

CASE LAW MOSAIC

QUARTERLY INFORMATION BULLETIN OF THE DEPUTY COMMISSIONER FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN HUNGARY, 2021/3

Enforcement of the right to a remedy in criminal proceedings

The president of a local Roma nationality self-government lodged a complaint with the Minority Ombudsman challenging the criminal proceedings that had been conducted at the competent police station on the basis of his report. He attached to his complaint the decision of the police station concerned to terminate the proceedings.

On the basis of the documents provided and the relevant legislation, the Minority Ombudsman informed the complainant that he had 15 days to lodge a complaint against the decision to terminate the proceedings, to be handled by the competent district prosecutor's office.

The Criminal Procedure Act states that the holdings of the decision shall state whether there is a right to appeal against the decision, which party to the proceedings may appeal, where and within what time limit.

Contrary to the provisions of the Criminal Procedure Act, the decision to terminate the proceedings annexed by the complainant did not contain a warning of the right to appeal (to lodge a complaint) and the time limit for doing so in the holdings of the decision, but only at the very end of the reasoning, which may hinder the proper exercise of the fundamental right to appeal.

In view of this, the Minority Ombudsman requested the head of the police station to ensure that in future their decisions are taken in accordance with the provisions of the Criminal Procedure Act, thus ensuring that the persons concerned are properly informed of the right to appeal.