parties undertake to ensure within the territory inhabited by the respective minorities the appropriate use of both languages, especially in regard to geographic names and public signs, in the local self government authorities, in oral and written communications, in the administrative authorities and judiciary, as well as other public institutions, in compliance with their respective domestic legislation.

Article 5

The Contracting Parties recognise the right of both minorities to receive information through printed media, radio and TV broadcasts in their mother tongue. In compliance with their domestic legislation the Parties shall:

- enable regular radio and television broadcasts in their mother tongue in an appropriate length of time
- encourage the adoption and distribution of radio and television programs of the mother nation
- support the minorities to exercise their own information activities

Article 6

The Contracting Parties shall respect the right of minorities to practice their religion in their mother tongue and shall support such efforts by churches. For this purpose the Hungarian and Croatian authorities will permit the mutual exchange of priests for the religious minority communities operating in their territories.

Article 7

The Contracting Parties shall support scientific research and studies on the rights, history and present situation of the minorities. To this end, they shall support the participation of the minorities in such research, the creation, operation and co-operation of scientific institutions of the minorities and of the Parties, as well as they shall allow research on minority issues in their respective territories.

Article 8

In the interest of their minorities the Contracting Parties shall support all form of trans-frontier co-operation, especially in the area of economic and trade co-operation, and shall endeavour to exploit the mediating role of the minorities in this field.

The Contracting Parties undertake that, making plans on economic development, they shall take account the special interest of the minorities, including the reconstruction of the war-affected areas of the Republic of Croatia inhabited by Hungarians, and shall ensure the economic and social development in areas inhabited by minorities in order to guarantee the economic and social equality of minorities.

The Contracting Parties shall support such kind of economic development measures which eliminate the causes of the emigration of minorities and the alteration in any forms of the ethnic composition of the population.

Article 9

The Contracting Parties, in compliance with their domestic legislation, shall ensure:

- appropriate participation of minorities in the local, regional and national decision-making process relevant to the rights and status of the minorities
- material and other conditions required for the election and work of minority representatives in the Hungarian and Croatian representative bodies

The Contracting Parties undertake not to change the administrative and territorial organisations of the state and local governments as well as the electoral districts aimed at being to the detriment of minorities.

The Republic of Hungary shall confirm to ensure the material conditions for the establishment and effective operation of the Croatian minority self-governments in Hungary within the framework of current regulations and the appointed date.

The Republic of Croatia shall confirm to ensure, in accordance with its domestic legislation, the right of the Hungarian minority to cultural autonomy, in addition, shall promote the free union and association of the Hungarian minority intended or preserve their national and cultural identity.

Article 10

The Contracting Parties shall endeavour with the help of the international community to enable the displaced persons and refugees, including those who belong to the Hungarian minority, to return freely and voluntarily to their homes in the presently occupied areas of the Republic of Croatia aimed at restoring the ethnic composition before 1991.

Article 11

The Contracting Parties shall ensure for the minorities the possibilities of maintaining versatile, free and direct contacts with members of the nation with whom they speak the same language and manifest the same culture as well as with its state and public institutions. For this purpose and to the extent of their capacities they shall open new border crossings, provide transport connections and support the development of cultural and economic contacts as well as the exchange of professionals.

To achieve the aims of this Convention, the governments, organisations and citizens of the Parties may assist the organisations of minorities living the territory of the other Party and these organisations shall have the right to accept such assistance.

Article 12

The Contracting Parties undertake to take into account of obligations deriving from this Convention in the conclusion of other agreements and co-operation programs.

The Contracting Parties shall ensure the representatives of minority organisations to participate in the conclusion of those agreements which, according to this Convention, directly affecting their status and rights.

Article 13

The Contracting Parties shall provide appropriate material and other support to the implementation of obligations under the present Convention.

Article 14

No Article of the present Convention shall be interpreted or implemented in a way that the level of rights already guaranteed or achieved be diminished.

Article 15

No provision of the present Convention shall be interpreted or implemented in a way which would threat or violate the territorial integrity of each Contracting Party.

Article 16

The Contracting Parties shall set up a special joint inter-governmental committee for minorities to monitor the implementation of the provisions of the present Convention. The respective governments of the Contracting Parties shall delegate an appropriate number of members. The members of the Committee from the respective minorities shall be appointed upon the proposal of minority organisations.

The Joint Committee shall meet as required, but at least annually and alternately in the Republic of Hungary and the Republic of Croatia.

The tasks of the Joint Committee are the following:

- to discuss the current issues relevant to the two minorities

- to evaluate the implementation of obligations under the present Convention
- to prepare and adopt recommendations for their respective governments concerning the implementation and in case of necessity the modification of this Convention.

The Committee adopts its decisions by consensus.

Article 17

The present Convention shall enter in force on the day of receipt of the last notification sent through the diplomatic channel whereby the Contracting Parties notify each other that the required conditions for its entering into force have been fulfilled in compliance with their constitutional process.

The Convention shall be temporarily applied as from the date of its signing.

Article 18

The present Convention shall remain in force for a period of five years after entering force. Its validity shall thereafter be extended for another five-year periods unless either of the Parties denounces it in writing at least six months before its expiration.

Done at Osijek, on the 5th day of April, 1995, in two originals, each in the Hungarian and Croatian languages, both texts being equally authentic.

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