

Equal opportunities in the courtroom – access to justice for vulnerable social groups: Challenges and solutions in Europe

The (European) concept of equal access to justice

Elisabeth Sándor-Szalay
university professor, Minority Ombudsperson

8th December 2023



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES





Structural injustices, inequalities and emerging human rights challenges are putting peaceful and inclusive societies further out of reach. To meet Goal 16 by 2030, **action is needed to restore trust and to strengthen the capacity of institutions to secure justice for all** and facilitate peaceful transitions to sustainable development.

The Graz Recommendations on Access to Justice and National Minorities - 2017

OSCE High Commissioner on National Minorities



Recommendations on the Effective Participation of National Minorities in Social and Economic Life

The inclusion of national minorities in economic and social life is a crucial element of democracy, particularly in multi-ethnic societies, as it fosters unity and breaks down societal divisions. The High Commissioner on National Minorities' Recommendations on the Effective Participation of National Minorities in Social and Economic Life offer practical tools to facilitate social and economic participation at different levels and in various settings.

Book

[English](#)

24 October 2023

[View Now](#)



The Tallinn Guidelines on National Minorities and the Media in the Digital Age

Diverse societies require space for inclusive and pluralistic interaction and debate. Media and information technologies can offer such spaces to allow different groups to interact with each other, explore their identities, and voice diverse perspectives without fear. This fosters dialogue and mutual understanding, strengthens societal integration and resilience, and reduces tensions. The OSCE High Commissioner on National Minorities offers guidance on how to create, nurture, and develop the role of the media and information technologies for conflict prevention.

Book

[English](#) | [Русский](#) | [Українська](#) | [Română](#)

1 February 2019

[View Now](#)



The Graz Recommendations on Access to Justice and National Minorities

A set of OSCE High Commissioner on National Minorities Recommendations on access to justice and national minorities

Book

[English](#) | [Русский](#) | [Українська](#) | [Română](#)

14 November 2017

[View Now](#)

The Graz Recommendations on Access to Justice and National Minorities & Explanatory Note

November 2017

The Graz Recommendations on Access to Justice and National Minorities & Explanatory Note

November 2017

The Graz Recommendations

1. Access to justice for persons belonging to national minorities **should be underpinned by the principles of the rule of law**, non-discrimination and equality, including gender equality, the right to a fair hearing within a reasonable time by an independent and impartial body established by law, the right to legal assistance and the right to an effective remedy.
2. Measures to guarantee access to justice for national minorities **should be broader than providing access to courts**. States should establish, strengthen and fund independent human rights institutions that can secure effective remedies for all complainants, including persons belonging to national minorities.
3. States should ensure that when persons belonging to national minorities engage with judicial and national human rights institutions and take part in proceedings, they are able to do so in a language they understand, and **preferably in their language**, as well as in an environment that is **respectful of their identity**.
4. States should make **legal assistance available** to national minorities in a way that addresses the obstacles they face in accessing justice.
5. The **composition** of courts, tribunals, prosecution offices, law-enforcement agencies, correctional services, enforcement agencies (or bailiffs) and human rights institutions, **should aim to reflect the diversity of the population at all levels**.
6. To facilitate access to justice for national minorities, States should ensure that **law-enforcement agencies** work to build trust with minority communities and enforce the law in an **impartial and non-discriminatory manner**, free of prejudice and gender bias.
7. **Victim support services and witness protection measures** should be sensitive to the needs of persons belonging to national minorities, and of **minority women** in particular.
8. States should ensure that **court orders and judgments** affecting persons belonging to national minorities **are executed effectively, impartially** and within a reasonable time.
9. States should ensure that persons belonging to national minorities held **in detention or imprisoned** are treated with **humanity and respect** for their identity.
10. States should, as a matter of urgency, provide **effective redress** to persons belonging to national minorities who have suffered serious human rights violations as a result of inter-ethnic conflict.

OECD – 2023

Recommendation of the Council on Access to Justice and People-Centred Justice Systems



[HOME](#)

[ABOUT](#)

[RIGA STATEMENT](#)

[EVENTS](#)

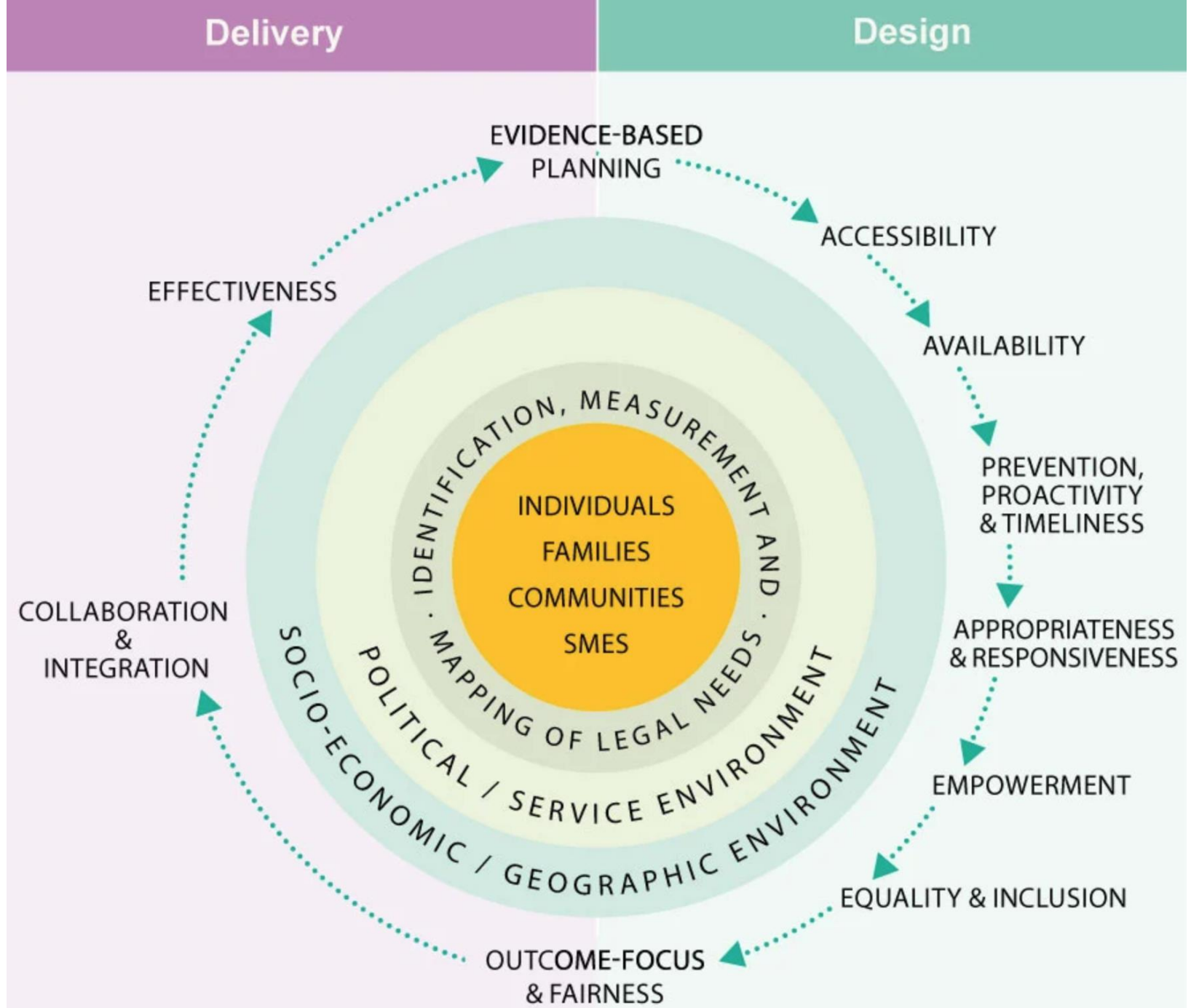
[COUNTRY SUPPORT](#)

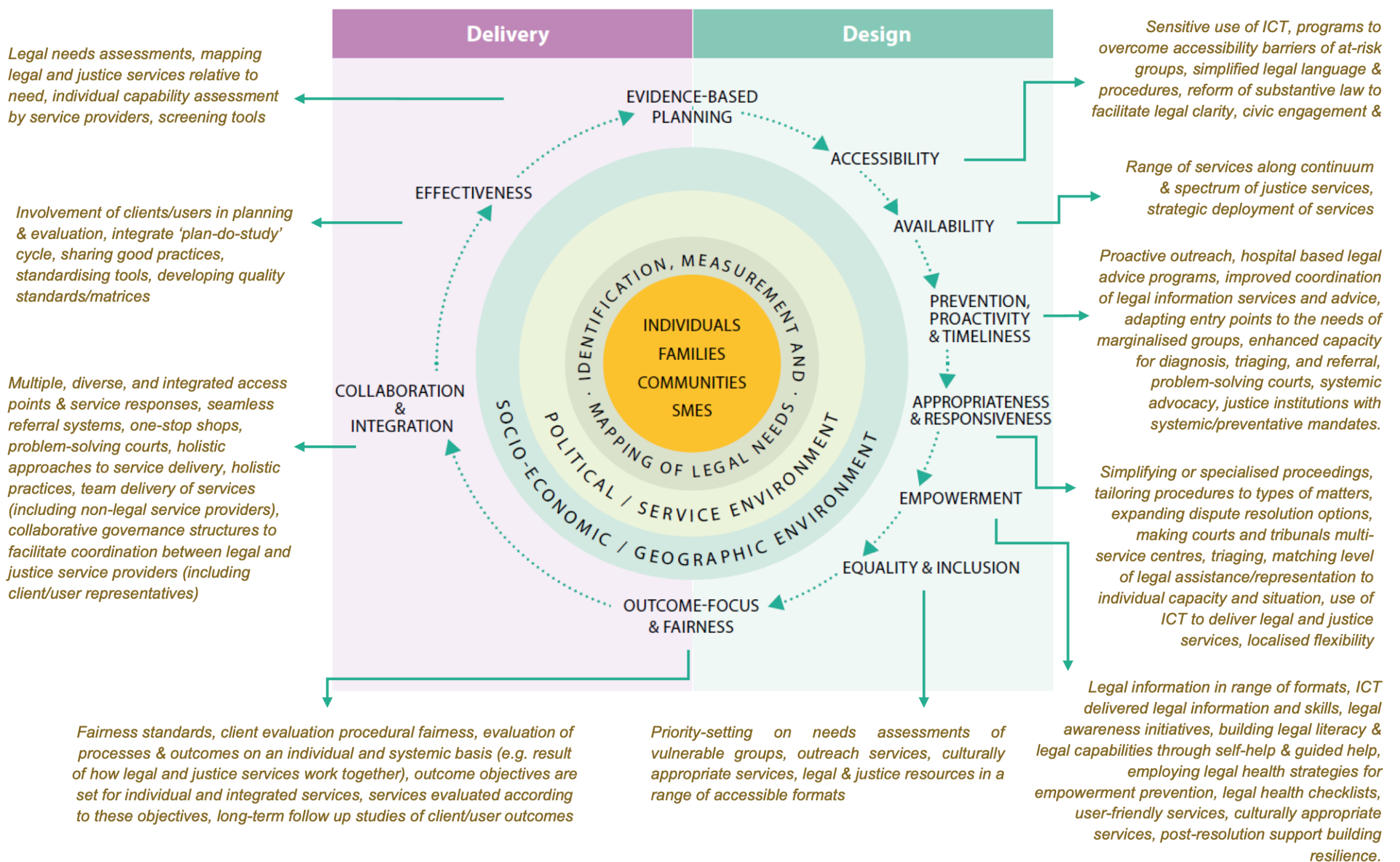
[LIBRARY & TOOLS](#)

The **OECD Global Roundtables on Access to Justice** support countries in closing the remaining gaps in accessibility, effectiveness and efficiency of justice, by identifying and fostering exchange of good practices and experiences in enhancing access to justice from both citizen and business perspectives.

On this website you can access the latest research and data on responsiveness, and people-centricity of justice, and follow our upcoming events.

Good practices
for
people-centered
legal and justice
services





OECD criteria

for people-centered design and delivery of legal and justice services

Evidence-based planning	People-centred legal and justice services are based on and respond to an empirical understanding of legal needs and legal capabilities of those who require or seek assistance.	
Equality and inclusion	People-centred legal and justice services are inclusive and targeted at those most in need, responsive to specific access needs of particular groups likely to suffer from social and economic disadvantage or are otherwise marginalized or vulnerable and those with complex needs. They are designed to contribute to equality, poverty reduction and social inclusion.	Appropriateness and responsiveness
Accessibility	People-centred legal and justice services are accessible and designed to actively overcome the range of barriers to the assistance they require.	Empowerment
Availability	People-centred legal and justice services are available across the justice chain and provided in a range of formats, program and services types.	Collaboration and integration
Prevention, proactivity, and timeliness	People-centred legal and justice services are proactive and contribute to prevention of legal problems and to timely resolution. Recurring legal problems are addressed on a systemic basis to address underlying causes thereby preventing reoccurrences.	Outcome-focus and fairness
		Effectiveness



GLOBAL ACCESS TO JUSTICE

Project





NEWSLETTER

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



CONTENTS

- Professional meetings and forums
- Statistical data
- New joint report and general comment
 - use of nationality names
 - activities of rangers and public area inspectors
- Human rights messages
- Key domestic and international events
- Nationality data of the 2022 census



300 Jahre Ansiedlung - international scientific forum



Hate speech in Hungary - international professional conference



CASE LAW MOSAIC



Equal treatment and equal opportunities



Hungary shall ensure fundamental rights for all without distinction of any kind, such as race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or other status (Article XV (2) of the Fundamental Law).
Hungary shall promote equal opportunities and social inclusion by special measures (Article XV (4) of the Fundamental Law).

THE REQUIREMENT OF EQUAL TREATMENT

No unjustified distinction may be made between persons or groups of persons on the basis of their protected characteristics (see Article XV (2) of the Fundamental Law).



ENSURING EQUAL OPPORTUNITIES

Reduction of existing social disadvantages through special measures or procedures.

According to Act CXXV of 2003 on Equal Treatment and Ensuring Equal, the **conceptual elements** for establishing discrimination are as follows.



PROTECTED CHARACTERISTICS



DISADVANTAGE



COMPARABLE SITUATION

Forms of violating equal treatment:

DIRECT DISCRIMINATION

occurs when a person or group is treated less favourably because of its protected characteristics than another person or group in a comparable situation.

INDIRECT DISCRIMINATION

occurs when a measure is apparently neutral and unbiased, but adversely affects a proportionately greater number of those with the protected characteristics.

HARRASMENT

occurs when a person engages in conduct against a person with a protected characteristics that is degrading to human dignity and has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or intimidating environment.

SEGREGATION

occurs when, on the basis of protected characteristics, certain persons or groups are separated from persons or groups in a comparable situation to them, without being expressly permitted by law.

RETALIATION

occurs when a person who has raised an objection or brought or participated as a party to proceedings for breach of equal treatment has to face disadvantage.



A remedy may be sought if the conduct of a public body, budgetary institution or body has been discriminatory or if the discrimination has occurred in relation to education, health care, housing, employment, the sale of goods or access to various services.