

**DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS**

**OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES**

**NATIONAL HUMAN RIGHTS INSTITUTION**

**DEPUTY COMMISSIONER RESPONSIBLE FOR THE PROTECTION OF THE  
RIGHTS OF NATIONALITIES**

**ANNUAL REPORT**

**2014**



## **1. Introductory remarks**

Following my appointment as Deputy Commissioner responsible for the protection of the rights of nationalities in October 2013, this is the second time that I have the honour of providing a report for the Parliament and the general public about my activities and the situation of the rights of nationalities in Hungary. The year 2013 was in more ways than one a period of transition, and not yet a full year of activities for me. 2014, however, was the first full year that I have the opportunity to report about.

The principles and values that I regard as important concerning the rights of nationalities are upheld in an impeccable way by the colleagues at the Secretariat, in close cooperation with the staff of the Department for Nationality Rights, both when processing individual petitions and when conducting system-wide examinations. I firmly believe, and it is my professional opinion that the perpetuance and prosperity of our nationality communities is to the benefit of the entire public, including legislators and legal practitioners. The nationalities that have been part of Hungarian society since historic times need to be treated in an integral way in every situation of life, be it positive or negative: when they are living their everyday lives without interruption and conscious of their nationality identity, but also when their lives are filled with problems or burdens, or when they are living in miserable circumstances, or require protection or support by the Deputy Commissioner precisely because of their nationality identity.

The protection system established for nationalities following the change of regime, including its current institutional framework, is an important value that entails obligations. It obliges its creators and its addressees to maintain a psychological climate which is indispensable for the historically developed, organic and valuable coexistence of our thirteen nationality communities and the majority society. As Deputy Commissioner, it is my duty to take part in this process with all available tools at my disposal: if necessary, by praise, and if it is not avoidable, by constructive criticism. This is the principle that guides my work when I examine individual cases or general issues of special importance, and when I am representing the Hungarian experiences of nationality rights issues on the international plane.

What follows is a description of some of the most important elements of the work of the Deputy Commissioner.

## **2. The Deputy Commissioner responsible for the protection of the rights nationalities in the unified ombudsman structure**

2014 was the first full year where the protection of the rights of nationalities was guaranteed by a deputy commissioner who was expressly elected by the Hungarian Parliament as deputy commissioner. The transition phase of 2012-2013 is thus over, as 2014 already meant a year of independent work planning for the Deputy Commissioner within the unified ombudsman structure. The Deputy Commissioner's scope of action in this system (be it in cooperation or autonomous) is defined by the Fundamental Law and Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter: CFR Act).

According to the second sentence of paragraph 3 of Article 30 of the Fundamental Law, the Deputy Commissioner shall protect the rights of nationalities living in Hungary. The tasks of the Deputy Commissioner are defined in more detail by Section 3 (2) of the CFR Act. According to this provision, the Deputy Commissioner has tasks which are connected to (and support) the competences of the Commissioner regarding the rights of nationalities, and tasks which require the Deputy Commissioner to act individually.

Supporting the tasks of the Commissioner, the Deputy Commissioner – according to Section 3 (2) points a) (first recital), b) (first recital), c), d), and e) of the CFR Act – shall regularly inform the Commissioner of her experience regarding the enforcement of the rights of nationalities living in Hungary, shall draw the attention of the Commissioner to the danger of infringement of rights affecting nationalities living in Hungary, may propose that the Commissioner for Fundamental Rights institute proceedings ex officio, shall participate in the inquiries of the Commissioner for Fundamental Rights, and may propose that the Commissioner for Fundamental Rights turn to the Constitutional Court.

According to Section 3 (2) points a) (second recital), b) (second recital), f), g), and h) of the CFR Act, the Deputy Commissioner acts individually when informing the institutions concerned and the public of his or her experience regarding the enforcement of the rights of nationalities living in Hungary, when drawing the attention of the institutions concerned and the public to the danger of infringement of rights affecting nationalities living in Hungary. It is also the task of the Deputy Commissioner to review the Government's social inclusion strategy and monitor the implementation of its objectives concerning the nationalities living in Hungary. The Deputy Commissioner may also propose the adoption or the amendment of legislation regarding the rights of nationalities living in Hungary. Furthermore, the Deputy Commissioner shall promote, through her international activities, the presentation of the merits of domestic institutions related to the interests of nationalities living in Hungary at international level (as well).

It is apparent that the Deputy Commissioner is endowed with only a portion of the possibilities of the Commissioner, and its individually exercised powers mostly encompass powers of observation, evaluation and awareness-raising (notwithstanding the power to propose amendments to legislation).

According to the Fundamental Law, the Commissioner is entitled (and obligated) to inquire into any violations related to fundamental rights, that come to his or her knowledge, or to have such violations inquired into, and to initiate general or specific measures to remedy them. By contrast, the Deputy Commissioner responsible for the protection of the rights nationalities is also required to protect these rights while the Fundamental Law does not grant her rights of inquiry or a right to take measures. As the safeguarding of the rights of nationalities is, according to the Fundamental Law, one of the tasks of the Commissioner as well, and as according to the CFR Act this task requires special attention, the Deputy Commissioner is responsible for fulfilling the tasks relating to nationalities' rights expressly addressed to it by the Fundamental Law insofar as the Deputy Commissioner has the possibility to substantively influence the protection of the rights of nationalities within the unified ombudsman structure. The seeming contradiction flowing from the partial overlap of the powers and tasks of the Commissioner and the Deputy Commissioner can however be resolved if the Commissioner safeguards nationality rights in a way that allows for the obligatory participation of his Deputy in such activities.

The legislator aimed to lend weight to the participatory rights of the Deputy Commissioner by a legal safeguard: Section 3 (3) of the CFR Act prescribes that if the Deputy Commissioner makes a proposal that the Commissioner for Fundamental Rights should institute proceedings *ex officio* or that he should turn to the Constitutional Court, the Commissioner for Fundamental Rights shall be bound to act accordingly or to inform Parliament in the annual report of the reasons for his or her refusal to do so. The importance of this legal safeguard is undeniable, even though it only creates an *ex post* obligation of justification. In terms of everyday protection of nationality rights, a continuous willingness to cooperate – based on a common set of values, mutual professional recognition and trust – is even more important. In this regards, 2014 proved to be an exemplary year.

According to the bylaws of the Office of the Commissioner for Fundamental Rights in effect in 2014, the Deputy Commissioner is responsible for the preparation of the work of the Commissioner concerning nationality rights; to this end the Deputy lays down strategic guidelines and may adopt investigation guidelines and positions of principle. The bylaws ensure that the Deputy Commissioner may act in a delegated capacity as well, regarding powers delegated by the Commissioner. As the Deputy Commissioner responsible for the protection of the rights nationalities had also become entitled to set up a nationality rights working group (which has rights of consultation and initiative), and to maintain a separate extended Secretariat, the Deputy Commissioner was able to have substantive influence on the work of the Department of Nationality Rights (which was established in 2014, and falls in administrative terms under the direction of the Secretary General of the Office).

### **3. The Deputy Commissioner as the head of professional activities concerning the rights of nationalities**

Professional coordination by the Deputy Commissioner can essentially be divided into three phases. At the beginning of the year, she has informed the Department for Nationality Rights of her professional manifesto, the values she considers fundamental and her essential expectations. Every week she has held a case discussion meeting where she has defined the fundamental elements and methodology regarding individual cases dealing with nationality rights (after hearing the opinion of all colleagues), and has regularly scrutinised and affirmed various draft reports and other documents, including interim postal correspondence related to cases and examinations, before submitting said documents for signature by the Commissioner.

The Deputy Commissioner has participated in giving opinions on draft legislation relevant for the legal regulation of the rights of nationalities, she has provided opinions either on the actual draft text or on internal working documents dealing with said drafts. In 2014, the Deputy Commissioner has provided professional coordination regarding nearly 250 working documents.

### **4. ‘Internal’ activities of the Deputy Commissioner within the Office of the Commissioner for Fundamental Rights**

In 2014, the Deputy Commissioner has made use of the possibility to draw the attention of the Commissioner to occurrences, trends or tendencies which could in the future have an effect on fundamental rights protection provided by the Commissioner on five occasions; this type of signalization takes place without an actual proposal for an investigation by the Commissioner.

Concerning the rise in number of those living in poverty and social exclusion, the Deputy Commissioner has *inter alia* emphasized that the European Commission, in its evaluation of the 2014 national reform- and convergence programme, has devoted special attention to the worsening social situation, the reason of which was deemed partly to be economic stagnation, and partly the weakness of the social protection system. The Commission has ascertained that the proportion of those living in poverty or social exclusion amounts to a third of the total population, and among those affected, the ratio of children and Roma is disproportionately high: ‘Roma are particularly affected by unemployment, discrimination in the labour market and poor living and health conditions, with 60 % living without basic amenities.’ Reacting to the Commission’s assessment, the European Council gave a recommendation to emphasize that Hungary shall ensure that the goals of the National Social Inclusion Strategy are taken into account in all policy areas, as dealing with poverty requires additional efforts; the European Council seems to link the growth of poverty with the not sufficiently effective nature of social inclusion measures, and it is well known that in Hungary, the probably most important social integration problem is that of the social exclusion of Roma.

The Deputy Commissioner has also called attention to the regressing nature of nationality education (as shown by statistical data), and the trends behind this phenomenon: Roma nationality education has shown constant increase for a longer period, but the tendency has changed, beginning with the school year of 2012/2013. This process became apparent at the

same time as the financing system was reformed: from school year 2012/2013 onwards, the additional financial contribution for nationality education is only available for non-state school maintainers. The minister for education evaluated the aforementioned connection by stating that according to the ministry's experiences, in previous years, the organization of Roma nationality education was in many cases motivated by the possibility of obtaining additional funding, and that it is thus likely that the decrease in students engaged in Roma nationality educations is the consequence of the reform of the underlying financial scheme (i.e. normative subsidization replaced by the financing of activities; the discontinuation of the 'nationality normative subsidy'). The Deputy Commissioner has organised education forums during her working visits to Békés and Baranya Counties, the experiences gathered from the forums point in the same direction.

The Deputy Commissioner has emphasized that if the availability (or the non-availability) of additional subsidies is a determining factor in the number of students taking part in nationality education, this brings up an important question: namely, how can the right of children and parents belonging to nationalities to choose the place of education prevail? This question is given more weight by the fact that one of the fundamental requirements of the legality of the separation of students in order to organize separate nationality education is that this happens at the initiative and request of the parents concerned; if this is not the case, the separation must be deemed illegal.

The Deputy Commissioner has also drawn the attention of the Commissioner to the difficulties related to the content of national public education textbooks regarding the Roma nationality; as the unbiased, fact-based teaching of history and social studies is one of the most important elements in promoting norms of coexistence, multiculturalism and the enforceability of nationality rights. According to previous research, content pertaining to the Roma nationality is underrepresented in textbooks. According to new research, the monopolization of the publishing of public education textbooks also leads to the fact that pupils learn even less about the history of the Hungarian Roma nationality than before, as the majority of the textbooks which remained on the official list of textbooks are problematic as regards both content and quantity.

Furthermore, the Deputy Commissioner has drawn attention to early school leavers in public education, which characteristically affects multiple disadvantaged children – with a large proportion of Roma among them. The phenomena of early school leavers is neither new nor unknown in domestic public education, but as a majority of the other Member States of the EU managed to take steps forward in this regard, in Hungary, the ratio of early school leavers has increased further. Early school leaving of pupils is first and foremost a consequence of their disadvantaged social situation, and mostly affects multiple disadvantaged Roma youths. Referring to statistical data, the Deputy Commissioner has emphasized the strong link between the degree obtained (or the lack thereof) and unemployment.

The Deputy Commissioner has also drawn the attention of the Commissioner to the street law project 'Utcajogász' of the group 'A Város Mindenkié'.

In 2014, the Deputy Commissioner has made twelve recommendations for investigation by the Commissioner. All but one have been followed by *ex officio* investigations.

The Deputy Commissioner has recommended an investigation regarding the role that churches play in the life of nationalities, as religion is, for many communities, a source of national identity, self-realization and self-expression; still today, some churches are actively working for nationality communities first and foremost by preserving common (liturgical) traditions. The Deputy Commissioner has also pointed out that churches fulfil tasks related to education, social welfare and administration as well, and thus have a significant role in shaping social attitudes.

The Deputy Commissioner made a recommendation to investigate the state health system relating to premature births, with regard to the effectivity of the system's work in the prevention and management of the issue. The recommendation was made because while the birth-rate decreased significantly over the last one and a half decade, the ratio of premature births more or less stayed the same (and in the last year, the positive tendency of decrease in neonatal mortality rates has also changed). Today, the main reason for neonatal mortality is premature birth and low birth-weight. Pointing to research results, the Deputy Commissioner emphasized that one of the main reasons behind premature birth is poverty, which has a territorial aspect as well in Hungary.

The Deputy Commissioner has organized two working visits in 2014 to Békés County, which is one of the most colourful Hungarian counties from the point of view of nationalities. Here, during the 2001 census, almost 25.4 thousand individuals have stated that they belong to a nationality; the overwhelming majority expressed belonging to one of the thirteen legally recognised nationalities: 96% of these individuals belonged to the Roma, Slovak, Romanian and German nationalities. Based on the experiences of the working visits, the Deputy Commissioner has made proposals for ten *ex officio* investigations. These include investigations into nationality teacher training; summer childcare and child alimentation in a nationality institution; the situation of nationality public education in Békés County; the situation of nationality civil organizations in Békés County; the role of churches in managing nationality public education institutions in Békés County; rules regarding the preparation of the 'teachers portfolio' of nationality teachers which seemed to contradict language usage rights; the lack of representatives of nationality teachers in the leadership of the National Teachers' Chamber; the problem of changes in legislation affecting (among others) nationality textbooks; school-leaving examinations from nationality languages and a discriminatory differentiation regarding language exams obtainable at the language exam centres; and regarding the division of work between the two premises of a small-town school (which reinforced nationality segregation).

In 2014, the Deputy Commissioner has on one occasion recommended that the Commissioner turn to the Constitutional Court. This was based on the Commissioner's investigation regarding the establishment of joint self-government offices of nationality settlements, and the negative reply of the responsible minister. The Commissioner has pointed out that according to the rules of the Act on self-governments, settlements which have a population ratio of

nationalities above 20% may set up joint self-government offices under easier conditions, but the Act does not determine the procedural rules regarding the consent of the minister, thus there is no deadline for the processing of the request. The minister is not obliged to give reasons for his decision, and no legal remedy is available against the negative decision of the minister.

## **5. 2014 – the year of parliamentary and local elections**

2014 was election year, which the Deputy Commissioner has monitored closely, since nationality communities have for the first time had the opportunity to elect representatives to become members of the Parliament under preferential conditions. In case the preferential conditions were not met, they had the opportunity to send spokespersons to the Parliament, to become members of the Nationality Committee. In the 2014 elections, the first possibility remained a theoretic one as the preferential conditions were not met by the nationalities, meaning that currently, the thirteen nationalities can participate in the work of Parliament by way of their spokespersons. In 2014, the nationalities were furthermore allowed to set up self-governments on three levels according to new regulations (partly aimed at reducing the possibility of misuse). The fundamental elements of the new regulation include: a reformed personal scope regarding nationality elections, the relevance of census data, the reformed appointment procedure, and the abolishment of the elector-system. The reformed rules are meant to ensure that representatives of the nationality communities can obtain local self-government mandates under preferential conditions (however subject to some stricter rules).

The 2014 national and local elections were implicitly affected by the fact that the personal scope of the Act on Nationalities has changed. The definition of ‘nationality’ according to the Act no longer contains Hungarian citizenship as a requirement. Rights and obligations of nationalities are subject to the condition that the individual in question considers himself a member of a nationality, and declares his identity as such in a way prescribed by the Act or related implementing acts. Based on census data, the abolishment of the citizenship requirement did not bring about any substantial change, as the members of the nationalities are usually Hungarian citizens. In the case of three nationalities however, citizens from of the mother country represent a significant ratio (Ukrainian 57%, Romanian 40%, Slovakian 12%).

According to Act CCIII of 2011 on the Elections of Members of Parliament, obtaining a parliamentary mandate was possible under preferential conditions for individuals who were nominees on the lists drawn up by the country-level nationality self-governments. From nationality lists, a mandate is obtained when the preferential quota of votes is reached, i.e. 0.27% of all votes submitted for national party lists. Bearing in mind data regarding the 2014 elections, this quota would have meant around 22000 votes. It is worth noting that Hungary has seven nationalities which have a total population of less than 8000, thus they would not have been able to meet the preferential conditions even if every single nationality group member (who had the right to vote) would have registered themselves in the nationality electoral roll and would have voted for the nationality list. According to the Act, any national minority which drew up a nationality list but failed to win a mandate by such list is represented in Parliament by a nationality spokesperson. The nationality spokesperson may

take office regardless of the number of votes submitted for the list drawn up by the nationality self-government, but is not entitled to exercise important rights which members of Parliament have: the spokesperson is not entitled to vote in sessions of the Parliament, and may only speak in plenary if the agenda item in question may, according to the Committee of the Parliament, be relevant regarding the rights or interests of nationalities. The spokesperson-system ensures the participation of nationalities in the work of the Parliament, but does not carry the same weight as a fully-fledged parliamentary representation. It should also be noted that the concept of ‘agenda item relevant regarding the rights or interests of nationalities’ is not well defined.

The election of the members of nationality self-governments in 2014 were only possible to be held in settlements where the number of individuals belonging to the nationality in question (according to relevant data from the latest census, based on voluntary answers regarding nationality identity) reached at least 25 – i.e. in settlements where the census has shown the existence of nationality communities. With this provision, the aim of the legislator was to rule out abuse of the system (‘ethno-business’). However, tying these elections to census data may be problematic, as during the census (especially in small settlements), less people declared their nationality identity than was expected based on the real presence of nationalities in some settlements. On the contrary, in some larger cities and in some districts of Budapest, the census shows a large presence of nationalities – the realistic nature of this is questioned even by the country-level nationality self-governments themselves. In this regard it is important to note that although the majority of the population has chosen to make a declaration regarding nationality identity in censuses (2001 census: 94%; 2011 census: 85%), due to the voluntary nature of the declaration, the census data cannot be seen as an accurate depiction of the nationality population of Hungary. If we further add that in 2010, 2315 nationality self-governments were established, and in 2014 the number was only slightly less (2143), then it becomes clear that abuses probably did not cease.

An old-new element of nationality self-government elections is the ‘transformed nationality self-government’. Local self-governments (excluding those of the metropolitan districts) may decide on transformation into a nationality self-government if more than half of the citizens recorded in the electoral roll in the locality are recorded in the given nationality’s electoral register, and more than one half of the elected members ran as the given nationality’s candidates at the local municipality elections. These strict requirements foretold the fact that such transformations only happen in very small numbers. (To the best of our knowledge, only two such transformed nationality self-governments were established in 2014).

According to the new provisions, a preferential mandate was established: if at least fifty percent of the citizens recorded in the electoral roll at the time of the calling of the elections were also recorded in the given nationality’s nationality register, and if none of the candidates of the given nationality obtained a mandate either at the election of mayor or on the individual list, it is necessary to determine the two thirds of the valid votes cast for the candidate obtaining a mandate on the individual list with the fewest votes. A nationality candidate who has a higher number of votes than the number of votes determined according to the method described above shall obtain a preferential mandate.

However, the new electoral rules did not solve the previously existing problems of registration into the nationality electoral roll; it is still possible for anyone who has electoral rights in local self-government elections (and mayoral elections) to request to be registered into the nationality electoral roll provided they declare their nationality identity. The requirements were however made stricter in the sense that it is possible to utilize criminal sanctions regarding an individual who makes a false declaration regarding the fact whether he or she has been a candidate of a different nationality self-government in the preceding ten years. False declarations regarding knowledge of nationality language by the candidate still have no sanctions attached.

Under the new provisions, any registered association (apart from political parties and trade unions) that, according to its deed of foundation, is engaged in activities directly related to the protection and representation of the interests of a given nationality or to the cultural autonomy of the nationality may put forward nationality candidate. The possibility that the number of nominating organisations participating in the establishment of ‘fake’ nationality self-governments has risen cannot be excluded.

#### **6. The Deputy Commissioner’s working visit to Békés County (29-30.04.2014)**

The Deputy Commissioner dedicated a working visit between 29-30.04.2014 to gathering first-hand experiences about the situation of nationality communities in Békés County.

At the Applied and Professional Arts Faculty of the Szent István University, the Deputy Commissioner has consulted with the dean regarding nationality teachers’ education, and the future of the institution. Consultation regarding the abovementioned issues also took place with the head of the Nationality and Foreign Language Department, and the head of the Study Office. They all agreed that in order to maintain nationality communities, well-trained nationality teachers are required, who are not only dedicated but are well versed in the nationality language – to guarantee this, the teachers would require strong financial support and legal guarantees by the state. Members of the faculty leadership voiced their concerns regarding the lack of a state-funded student quota and the threshold of the entrance exam. The Deputy Commissioner also met with Romanian, Slovakian, German, and Roma teacher students on campus, discussing their career outlook and the possible challenges and achievements of their future profession. On the afternoon of 29 April, the Deputy Commissioner visited the Slovakian Primary School, Kindergarten and Student Home of Szarvas, which is maintained by the National Slovak Self-Government. During her visit, the Deputy Commissioner awarded an ombudsman’s medallion to the director of the institutions for his exceptional work in education and for his continuing efforts for the well-being of the Slovak community. At the school, the Deputy Commissioner met with students during various classes and extracurricular activities, and became reinforced in her belief that this institution is one of the fundamental pillars of the Slovak nationality community in Hungary. The director of the institution mentioned not only their successes but also some problematic issues (regarding summer childcare and child alimentation; some debates with the local self-government were also mentioned).

At the end of the day, the Deputy Commissioner held a consultation with the heads of the country-level and the local Slovak nationality self-governments (in line with her general aim of maintaining continuous communication with nationality self-governments). Among other issues, the discussion focused on the possibilities of non-governmental organisations (including youth organisations), the relationship between the Slovak nationality and churches, and on experiences connected to operating nationality educational institutions.

On the 30<sup>th</sup> of April, the Deputy Commissioner visited the Békés County Government Office, where she met with education professionals (school directors, education officers of nationality self-governments, school district directors, members of the education directorate of the government office). The participants of the education forum evaluated the situation of nationality education in Békés County, including personnel and equipment, the legal framework, the tendencies of the last five years, and the role of the Klebelsberg Institution Maintenance Centre in the county regarding nationality education (in terms of quality and continuity, and nationality education issues in the county connected to integration and segregation of pupils).



*Education forum in Békéscsaba*

The Deputy Commissioner informed the participants of the forum about the practice of the ombudsman pertaining to Békés County, and about her fundamental general expectations regarding the organization and coordination of nationality education. The Deputy Commissioner, having regard to data received from the Government Office emphasized *inter alia* that public education in Békés will in the immediate future face a very serious equal opportunities challenge due to the growth in number of multiple disadvantaged pupils (among them a large proportion of Roma) in the region – this will have a determining effect on the future of the county. Analysing the data, the Deputy Commissioner has also pointed out that nationality education has partly become an element of selection mechanisms. Furthermore, she stressed that education authorities (just as any other organ of the state) must use their competences to their full extent, and in an efficient way.

In the afternoon of the same day, the Deputy Commissioner has organised a forum for civil society organisations operating in the county in the Slovak House (with assistance from a local Slovak organisation called ‘Csabai Szlovákok Szervezete’). At the forum, the Deputy Commissioner has informed the civil society organisations about investigations concerning civil society organisations by the Office of the Commissioner for Fundamental Rights, and about changes in the relevant legislation and available grant possibilities; she has also summarized the work of civil society organisations in Békés County in the year 2013, based on data provided by the organisations themselves. The presentation was followed by discussion. The forum also provided good opportunity for Békés County civil organisations to voice their requests or complaints directly. The organisations reported, for example, problems with the financing of their work having regard to the changing regulations, and complained about rising administrative burdens. They have also stated that they face difficulties when trying to involve the youth more in their activities, and communication between organisations themselves is sometimes also problematic.

### **7. Working visit to Baranya County (29-30.09.2014)**

The Deputy Commissioner has visited Baranya County – the most colourful Hungarian county from the point of view of nationalities – on 29-30 September 2014. The Deputy Commissioner has visited the Gandhi Secondary School – the only Roma language-teaching nationality secondary school in Hungary – where she discussed with the leadership of the institution about successes and challenges of the everyday operation of the school, and about the mission of the institution. The school leadership informed the Deputy Commissioner about the insecure budgetary status of the school and about the need to rethink their role (switching from ‘elite education’ and preparation for higher education to prevention of early school leaving and guiding towards vocational education). The Deputy Commissioner also participated in a discussion class with final year pupils, aiming to get to know their future prospects; she experienced great insecurity.

Following the school visit, the Deputy Commissioner met with evangelic clergymen Dániel Peterdi and Zoltán Ócsai, with whom she discussed the activities of churches regarding nationality communities. They also touched upon the efforts made to conserve German and Croatian sacral traditions, and community-building and pastoration activities as part of the ‘Roma mission’. Successful local initiatives were analysed in detail, as the ongoing investigation of the Deputy Commissioner regarding churches also lays emphasis on mapping the integrative role of churches.

The Deputy Commissioner also held a lecture and a student forum at the Faculty of Humanities of the University of Pécs. The topics of the event were nationality education and the integration of Roma in Hungarian society. The forum dealt with important questions such as the role of nationality education in preserving nationality identity, voluntary assimilation of nationalities, and the worsening situation of the Hungarian Roma population (and its reasons). Following the forum, the Deputy Commissioner met with Ferenc Fischer (the dean of the Faculty), Zsuzsanna Gerner, Anna Orsós and István Blazsetin (the latter being heads of faculty departments dealing with nationality education: the Department of Romology and

Sociology of Education, the Institute of Germanic Studies, and the Institute of Slavic Studies). The conclusion was that nationality teacher training is in danger due to the small number of students participating in nationality teacher education and to insecure career prospects. The participants drew the Deputy Commissioner's attention to the fact that changes in the regulations of teacher training also affect nationality teacher training, and sometimes lead to problems.

The Deputy Commissioner has also taken the first step in getting to know Roma Special Colleges<sup>1</sup>: she met with two leaders of the Henrik Wlislöcki Honor Society. Director Anna Orsós emphasized among others that the institution provides not only financial support for students, but also focuses on strengthening their Roma identity and community-building.

On the 30<sup>th</sup> of September, an education forum was organised with the assistance of the Baranya County Government Office: participants included officials from the education department of the Government Office, school district directors from the county, leaders of nationality secondary schools, and other education professionals. The topic of the forum was the situation of nationality public education in Baranya. Some participants noted problems with the publication of nationality textbooks, while others referred to the risks of 'mass' nationality education, leading to a shift in the balance between the identity-preserving and language educating functions of nationality education. Based on his experiences with multiple disadvantaged Roma pupils, the director of the Szigetvár School District drew attention to the importance of increasing the effectiveness of equal opportunities measures, as well as the need to strengthen vocational education, and a lack of corresponding state financing.

## **8. Communication, information-gathering, providing of information**

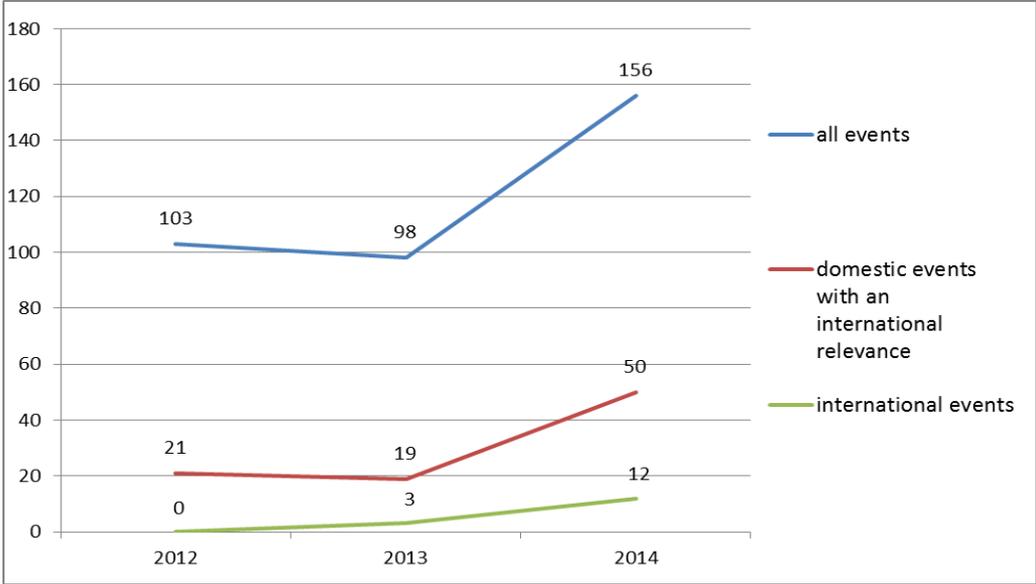
Following the unification of the specialised ombudsman system, communication- and information-related activities became central elements of the work of the Deputy Commissioner. Important areas of this activity include professional discussions, and taking part in nationality-related events in an active (communication of information) or passive (gathering of information) role. When establishing the framework of these activities, the members of the Secretariat had to be aware not only of their limited personnel, but also of the fact that nationality rights represent a cross-cutting area of law, which encompasses various social sciences as well (such as sociology and ethnography).

In just under a year, the concept was born wherein the lost autonomous competences were replaced by a 'universal participant' role, which became the basis of communication- and information-related activities (and was deemed successful). The volume of information-related activities did not decrease in 2014; on the contrary, their intensity grew even more as new elements were added. As a result, much of the work of the Secretariat of the Deputy

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<sup>1</sup> Institutions referred to as 'special colleges' in Hungarian higher education terminology are most similar (yet not identical) to what are known as honor societies in the United States. They are focused on providing high-level additional training for their student members and encouraging self-learning and research, and usually focusing on community-building as well. Students are guided by mentors/tutors who are university lecturers and/or experienced students.

Commissioner was related to information: gathering and providing information, and communication with stakeholders. The various domestic and foreign events and programmes in which the Secretariat participated (unrelated to actual investigations) are shown in the chart below.



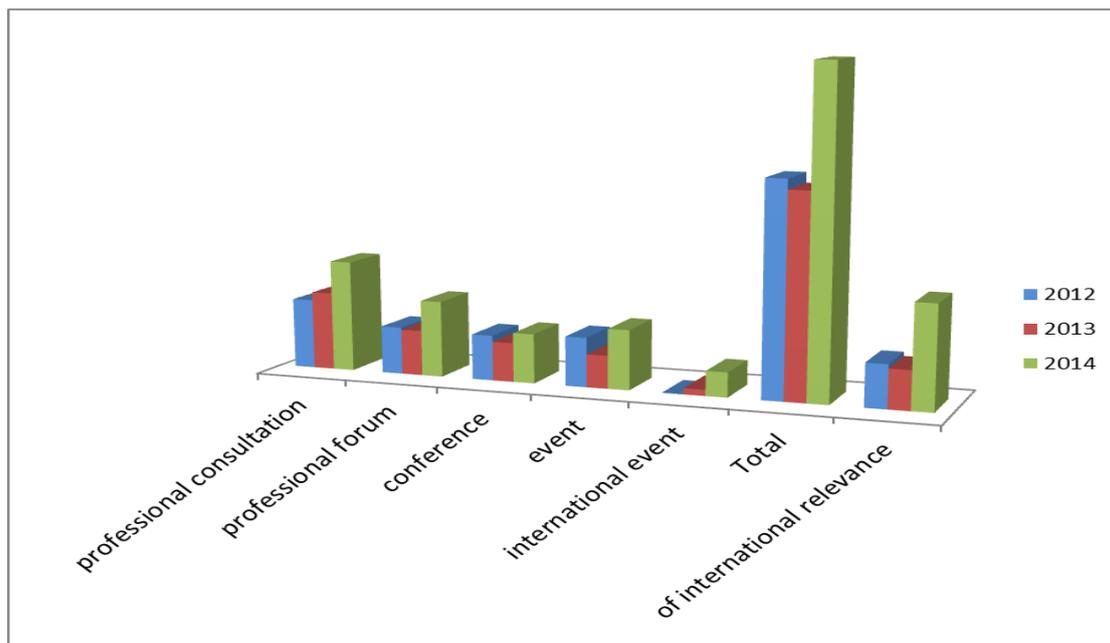
The number of events in 2012 and 2013 essentially remained constant, so it seemed foreseeable that this activity will remain at a stable level. However, in 2014 the members of the Secretariat participated in 60% more domestic events. The number of international events grew at an even larger rate, as the number of such programmes was 2.5 times more than in 2013. The largest shift, however, pertains to the third category: the Secretariat participated in international events abroad four times more often than in the previous year.

As for the reasons of the aforementioned growth, it is worth looking at the fields regarding which the changes happened. This is shown in the chart below with regard to key areas.

	2012	2013	2014
professional consultation	34	38	<b>54</b>
professional forum	23	22	<b>37</b>
conference	22	19	<b>24</b>
event	24	16	<b>29</b>
international event	0	3	<b>12</b>
<b>Total</b>	<b>103</b>	<b>98</b>	<b>156</b>

of international relevance	21	19	<b>50</b>
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The significant increase was not due to a balanced increase in all fields of activity, with the exception of participation in international events abroad, which have quadrupled (the reasons will be further analysed later). What follows first is a visual representation of the growth.



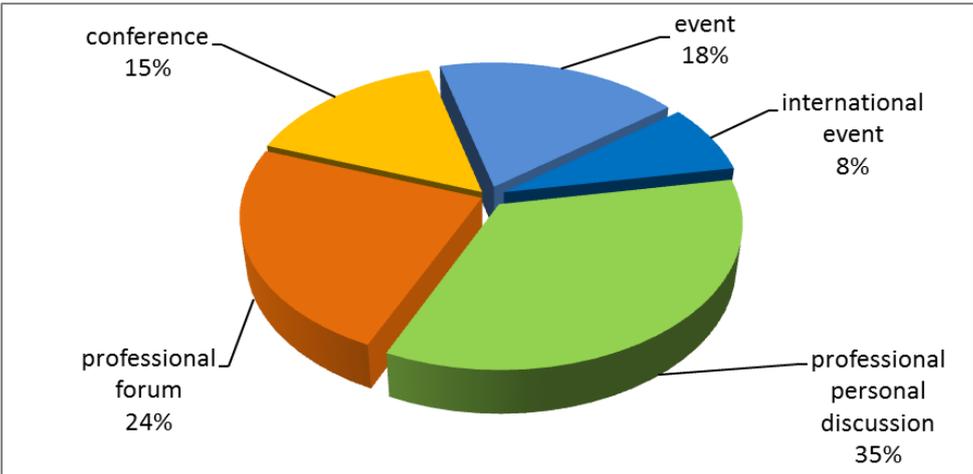
The question arises: what was the cause of the overall growth, and will the trend continue in the coming years? First it should be noted that the Secretariat of the Deputy Commissioner has continued its work in 2014 under unchanged circumstances, i.e. there was no unusual, spontaneous increase in the number of professional contacts, forums or conferences. The change started internally: the Deputy Commissioner responsible for the protection of the rights of nationalities has determined two fundamental problems and set out to solve them – in hindsight, it may be said that this effort was successful.

The first problem is connected to the realisation that the general information level of the public is low, and an ‘information deficit’ is perceivable. Members of nationality communities are able to get sufficient information about nationality rights and events via political organisations and civil society. However, cultural autonomy issues is for the most people an uninteresting area, whereas Roma issues are well known but are surrounded by prejudice and problems. The role of the Office in this regard is the communication and explanation of these issues, but this activity is often hindered. Reports delivered in individual cases and in *ex officio* investigations covering broader areas have always reached the persons concerned, but they have rarely been acknowledged by the wider public. Thus, working

towards the aim of communicating nationality rights has had some effectivity issues. It also had to be acknowledged that the publicity of the ombudsman and his deputies is could be improved: it is indeed the individuals most in need of protection, with very low ability to advocate their own rights, who know the least about the ombudsman institution and its possibilities and competences. This is partly due to the severity of their individual problems, but also to the mostly passive behaviour of “intermediaries” (such as media, state institutions, etc.) which are only occasionally interested in the work, procedure and message of the Office.

The other identified problem relates to internal communication within the professional network and with other subsystems of society. It was often experienced that members of scientific think tanks or civil organisations active in the field, as well as decision-makers and practitioners in the state sector are – regardless of their exceptional knowledge and problem-sensitive approach – not in proper contact with each other, or communication is sometimes restricted to just one specific field or problem. This makes communication with the general public also more difficult. It is especially difficult to communicate complex sectoral policy issues in an way understandable for the public, especially where the communicator can expect almost automatic refusal (without reasoning) from the other party. The quality level of the public discourse was also hindered by the fact that discussion often did not focus on the proper issues: instead of rational reasoning, emphasis was laid on discontent, and the arguing parties did not recognize each other as equals entitled take part in the discussion.

Having regard to all of the above, the Deputy Commissioner has elaborated a long-term programme which encompasses attitude shaping and raising rights awareness, with the participation of the professional community. The first step in this regard was to determine the fields and the planned volume of communication and information-gathering and dissemination. This is demonstrated by the diagram below.



Discussions with members and co-workers of professional and advocacy organisations represented the backbone of activities: such meetings amounted to one-third of domestic events. In 2014, the Deputy Commissioner has met with all Secretaries of State and Deputy Secretaries responsible for nationalities and the Roma. She has also met with the most

important civil organisations and has been in constant contact with the nationality spokespersons and the presidents of the country-level nationality self-governments. These consultations have provided invaluable information concerning political processes and relations, which proved invaluable for the strategic planning of the work of the Deputy Commissioner. Getting to know the activities of smaller – professional, cultural or societal – organisations was also quite important in order to achieve complexity and to strengthen everyday communication. During these meetings, numerous individual problems were discovered, and certain previously unidentified overarching tendencies affecting all nationalities regardless of size also became apparent.

Embassies representing the mother countries of nationalities, and cultural and research centres became key partners as well. The abovementioned inductive method of problem identification represented a new point of view, as mutual cognizance of various mechanisms or models for the safeguarding of rights allows for tools and methods to be implemented in domestic practice in the countries concerned. Useful lessons may also be drawn from a deeper knowledge and understanding of the historic and socio-cultural environment of the mother countries.

Apart from the aforementioned personal professional discussions (usually taking place behind closed doors), participating in professional and scientific events became an essential element of the toolbox of the Deputy Commissioner in 2014. The presence of the members of the Secretariat at forums and conferences (amounting to 39% of activities) meant in every case an active participation (i.e. taking part in discussions and representing the opinion of the Deputy Commissioner).

Participation at twelve foreign events also served the same goal, and at the same time also meant fulfilling an important legal obligation: according to Section 3 (2) h) of the CFR Act, the Deputy Commissioner shall promote, through her international activities, the presentation of the merits of domestic institutions related to the interests of future generations to the interests of nationalities living in Hungary. The Deputy Commissioner has fulfilled this obligation first and foremost by speaking at various professional conferences and workshops, and holding university lectures. The detailed list of such events is presented in the chart below.

<b>Date</b>	<b>Inviting organisation</b>	<b>Topic</b>	<b>Type of event</b>	<b>Venue</b>
18-19 February	European Network of Equality Bodies (Equinet)	Equinet High-Level Legal Seminar on Equality Law	professional workshop	Brussels, Belgium
19-21 March	Síndic de Greuges de Catalunya (The ombudsman of Catalonia)	International Symposium on Language Rights and Social Cohesion in Plurilingual Societies & Inaugural Conference of the International Association of	conference	Barcelona, Spain

		Language Commissioners (IALC)		
24-26 April	Association for the Study of Nationalities (ASN)	19th Annual ASN World Convention	conference	New York, USA
28-31 May	Fédération Internationale pour le Droit Européen (FIDE)	XXVI FIDE Congress	conference	Copenhagen, Denmark
10 June	Philipps Universität Marburg	Migration in Osteuropa und Südosteuropa	university lecture	Marburg, Germany
12-13 June	Human Rights Defender of Poland	Annual Meeting of the Ombudsmen from Visegrád Group	conference	Bialowieza, Poland
10-12 October	Landsmannschaft der Deutschen aus Ungarn Bundesverband e.V.	Kulturtagung zu historischen, kulturhistorischen und aktuellen Themen der Ungarndeutschen	lecture	Gerlingen, Germany
20-21 October	Academy of European Law	Current reflections on EU Anti-Discrimination Law	professional workshop	Tirer, Germany
21 October	European Roma Information Office	Workshop „Protecting Roma Against Discrimination: the Role of Equality Bodies“	professional workshop	Brussels, Belgium
25-28 November	National Human Rights Institutions + Office of the High Commissioner for Human Rights	7th Session of Minority Forum Section: „Preventing and addressing violence and atrocity crimes targeted against minorities“és Zürichi Egyetem	conference and university lecture	Genf and Zürich, Switzerland
17-18 December	European Commission + Equinet	The Charter of Fundamental Rights of the European Union: Assessing and responding to the training needs of legal practitioners and public officials	high-level expert conference	Brussels, Belgium

Thanks to good contacts, the Secretariat receives invitations to cultural events of various nationalities on a weekly basis. Apart from the Day of Nationalities which is relevant for all Hungarian nationalities, there are 24 national holidays or memorial days which are specifically connected to individual nationalities. Additionally, various localities and regions organise their own events as well – according to our estimate, nationality events in the

country may exceed one annually. The Deputy Commissioner has attempted to honour as many invitations as possible, ranging from solemn commemorations to nationality balls. This activity (which amounted to circa 20% of the work of the Secretariat) is indispensable as it allows the strengthening of relationships and enhances intercultural awareness.

The public communication of the work of the Secretariat has also been reinforced: news items and announcements were published regularly, and the Deputy Commissioner has given numerous interviews in national and foreign media (partly during her official travels) regarding topical nationality-related issues. The members of the Secretariat have also held lectures throughout the country.



*The Deputy Commissioner at the Miroslav Krleža Croatian School Centre*

Special attention was given to the various meetings and discussions that took place in connection with the first autonomous investigation by the Deputy Commissioner. In the complex investigation looking into the relationship of churches and nationalities, the Secretariat got into contact with 18 traditional churches (by mail) and arranged 20 personal meetings. As these numbers suggest, the work connected to this inquiry was quite intensive during the year. It is quite positive that the Secretariat experienced an open and cooperative attitude on behalf of the churches. The topic is quite important and topical: cultural rights of nationalities can only be fully exercised as part of a community. For nationality communities, it is usually not only nationality self-governments (dealing with public affairs) but also state institutions, local self-governments and non-state actors that facilitate access to cultural public services. Nowadays churches play a significant role in shaping social attitudes, and they often take part in the provision of public services in the field of education and social welfare, partly taking over responsibility for such services from the state. The Deputy Commissioner attaches special importance to initiatives by churches that concentrate on aiding those living in poverty or in sickness or those that are otherwise living on the periphery of society, in social

exclusion. Numerous churches have made ‘Roma pastoration’ a part of their mission, utilizing significant resources; this phenomenon has become an important element in providing suitable, humane living conditions for those in need. The Deputy Commissioner had the opportunity to take part in various meetings and conferences where she consulted with professionals working in the field, and also met with members of the religious communities. In order to recognize the importance of missionary work and social services provided by the church, the Deputy Commissioner has proposed that the Commissioner for Fundamental Rights should honour József Lankó, the parish priest of Alsószentmárton with the *Justitia Regnorum Fundamentum* award in 2014. The recommendation was followed: with the award, the Commissioner recognized the decades long efforts of Father Lankó in helping thousands of Hungarians (including many Roma) living in deep poverty. (The investigation regarding the correlation of churches and nationalities will end in 2015 with a conference.)

In 2015, the Deputy Commissioner will endeavour to strengthen its communication- and information-related functions even further, with the continuing aim of shaping social attitude and raising rights awareness, involving also the wider professional community in its efforts. Communication based on personal presence and participation will remain an important tool, but electronic communication will be reinforced as well, as the digital world offers many fast, effective, and cost-efficient means of communication. This method is also the primary way to communicate with the youth in a more intensive way. The development of the content of the Secretariat’s digital communication will take thus take into account the various target groups: children, pupils, university students, professionals and the general public should be provided with information materials of adequate depth attuned to their respective knowledge and needs. Yet personal participation remains indispensable – accordingly, the Deputy Commissioner and the members of her Secretariat will continue to lay special emphasis in activities related to shaping social attitudes regarding the nationalities living in Hungary, including professional communication as well as awareness-raising regarding vulnerable social groups.

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