



NEWSLETTER

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



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Superar stair-concert

Case Law Mosaic



Nationality Award 2023



Children in Cyberspace Conference



Dear Reader,

Our work in the field of nationality law in 2023 has ended with an even more intense period than usual. I invite you to read the attention-grabbing articles of our current Newsletter with an open mind and sincere attention: we try to give you an insight into the nationality aspects of a period of many uncertainties and difficulties, both at national and international level. The focus of our advocacy work in these last few months has been on issues of critical importance, issues that have concerned the relationship between the individuals concerned, their communities and ultimately the wider society, and the proper preparation of their members for a productive adulthood. A psychological climate which offers a sense of home for all members of society and expects

loyalty in return cannot be created by maintaining exclusion and hatred and without accepting the need for cooperation.

Prof. Elisabeth Sándor-Szalay

ANNUAL TRENDS IN THE FIELD OF LAW

2023 was a period of intensive professional work and slow restructuring of cases in the field of nationality law: with a 5% increase in the number of cases, the internal rate of petitions from Roma complainants increased by almost 20% compared to previous years. The shift was due to an increasing number of housing and social and segregation complaints, the rise in which is thought to be linked to worsening economic and livelihood difficulties. Roma are also primarily affected by the significant increase in the number of cases of hate speech and hate crime, but unfortunately the Ukrainian community is also increasingly confronted with these phenomena. In view of this, the Minority Ombudsman has initiated complex inquiries in these areas, the first professional results of which have already been published this year.

Among the classical nationality rights, the most frequent were submissions on self-government rights, institutional funding and the exercise of the right of consent. A comprehensive inquiry was launched ex officio into the situation of museums, the nationality content of school textbooks and the future vision for nationality education.

KEY PROFESSIONAL MEETINGS AND FORUMS

- Tamás Terdik (Police Commissioner of Budapest)
- Anikó Kiss (president of SZOCSOMA)
- European Convention on Human Rights, International Conference (KGRE)
- 25 years of Protecting Languages, Conference (PPKE)
- International Migrants Day (IOM)
- Roma and non-Roma: the present and future of our communities in the Carpathian Basin interdisciplinary conference (KGRE)
- Day of Nationalities (Pécs)
- Nationality Art in Hungary, contemporary arts and crafts exhibition
- Lecture for students of the Faculty of Pedagogy and Psychology of ELTE
- Lecture for the students of the Faculty of Law and Political Sciences of KGRE
- Masterpieces of Ruthenian Art, gala performance
- Borderless: nation, minority, diaspora training workshop (Károli Interdisciplinary Academy)

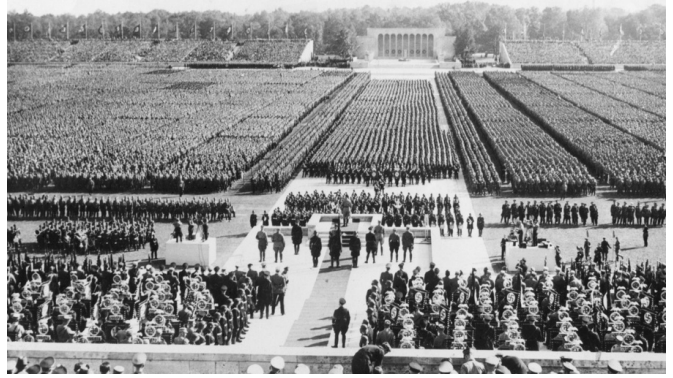
STATISTICAL DATA 2023

petitions and ex officio proceedings
correspondence
legislative opinions
professional meetings

4th quarter	2023 in total
55	325
629	1 762
4	19
58	172

General Comment No. 2/2023 on the possibilities and limits of applying the law in the action against the use of banned authoritarian symbols

In recent years, the Minority Ombudsman faced an increasing number of cases in which the display of authoritarian symbols, or ones resembling authoritarian symbols, or posters has disturbed public peace. These cases have particularly affected the Roma and Jewish communities, but since the outbreak of the war, hate incidents against members of the Ukrainian community living in our country and Ukrainian refugees arriving in our country have also become more frequent.



In her general comment, the Minority Ombudsman, after presenting the European and national regulatory environment of authoritarian symbols, described the problems of law enforcement identified in four specific cases, which arose in particular in the classification and investigation of individual cases, and therefore considered it of the utmost importance that the police authorities dealing with such cases should treat them with due weight from the very beginning, recognising their danger to society.

The Minority Ombudsman also pointed out that the importance of combating hate crimes stems not only from the need to protect victim groups, but also from the fact that consistent action against exclusion and discrimination is a prerequisite for social and public peace, and therefore made complex proposals to the Parliament's Committee of the Nationalities in Hungary, the Minister of Justice, the Deputy Attorney General for Criminal Law and the National Police Commissioner.

The summary of the general comment can be found [here](#), for the full text in Hungarian click [here](#).

General Comment No. 4/2023 on the first 30 years of the comprehensive regulation of nationality rights

In 2023, the 30th anniversary of the adoption of the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Minorities Act) was a significant event. The Minority Ombudsman intends to express her appreciation to the representatives of the nationality communities and to her colleagues in the field of nationality law for their responsible and self-sacrificing work, as they are working with great commitment to ensure the widest possible implementation of the legal guarantees provided in Hungary.

In the document, Elisabeth Sándor-Szalay gave a brief overview of the historical and social context of minority rights, and then went on to reflect on the critically important awareness-raising and activism of the Minority Roundtable participants and national and ethnic minority intellectuals, especially journalists, artists and teachers.

“The totality of these rights is not the gift of the majority, nor the privilege of the minority, and their source is not the numerical proportion of national and ethnic minorities, but the right of otherness based on respect for individual freedom and social peace.”

The Minorities Act was also outstanding at European level, and its basic principles still determine the everyday life of the thirteen nationalities recognised as established in Hungary. At the end of her general comment, the Minority Ombudsman also draws attention to a number of messages for the further development of the nationality system in Hungary. She stresses that the support of nationality communities and the maintenance of an established infrastructure of cultural autonomy for nationalities are also in the best interests of the members of the majority society, and that the idea of cultural diversity, inclusiveness, solidarity and the recognition of multiple identities are the basis of the society of the future.

The summary of the general comment can be found [here](#), for the full text in Hungarian click [here](#).

General Comment No. 3/2023

on the relationship between selection based on ability and educational segregation of Roma children, and the need for educational inclusion

A Roma parent asked the Minority Ombudsman for help with a case concerning her child's being placed in a class at the local primary school where there were virtually only Roma classmates, as opposed to a parallel class. According to the parent, the quality of education in this segregated class was also lower and the children's performance was below that of the other class, while teachers sometimes used insulting remarks against them, including those related to the children's ethnicity. According to the school's management and the maintainer, the children were segregated on the basis of ability rather than origin, in order to give them more attention and to save them from experiencing failures.

In the General Comment No. 3/2023, the Minority Ombudsman, following an investigation into the complaint, points out that the apparently well-intentioned pedagogical method of segregating children according to ability may, in certain social and institutional circumstances, lead to a breach of the requirement of equal treatment or at least to an imminent risk of such a breach.

In her opinion, the Minority Ombudsman points out that experience shows that in many cases, selection according to ability leads to unjustified segregation of Roma pupils, which not only adversely affects the child's entire school career but also his future chances on the labour market.

However, there are already a number of good practices of inclusive education in Hungary, and the pedagogical methods needed to adapt them are available to all professionals who are interested in the equal opportunities education of Roma children.

On the basis of the experience gained from her extensive investigation of the case, the Minority Ombudsman found that the ability-based class divisions used at the Kőrösi Csoma Sándor Primary School in Tóalmás resulted in indirect discrimination against the most disadvantaged Roma pupils of the institution.

These children were harmed not only by being deprived of an inspiring learning environment and receiving inferior education, but also by feeling humiliated and excluded in the process of segregation. The Minority Ombudsman points out that segregation in itself causes harm and damage to the child. On the basis of the information available to her and the impressions gained during the investigation, the Minority Ombudsman also could not rule out the possibility that in previous school years certain teachers in the institution might have made statements that might have violated the human dignity of Roma pupils and could have been used to harass them.

The Minority Ombudsman also found that the school's teachers, despite receiving some relevant training, did not use pedagogical methods that could successfully promote co-education of pupils from different backgrounds. There is no school psychologist, school social worker, or teacher or assistant of Roma origin who could help the heterogeneous institutional community to live together without conflict.

The investigation revealed that more active action is needed on the part of the municipal notary in the field of applying for and registering the disadvantaged and multiple disadvantaged statuses of children in the municipality and to provide the relevant information to the persons concerned, as a large number of eligible persons do not apply for such status, are not aware of its nature and the registers available in the municipality do not match. It has also emerged that drug use in the municipality has led to significant social tensions, affecting to a greater extent the people living in segregated housing, and children being directly affected.

In order to remedy the shortcomings identified during the investigation, the Minority Ombudsman made complex recommendations to the parties concerned.

The summary of the general comment can be found [here](#), for the full text in Hungarian click [here](#).

Joint report in the case No. AJB-1627/2023 on the exercise of the right of consent of the nationality self-government for the appointment of the head of a nationality public educational institution

The Üröm German Nationality Self-Government complained that the Municipality of Üröm had violated its right to consent on several occasions in the appointment of the head of the Üröm Sunflower Kindergarten. On the basis of the complaint, the Commissioner for Fundamental Rights and the Minority Ombudsman launched an investigation, in the course of which they contacted the head of the Pest County Government Office and the Mayor of Üröm on several occasions.



In their joint report, they found that in the procedures for appointing the head of the kindergarten, the maintaining municipality had failed to obtain the consent of the nationality self-government on several occasions. The decisions of the municipality violated the fundamental right of consent of the nationality self-government and the requirement of legal certainty derived from the rule of law, as well as the principle of the duty of cooperation in good faith.

In order to eliminate and prevent future irregularities, the Commissioner for Fundamental Rights and the Minority Ombudsman called on the Mayor and the Notary of Üröm Municipality to ensure the effective exercise of the right of consent by the nationality self-government in the preparation of future decisions on the appointment of the head of the kindergarten. The head of the Pest County Government Office was asked to promote the enforcement of nationality rights in Üröm, in particular the exercise of the right of consent of the nationality self-government, by the effective and full use of the available legal supervisory instruments.

The summary of the joint report can be found [here](#), for the full text in Hungarian click [here](#).

Joint report in the case No. AJB-1698/2023. on the difficulties of cooperation between the municipal local government and the municipality's German nationality self-government

The former president and the representatives of the Kismányok German Nationality Self-Government complained about the extremely poor or missing cooperation between the nationality self-government and the Municipality of Kismányok, which, in their opinion, eventually led to the dissolution of the nationality self-government.

On the basis of the complaint, the Commissioner for Fundamental Rights and the Minority Ombudsman launched an investigation, in the course of which they contacted the Mayor of Kismányok, the notary of the Nagymányok Joint Municipality Office and the head of the Tolna County Government Office.

In their joint report, they found that the difficulties of cooperation between the mayor and the former president, their failures to act and the failure of the Tolna County Government Office to take effective action had resulted in anomalies in the enforcement of the right of the German community living in the municipality to exercise self-government and in the rule of law.

In order to remedy the anomalies identified, the Commissioner for Fundamental Rights and the Minority Ombudsman called on the Mayor to ensure that the body of representatives pays particular attention in future to the effective enforcement of the rights of the German nationality community living in the municipality.



They also called on the head of the Tolna County Government Office to use the means at his disposal to prevent and resolve similar conflicts, in particular by organising consultations and talks and, if necessary, by applying the means of legal supervision, if it detects difficulties in cooperation between local government and nationality self-governments.

The summary of the joint report can be found [here](#), for the full text in Hungarian click [here](#).

CHILDREN IN CYBERSPACE CONFERENCE

At the international conference "Children in cyberspace" organised by the National Police Headquarters on 20 November, experts from Hungary and abroad shared their experiences on the challenges of digital space policing, criminology, law and sociology, and international practices of prevention.

Considering that crime prevention, especially for vulnerable groups, requires broad societal cooperation, the ORFK maintains intensive cooperation and organises joint professional events with national and international NGOs active in the protection of children.

The keynote speaker at this year's event was the Minority Ombudsman, who shared her experiences on the situation of disadvantaged children, with a special focus on Roma and children fleeing from Ukraine, in her intersectional approach. She said that children from socially and socio-economically disadvantaged backgrounds may be more vulnerable and more often subject to online hate crimes because of their ethnicity, adult and child identity-related stereotypes, prejudices or exclusion, which are unfortunately present in the child society and are complex and multifaceted. Thus, in addition to the various means of applying the law, human rights education aimed at reducing stereotypes and prejudices, reducing inter-group conflict, education in tolerance and awareness-raising for the future generation are nowadays essential requirements. The Minority Ombudsman stressed that it is important to continue professional cooperation with the leaders and staff of the ORFK and the BRFK in order to ensure the most effective legal protection of persons belonging to national minority communities.

For more details of the conference, [click here](#).



ROUND TABLE DISCUSSION AND PERSONAL RECOLLECTION OF THE 30 YEARS OF NATIONALITY LAW



In 2023, we celebrated the 30th anniversary of the first comprehensive Act of Parliament in the history of Hungarian law regulating the rights of national minorities, covering all areas of cultural autonomy. During the course of the year, a number of professional meetings and cultural programmes took place, at which the first fundamental political issues of the law's creation were discussed, as well as current, complex challenges related to the field of minority rights – primarily from a political and subjective point of view, rather than the aspects of law.

On the occasion of the round anniversary, the Association of National-level Nationality Self-governments organised a round table discussion on 10 December with the participation of former members of the Minority Round Table and current actors in the field of nationality policy. The Minority Ombudsman was a special guest at the event, which was held in the House of Bulgarian Culture.

During the discussion, participants witnessed a meeting of generations and perspectives: members of the communities shared their own experiences, experts engaged in professional debates, and the founders spoke about the circumstances and background of the law's creation, and the novel experience of its creation, including to young people of national minorities who are now the real beneficiaries and hopeful successors of the system that has been in place for three decades.

SUPERAR STAIR-CONCERT



The Minority Ombudsman welcomed the children, parents and teachers who participated in the staircase concert of the students of **Superar Music Academy Program Hungary** on 24 October in the auditorium of the Losonci Square Primary School. As Honorary Ambassador of the programme, she said: "Singing and music are a real opportunity to learn to speak each other's language! Literally and figuratively. When we sing together, inevitably we are also in harmony with each other: we notice when someone is missing, we can hear if someone is sick or is not in a good mood. We can sense each others' mood and we notice the other person's breath and even the blink of an eye. Singing and music can't be performed alone!". [Details here.](#)

WORLD ROMANI LANGUAGE DAY

The celebration commemorating World Romani Language Day, organised by the Directorate General for Social Opportunities at the Szentandrassy István Roma Art Gallery, started with a speech by Elisabeth Sándor-Szalay.

The decision of the First World Roma Congress in 1971 on the official and uniform recognition of the Romani language was a remarkable step on the road to the present day. In 2015, UNESCO confirmed this by proclaiming World Roma Day to promote the preservation of the Roma language and culture, improve the well-being of the Roma people, as well as to recognise and celebrate the importance of all languages, whose diversity is a common resource for all societies. [Details here.](#)

"Language carries worlds and connects worlds"



HOLODOMOR 90 COMMEMORATION CONFERENCE



Holodomor (Голодомор) is the term used to describe the mass and total starvation in Ukraine in the years of 1932 and 1933. The total number of direct victims was about 7 million.

It was just 20 years ago that the Parliament passed the resolution No. 129/2003. (XI.26) recognising Holodomor as a Soviet genocide against the Ukrainian nation and expressed its solidarity and sympathy with the relatives and descendants of the innocent victims.

On the occasion of the 90th anniversary, on 22 November in the Parliament, the leaders of the Ukrainian community in Hungary, as well as those fleeing the war and the persons showing solidarity commemorated the tragic event in the form of an international academic conference "Remembering the Holodomor".

Read [here](#) the message issued on the occasion of the anniversary.

INTERNATIONAL CONFERENCE

EQUAL OPPORTUNITIES IN THE COURTROOM – ACCESS TO JUSTICE FOR VULNERABLE SOCIAL GROUPS: CHALLENGES AND SOLUTIONS IN EUROPE

The Minority Ombudsman and the Association Res Iudicata - Judges for Social Consciousness are active participants in and committed supporters of the identification of access to justice issues and the development of jurisprudence through their domestic and international activities.

They organised an international professional conference on 8 December 2023 in the Office of the Commissioner for Fundamental Rights, with the participation of national and international experts, to present the problems and emerging opportunities in the field, in order to stimulate professional dialogue and to provide an opportunity to raise public awareness and strengthen solidarity with vulnerable groups in society.

Conference speakers and round table discussions participants in the round table discussions are presented in a bilingual publication prepared by the organisers which can be downloaded from [this link](#). 120 people attended the conference in person, and more than 50 people followed the conference online.

The opening presentation was given by the Minority Ombudsman on *"The (European) concept of equal access to justice"*. She moved away from the hard law arena and placed the discourse on access to justice in a more general international context to highlight the main elements of some of the internationally agreed expectations, published only in soft law documents, which take the form of expectations and recommendations at a relatively high level of abstraction, indicating the gaps in access to justice and possible directions for changes and progress that are deemed necessary for the future.

The second speaker was Aileen Donnelly, Judge of the Supreme Court of Ireland, who gave an online presentation entitled *"A view from Ireland"*. In the third opening lecture, Ágnes Lux, Research Fellow at the Institute of Law, ELTE Faculty of Social Sciences, HUN-REN Centre for Social Sciences, presented her thoughts on the *"European guarantees of child-centred justice"*.

The coffee break was preceded by a highly successful performance by students from the *Superar Music Programme*.



The conference continued with a presentation by Szemán Felicitász Panel president judge of the Budapest-Capital Regional Court, with the title *"How can you defend me? Vulnerable Clients in Civil Litigation"*. It was followed by a presentation by Anna Adamska-Gallant, Polish lawyer and Head of Unit of EU Pravo Justice Ukraine's Justice Reform Unit, with the title *"Defending the Weak – Justice's Response to Human Rights Challenges and Conflicts"*. The last presentation before the lunch break was given by Attila Láposy, Senior Advocate General of the AJBH, on *"What can we learn from the Ombudsman's practice in the protection of children's rights"*.



Following the lunch break, two sessions of round table panel discussions were held to allow experts on each of the narrow topics to discuss their views. The Hungarian-language expert panel, moderated by Beáta Borza, Head of Department of the AJBH focused on the situation of children. In parallel to the panel discussion on the situation of children, an English-language round table discussion on the situation of refugees was held. The discussion was moderated by Adrienn Laczó regional court judge and member of the Res Iudicata Association's board.

Detailed information about the event and the presentations of the invited speakers can be found [here](#).

CASE LAW MOSAIC

A complainant of Roma origin objected to the possession protection procedure of the notary of the competent municipality due to an alleged discriminatory treatment related to her nationality. At the end of the procedure, the Minority Ombudsman drew the attention of both the complainant and the municipality to the possibility of using the conflict management and dispute settlement procedure.

[Details here.](#)

A Roma citizen of a large municipality turned to the Minority Ombudsman with a complaint related to the right of pre-emption of real estate, objecting to the notification obligation of the local government. The complainant complained that the municipal announcement regarding the exercise of the right of pre-emption was only published on the Internet, but was not on the municipal notice board, and he also held that they wanted to evict him and his family from their current place of residence because of his Roma origin.

[Details here.](#)

The Minority Ombudsman investigated the application of a complainant of Romanian nationality, who was insulted by her neighbors also because of her origin. Criminal proceedings were initiated in the case for nuisance.

[Details here.](#)

A Roma citizen repeatedly lodged a complaint to the Minority Ombudsman in his enforcement case. He complained that the applicant for enforcement refrained from any kind of agreement, and also from authorizing the payment of the complainant's debt in installments. The Minority Ombudsman facilitated the complainant's legal enforcement options by providing detailed information.

[Details here.](#)

A complainant of German nationality alleged that a private person's post on his Facebook page, accessible to the general public, violated his right to honor and reputation, as well as the dignity of the German community, in connection with his nationality.

[Details here.](#)

A Roma complainant turned to the Minority Ombudsman for help in his housing case, also sharing his difficulties in starting a life and making a living. He held that he was at a disadvantage when applying for municipal rental housing because of his Roma origin.

[Details here.](#)

A person of Roma nationality lodged a complaint to the Minority Ombudsman against a district nurse. In her application, she objected to the nurse's measures taken in the context of her pregnancy care.

[Details here.](#)

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