

NEWSLETTER

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



CONTENTS

- Key professional meetings and forums
- Statistical data
- New amendment of the Act on the Rights of Nationalities
- Nationality drawing competition and photo contest
- Discussion of the 2022 annual report
- Key professional events

Case Law Mosaic

30 years

of the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities



Victim-centred approach and intersectionality in the fight against hate crime



Pro Cultura Minoritatum Hungariae Award 2023





Dear Reader,

In my second Newsletter this year, I have collected data, events and happenings which, in my opinion, were decisive, significant and consequential for the operation of the field of nationality law in the previous months of the year, for the communities concerned and their members. My particular favourites are two documents celebrating their round anniversaries in 2023: a 70-year-old international treaty and a 30-year-old piece of domestic legislation, the European Convention on Human Rights and the Act on Nationality Rights. The two legal documents seem to exist independently of each other in time and space, but both of them can have their legal effect foreseen by their creators only in interrelation to each other, and only by complementing each other can they guarantee the general human and

specific nationality rights of the communities and their members under their scope. The bridge between them can be built by the application of the law in good faith.

Prof. Elisabeth Sándor-Szalay

EXPERIENCES IN THE SECOND QUARTER

The spring period is typically a time of intensive technical background work, expert meetings and site visits, and one of the “busy periods” of the legislative cycle.

A constant feature of the last few months has been the intensive series of consultations on the amendment of the Act on the Rights of Nationalities, which, in addition to substantive proposals, required a complex analysis of the experience of previous years' legislation. This successful cooperation has resulted in a new amendment to the cardinal Act. In addition, the examination of the nationality content of museums and the monitoring of hate crimes against persons of nationality origin continued.

In particular, the Minority Ombudsman received a large number of petitions concerning the segregation of Roma children and the ill-treatment of Roma children at school. In these cases, she initiated targeted investigations and contacted government leaders, pro-Roma NGOs and researchers in the field, in addition to the persons concerned. Her work was greatly hampered by serious anomalies in the functioning of the National-level Roma Self-Government, where, in view of the pending court proceedings, she had only the possibility to inform and call upon the authorities, within the limits of her powers.

KEY PROFESSIONAL MEETINGS AND FORUMS

- Fernand de Varennes (UN Special Rapporteur on Minority Issues)
- Péter Paczolay (Judge at the European Court of Human Rights)
- Desirée Bonis (Ambassador of the Kingdom of the Netherlands)
- Lászlóné Radomszky (Deputy State Secretary for Social Inclusion of the Ministry for the Interior)
- Joka János Daróczi (Director General of TEF)
- Anna Madarasi and Adrien Laczó (board members, Res Iudicata Association)
- Vivien Brassói and Adél Kegye (ERRC experts)
- Roma Identity in Finland and Hungary Chain Bridge Forum: a British-Hungarian bilateral discussion on today's challenges
- We belong together - Roma Integration Day
- Smart Diaspora 2023 Conference
- Geghard Choir performance on the 108th anniversary of the Armenian Genocide
- Roma Coordination Council meeting

STATISTICAL DATA 2023

petitions and ex officio proceedings
correspondence
legislative opinions
professional meetings

2 nd quarter	2023 in total
95	216
416	699
4	9
51	90

THE ACT ON THE RIGHTS OF NATIONALITIES WAS ADOPTED 30 YEARS AGO

The adoption of the Act on the Rights of National and Ethnic Minorities 30 years ago was preceded by unmatched extensive professional work and extensive scientific and political consultation, thanks to the persistent activities of minority NGOs, experts committed to the cause and prominent nationality personalities active at the time. The social and professional acceptance of the Act and the broad consensus in favour of minority rights protection were also confirmed by the circumstances of its adoption: as a result of a six-party consensus, the National Assembly adopted the unique text of its kind by an almost unanimous majority of 96.5%.

In the three decades since the adoption of the Act on the Rights of National and Ethnic Minorities, the field of minority rights has become one of the most complex segments of the Hungarian legal system: the internationally based, extremely thoroughly drafted and dogmatically elaborated body of law now has advanced support and control mechanisms. Its stable historical and broad social foundations are coupled with a continuous and dynamic capacity for renewal. It is both a sensitive and strong regulatory environment, which currently provides the basis for the enforcement of rights and interests of nearly one million stakeholders in our country.

The fact that the new cardinal Act on the Rights of Nationalities (Njtv.) adopted in 2011 in the wake of the provisions of the Fundamental Law also shows a broad textual agreement in addition to the regulatory concept is a major proof of the social and professional timelessness of the original legislation.

On the 30th anniversary of the adoption of the Law on the Rights of National and Ethnic Minorities, the Minority Ombudsman expresses her gratitude to all nationality communities, then and now, who are filling the bare provisions of the Act with diverse and varied nationality life and who, like her, work every day to better enforce nationality rights.

The full text of the message issued on the occasion of the event can be found [here](#).

Since the beginning of her mandate, the Minority Ombudsman, by virtue of her legal obligation and her professional conviction, has continuously paid special attention to actively shaping the domestic legislative and enforcement environment. In response to continuous signals from the leaders of nationality communities and the changing social environment, she has done so primarily through the publication of technical documents and continuous consultations. Her primary partners in this work are the Parliament's Committee of the Nationalities in Hungary, the presidents of the nationality self-governments and the Prime Minister's Office.



Among the changes in the legislative environment, the amendment of the Njtv. is also a special case, because due to the status of the Act, this can only be done in exceptional cases and after appropriate professional and political consensus. In 2023, the requests for change that have been raised by several communities in recent years were accompanied by a favourable legislative intention and opportunity, so a broad cooperation involving all stakeholders was initiated, as is customary in such cases.

At the request of Zoltán Fürjes, Deputy State Secretary for Church and Nationality Relations of the Prime Minister's Office, the Minority Ombudsman has been actively involved in the preparatory working group since spring, which primarily concerned the provisions of the legislation on the calling of local nationality self-government elections and the operation of nationality self-governments. During the preparatory work, the Minority Ombudsman drafted and submitted a number of proposals and constitutional comments to the members of the Working Group in writing and represented her views at regular meetings of the Working Group. Her suggestions and comments on the amendment were accepted by the Panel and incorporated into the final draft.

The Parliament's Committee of the Nationalities in Hungary submitted the bill to the National Assembly on 5 June, which was adopted by a qualified majority of the members of Parliament on 4 July. The LVII Act of 2023 was promulgated on 13 July and entered into force on the 8th day following promulgation, on 21 July.

END OF THE SCHOOL YEAR DISCUSSION WITH THE STAFF OF THE CENTRE FOR NATIONALITY EDUCATION

At the invitation of Attiláné Kállay, Head of Department, the Minority Ombudsman and her colleagues participated in a professional discussion at the headquarters of the Nationality Education Centre (POK). Over the past decade, successful professional cooperation has developed with the staff of the POK, who, with their professional credibility and human enthusiasm, are unavoidable actors in the field of nationality education. At the meeting, they discussed, among other things, the results achieved in the field of nationality education, old and new challenges, and the professional content of the next academic year, with special reference to curriculum development, the current situation of (further) training of nationality teachers, the situation of guest teachers, and current issues related to the use of nationality languages. [Details here.](#)



NATIONALITY AWARDS AND EXHIBITION OPENING CEREMONY

On 5 June, the Office of the Commissioner for Fundamental Rights hosted the award ceremony of the National Nationality Drawing Competition and the National Nationality Photo Competition for the 2022/2023 school year, as well as the related exhibition. This year marks the fifth year of the drawing competition and the third year of the photo competition organised by the Education Office.

This year, 765 pupils submitted entries to the drawing competition, of which the jury of national artists awarded 50, while the photo competition received 117 photos from 63 pupils, of which 19 were awarded. The competition and the event were co-organised by the staff of the Nationality POK. For years, Attiláné Kállay and her colleagues have been actively helping young people who are about to shape the future of their nationalities to present their “creative business cards” reflecting their personal and community experiences.

The ceremony was addressed by the Ombudsman Ákos Kozma, Imre Ritter, Member of Parliament for German Nationality and Sándor Brassói, President of the Education Office, followed by a speech by the Minority Ombudsman, who shared her thoughts with the children and young people. In addition to parents and teachers, the event was also attended by representatives of the communities, such as Vera Giricz, Ruthenian nationality advocate; Liliána Grexa, Ukrainian nationality advocate; Maria Rónayné Slaba Ewa, Polish nationality advocate; and József Szolga, Croatian nationality advocate; Konstantinos Hristodoulou, President of the National Self-Government of the Greeks in Hungary; Viktor Kramarenkó, President of the National Ruthenian Self-Government and Gregor Gallai, Head of the Cabinet of the German Nationality MP, and Mária Merklné Kálvin, Head of the Department of the Education Office. [Details here.](#)



VICTIM-CENTRED APPROACH AND INTERSECTIONALITY IN THE FIGHT AGAINST HATE CRIME

In a special workshop organised jointly by the Minority Ombudsman and the Hate Crime Task Force, national experts in the field discussed good practices on the protection of victims of hate crime.

The event was attended by judges, prosecutors, police officers, lawyers, senior staff members of the Ministry of Justice, the Victim Support Centre, the National Institute of Criminology and NGOs, who shared their professional experiences and summarised current challenges. The main objective of the joint reflection was to identify the judicial, law enforcement and policy services, projects and campaigns needed in Hungary and in Europe to protect victims and strengthen their procedural role. In addition to the Working Group, the Hungarian member of the related EU project, the Háttér Society, and Res Iudicata – Judges for Social Awareness Association were key partners in the organisation and implementation of the event.

In her opening speech, Elisabeth Sándor-Szalay pointed out: the topic has been a priority since 2020. In the past three years, she has dealt with 27 complaints in which the petitioner specifically referred to hate crimes and their “catalyst acts”, such as deteriorating public discourse, racist and anti-Semitic hate speech, group or march demonstrations by far-right organisations, the use of banned authoritarian symbols and the vandalism of community memorials and monuments. These resulted in 8 key papers, totalling 245 pages, which sought to persuade legislators and law enforcement to move towards a more effective and people-centred system and tools.

In view of the above, a hybrid (online and in-person) conference on “Current challenges and opportunities in tackling hate crime – through criminal law and beyond” was held in December 2022 with 150 participants and a high level of interest.

CounterHate



After the clearly and uniformly positive professional feedback, the experts indicated that the dialogue should be continued, and that it would be useful to review the situation in some areas of the subject in detail. The EU-funded Counter Hate Project, which aims to improve support for victims of hate crime through a victim-centred and intersectional approach, provided a good opportunity to do so.



The representatives of the organisations present at the event agreed that there has been an excellent cooperation between public authorities and professional civil society organisations on this issue for many years, and that the legislation is already progressive. Of course, there is still work to be done in the practical implementation of the principles and procedural rules laid down in the legislation, but the workshop and similar professional meetings can help in this respect. [Details here.](#)

DISCUSSION OF THE 2022 ANNUAL REPORT IN THE NATIONALITY COMMITTEE



The Parliament's Committee of the Nationalities in Hungary held a meeting on 22 May, where the Ombudsman and the Minority Ombudsman were the guests, who presented the document "Report on the activities of the Commissioner for Fundamental Rights and his deputies 2022", submitted under file No. B/3378. The panel unanimously supported the report, with 10 votes in favour, none against and no abstentions, and recommended it to the Parliament for adoption, while thanking the two public officials for their work in defence of nationality communities. The committee was represented in plenary by Vera Giricz, Ruthenian nationality advocate, and Traján Kreszta, Romanian nationality advocaten.



The 201-page document, which covers the achievements of a number of areas over the past year, was previously discussed and recommended for adoption by the Justice Committee and is expected to be taken up by Parliament in the autumn session.

You can read the [full report](#) and the related [INFO.sheet](#) by clicking on the links.

VISIT TO THE DIRECTORATE-GENERAL FOR SOCIAL EMPOWERMENT

In May, the Minority Ombudsman's staff and the Secretariat's trainee Edina Makszim visited the Directorate-General for Social Empowerment (TEF), where they met with Director General János Daróczi and his staff, Head of Unit Emma Fitz, Head of Unit Tibor Szarvák and Senior Technical Adviser Szandra Mohácsi-Szverle.

During the meeting, the hosts presented the organisational structure of TEF and the main activities of the directorates, branches and development centres. They also provided detailed information on several projects led and run by the TEF, such as the "Opportunity for Women – Training and Employment" project, the results of the training courses launched within this project, the importance and usefulness of the recently completed "Development of the Inclusion Mentoring Network" project. The staff also presented the operation of their Production Workshops, the cottage industry, sewing and vegetable processing projects, which have helped to create jobs in disadvantaged regions.

At the professional meeting, the educational activities of the Gandhi High School Public Benefit Non-profit Ltd. were also discussed, as well as the operation of the afternoon schools and the experiences of Roma children's education, in the context of the complex issue of educational segregation and integration.

We would like to take this opportunity to thank the head of the TEF and his colleagues for a meaningful professional meeting, and we will continue to work together in the future.



ROMANO KHER OFFICIALLY OPENED ITS DOORS



The Minority Ombudsman was welcomed as an old friend by Melinda Rézműves, director of the Romano Kher Budapest Roma Cultural House, the capital's premier Roma cultural institution.

The event was attended by members of the Roma community, iconic figures of Roma rights advocacy, representatives of the maintainer Budapest Municipality, including the Mayor of Budapest and district mayors, as well as former directors and staff of the institution. The event took place at the institution's new headquarters at 67 Király utca, where a rich programme of activities and youth projects will be offered in the future. [Details here.](#)

70 YEARS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The Minority Ombudsman gave one of the opening speeches at the international conference on 15-16 June, organised to mark the 70th anniversary of the European Convention on Human Rights (ECHR). Her presentation was entitled "The prohibition of discrimination under the ECHR with special regard to Central Europe", in which she spoke about the provisions of the ECHR that allow action against discrimination, the case-law of application and the possible resolution of the inconsistencies in the system. In addition to the Minority Ombudsman, the event's special guests were Péter Paczolay, Judge of the European Court of Human Rights (ECtHR), Róbert Répássy, Deputy Minister of Justice and Paweł Czubik, Judge of the Polish Supreme Court. [Details here.](#)



THE SITUATION OF THE INDIGENOUS SAMI PEOPLE IN NORTHERN EUROPE

The Minority Policy Research Workshop of the National University of Public Service, the Finnish Presidency of the Barents Euro-Arctic Council and the Embassy of Finland in Budapest held an event on 18 May entitled "The indigenous Sami people in Northern Europe", with the participation of the Minority Ombudsman as an expert. The main topics of the event were the means of preserving cultural-linguistic rights, the possibilities of participation in political decision-making and the intense impact of climate change. Anni Koivisto, Vice President of the Finnish Parliament in Sumava, Pertti Anttinen, Ambassador of the Republic of Finland to Budapest and Jari Vilén, Finnish Ambassador to the Barents Region and the EU Northern Dimension were the special guests and hosts of the event. [Details here.](#)



CASE LAW MOSAIC

Complainants of Roma nationality complained that the guardianship authorities had terminated the placement in family of two of their grandchildren/children by their grandparents and decided to take them into foster care. The complainants also complained that they were not informed of the decision of the guardianship authority and that when they received it later, they were unable to interpret the appeal notice. They also complained that the guardianship authorities did not try to find guardians for the children within the family.

[Details here.](#)

The Minority Ombudsman, following the police's rejection of a report of atrocities against a Roma family, has sent a signal to the competent prosecutor general to investigate whether the case involves a suspicion of violence against a member of the community.

[Details here.](#)

A Member of Parliament has complained to the Minority Ombudsman that a teacher in a primary school in a town in northern Hungary is treating Roma pupils and their parents inappropriately. Most of the parents have good daily contact with the teachers, and there are a number of projects for children's development in addition to the compulsory lessons. However, a few years ago, the complaint report indicated that, in addition to the good experiences, there were many problems with one of the mathematics teachers in the institution.

[Details here.](#)

A complainant of Ukrainian nationality living in Hungary turned to the Minority Ombudsman for help, complaining about the actions of the common representative of the condominium property she owned and the statements she made in public at the condominium's general meeting, which insulted her Ukrainian nationality.

[Details here.](#)

A Roma complainant with a lung disease and his spouse turned to the Minority Ombudsman for help in settling the rent arrears of an oxygen concentrator they had rented, sharing their difficulties in making a living. In their petition, they indicated that they felt that they had been discriminated against because of their Roma origin.

[Details here.](#)

One complainant complained that the districts of Tetemvár and Ózegró in Miskolc are not connected to the city's public transport network, which raises the possibility of discrimination against Roma residents living there, primarily in terms of access to public education, employment, health and social services.

[Details here.](#)

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