

2021/1.

# NEWSLETTER

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



## WELCOMING THOUGHTS

When hearing the term "nationality rights", one may think of many things. It is not necessary to be an expert to realise that our unique and unrepeatable identity is the result of the interaction of our endowments, mother tongues and traditions all different from that of the majority. Nor do we need special skills, but our humanity to recognise the injustice of any exclusion on the grounds of origin. However, my experiences as deputy ombudsman may provide guidance to understanding such situations and learning about the possibilities for legal protection for all. This newsletter is intended to serve that purpose.

*Prof. Elisabeth Sándor-Szalay*

## CONTENTS

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### 2020 IN THE FOCUS

- Challenges, developments and opportunities
- Priority case-categories and themes

### 2021 FIRST EXPERIENCES

- Statistics and priority investigations
- Key international events
- Case law mosaic



## Challenges in an extraordinary year

In January 2020, all stakeholders in the field of nationality law started their work preparing for a normal year, but two months later, everyday life was about **protecting against a pandemic and safeguarding our communities.**

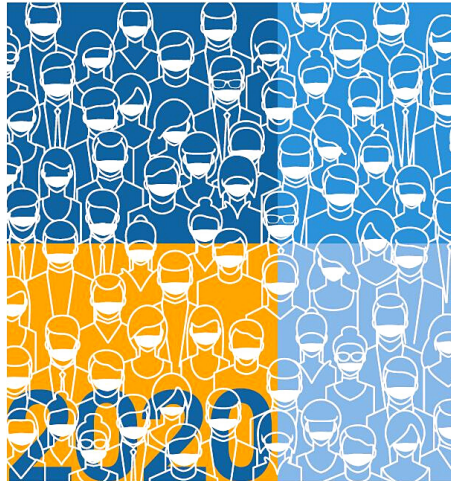
The activities of nationality advocacy bodies have been quickly and completely transformed by the **shrinking opportunities for face-to-face meetings**, the challenges of **online communication** and the **economic and financial difficulties** faced by institutions and individuals alike.



Despite these challenges, the Minority Ombudsman has carried out an intensive professional activity, examining **351 individual complaints**, initiating **20 ex-officio procedures** and issuing **12 key professional documents.**

For more information on the challenges and opportunities of the past period, see **pages 115-144 of the Report** on the activities of the commissioner and the deputy commissioners in 2020.

*Click on the image to download the document (in Hungarian).*



BESZÁMOLÓ AZ ALAPVETŐ JOGOK BIZTOSÁNAK ÉS HELYETTESEINEK TEVÉKENYSÉGÉRŐL 2020

## Developments and new opportunities

**Infrastructural improvements** at the Office of the Commissioner for Fundamental Rights and staffing changes in the **Minority Ombudsman's Secretariat** will facilitate a more efficient organisation of work.

*For details, click on the list below.*



**1. new legal status and salary improvements**



**2. termination of the former organisational fragmentation of the nationality field**



**3. move to new headquarters, modern working environment**



**4. right to make proposals on the allocation of nationality discrimination cases**



**5. professional control in all cases involving nationality**

## Professional contacts

Keeping contacts, **gathering and processing information** are not only legal obligations but also essential prerequisites of our work. In 2020, these activities were carried out without interruption - **online and in exceptional cases in person.**

Key partners were:

- representative bodies and persons of the nationalities;
- elected public bodies and individuals;
- governmental and administrative bodies;
- civil and political authorities, citizens' associations, public authorities and civil society organisations;
- interest reconciliation bodies;
- research institutions;
- churches and social organisations;
- diplomatic bodies.

Educational and professional resources, current events and summaries of previous programmes are available via [this link](#).

# PRIORITY CASE-CATEGORIES AND THEMES FOR 2020

## JOINT REPORTS

- exercise of the right of consent in the case of a national education institution
- exercise of rights related to burial and commemoration
- maladministration in administrative proceedings

## GENERAL COMMENTS

- nationality burial customs and rights of commemoration
- 2021 census
- Roma history in school curricula and textbooks
- impact of the pandemic on nationalities
- action against hate speech and hate crime

## CLOSING LETTERS WITH LEGISLATIVE PROPOSALS

- use of coercive means in police action
- practice of short-term arrest by the police
- criminal proceedings against a minor

## CASE LAW

Nationality  
education

30

Nationality self-  
government

25

Cultural rights,  
use of individual  
and community  
names

59

Care for war  
victims and their  
families

71

Social living  
conditions, housing,  
segregated  
settlements

53

Hate speech and  
hate crimes

13

Police,  
misdemeanour,  
criminal  
proceedings,  
law enforcement

42

Public  
employment,  
employment,  
services

24

# FIRST QUARTER OF 2021 – EXPERIENCES

## STATISTICS

petitions and ex officio proceedings: **209**  
correspondence: **893**  
legislative opinions: **14**  
professional meetings: **34**



## TOPICS FOLLOWED UP IN PARTICULAR

- Impact of the **pandemic** emergency on nationality communities.
- Ensuring that international legal documents and national legislation **are available in nationality languages**.
- The enforcement of language rights in the use of **individual and community names**.
- Funding difficulties for small **university departments** and their teaching staff.
- The availability of nationality **public service broadcasting**.
- The education situation of **Roma children in Gyöngyöspata**.

- Trends and current issues in the **management of ethnic data**.
- Rehabilitation programme for the **segregated areas in Nyíregyháza**.
- War orphan benefit of persons and their families of German nationality deported to **“Malenkij robot”**.

In addition to the above, the investigation of individual complaints and general maladministrations detected ex officio and on the basis of the petitions is carried out continuously.

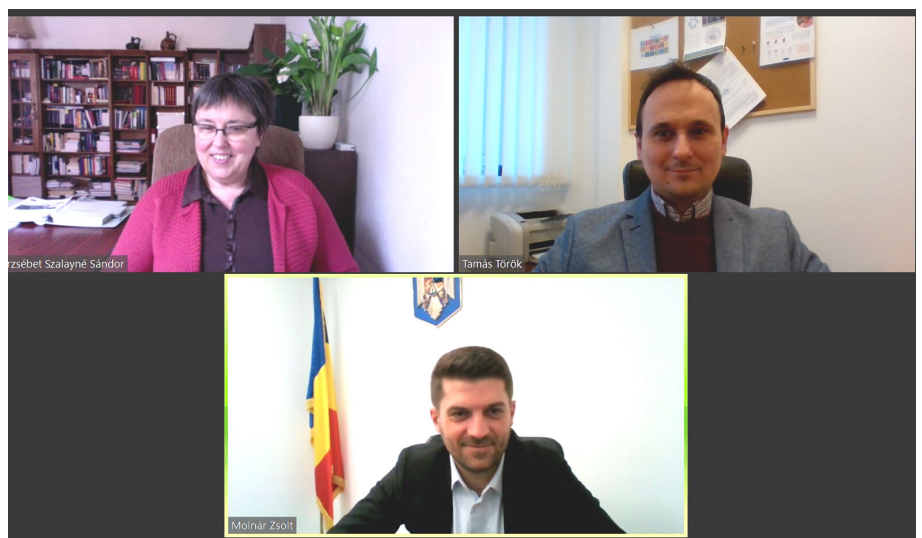
## MAIN DOMESTIC EVENTS

### Professional forums

- Parliament’s Committee of the Nationalities in Hungary
- KÖFOP project of the Freedom of Information Authority (NAIH)
- SDG working group of the Central Statistical Office

### Personal meetings

- Presidents of national-level nationality self-governments
- Attila Péterfalvi (President, NAIH)
- Hajnalka Juhász (Ministerial Commissioner, Ministry of Foreign Affairs and Trade)
- Kolos Andrónyi (Editor-in-Chief of MTVA for Nationalities and Hungarians Abroad)
- István Galambos (Director General, MTVA)
- István Stumpf (Prime Minister's Commissioner)
- Zsolt Molnár (Deputy of the People’s Advocate, Romania)



## MAIN INTERNATIONAL EVENTS



The staff member of the Minority Ombudsman's Secretariat participated in the online discussions of the **Equinet Policy Formation Working Group**, where the main topics were:

- fight against antisemitism,
- combating institutional racism and
- access to healthcare with respect for the principle of equal treatment. [Details here.](#)

The law students of the **Imre Mikó College of Advanced Studies** in Cluj hosted a professional evening with the Minority Ombudsman, Elisabeth Sándor-Szalay and the head of her secretariat, Tamás Török.



The topics of the online forum included the situation and challenges of minority protection in Europe, Hungary and Romania, the enforceability of international documents, the Minority SafePack, the situation of language rights, the current state of the nationality institutional system in the two countries and the possibilities for further steps. [Details here.](#)

Staff member of the Minority Ombudsman's Secretariat, György Benedek participated in an online interactive dialogue on "The role of social media companies in managing content that harms human rights" organised by the **Universal Rights Group (URG)** in cooperation with Facebook.

The event focused on the presentation of Facebook's new Corporate Human Rights Policy adopted on 16 March.

[Details here.](#)



# URG

The Minority Ombudsman delivered a presentation at the **FUEN (Federal Union of European Nationalities)** online conference "Minority protection and the rights of ethnic groups in Central and Central-Eastern Europe" on 25 March, which focused on the protection of minorities in Hungary, Croatia and Slovakia and the specificities of the application of the law in each country.

Her presentation was entitled "The implementation of legal regulations regarding the protection of minorities in Hungary from a practical perspective". [Details here.](#)



## PROVISION OF INFORMATION TO INTERNATIONAL ORGANISATIONS

In the first quarter of 2021, the Minority Ombudsman provided information on several occasions to international organisations dealing with the rule of law, human rights and the ombudsman institution in Hungary:

- **Universal Periodic Review (UPR)** of the human rights situation in Hungary,

- Review Process of "A" status of the Commissioner for Fundamental Rights, carried out by the **Global Association of National Human Rights Institutions (GANHRI)**, Subcommittee on Accreditation,

- Preparation of the Annual Rule of Law Report coordinated by the **European Network of National Human Rights Institutions (ENNHRI)**.



## CASE LAW MOSAIC

The president of a national minority self-government complained that during the pandemic emergency, **the mayor, exercising the competence of the authority of the representative body**, had adopted an amendment to the body's Organisational and Operative Regulations, abolishing the previously autonomous nationality committee.

[Details here.](#)

The head of a kindergarten submitted an application to the competent municipality as the maintaining authority, claiming that the legal representatives of the children in the kindergarten had taken an initiative **to organise bilingual kindergarten education** for the next year. In view of the emergency situation declared by the Government, the maintaining authority did not take a decision on the reorganisation of the kindergarten.

[Details here.](#)

In connection with **the performance of public purpose work**, the complainant indicated that he had not been allowed to sign the attendance sheet, without which he could not certify the performance of the work. He complained also that he had not been provided with adequate protective clothing.

[Details here.](#)

In an individual complaint from a town in Eastern Hungary, the petitioner complained that he and 17 other residents had been moved from one segregated part of the town to another one in the framework of an EU-funded **segregated settlement rehabilitation project**.

[Details here.](#)

A petitioner of Roma nationality complained about the **measures taken against him in a priority level penal institution**, in particular the handcuffing, humiliation, abuse and ill-treatment. He complained that he had spent nearly two hours in the winter cold in his underwear and socks with the window open in the detention facility.

[Details here.](#)

A nationality self-government complained about the postal service's behaviour. According to the complaint, a private individual wanted to pay the next year's fees for a weekly newspaper of the nationality community he belonged to, when the employee of the post office handled the payment documents separately, **asked for the payer's personal identification details and recorded them** in the computerised register. The self-government complained that questions about the recording of data and the procedure were not answered by the administrator.

[Details here.](#)

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