

A Roma complainant complained that he could not have the period of use of his father's grave extended. The Minority Ombudsman, lacking competence, informed the complainant of the main legal provisions relating to the complaint, in particular the possibilities of legal remedies.

CASE LAW MOSAIC

The family of a complainant of Roma nationality, fearing eviction from a flat rented from the House of Tenants, turned to the Minority Ombudsman for help. The Minority Ombudsman informed the complainant of the conditions for the continued renting of the flat and sent a sign to the local family assistance centre.

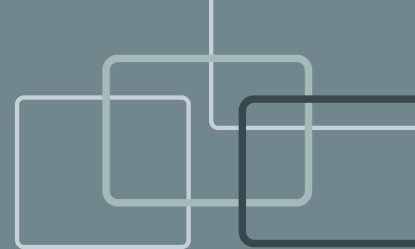
A complainant of German nationality made several submissions to the Minority Ombudsman, both in relation to his financial claims in connection with his work in Germany and to clarify his pension issues.

The municipality local government rejected the application for extraordinary settlement support made by the applicant and his partner, who are disadvantaged and have problems in maintaining their livelihood. The complainant contested the decision and asked the Minority Ombudsman for further assistance.

The complainant mother is raising her mentally handicapped and disabled child alone, who requires constant care and supervision, but the father is not fulfilling his child support obligations. The complainant of Roma nationality contacted the Minority Ombudsman in relation to the enforcement of the arrears of maintenance, the payment of the advance child maintenance and the possibility of its enforcement.

In connection with demonstrations held by far-right organisations in certain municipalities, the Minority Ombudsman urged the National Chief Police Captain, as part of more effective action against hate crime, to make the police forces apply in their procedures the current provisions of the criminal law in force on incitement to hatred.





Following signals from the president of an international Roma rights NGO, the Minority Ombudsman investigated the demonstrations organised by a political party and two far-right organisations in Monor and Jászapáti in the summer of 2021 to protest against “Gipsy crime”, and also visited the demonstration in Monor to find out about the circumstances and requested information from the National Chief Police Captain.

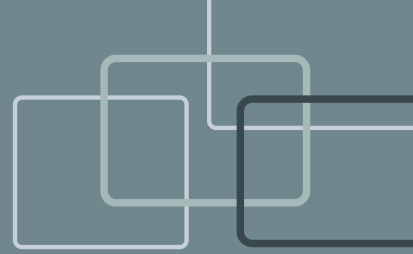
According to the National Chief Police Captain, the authority in charge of the assembly must ensure the exercise of the right of assembly as widely as possible, and restrictions on the right of assembly by means of prohibitory orders may only be used as a last resort if the public safety, public order or the protection of the rights and freedoms of others, as expressly referred to in the law on assembly, cannot be ensured by less restrictive means.

With regard to the marching assembly notified to the Monor Police Headquarters, the assembly authority did not issue a restrictive or prohibitory decision, taking into account its location and route.

In five cases of events notified to the Jászberény Police Headquarters, a prohibitory decision was taken, and in one case, a restrictive decision was taken changing the marching demonstration to a static one, because of the threat to public safety or public order or the violation of the rights and freedoms of others.

One of the complainants appealed against two police decisions to the court, but its claims were rejected by the Curia. According to the principle of the decision of the Curia, “the notification of an event which, by its demonstrative character, is likely to arouse fear in minorities or persons belonging to them because of their membership of the community in question, constitutes a ground for restricting the exercise of the right of assembly.”

In the context of guaranteeing the fundamental right to peaceful assembly, the Minority Ombudsman also drew attention to the provisions of the Fundamental Law according to which freedom of expression and the exercise of the right of assembly may not be exercised in a way that violates the private, family and home life of others; nor may the exercise of freedom of expression be directed against the human dignity of others; nor against the dignity of the Hungarian nation, national, ethnic, racial or religious communities.



According to the information of the National Chief Police Captain, the police provided security for both demonstrations with the necessary forces and means in accordance with the relevant legislation; no incidents occurred during the rallies and no police action was taken. However, following the demonstration in Jászapáti, several reports were received by the authorities, which were rejected by the Jász-Nagykun-Szolnok County Police Headquarters as reports of crime of incitement against the community.

The Minority Ombudsman highlighted the problems related to the application of the offence of incitement to hatred in her General Comment No. 5/2020 on statements insulting German nationality and on combating hate speech, and noted that the 2016 amendment of the Criminal Code – the inclusion of “inciting to violence” as an offence – has not yet brought any substantial change in the practice of the law enforcement of incitement to hatred.

As a result of the present investigation, the Deputy Commissioner also found that the investigating authority – by interpreting the conduct of incitement to hatred as essentially incitement to violence – based its refusal of the crime-reports on the wording of the definition of incitement against the community that had been in force before the amendment of the Criminal Code, rather than the current wording of the law, and therefore asked the National Chief Police Captain to pay particular attention to the correct application of the definition of incitement against the community in accordance with its current wording, as part of more effective action against hate crime.