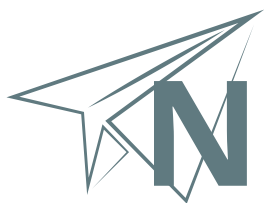


2022/1.



NEWSLETTER

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



CONTENTS



Domestic activity

- Welcoming thoughts
- Notes on the first quarter
- Statistical Data
- Verschleppung und Vertreibung - nie wieder!

Case Law Mosaic

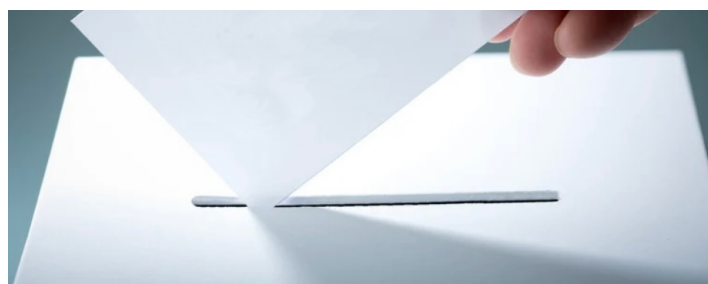
Activity indicators of the year 2021



The activities of the Minority Ombudsman in relation to the aggression on Ukraine and its consequences



Nationalities voted in the 2022 parliamentary elections



WELCOMING THOUGHTS



Prof. Elisabeth Sándor-Szalay

We started 2022 with optimism: we hoped that after the pandemic had been contained, we could return to the familiar era of face-to-face meetings and site visits with our national communities and professional partners. And we were not disappointed. However, on 24 February, a new era of history struck us here in our immediate neighbourhood, where many people have been uprooted and driven away from their homes day by day. Addressing the suffering of the civilian population, of groups of people who are already disadvantaged, of minorities, is a humanitarian duty and to protect rights is a must. This is what myself and our staff are endeavouring to do.

NOTES ON THE FIRST QUARTER

At the beginning of the first quarter, the Minority Ombudsman closed the majority of the cases she had received on the pandemic and started planning for the comprehensive investigations scheduled for 2022. As part of this, she has been engaged in an intensive series of dialogues with leaders of the affected communities, experts, NGOs working in the field and government actors. The dynamics of the submissions have returned to pre pandemic levels, in terms of number, topics and spatial distribution. Forward-looking planning was overshadowed by the tragic death of Jenő Setét, President of the Association "Idetartozunk", a Roma civil rights activist, on 25 January at the age of 50. The Minority Ombudsman and her colleagues sent a message of farewell. The tragic war that broke out on 24 February has fundamentally changed the security, political and social environment in Europe, posing a major challenge for the Minority Ombudsman. See below for an update on the action taken so far.

KEY PROFESSIONAL MEETINGS

- Imre Ritter (German nationality MP)
- Erika Kissné Köles (Slovenian nationality advocate)
- Lyubomir Alexov (Serbian nat. advocate)
- Liliána Grexa (Ukrainian nat. advocate)
- Jaroslava Szabó (President of the National-level Ukrainian Self-Government)
- Attila Péterfalvi (President of the National Authority for Data Protection and Freedom of Information)
- András Téglási (President of the National Election Committee)
- Attila Nagy (President of the National Election Office)
- Boglárka Fedorkó (managing director of Romaversitas)
- Phiren Amenca International Network staff
- Egalipe Network staff
- ELTE Radnóti Miklós High School staff
- Staff of NGOs active in the field of asylum
- Mapping domestic freedom of information practices and improving their effectiveness project
- Commemorating the deportation and expulsion of Germans in Hungary
- 5th Blue Danube Film Festival
- Saint Sava Day Celebration
- Egalipe Network workshops
- Seminar on tackling online hate speech
- State, churches, schools thematic conference
- Matteo Mecacci (Director of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe - OSCE-ODIHR)

STATISTICS

1st quarter
of 2022

petitions and ex officio proceedings:	119
correspondence:	280
legislative opinions:	6
professional meetings:	33

Key professional document:

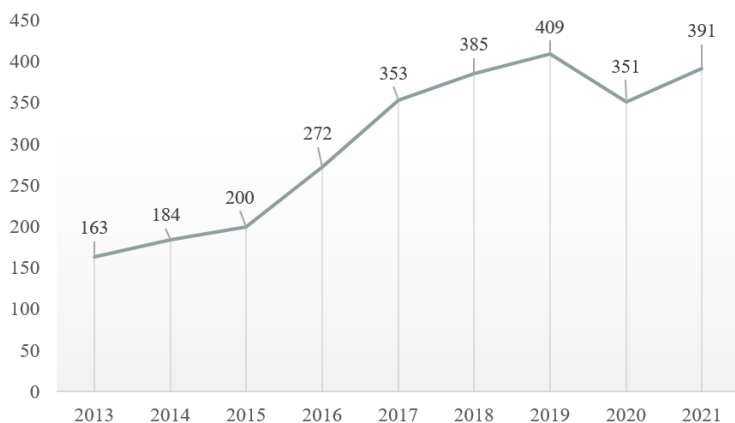
GENERAL COMMENT 1/2022

On the war care of persons of german nationality deported to the soviet union for forced labour at the end of the second world war

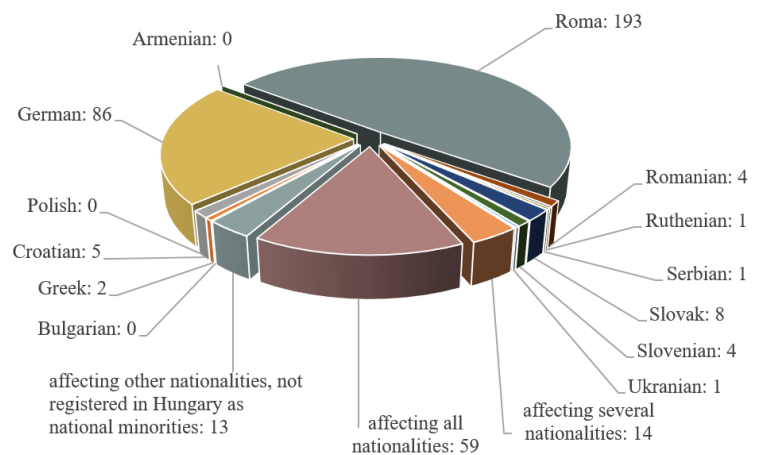
KEY INDICATORS FOR THE ACTIVITIES OF THE MINORITY OMBUDSMAN IN 2021

Since the beginning of her mandate, Elisabeth Sándor-Szalay has acted in **3,163 complaints cases** between 2013 and 2021. During this period, the annual number of cases has increased nearly two and a half times. On the basis of the trends so far, the Minority Ombudsman receives **400 complaints per year**, which represents approximately **8-10%** of the Office's total caseload.

In 2021, the number of nationality-related cases – complaints and cases of maladministration detected by the Office – was **391, an increase of 11%** compared to the previous year. Although the number of cases in 2021 is almost identical to the statistics for the years preceding the pandemic, the increase can be seen as an important indicator of the resumption of the process.



In 2021, **the number of cases involving Roma nationals was again the highest, accounting for almost half of the total caseload**, with the Minority Ombudsman dealing with 193 cases involving the Roma community. **The number of German cases was particularly high**, due to the significant public activism of the community and the package of cases concerning the war pension for the relatives of those deported to the Malenky robot, which was closed at the beginning of 2022. **There was a further increase in the number of cases involving several or all national minority communities, indicating a broad range of legal maladministration in the field of nationality rights**, mainly related to the above-mentioned epidemiological situation, as well as to education, cultural rights, the functioning and financing of nationality self-governments and the adoption of legislation.



JOINT REPORTS IN 2021

1. in connection with the breach of the duty of cooperation by the requested body (3 June)
2. concerning the investigation of police measures taken against a person of Roma nationality in the framework of an increased control (23 July)
3. in connection with the operation of a cemetery and cooperation between a municipal government and a municipal Roma nationality self-government (21 December)
4. in connection with the ordering of a local referendum on a primary school providing nationality education (22 December)

GENERAL COMMENTS IN 2021

1. on the specific and systemic deficiencies identified in the examination of the educational and child protection problems of Roma pupils (15 April)
2. on the current situation regarding the availability of nationality public radio broadcasts (28 July)
3. on the use of individual names in nationality languages (30 July)
4. on the use of community names in nationality languages (14 December)
5. on specific and general problems identified in connection with the educational situation of Roma children in Gyöngyöspata (5 November)

THE ACTIVITIES OF THE MINORITY OMBUDSMAN IN RELATION TO THE AGRESSION ON UKRAINE AND THE WAR



On 28 February 2022, the Minority Ombudsman issued a statement on the aggression on Ukraine and its consequences.

"The questioning of the most fundamental principles of the international legal order, which has been in place for decades, is plunging masses of people into a state of uncertainty: first and foremost the people of Ukraine, who are victims of an armed conflict, but also the people of Russia, and even third country resident relatives, friends and economic partners of the citizens of both countries. The displaced persons, regardless of their nationality or citizenship, are put in a vulnerable situation: their short- and medium-term personal circumstances depend to a large extent on the willingness of the central and local authorities of the neighbouring countries to receive them, and on the willingness of NGOs, churches and local populations to help."

In her statement, she stressed that a particularly difficult situation can be faced by people fleeing from Ukraine who have language and other difficulties in asserting their interests, who are already disadvantaged, who are separated from their families, who have no local knowledge, no relatives or acquaintances and who do not have sufficient financial resources to survive in the host country, even in the short term. (full text available here)

The Minority Ombudsman **is constantly and closely monitoring** the situation of the persons of Hungarian, Ukrainian, Roma and other nationalities fleeing Ukraine and the activities of the state institutions responsible for their care and the respect of their fundamental human rights. In this context, she examines the conformity of the measures taken and planned by the State with nationality rights and the requirement of equal treatment, and monitors the cooperation between the public and civil actors, the voluntary work of volunteers and State employees.

The Minority Ombudsman is in constant contact with the leaders of the Ukrainian nationality community in Hungary, including the Ukrainian nationality advocate and the president of the national-level self-government.

She has also held several meetings with representatives of the relevant government ministries, in particular with the officers of the ministries responsible for Roma affairs.

The Minority Ombudsman, as a person committed to the established order of international law, also welcomed the government decrees, which introduced the possibility of granting temporary protection, the so-called "beneficiary of temporary protection" status. In this respect she stressed repeatedly that information on the rights and obligations implied by this status should be made available to all those concerned, irrespective of their national or ethnic origin, in good time, in a clearly understandable manner and in all the necessary language versions. The Minority Ombudsman **also contacted the National Directorate-General for Aliens Policing**, asking for information primarily in connection with the provision of information to refugees, the practical application of the registration procedure for the beneficiary of temporary protection status and any problems that may arise.



Elisabeth Sándor-Szalay will continue to **actively engage with the** communities concerned, as well as with professional, civil society and political leaders, and will also participate in field visits as necessary to gain experience of refugee care. For a detailed account of the **field visits, please see the** Minority Ombudsman's Facebook posts, which can be found at the following links:

- [Border visit \(Nábrád - Záhony - Berkesz\)](#)



Verschleppung und Vertreibung - nie wieder!

This year, the commemoration of the deportation and expulsion of Germans in Hungary was held in Bonyhád. Participants commemorated the 200,000 compatriots of German nationality who were deprived of their property, community and homeland in 1946-48, and inaugurated the Memorial to the Deportation and Expulsion of the Germans of Tolna County.

The related message of the Minority Ombudsman can be [accessed in Hungarian here.](#)

GENERAL COMMENT 1/2022 OF THE MINORITY OMBUDSMAN ON THE WAR CARE OF PERSONS OF GERMAN NATIONALITY DEPORTED TO THE SOVIET UNION FOR FORCED LABOUR AT THE END OF THE SECOND WORLD WAR

At the turn of 1944-1945, in the period of a few weeks, nearly **32,000** Germans from Hungary were deported to the Soviet Union for forced labour because of their origin or mother tongue.



The complainant, acting on behalf of 70 persons of German nationality living in Békés County, complained that the men and women of German nationality who had been taken to Soviet labour camps when they were young because of their German name or their German origin – now aged over 92, sick and elderly, and the spouses and descendants of those who had died – **had not received the war-care benefits they had claimed**. He complained that, according to the practice in Békés County, the applications of descendants born after 1 January 1949 were rejected without any substantive examination, taking into account their date of birth. According to the submission, it also happened that, because of different legal practices at different district and government offices, one brother or sister received the benefit while the others did not.

The purpose of the general comment of the Minority Ombudsman is **to draw the attention of the public and the institutions concerned** to the fact that it is essential to accurately identify and learn about the historical and legal background in order to process and (at least partially) remedy past grievances, also in order to fulfil her statutory obligation. In the absence of this, it will not be possible to deal adequately with the serious harm caused in the past – including to nationality communities – either at the level of legislation or at the level of law enforcement, and this will lead to further (legal) harm in the present and in the future.

Following a complex investigation, the Minority Ombudsman **recommended** to the Minister of Defence, in cooperation with the Minister of Justice, to review the existing legislation on war care and, in the light of the reasons set out in the document and the historical circumstances, to consider facilitating the enforcement of claims by former war invalid dependants, while at the same time eliminating the legal situation which results in the violation of equal treatment.

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

NATIONALITY ELECTIONS 2022.



For the first time after the election of the Members of Parliament in 2014, nationalities living in Hungary had the opportunity to participate in the work of the Parliament. At that time, the Parliament's Committee of the Nationalities became a key player in the system of nationality representation in Hungary.

One of the most important events of the first quarter of 2022 was the election of the Members of Parliament on 3 April, which ensured the participation of nationalities in the work of the Parliament for the third time.

The Deputy Commissioner for National Minorities **paid special attention** to the preparation and implementation of the 2022 parliamentary elections, in the framework of which she maintained contact with the elected representatives of national minority communities and **held professional consultations** with the President of the National Election Committee and the National Election Office.

The general assemblies of the national minority self-governments - between 1 October 2021 and 31 January 2022 - **could decide on the national minority lists** and the order of the candidates on them. According to the experience of the Deputy Commissioner for Nationalities, no critical problems arose during this phase of the list-making process, and all national minority self-governments - with the exception of the National Roma Self-Government - set up national minority lists during the period in question. The General Assembly of the National Roma Self-Government was unable to draw up a nationality list during its protracted meetings, which were not free of legal disputes and personal conflicts.

The number of nationality voters in the central register and the number of valid votes cast on 3 April for 12 nationality lists are summarised in the table below. Nationality lists are entitled to electoral preferences in the electoral contest for the allocation of seats.

Nationality	Voters (in number)	Valid votes (number)
Armenian	278	163
Bulgarian	218	157
Croatian	2 268	1 760
German	31 856	24 630
Greek	355	232
Polish	369	281
Romanian	966	526
Ruthenian	1 044	645
Serbian	641	418
Slovak	1 563	1 208
Slovenian	280	219
Ukranian	732	396

The **institutionalised participation** of the Roma community in the work of the National Assembly to be formed in the spring of 2022 **has thus been thwarted**.

On 1 February 2022, the Deputy Commissioner drafted **a message** in which she drew attention to the fact that the undignified situation surrounding the establishment of the Roma nationality list is a warning sign, a sign that **calls for introspection** - mainly for Roma and non-Roma politicians and decision-makers.

In the next stage of the electoral procedure, the National Electoral Committee **registered** the nationality lists, that were open to voters residing in Hungary and registered in the central electoral roll as nationality voters. It should be stressed that in the absence of a Roma nationality list, Roma voters could automatically vote for a party list in addition to an individual constituency candidate, without having to request their removal from the central register.

In 2022, 23 074 votes were needed to obtain a **preferential nationality mandate**, which corresponds to one quarter of the votes resulting in a mandate from the list. In view of this, **Imre Ritter**, as the leader of the list of the National List of the Hungarian Germans, has obtained a preferential mandate and can continue his work as a member of the new Parliament. The national minority communities that did not obtain a preferential mandate but which have nominated a national minority list will continue to be represented in the National Assembly by a **national minority spokesperson**.

Looking forward to continuing the successful cooperation established since 2014, **the Deputy Commissioner also takes this opportunity to congratulate the elected national representatives and nationality advocates**.

A complainant of Roma nationality turned to the Office of the Commissioner for Fundamental Rights about discrimination at work, but withdrew his complaint, claiming that he had managed to resolve the conflict in the meantime. Subsequently, another employee of the institution concerned requested that the case be investigated further.

[Details here.](#)

CASE LAW MOSAIC

A complainant of Roma nationality who had been evicted due to the demolition of a flat owned by the local government and was living in a caravan in the same place asked for help to resolve his housing situation. On the basis of a signal by the Minority Ombudsman, the local family assistance service visited the family and drew the attention of the Mayor to the municipal care obligations of the municipality in case of circumstances endangering the life and physical integrity of the person in need.

[Details here.](#)

A complainant of Roma nationality had his contract for a municipal rental apartment terminated due to rent arrears and was placed under temporary guardianship. In his complaint, the complainant asked the Minority Ombudsman for help in resolving his housing conditions and his problems with guardianship.

[Details here.](#)

A petitioner of Roma nationality complained that the building authority had ordered him to demolish his residential building within 180 days. He reported that they were raising four minor children, one of whom was severely visually impaired, in difficult financial circumstances. They are afraid that if their property is demolished, they and their children could end up on the street.

[Details here.](#)

A public statue of emblematic value for a nationality community was removed from the façade of a property under renovation without prior consultation with the nationality self-government. In response to a request from the Minority Ombudsman, the property investor replied that the statue would be preserved and that it would be housed in a museum in the future. In her reply to the parties, the Minority Ombudsman stressed the importance of direct dialogue and consultation with the representatives of the nationality community concerned on the final placement of the work of art.

[Details here.](#)

A petitioner spoke on behalf of Roma refugees from Ukraine. In his complaint, he complained about the discriminatory treatment of Roma at the Nyugati railway station, where he was told that Roma from Ukraine were received differently by volunteers and police officers than Ukrainian refugees. Due to the reorganisation of refugee care in Budapest, the Minority Ombudsman was no longer able to investigate the specific complaint, but indicated that she would keep a close eye on the conditions of provision of services to refugees.

[Details here.](#)

Office of the Commissioner for Fundamental Rights
Secretariat of the Minority Ombudsman

1055 Budapest, Falk Miksa u. 9-11.
nemzetiseg.info@ajbh.hu



Unsubscribe

Data Protection Notice