

2021/4.

NEWSLETTER

QUARTERLY INFORMATION BULLETIN OF THE DEPUTY COMMISSIONER
FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN HUNGARY



TO THE READER

The fourth, year-end issue of my Newsletter, launched in 2021, is an opportunity to look back and look forward.

Assessing the social and professional trends of 2021 and the individual and general complaints I have received, I would like to start 2022 by reminding us all of the importance of social stability, of working together and of respecting and taking responsibility for each other. In this context, and in line with the definition of the rule of law published by the Venice Commission in 2011, I affirm that: "all persons and authorities within the state, whether public or private, should be bound by (...) laws publicly made, taking effect (generally) in the future and publicly administered in the courts".

Prof. Elisabeth Sándor-Szalay

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SUMMARY AND THOUGHTS FOR THE NEW YEAR BY THE MINORITY OMBUDSMAN

The year 2021, like 2020, was a period full of challenges. **The global health pandemic has caused tragic losses** and has tested the resiliency of virtually everyone, regardless of nationality: families, vulnerable groups in society, the health care system, educational and social institutions, other state care systems, civil society and church organisations. These challenges and **the protracted crisis have also polarised public discourse**, with misconceptions easily and rapidly spreading, causing misinterpretations and sometimes even misleading. We see this phenomenon at all levels of life, particularly in the case of the reactions experienced in connection with the defence against the coronavirus, and this is also supported by the large number of nationality submissions that I have received during this period.

In this particularly fragile state of social well-being, the preparations for the parliamentary elections in spring 2022 are yet another decisive factor. **Nationality communities, the country's public, society as a whole, specific groups and individuals have all been placed at the forefront of political discourse.**

The presentation in a sometimes one-sided political context of the public debates about the future status of the basic institutions that are supposed to ensure the functioning of society may easily lead to a general deterioration of public confidence – the consequences of which are unclear and difficult to predict. It is undeniable that during campaign periods, the clash of views is a common method of persuading voters. However, from the perspective of individuals, the **basic expectation for all is to have a legitimate and informed debate**, conveying objective and credible views, and above all preparing informed choices by citizens, leaving as little room as possible for purely emotional choices.

Looking back to 2021, at the start of 2022, **I remind us all of the importance of social stability, of working together and of respecting and taking responsibility for each other.** In this context, and in line with the definition of the rule of law published by the Venice Commission in 2011, I affirm that: “all persons and authorities within the state, whether public or private, should be bound by (...) laws publicly made, taking effect (generally) in the future and publicly administered in the courts”.

STATISTICS

	4th quarter of 2021	2021 in total
petitions and ex officio proceedings:	59	391
correspondence:	818	2.213
legislative opinions:	6	34
professional meetings:	39	145

key professional documents in 2021:

- five General Comments
- four Joint Reports
- seven closing letters containing legislative proposals

4/2021 General Comment on the use of community names in nationality languages

Following a complex investigation, the Minority Ombudsman has issued a General Comment on the use of community names in nationality languages. The aim of the General Comment is to review and explore the complex situation and specific problems of the use of community names in nationality languages. The document touches on national and international examples, including relevant national and EU legislation, international treaties, recommendations

and some academic studies on the subject.

In the course of preparing the General Comment, a number of practical issues and problems have arisen which may have a decisive impact on the effective enforcement of rights in the field of the use of community names in nationality languages. The professional proposals made in the General Comment mainly concerned the partial amendment of the rules on the use of community names in nationality languages, the method of determining official geographical names in nationality languages, the financial incentives



for the installation of signs containing transport names of national or local importance and signs of public places in nationality languages as well as the unification of registers of official geographical names in nationality languages.

The summary of the general comment is available [here](#).

Joint Report about a local referendum on a primary school providing nationality education

A local resident submitted a complain that the Municipality of Kisoroszi had ordered a local referendum on the question "Do you support the transfer of the Kisoroszi primary school to the Roman Catholic Church?".

The Joint Report states that it is incompatible with the constitutional function of local referendums and is a violation of the requirement of exercising rights properly and in good faith to initiate a local referendum – without any real intention of putting the local political community in a position to decide – about a subject on which the local government has no competence or authority. This way, the municipality will not be able to implement the decision made on the question submitted to local referendum.

The summary of the report is available [here](#).



Joint Report on the operation of a cemetery and the cooperation between the local government and the local Roma nationality self-government



The late president of the Roma Self-government of Érsekvadkert and the president of the Roma Self-government of Nógrád County submitted a joint petition to the Minority Ombudsman concerning the municipality's measure to close the main entrance gate to the cemetery in Érsekvadkert and to prohibit access by motor vehicles. Problems were also raised regarding the practical implementation of the cooperation agreement.

The Ombudsman and the Minority Ombudsman, in their review of the municipality's regulation on the cemetery and cemetery activities, found that it contained provisions contrary to higher legislation, which caused an irregularity related to the principle of the rule of law.

A summary of the report is available [here](#).

MAIN DOMESTIC EVENTS

APPLIED NAMES RESEARCH: TEN YEARS ON

The Minority Ombudsman participated as a keynote speaker at the interdisciplinary conference "Applied Names Research: ten years on", where she presented the research methods, findings and professional recommendations of her [General Comment No. 3/2021](#) on the use of individual names in nationality languages.

The organisers of the conference series, which has been held annually since 2012, aim to bring together representatives from different disciplines and fields of application to address the theoretical and practical issues related to the use of names.



Επέτειος του «Όχι» - The anniversary of „No”

The Minority Ombudsman celebrated together with the Greek community in Hungary the OXI – the Day of NO, a symbol of Greek national consciousness, courage and perseverance, commemorating the steadfast stand against Italian aggression in the war.

The event's varied programme offered an insight into the events of the 1940s, the struggles of the Greek people, the heroic work of the women who supported the struggle and its impact to this day, through personal commemorations, contemporary art and historical retrospectives.



LECTURE AT THE ELTE RADNÓTI HIGH SCHOOL'S HUMAN RIGHTS PROJECT DAY

The students of the ELTE Radnóti Miklós High School organised a Human Rights Project Day, where they invited prominent national experts on a number of legal and public policy topics to present their own areas of expertise.

At the event, the Minority Ombudsman presented the system of fundamental rights, as well as the field of nationality law and the legal environment of equal treatment. The students were also shown the practical side of legal protection through case studies and individual cases, and then engaged in a lively discussion on the issues raised.



WORKING VISIT IN BÉKÉS COUNTY

The Minority Ombudsman and her staff paid a two-day working visit to Békés County between 9-10 November 2021. Since taking office, the Minority Ombudsman has considered it important to maintain direct contact with the leaders and members of the nationalities, and this time as well, an intensive series of nine meetings took place.

The first day of the on-site visit was spent in Gyula (Giula) with the Romanian community, followed by a second day in Békéscsaba (Békešká Čaba) with leaders and representatives of the Slovak community and their expert staff.



The Deputy Commissioner held a working discussion with the presidents of the National Self-Government of the Romanians in Hungary and the National Slovakian Self-Government, as well as with the Romanian and Slovakian nationality advocates on the current situation of the nationality communities and self-governments, their experiences of the past year and their plans for the future.



In addition to political leaders and representatives, also the head of the Romanian Orthodox Bishopric of Gyula personally received the Minority Ombudsman. After a discussion on general issues concerning the Romanian Orthodox Church in Hungary and the challenges posed by the pandemic, the Minority Ombudsman visited the Episcopal Cathedral of St Nicholas and the extremely valuable collection of the Museum of the Romanian Orthodox Bishopric.



The working visit also included a special focus on educational and cultural institutions, with the Minority Ombudsman and her staff visiting the Nicolae Bălcescu Romanian Secondary School, Primary School and College in Gyula as well as the Slovakian Secondary School, Primary School, Kindergarten and College in Békéscsaba.



During the visits, they also had the opportunity to attend a Slovak and

a Romanian language class at the grammar schools.



In the Slovakian House of Culture and then in the Slovakian Country House in Békéscsaba, the participants discussed the complex challenges and possible local and general responses to the challenges of institution maintenance, the funding environment, reaching out to young people from the nationality community, general social awareness-raising on nationalities, the museum institutional system and the 2022 census.

During the two-day visit, the Minority Ombudsman paid a protocol visit to the Consul General of Romania in Gyula and the Consul General of the Slovak Republic in Békéscsaba. During the discussions, the current issues and challenges affecting nationalities were discussed, including the procedural issues and tasks of the upcoming parliamentary elections, the relevant elements of the 2022 census, and the difficulties and achievements of nationality education. Discussions with the Slovak Consul General also touched upon the issue of the use of nationality media, in particular the accessibility of public service radio and television broadcasting.

MAIN INTERNATIONAL EVENTS

V4 OMBUDSMEN SUMMIT IN VISEGRÁD

The ombudsmen of the Visegrad countries have met annually since 2004 to share their experiences, current achievements and challenges of their work, and to exchange practical lessons learned in the past. The theme of this year's meeting in Visegrad was "The role of ombudsmen in protecting the rights of the most vulnerable groups in society in the pandemic".

In addition to the hosts, the two-day event was attended by Slovak Ombudsperson Mária Patakyová, Czech Ombudsman Stanislav Křeček and Polish Deputy Ombudsman Stanisław Trociuk and their senior colleagues. The joint work was followed by presentations and experience-sharing round-table discussions.



During the meeting, the Minority Ombudsman gave a detailed presentation on her activities in 2020, the radical impact of the pandemic on the Roma community in Hungary and the possibilities for action and concrete measures to address this issue. [Details here.](#)

EUROPEAN REGIONAL FORUM OF THE UN



This year, the UN Human Rights Council and the Tom Lantos Institute organised the European Regional Forum on the Protection of the Human Rights of Persons belonging to National Minorities and Conflict Prevention online, with the Minority Ombudsman moderating the discussion as a session leader.

The main objective of the four Regional Forums on "Conflict Prevention and the Protection of the Human Rights of Minorities", which have been held every year since 2018, was to explore and examine aspects and circumstances that the UN Special Rapporteur on Minority Issues intends to present in his annual report to the UN Human Rights Council at its 49th session and at the annual Minority Forum. [Details here.](#)

ROMA YOUTH CONFERENCE 2021



This year, the Roma Youth Conference was organised in cooperation between Phiren Amencia and the National Youth Council, with the aim of raising awareness and strengthening the participation and social empowerment of Roma youth.

At the event, which was attended by representatives of Roma civil society and international and Hungarian institutions active in the field of youth, Tamás Török, Head of the Secretariat, represented the Minority Ombudsman as a speaker in a panel discussion and as a professional participant in a workshop, assisted by Katalin Enikő Béres, Senior International Officer. [Details here.](#)

CASE LAW MOSAIC

Following a request from the Minority Ombudsman, the staff of the National Prison Service inspected the public health conditions in a prison and took immediate action.

[Details here.](#)

The Minority Ombudsman drew the attention of the National Police Commissioner to the shortcomings in the documentation of the detention of a Roma national who was apprehended for questioning as a witness in an offence procedure, anomalies in the implementation of the notification obligation and a biased attitude evident from police reports.

[Details here.](#)

The introduction of digital education as a result of the pandemic has made it difficult for the son of a Roma complainant to complete his studies. The complainant asked the Minority Ombudsman to investigate the matter and, on the basis of the information received, she found no irregularities.

[Details here.](#)

A Roma national complained that humiliating and impermissible language was used towards their minor grandchildren and the complainant during and before the bus transport of the children to school. The Minority Ombudsman asked the director of the relevant school district centre to investigate the case, and also requested information from the mayor of the municipality concerned and the head of the basic social services centre, but found no irregularities.

[Details here.](#)

A Roma national living in a municipality flat complained to the Minority Ombudsman that they had been billed by the water company for increased water charges caused by a burst main pipe in his yard, but that they were unable to pay. The complainant also asked for help because their home had been in a life-threatening condition for years. The Minority Ombudsman contacted the local municipality, the water company and the head of the local family support service.

[Details here.](#)

A complainant of Ruthenian nationality complained about the contradiction between the information provided orally and in writing by the Education Office regarding the conditions for admission to higher education and the absence of the option of Ruthenian language examination on the felvi.hu website. In response to a request from the Minority Ombudsman, the State Secretary for Higher Education provided information on the admission rules and the Education Office rectified the objection concerning the option of Ruthenian language examination.

[Details here.](#)

