



# The Hungarian National Council in Serbia: Cultural Autonomy in Practice

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**Abstract.** The National Council of the Hungarian Ethnic Minority (HNC) in Serbia is an autonomous institution of the autochthonous Hungarian national minority of Serbia. The already existing HNC became legal in the 2000s, when the democratization of Serbia took place. Since then, it has become a success story for both the community and Serbia due to the devotion of the Hungarian minority. In this article, we review the relevant legal background and the role the institution has been playing in the everyday life of the Hungarian community. In doing so, with attention to the limited nature of available literature, we also rely on the findings of an interview, realized recently with the leaders of the HNC, for a better presentation of the significance of this umbrella organization of the Hungarian cultural autonomy in Serbia.

**Keywords:** Serbia, Hungarian minority, autonomy, cultural autonomy, minority rights

## Introduction

Since 1918–20, very few ethnic Hungarians living in the neighbouring countries have had self-governing institutions that would have allowed them to protect their ethno-linguistic and cultural features. This was mainly due to assimilation pressure from the states concerned, the ideal endpoint of which, for them, would have been the creation of ethnically homogeneous states. A notable exception to this was the Magyar Autonomous Region established in 1952 in Romania, which had become a Soviet interest and which later transformed into Mureș-Magyar Autonomous Region, to be eliminated in 1968. These regions, however, were little more than an institution designed to prevent social tensions in a Soviet-era Romania from escalating into ethnic conflict.

Partly also due to Soviet inspiration, a different approach was taken in this respect by the socialist Yugoslavia, which became an ethno-federal state after

1944-45. Despite its dissolution in 1991, the then applied practice continues to influence legislation on minority rights in the successor states of Yugoslavia. In this paper, we will look at the issue of national councils in Serbia, and in particular at that of the Hungarian National Council.

## 1. Legal Background

After the wars of the 1990s, Yugoslavia embarked on a democratic transition following the Bulldozer Revolution of 2000. By this time, not only had the dreams of Yugoslavia's Serbian dominance been shattered – Serbia had recognized the independence of all the breakaway former Yugoslav republics – but Kosovo, formerly an autonomous province of the state, was under international administration too, i.e. outside the control of the Serbian state. A democratizing Serbia sought to regain this territory and had to try to convince the world that it could guarantee security and extensive rights for its nationalities. This resulted in the enactment of two important pieces of legislation: first, the famous Omnibus Law of 2002 (Ördögh 2017: 29), which restored the territorial autonomies of Vojvodina and Kosovo-Metohija abolished in 1989, and second, the Law on the National Councils of 2009 allowing national minorities to establish their own national councils.<sup>1</sup> The latter law created the conditions for the legalisation of the Hungarian National Council (HNC), which had been existing illegally since 1999. In addition to these pieces of legislation, there are two other legal documents which are indispensable for getting acquainted with the functioning of the Hungarian National Council: the Statute of the Hungarian National Council<sup>2</sup> and its Rules of Procedure.<sup>3</sup> By examining these documents, we can get a picture of the Hungarian National Council, in which we can see the basic legal framework, the rules of operation, and the areas in which it performs its functions.

However, for a more precise understanding of the legislative context, it is worth starting from the Serbian Constitution and placing thus the HNC within the Serbian constitutional system.

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1 *Official Gazette of the Republic of Serbia*, No 72/2009, 20/2014 – AB Decision, No 55/2014 and No 47/2018. <https://www.mnt.org.rs/dokumentum/torvenyek-es-egyeb-jogi-dokumentumok-magyar-nyelven>.

2 Statutes of the Hungarian National Council. [https://www.mnt.org.rs/sites/default/files/attachments/mnt\\_alapszabaly.pdf](https://www.mnt.org.rs/sites/default/files/attachments/mnt_alapszabaly.pdf).

3 Rules of Procedure of the Hungarian National Council. [https://www.mnt.org.rs/sites/default/files/attachments/04b\\_mnt\\_ugyrend\\_javaslat\\_2018\\_hu.pdf](https://www.mnt.org.rs/sites/default/files/attachments/04b_mnt_ugyrend_javaslat_2018_hu.pdf).

### **1.1. The Constitution of the Republic of Serbia**

In order to understand why a legally recognized Hungarian National Council can function in Serbia today, we need to briefly review the process that resulted in the transformation of Yugoslavia from a socialist one-party system to a constitutional multi-party democracy. In this paper, we will consider only the public law and minority protection aspects of this rather complex process.

The current Constitution of the Republic of Serbia was adopted in 2006, after the break-up of the Serbia and Montenegro state union, and confirmed by referendum. The provisions and guarantees for the protection of national minorities are contained in articles 75–81 of the Constitution, which were taken over and expanded from the 2003 Constitution of Serbia and Montenegro (Korhecz 2020: 180).

Article 75 of the Serbian Constitution<sup>4</sup> stipulates that members of national minorities living in Serbia have additional individual and collective rights, on the basis of which “Persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in accordance with the law.”

The participation of national minorities in decision making is therefore a constitutionally guaranteed fundamental right. The rest of Article 75 is even clearer on the extension of the right: “Persons belonging to national minorities may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script, in accordance with the law.”

This article provides for the possibility of establishing national councils at the constitutional level and outlines the areas in which national councils are to be competent. On this basis, it can be said that the Serbian Constitution lays the foundations for a cultural-linguistic autonomy for national minorities living in the country.

Moving on to the article of the Constitution dealing with national minorities, Article 76 contains provisions on equality before the law and non-discrimination. In Article 77, the Constitution states that members of national minorities may participate on equal terms in the administration of public affairs and hold public office, and it notes that the national composition of the population and the representation of minorities must be taken into account in state and local administration bodies, autonomous provinces, and local governments.

In the next article – Article 78 –, we find a very significant and exemplary provision in terms of minority protection:

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4 Constitution of the Republic of Serbia. <https://www.srbija.gov.rs/tekst/en/130144/constitution-of-serbia.php>.

Forced assimilation of members of national minorities shall be strictly prohibited. Protection of members of national minorities from all activities directed towards their forced assimilation shall be regulated by the Law. Undertaking measures, which would cause artificial changes in ethnic structure of population in areas where members of national minorities live traditionally and in large numbers, shall be strictly prohibited.

Such constitutional provisions are not often found in the constitutions of other countries, and the insertion of this article was presumably intended to improve the international image of the Serbian state, but it nevertheless created an important constitutional guarantee. However, it is also worth pointing out that during the Yugoslav and Kosovo wars, a significant number of those who fled their former places of residence found a home in Vojvodina, as ethnic proportions have changed considerably since 1991. Moreover, it is, of course, questionable how such a constitutional provision can be enforced in the future.

Article 79 of the constitution is titled *Right to Preservation of Originality*. These rules provide a wide range of opportunities for the preservation of the identity of national minorities, the practical realization and development of national distinctiveness in the areas of mother tongue education, the use of mother tongue in public administration, the free exercise of religion, the use of municipal and street names, and mass media.

Article 80 guarantees the right of association in the field of public education and culture and allows for the right of association and cooperation with the part of the given minority living outside Serbia, not naming but clearly including their motherland, which again creates an important constitutional guarantee for the Hungarians of Vojvodina, this time with regard to the right of cooperation with Hungary, its state and local institutions, as well as with, e.g., church and civil organizations and municipalities.

Article 81 is titled *Developing a Spirit of Tolerance* and sets as a general objective intercultural dialogue and mutual respect between people irrespective of their ethnic, cultural, linguistic, or religious identity. This seems a particularly important guarantee provision in the light of the history of Yugoslavia and Serbia in the 1990s.

The 2006 Constitution thus appears to grant broad powers to recognized nationalities and allows for the establishment of national councils to exercise them. These measures include guarantees that the State must ensure for the benefit of national minorities, both for itself and for the activities of other State or local government institutions.

## **1.2. Law on National Councils for National Minorities**

In the following, we will review the legislation in force that guarantees self-organization for national minorities in Serbia. In this context, we will examine the powers of nationalities, the framework within which they can exercise cultural self-government and the precise legal framework for the establishment and functioning of national councils.

According to Péter Kókai, this law can be called a milestone (Kókai 2010: 6), as it has regulated the possibilities of self-organization of national minorities in Serbia in a detailed manner. In his study, Kókai describes the situation of self-government and minority protection of the Hungarian minority in Serbia and their legal background up to the regime change in 1990 (then still in Yugoslavia). To briefly summarize this process, it can be said that a process was started around the 1990 regime change, which aimed to formulate the self-government of nationalities at the legislative level, but the subsequent war years made a meaningful discussion on this issue almost impossible. Finally, the consolidation of the 2000s brought the opportunity to draft a comprehensive law in 2009, which would ensure the exercise of cultural autonomy for all minorities in Serbia within a legal framework.

However, from a legal point of view, the absence of a legal provision listing the recognized nationalities is particularly problematic. In the 2018 national council elections, 22 national councils were open for voting: Albanian, Askal, Bulgarian, Bosnian, Bunjevci, Czech, Croatian, Egyptian, German, Greek, Hungarian, Macedonian, Montenegrin, Polish, Russian, Roma, Romanian, Ruthenian, Slovak, Slovene, Ukrainian, and Vlach (Dobos 2020: 6–7), while in the 2022 elections, 23 communities – now including the Goranis – were able to elect their national council members.<sup>5</sup>

The biggest innovation in the law adopted in 2009 was the election of members of national councils, a process that used to be exclusively electoral, but the new law, as we will see later on, allows citizens belonging to a given national minority to elect members of the council directly on a voluntary basis. The key issue here is the compilation of the electoral roll, which works by establishing a proportional threshold.

In Serbia, cooperation between national councils and the state takes place within the framework of the National Minorities Coordination Board, which holds regular joint meetings with the National Minorities Council of the Government of Serbia. The Chair of the Coordination Body rotates annually among the leaders of national minorities in Serbia. Such a chairmanship has already been held by the President of the HNC in the pre-2020 term.

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5 National Council elections to be held in Serbia today (13 November 2022). <https://magyarnemzet.hu/kulfold/2022/11/nemzeti-tanacsi-valasztasokat-tartanak-ma-szerbiaban>.

### 1.3. Status of National Councils

The Law on National Councils of National Minorities<sup>6</sup> consists of ten parts and contains 139 articles. This legislation contains detailed rules for the functioning of the National Councils.

Part I is titled *Basic Provisions*, and this chapter practically repeats and supplements some of the already cited articles of the Serbian Constitution, which concern culture, education, information, and the use of official languages and writing. It is important to note that National Councils are registered in the Register of National Councils and must comply with the requirements of legality. The management of the registers is the responsibility of the Ministry of Human and Minority Rights, currently the Ministry of Human and Minority Rights and Social Dialogue. The registration procedure is by application accompanied by the statutes of the national council and the minutes of the first meeting at which the statutes were adopted. The registration procedure has a deadline of 30 days and ends with an order. Upon registration, the national council acquires legal personality, with all the formal accessories, such as official name, seat, stamp, and membership. This process is in fact similar to the creation of social organizations such as associations. The national council must have a constitution which sets out the main organizational and operational framework. All the decisions of the national council must be deducible from the statutes, which can therefore be described as a kind of “small constitution”.

In Part II, the law regulates in detail the internal organization of the national council, headed by the president, with the other most important basic units being the committees: “A national council shall have a president, executive board, committees for education, culture, information and official use of language and script.”<sup>7</sup>

Reading parts II and III of the law on delegations, one might get the impression that the National Council is both a “small parliament” and a “small government”, i.e. that both decision-making and executive functions are present in the National Council within the defined terms of reference. The number of members of the national councils may vary between 15 and 35, with the number of members being adjusted to the number of minorities with a population of less than 10,000 and more than 100,000 in a banding system based on the number of minorities as determined in the last census.<sup>8</sup>

6 Law on National Councils for National Minorities, *Official Gazette of the Republic of Serbia*, No 72/2009, 20/2014 – AB Decision, No 55/2014 and 47/2018.

7 Law on National Councils for National Minorities, *Official Gazette of the Republic of Serbia*, No 72/2009, 20/2014 – AB Decision No 55/2014 and No 47/2018, Article 7.

8 Op. cit. Article 9.

With regard to committees, the executive committee and its chairman have a special role because they are responsible for implementing the decisions taken by the national council.

This article also contains rules on conflicts of interest, which apply to the president of the national council and members of the executive committee and prohibit the holding of political party, state, provincial, and municipal offices together.<sup>9</sup>

Part III of the Act regulates at length (in articles 10–22) the powers of the national councils, broken down into specific areas. These are: education, culture, information, official language and writing. In the article on general powers, we find the most basic comprehensive powers that belong to the national councils, some of which are (1) rules of operation (drafting of statutes, own budget), (2) founding rights, which will be discussed later, and (3) legislative functions and minority protection.

For the latter two points, the regulation provides:

9) Initiate the adoption of and monitor the implementation of laws and other regulations in the fields of culture, education, information and official use of language and script;

10) Participate in the preparation of laws and other regulations and initiate the adoption, i.e. amendments to laws and other regulations prescribing national minority rights guaranteed by the Constitution in the fields of culture, education, information and official use of language and script;

11) Initiate the adoption, i.e. amendments to special regulations and provisional measures in domains in which the right to self-government is accomplished in order to achieve full equality between members of a national minority and citizens belonging to the majority population;

12) Initiate complaints before the Protector of Citizens, the Provincial Ombudsman, local ombudsmen and other competent bodies if it assesses that there has been a violation of rights and freedoms of national minorities' members guaranteed by the Constitution and law.<sup>10</sup>

From the passage quoted, we can see that national councils have the right to initiate legislation, which is a very powerful tool in the hands of a national minority to shape its own life situations; although this, of course, requires support in the national assembly, which depends on the power relations and negotiations between political groups. However, this is a political issue which is not the subject of this paper, but it should be noted that if a minority has members in the National Assembly, this fact can greatly help the cause of that minority.

9 Op. cit. Article 7a.

10 Op. cit. § 10 (9)–(12).

Another point worth highlighting from this article is the right to complain to the Civic Defender. This institution is equivalent to the Hungarian Commissioner for Fundamental Rights, formerly known as the Ombudsman. The relevant articles of the Serbian Constitution effectively establish a general institution of a Public Defender of Rights very similar to the Fundamental Law of Hungary.<sup>11</sup>

At the beginning of each of the sectoral mandates detailed above are the provisions on founder's rights. It is worth highlighting that national councils may establish and participate in the management of their own educational, cultural, and information institutions. The key to preserving the identity of a national minority is to have its own institutional system, to have its own or co-sponsored educational institutions, and to be involved in the management of these institutions, for example in the development of curricula and the publication and selection of textbooks.

National councils may set up educational institutions, either independently or in cooperation with the state, the province, or local government. In institutions of special importance, education is provided in the minority language.

It is important to mention in the delegations that national councils can propose two members of the Council of the Electronic Media Regulatory Board.<sup>12</sup> This is also important because in the modern world the media is referred to as a separate branch of power, in the shaping of which minorities have the right to have a say, and thus information can be more balanced, as it contains more different opinions.

The language and literacy rights set out in Article 22 of the Act provide for the possibility that in settlements where the given minority language is in use, the names of settlements, public places, and other geographical names may be written in the language of the given minority.<sup>13</sup> This measure is also a powerful means of ensuring that a minority preserves its identity and cherishes its traditions, if only because this visualization makes the minority's presence "visible" to members of the majority and others. Similar regulations exist in Hungary and in many other countries, which in my opinion shows a good trend compared to the 20<sup>th</sup> century. Unfortunately, however, in many places there are still instances of these multilingual signs being vandalized, but one must always add the fact that this mentality is increasingly the preserve of marginal, extremist small groups. Furthermore, most right-thinking people, whether they belong to the majority or to any national minority, condemn such acts and seek to restore and maintain good relations.

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11 Constitution of the Republic of Serbia, *Official Gazette of the Republic of Serbia*, No 98/2006, Article 138, cf.

12 Law on National Councils for National Minorities, *Official Gazette of the Republic of Serbia*, No 72/2009, 20/2014 – AB Decision No 55/2014 and No 47/2018, Article 20.

13 Op. cit. Article 22.



The next part of the law, Part IV, states that the national councils shall cooperate with the Government of the Republic of Serbia and state administration bodies, as well as with the bodies of the autonomous province<sup>14</sup> and local self-government. This means that they can propose possible amendments to this law and, in case of amendments proposed by ministries or other bodies, the national councils can give their opinion.<sup>15</sup> At the level of autonomous provinces and local governments, they may exercise the right to make proposals on matters affecting the life of the minority concerned but are obliged to comply with requests for information or documents from the administration within ten days.<sup>16</sup>

In the next article on international and regional cooperation (Part V), we read that a given minority may maintain contacts with its home country and with international organizations.<sup>17</sup>

Part VI deals with the election of members of the national councils. This is the longest chapter of the Act, covering articles 29 to 109, as the legislation regulates in great detail the substantive and procedural issues of elections. The basic principles of elections are set out in the following article: “Article 30: Elections of national councils shall be based on the principles of freedom of choice, equality of voting rights, periodicity of elections and principle of secret ballot. The elections shall be especially based on voluntariness, proportionality and democracy.”<sup>18</sup>

Here, the innovation already mentioned is the possibility of direct election of members of national councils, which depends on the latest census results and the creation of a special register of voters – the register of nationality voters – based on them. In the absence of such a national register, the election of council members will be by electoral system.

As mentioned, this article is the longest one in the law, so it is worth making some summary observations about the electoral system described here:

1. The election of members of national councils is based on a list system, i.e. voters vote on lists drawn up by the various nominating organizations, and seats are allocated proportionally. The term of office shall be four years from the date of the inaugural meeting.

2. The voting process, in particular with regard to the activities of the ballot-counting (ballot-picking) committee, shall be documented in minutes – thus ensuring the orderly conduct of elections and their subsequent verifiability.

3. Electoral bodies for the election of the National Council shall be the same as those for the election of the members of the National Assembly. The Republic Electoral Commission supervises the legality of the whole process.

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14 In principle, it is the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo-Metohija, but in practice only Vojvodina is included.

15 Op. cit. Article 25.

16 Op. cit. Article 26.

17 Op. cit. pp. 27–28.

18 Op. cit. Article 30.

4. The results shall be sent to the competent ministry and published in the *Official Gazette of the Republic of Serbia*. The results of the elections may be appealed within a short time limit.

The electoral system can be said to mix electoral rules specific to a parliament and a municipality, and thus to have a unique “national parliamentary election” character.

The next chapter is about funding. National Councils have an annual financial plan and a final account. Revenue and expenditure are assigned to the delegations referred to in this Act: “Art. 112: A national council shall adopt its annual financial plan and annual financial statement. A national council shall adopt the annual financial plan in line with the programme model containing the income and expenses aligned with the authorisations of the national council.”

The sources are as follows: “Funds for the activities of national councils shall be provided from the budget of the Republic of Serbia, the budget of the autonomous province and the budget of local self-government units, donations and other sources.”<sup>19</sup>

This means, therefore, that the Serbian state is committed to ensuring that national minorities living on its territory operate from central and local budget resources, with the possibility of donations. This is, in my opinion, a very advanced rule for the protection of minorities, as it promotes their organized representation.

There is also, of course, a legal supervision of the national councils, which is exercised by the competent ministry, as described in Chapter VIII of the Act. This means that any decision of the National Council that is considered to be unlawful can be subject to review by the Constitutional Court.

The other parts of the Act contain the penal provisions, transitional and final provisions, and amendments. These contain the known entry into force, promulgation, and other mandatory elements of the legislation, as well as some minor clarifications of the 2014 and 2018 amendments.

## 2. The Hungarian National Council

It has been a long process to get the HNC to function in its current form. After the regime change in 1990 – then still in Yugoslavia –, the members of the Hungarian minority recognized the opportunity to create their own representative organization in the new period, and so they founded the Democratic Community of Hungarians of Vojvodina.<sup>20</sup> This organization defined itself as a self-organizing representative organization and by 1992 had drawn up a memorandum laying

19 Op. cit. Article 114.

20 Kókai 2010: 1.

down the foundations of the Hungarian self-government it wished to achieve.<sup>21</sup> However, the period that followed – the Yugoslav wars and later the Kosovo war – did not favour dialogue on national self-government.

It was the political consolidation in the 2000s that made it possible to create a general law regulating the rights and self-government of nationalities living in Serbia. Thus, the Law on the Protection of the Rights and Freedoms of National Minorities of 2002 was created. It was within the framework of this law that the Hungarian National Council was officially established on 21 September 2002 in Subotica.<sup>22</sup> The HNC had been operating effectively – but almost illegally due to the lack of a legal framework – since 20 August 1999. The 21 September 2002 electoral meeting in Subotica, attended by Hungarian representatives who had won seats in federal, republican, provincial, and local elections and convened by the Ministry of Minorities of Serbia and Montenegro, elected the 35 members of the HNC. The official inaugural meeting of the HNC took place on 19 October 2002, when the statute and the rules of procedure were also adopted and its president, vice-presidents, and notary were elected. The HNC's executive body, the Administrative Committee, and its technical committees were set up at the second meeting, on 6 December 2002.

The two main internal documents that lay down the detailed rules for the operation of the HNC allow us to outline the essence of the institution's functioning.

## 2.1. The Statute

The Statute of the HNC was drawn up on the basis of articles 6 and 10(1)(1) of the Law on National Councils for National Minorities. Its current form was finalized at the meeting of 10 December 2018. The Statute was drafted in compliance with the statutory obligations, and all its important provisions can be derived from Law 72/2009, as described above. Thus, in the Statute, we find the rules for the election and mandate of the President, the committees, and all important officers. The Statute defines itself as *The Supreme Law of the Hungarian National Council*.<sup>23</sup> This also supports the thesis described above that the Statutes of the National Councils are “small constitutions”. The Statute in Art. 2 defines the Hungarian National Council as follows:

The Council is the directly and democratically elected national self-government of the Hungarian national minority in Serbia (hereinafter referred to as the Hungarian national minority). It is the supreme body

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21 Op. cit. p. 1.

22 Op. cit. p. 4.

23 Statutes of the Hungarian National Council, Section 1.

of Hungarian cultural autonomy, through which the Hungarian national minority exercises its collective right to self-government in the fields of culture, education, information and the use of official languages and literacy.<sup>24</sup>

From the passage quoted, we shall highlight two important elements. The first one is the national nature of self-governance, which means that the HNC operates throughout Serbia although its main area of operation is, of course, the Autonomous Province of Vojvodina, where the majority of the ethnic Hungarians live. Second, this section refers to a “cultural autonomy”, which provides a strong, constitutionally guaranteed status, already described earlier, for the Hungarians living in Serbia.

The Statute declares the purposes for which the Council was established (Section 4), regulates the legal status of the HNC and its members, contains basic information about the HNC, such as legal entity, seat, official name in Hungarian and Serbian and in English, and a precise heraldic description of the coat of arms.

Section 7. The coat of arms of the Council is a pointed, gold-edged shield. On the top, resting on a ribbon ornament, folded once on each side, the inscription “Hungarian National Council” is printed in block letters. The field of the coat of arms is divided into two levels: the first level is divided into four fields, symmetrically bisected vertically by a line and horizontally by four stylized wavy lines representing a river. In the centre of the top left field is a stylized image of the northern facade of the Town Hall of Subotica on a cherry red background. In the centre of the upper right field, a golden eight-pointed star on a green background. In the centre of the lower left field, on a green background, there is a white open book with the letter “A” printed on the left and the symbol “§” (paragraph mark) on the right. In the centre of the lower right field, on a cherry-red background, there is a green five-leaved tree branch. At the intersection of the four fields, the base of the small emblem is white, with a semicircle at the bottom and a semicircle resting on top, surrounded by seven white spheres. In the centre of the small chemise, there is a stylized symmetrical flower with leaves of a cherry-red-white-green colour running downwards from the top and a stylized cherry-red-coloured pistil.<sup>25</sup>

24 Op. cit. Section 2.

25 Statutes of the Hungarian National Council, Section 7. [All translations of non-English texts are mine throughout the paper.]



Source: website of the Hungarian National Council (<https://www.mnt.org.rs/>)

**Figure 1.** Coat of arms of the Hungarian National Council

The term of office of the Council is four years from the date of its establishment, and its members are eligible for re-election.

In the following sections, one will find detailed rules on the internal organization, officers and committees and their rights and responsibilities. The HNC is headed by the President, whose term of office is 4 years, and the Vice-President, who is elected by the Council on the proposal of the President. Both positions are elected by a secret ballot. The President has wide-ranging powers, including representation, appointment, agenda, chairing meetings, and decision making.

The next chapter of the Statute contains the powers of the Executive Committee, which implements the decisions of the Council.

The Statutes can therefore be compared to the main documents governing the operation of other autonomous institutions, such as regional autonomy or national minority self-governments in Hungary, in that the Statute contains the fundamental values and objectives of the HNC, the rights and powers of its members, and provisions on personnel, organization, and operation.

## **2.2. The Rules of Procedure**

The Rules of Procedure of the Hungarian National Council were adopted by the HNC at its meeting on 10 December 2018. The Rules of Procedure regulate the details of its operation in nine parts and 74 sections. It sets out the procedure for holding inaugural and ordinary meetings and the rules for the election of officers. Under the Rules, meetings are conducted in Hungarian.

The Rules of Procedure describe precisely how the agenda is adopted, how decisions are taken, the limits of the presentations and speeches, and the possibility of open and secret ballots. A vote-counting committee is attached to

the decision-making process. Minutes are kept of the meetings. Council members may ask questions and make comments on previous speeches, but these debates are subject to strict time limits. The Rules of Procedure also contain disciplinary provisions in the event of disorder. Meetings are open to the public, and the media are usually present and report on HNC meetings, with many manifestations of this in the Internet press. Decisions taken by the Council must be formally announced.

The work of the committees also takes place within a clearly defined framework, while the Rules of Procedure also contain the rules on amendments. To summarize the chapter on the Rules of Procedure, this document can be compared to the House Rules of any European Parliament, for example the Hungarian Parliament's House Rules. In practice, the Rules of Procedure also regulate in great detail the practical functioning of a democratically elected representative body that operates for a 4-year term. It is this document which, under the concept of a "small parliament", regulates the conduct of sittings. It is a document that has stood the test in real life and, like the Statute, fulfils the task that its creators set themselves, namely to conduct debates and decision making in a civilized manner.

### **3. The Work of the HNC in Practice**

While writing this paper, the author finds that literature is quite scarce on the functioning of the HNC. In order to complete the already presented legal framework and internal operational documents with the "living law" (Pokol 2016), an interview was made with István Sárközi, Chairman of the Executive Committee, and Emil Lulity, Registrar, in autumn 2023. The interview covered topics related to the above-mentioned legislation, including how it works and how it can be implemented.

One of the most fundamental conclusions of this discussion was that the legislative framework is in a constant state of change and that the HNC should adapt to this feature and try to participate in shaping the framework where possible. The dynamics of the legal framework are driven on the one hand by the legislatures – i.e. the National Assembly in Beograd, the provincial parliament of Vojvodina in Novi Sad, and the municipalities – and, on the other hand, by the Serbian Constitutional Court. The latter is exemplified by the decisions of the Constitutional Court in 2014 and 2018, which amended the laws on National Councils. The Constitutional Court decision of 2014 has been analysed in detail by Tamás Korhecz, who concluded that although the Serbian Constitution prohibits the curtailment of vested rights, this Constitutional Court decision did so on some points, for example in the management of institutions run jointly with public authorities (Korhecz 2014: 61).

According to the HNC leaders, the current question in terms of legislative development is how to ensure the preservation of the achievements and the legal gains of national minorities. Nevertheless, HNC leaders believe that Serbia currently has the most advanced constitutional and public recognition and autonomy of the Hungarian community among the Hungarian minorities living abroad in the Carpathian Basin. This fact – which confirms the personal opinion of the author – can be attributed to the current Serbian state and political leadership, and also to the good relations between the two countries and the two peoples, with the addition that this is the result of a long process.

Among the main areas of the HNC's activities, its leaders identified essentially the four main areas presented in the above-mentioned articles of the Serbian Constitution – education, culture, information, and language and literacy – and the operation of institutions implementing these activities. The work of the Council is largely made up of the running of institutions, both self- and co-founded, and those run independently and jointly with other organizations, and, where possible, the founding of new ones. The HNC leaders stressed that the HNC is the most professionally functioning organization compared to other national councils in Serbia, and in many cases, when questions come from the state, ministries, or other bodies and concern national councils in general, the HNC is the first to be consulted, as it has the greatest knowledge and capacity to understand and contribute to the discussion of a bill. This often also means that in a sense the HNC “paves the way” for other national minorities in Serbia, for their benefit as well.

Organizational issues include the fact that the HNC employs a full-time professional staff of dozens of people who ensure its operation. This also gives the HNC a stronger position compared to other national minorities, and the HNC occasionally assists other national minorities within the limits of the constitution. In addition to full-time employees, other professionals contribute their knowledge, experience, and diligence to the work of the HNC when called upon to do so, often in the context of social work.

The number of ordinary meetings of the HNC varies widely, with the Statutes providing for six ordinary meetings a year, but in recent years the multitude of tasks has required up to 8-10 meetings to be held on an annual basis. According to the website of the Hungarian National Council, 36 ordinary meetings were held in the 2018–2022 cycle.<sup>26</sup> This means an average of 9 meetings per year during this four-year cycle. As for the Executive Committee, the number of meetings in a 4-year cycle can exceed 200 in number, also due to the large number of tasks.

The organizational issues also include the previously mentioned “small parliament” character of the Hungarian National Council, which is composed of 35 members according to Serbian law. In previous elections, the members of

26 Council decisions. <https://www.mnt.org.rs/dokumentumok/tanacs-dontesei>.

more than one Hungarian nominating organization were elected by Hungarian voters in Serbia, but in the current HNC (in operation since 2022), all members were elected from the main Hungarian Party's, the VMSZ's list.

The HNC's practice is to establish a strategy for each mandate period, covering the challenges and objectives of the four main areas of activity, but, of course, these strategy documents can be revised or replaced by a new strategy as necessary. Key decisions are taken by the President of the Council. The role of the 5-member Executive Committee, headed by the President, is decisive for the day-to-day running of the HNC as a whole, while the work of the other committees is limited to the work that falls within the 4 main sectors.

HNC, with its extensive network of institutions, manages the property network that serves them through the Szekeres László Foundation established by HNC.

## 4. Results

The cultural autonomy of Hungarians living in Serbia can be examined from several perspectives. From a slightly more distant approach, we saw that in 2016 the Serbian government adopted an *Action Plan for the Implementation of the Rights of National Minorities*.<sup>27</sup> Its elaboration was analysed by Mihály Nyilas and Zsuzsanna Mackó in a study (Nyilas–Mackó 2017). The authors present the background, the drafting, and the beginnings of the implementation of this strategy, but here I will only quote those related to the activities of the Hungarian National Council. At the initiative of the Ministry of Justice of Serbia, representatives of minorities living in Serbia, including the then President of the Hungarian National Council, Jenő Hajnal, participated in the drafting of the plan. The most important chapters of the plan from a Hungarian point of view, and the ones related to this study, are focused on education and proportional employment (Nyilas–Mackó 2017: 113). Looking at education, the authors concluded that a greater proportion of teachers should be trained in Hungarian in order to ensure that Hungarian-language education is available at all levels of the education system, while the simplification and acceleration of the publication of textbooks in the national languages is a positive result (Nyilas–Mackó 2017: 115).

It was also noted that the proportion of ethnic minority employees in the public sector does not correspond to the actual ethnic proportions of the population in the municipality, and that there is a need to increase the number of ethnic minority employees in this sector (Nyilas–Mackó 2017: 117).

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27 Nyilas–Mackó 2017: 1. The findings of this study should be supplemented here by the fact that the authors' research is based on statistics from the Autonomous Province of Vojvodina, making it geographically limited to this province.



Norbert Šabić's analysis focuses on the national councils and presents the relationship between the Serbian education system and national representation. The first important finding of the study, which is relevant to this topic, is that national councils in the municipalities where the language is spoken are involved in the development of school curricula (Šabić 2018: 111). The second is that they prepare textbooks and their translations in cooperation with the national councils and the Ministry of Education (Šabić 2018: 124).

The institutions founded or co-founded, self-supported or co-supported by the Hungarian National Council are: 118 primary schools, 25 vocational secondary schools, 10 secondary schools, eight music schools and five special schools, as well as 15 faculties and branches of the University of Novi Sad, where the HNC is also involved. In addition, HNC is involved in the establishment and maintenance of seven colleges and vocational schools, 25 colleges, and four student support institutions. The portfolio also includes 41 priority cultural institutions, over 100 cultural associations, six cultural institutions (libraries), over 100 associations, eight information institutions (media, publishing, radio), and eight foundations. The HNC also regularly launches scholarship programmes to help Hungarian students.<sup>28</sup>

Further, the HNC runs the Hungarian Language Office of Vojvodina, which is responsible for:

The Vojvodina Hungarian Language Office is a virtual office. It was set up by the Hungarian National Council with the aim of providing assistance in language rights cases and supporting the work of translators.

The HNC Office has been and is still trusted by clients in cases where they have suffered any kind of prejudice in the official use of the Hungarian language. We would like to continue to provide assistance in solving these problems. In addition, HNC, through its staff, wishes to support translators by collecting help material and discussing specific problems that may arise during translation.

We also want to involve a wide range of professionals and organizations in tackling these problems.<sup>29</sup>

This is effectively a stand-alone legal aid office, which operates as a separate legal aid institution and also fits into the concept of minority protection, further expanding the practical operation of the HNC.

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28 My collection from the HNC website: <https://www.mnt.org.rs/szervezetek-intezmenyek>.

29 Hungarian Language Office of Vojvodina. <https://www.mnt.org.rs/vajdasagi-magyar-nyelvi-iroda>.

These considerable figures speak for themselves and show that the cultural autonomy of the Hungarian nationality in Serbia exists in reality beyond the legislation and is flourishing compared to the previous situation.

## Summary

In this chapter, I would like to make a few observations on how we can summarize the functioning of the Hungarian National Council and how we can evaluate the activities of the HNC and the path that the Hungarian minority in Serbia has taken in the field of self-determination.

Tamás Korhecz, former President of the Hungarian National Council and current member of the Constitutional Court of the Republic of Serbia, analyses the situation of Hungarians in Serbia in a study and writes,

It is a well-known fact that among the politically organized Hungarian communities living abroad, only the Hungarians of Vojvodina have managed to achieve a form of national autonomy – personal autonomy or cultural autonomy. Embedded in the Serbian legal system, this autonomy is exercised by the Hungarians of Vojvodina through the democratically and directly elected multi-party Hungarian National Council (HNC). (Korhecz 2020: 86–87)

Tamás Korhecz summarizes the achievements of the past years in three points: firstly, that a democratic, legitimate organization has been established to represent the Hungarian community; secondly, that it is supported by adequate budgetary resources; and thirdly, that strategy and development have also appeared in national policy (Korhecz 2020: 88).

With the creation of these institutions, it became possible to exercise cultural, educational, and informational self-determination in a meaningful way, with many significant results, notably book and journal publishing. It has been shown in the study that there is an extensive and wide-ranging constitutional regulation for minorities living in Serbia, and there is also a legal regulation at the level of the law, which fills the relevant articles of the Constitution with content.

In my opinion, from the point of view of the protection of minorities, the legislative framework creates a real opportunity for national minorities living in Serbia to exercise meaningful self-determination in the areas of culture, education, language, and information.

On the basis of the legislation and literature read during the preparation of this study, which in many cases covers decades, we can conclude that the last 30 years have shown a positive trend in the field of self-determination for the

Hungarian minority in Serbia. The personalized cultural autonomy that has been implemented here is already well established in practice. One of the main manifestations of this is the Hungarian National Council, which is particularly active and whose activities contribute on a daily basis to improving the lives of the Hungarians living there and to continuing to preserve and nurture their identity. Looking at the numerous educational and cultural institutions and the numerous Hungarian-related events, the conclusion we can draw from this paper is that the professionals working in the Hungarian National Council make good use of the possibilities offered by the law and bring the written rules to life, so cultural autonomy is working in practice and the trend is in the right direction.

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