

ESETJOGI MOZAIK

A MAGYARORSZÁGON ÉLŐ NEMZETISÉGEK VÉDELME
ELLÁTÓ BIZTOSHELYETTES HÍRLEVELE, 2021/1

Following the declaration of the pandemic emergency, the head of a kindergarten complained that on 24 January 2020 he submitted to the competent municipality as the maintaining authority a request, in which the parents requested that the maintaining authority organize bilingual kindergarten education for children of the nationality from the 2020/2021 educational year. In his petition, the head of the institution wrote that the maintaining authority had not taken any decision at all to reorganize the kindergarten concerned, because of the emergency declared by the Government.

In the case (AJB-740/2021), the Minority Ombudsman contacted the Secretary of State for Education of the Ministry of Human Capacities and, after a full investigation of the facts, took a detailed position, the findings of which are set out in the General Comment No. 4/2020. She pointed out that the mayor or the mayor of the capital, who exercises the powers and responsibilities of the body of representatives or the assembly in an emergency, may also decide on the reorganization of a public education institution maintained by the municipality, on the modification of its basic tasks, and on the transfer of its maintenance rights in an emergency situation. The president exercising the duties and powers of the nationality self-government may act similarly to the mayor, but the president could not and cannot exercise the right of providing opinion and consent in matters related to public education, in view of the restriction contained in the Act on Disaster Management.

The Minority Ombudsman called on the Parliament's Committee of the Nationalities in Hungary to consider initiating an amendment to the law, and stressed the importance of predictable, uniformly interpretable and applicable rules for the operation of nationality self-governments and the institutions they maintain, even in times of special legal order, and that guaranteeing such rules is the primary duty of the legislator.