

CASE LAW MOSAIC

Complainants of Roma nationality complained that the guardianship authorities had terminated the placement in family of two of their grandchildren/children by their grandparents and decided to take them into foster care. The complainants also complained that they were not informed of the decision of the guardianship authority and that when they received it later, they were unable to interpret the appeal notice. They also complained that the guardianship authorities did not try to find guardians for the children within the family.

The Minority Ombudsman, following the police's rejection of a report of atrocities against a Roma family, has sent a signal to the competent prosecutor general to investigate whether the case involves a suspicion of violence against a member of the community.

A Member of Parliament has complained to the Minority Ombudsman that a teacher in a primary school in a town in northern Hungary is treating Roma pupils and their parents inappropriately. Most of the parents have good daily contact with the teachers, and there are a number of projects for children's development in addition to the compulsory lessons. However, a few years ago, the complaint report indicated that, in addition to the good experiences, there were many problems with one of the mathematics teachers in the institution.

A complainant of Ukrainian nationality living in Hungary turned to the Minority Ombudsman for help, complaining about the actions of the common representative of the condominium property she owned and the statements she made in public at the condominium's general meeting, which insulted her Ukrainian nationality.

A Roma complainant with a lung disease and his spouse turned to the Minority Ombudsman for help in settling the rent arrears of an oxygen concentrator they had rented, sharing their difficulties in making a living. In their petition, they indicated that they felt that they had been discriminated against because of their Roma origin.

One complainant complained that the districts of Tetemvár and Ózugró in Miskolc are not connected to the city's public transport network, which raises the possibility of discrimination against Roma residents living there, primarily in terms of access to public education, employment, health and social services.

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CASE LAW MOSAIC

In the case, the Minority Ombudsman asked the school district centre to conduct a comprehensive investigation. In her letter of enquiry, she made specific recommendations on the possible means and framework of the investigation, including the need to ensure anonymity and increased protection against retaliation and to promote impartiality in the interviews of the persons concerned.

In his reply, the director of the school district centre indicated that parents and colleagues had already made several verbal complaints to the director of the institution, but in none of these cases were written minutes or notes taken, the cases were concluded with verbal discussions and in one case with a verbal warning. Complaints and conflicts concerning the teacher were not reported by the institution to the school district centre and therefore were not known to the maintainer.

Following the Minority Ombudsman's request, the school district centre organised a hearing of the persons concerned, with the involvement of an external expert. On the basis of what was said at the hearings, although there were conflicting opinions, it was generally concluded that the teacher concerned was a "difficult to fit in", a "loner", who had conflicts with colleagues, pupils and parents in several cases, which he did not dispute in principle. There was no evidence of physical abuse, but the main criticisms were of his communication style, often rude or obscene language. Parents and children also complained that the pupils were not given enough time to do their homework, that the teacher gave more than average bad marks in mathematics and that she also sanctioned behavioural problems with bad marks.

The study also found that the teacher is a highly qualified professional, highly respected and with many awards to his name, and adheres to the principles and methods that have helped him to achieve success with students in his previous jobs.

The Minority Ombudsman requested a number of data and information from the school district headquarters, including tables summarising the grades given by the teachers concerned, which showed that 48 out of 83 pupils in the 2019/2020 school year, 23 out of 44 pupils in the 2020/21 school year and 24 out of 58 pupils in the 2021/22 school year failed mathematics at the end of the year.

Following the investigation, the head of the school district centre, acting within his scope of action, called the attention of the head of the institution to monitor the situation of the teacher concerned closely in the future.

They also asked the head of the relevant pedagogical education centre to send an expert to help the institution, the teacher and the parent-teacher to communicate and to ensure the success of the educational work.

CASE LAW MOSAIC

In his reply, the head of the school district centre also informed the Minority Ombudsman that the proportion of Roma children in the school is close to 90% and that 160 pupils out of 170 pupils are from a disadvantaged background. He also indicated as a fact that the institution is segregated both by nationality and by the social situation of the pupils attending.

The Minority Ombudsman, after reviewing the information received, contacted the school district headquarters again, as she was concerned about the response and the measures taken in several respects. In her repeated request, she drew the attention of the head of the school district centre to the fact that his information letter and the records of the interviews of the persons concerned showed that the school in question was a segregated institution where, with very few exceptions, virtually all pupils were from a situation of multiple disadvantage, with severe socio-cultural disadvantages, learning and behavioural difficulties. These children rarely have parents who can provide them with tangible support for their progress at school, so their success or failure at school depends almost entirely on the expertise, patience, methodological skills and, most importantly, the accepting and supportive attitude of the teachers working in the school.

Most of the teachers in the school, moreover, recognised the need for specific methods and, above all, acceptance in this institution, unlike the maths teacher involved in the case, who, according to the minutes, remained rigidly attached to his own pedagogical principles. The Minority Ombudsman, in a repeated request to the school district headquarters, indicated that the teacher concerned had behaved towards the children in a manner – obscene language, outbursts of anger – which violated the human dignity of the children concerned and that his pedagogical methods were contrary to several provisions of the Act on Public Education. Interviews with him also revealed that the teacher did not self-reflect on what had happened, despite the interviews.

In light of this and all the circumstances of the case, the Minority Ombudsman has indicated to the school district center that, in her view, the teacher has not been held accountable to the appropriate degree, and it is not clear what – in the lack of self-reflection – is expected to lead to a positive change in behaviour to respect the human dignity of children. The Minority Ombudsman did not find the earlier response of the director of the school district centre proportionate to the seriousness of the difficulties identified and sufficient to reassure her. In view of this, she asked the director of the school district to supplement his earlier reply on a number of points. As the information letter from the school district centre also showed that the school was in practice segregated in all respects, the Minority Ombudsman considered it her duty to review these circumstances.

CASE LAW MOSAIC

In response to the second request from the Minority Ombudsman, the school district centre again provided detailed information. This letter explained in detail the specific processes through which the centre intends to ensure continuous monitoring of the work of the teacher concerned, and how, as the maintaining authority, it will continuously monitor the development of the situation through the head of the institution and the head of the branch school, as well as through personal visits, within the scope of its statutory responsibilities, by paying respect to institutional autonomy.

The school district centre described in detail the characteristics of the settlement and the socio-economic processes that led to the homogenisation of the school's student population. It also described how, as the maintaining authority, it had tried to make efforts, primarily by using the possibility of changing district boundaries, to stop and reduce segregation processes, but unfortunately without success. The school district centre has initiated further personal professional discussions on the possibilities of desegregation at institutional level. These consultations are still ongoing.