

CASE LAW MOSAIC

QUARTERLY INFORMATION BULLETIN OF THE DEPUTY COMMISSIONER FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN HUNGARY, 2021/3

Case concerning the exercise of the right of consent of the nationality self-government in connection with the evaluation of an application for the position of the head of a German nationality kindergarten

In his petition, the chairman of the German nationality self-government of the settlement complained that the local government had acted unlawfully in the course of the procedure for the application and appointment of the head of the German nationality kindergarten under its maintenance, which was also criticised by the German nationality MP of the Parliament and the president of the National Self-Government of Germans in Hungary.

According to the submission, in the autumn of 2019, the former head of the kindergarten indicated that she did not wish to reapply for the post of head of the kindergarten. In April 2020, the application for the post of head of the kindergarten was published, which was declared invalid by the municipal government, as the applicant did not have the qualifications required for the appointment. The municipality informed the German nationality government, which supported the applicant, that the local government would re-advertise the competition for the head of the institution, for which the consent and decision of the nationality government would be sought again.

The local government then appointed the former deputy head of the kindergarten to take over the duties of the head of the institution. In January 2021, the kindergarten teacher supported by the nationality self-government obtained the qualifications required for the position of head of the institution, but the local government refused the request of the German nationality self-government to publish a call for applications for the position of the head, thus since then the management of the institution has been carried out by a person being in charge without the consent of the nationality self-government. According to the information available, the competition for the position of head of the institution will be reopened in September 2021.

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Upon the request of the Minority Ombudsman, the Pest County Government Office, the competent supervisory body, found that the representative body of the municipal self-government had acted unlawfully by not obtaining the consent of the German nationality self-government when appointing the temporary head of the local kindergarten, which is a nationality institution. The investigation phase of the legal supervision procedure is still ongoing, the September call for applications is also being examined and, once it is completed, the Government Commissioner will inform the Minority Ombudsman of the measures taken in this case.