



NEWSLETTER

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



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300 Jahre Ansiedlung - international scientific forum



CASE LAW MOSAIC

Hate speech in Hungary - international professional conference





Prof. Elisabeth Sándor-Szalay

Dear reader,

Under consolidated conditions, the third quarter of the year – July, August, September – is usually a noise-free, calm, restful period. The aforementioned term of 2023 refuted this: together with my colleagues working in the area of nationality law and advocacy, we experienced intense, eventful months. Political, economic and environmental crises, destructive wars surround us, and their effects directly or indirectly, and unfortunately greatly affect the vulnerable citizens of our country. My professional position, which I have advocated for many years, is still relevant: hate speech, which is becoming stronger on the level of everyday life and is even more amplified by the anonymity of Internet speech, carries extraordinary dangers to social peace even if it does not reach the level of a crime. The lack of mutual solidarity and the state of general mistrust particularly seriously affect disadvantaged persons, and we make efforts to handle their cases with sufficient empathy and expertise.

EXPERIENCES OF THE THIRD QUARTER

This year, the summer and early autumn period presented many professional challenges in the area of nationality law: the publication of the detailed nationality data of the census, the start of the academic year, the restart of the Parliament's work, and increasing hate speech at the social level all required special attention. In addition to the above, the intensive investigation of the large number of segregation complaints, supported by on-site experience, continued.

Through individual complaints and ex officio investigations, domestic and international experiences, as well as expert dialogue with non-governmental organizations, the deputy ombudsman began the drafting of three general comments, which deal with certain hate-based forms of social tension directed against ethnic communities.

During this period, nearly a hundred museum institutions were contacted as part of an investigation into the nationality content of their activities. Several museum institutions and nationality folklore houses filled in the questionnaire, thereby helping to conduct the ex officio investigation. We are thankful for their cooperation and carry on processing the data.

KEY PROFESSIONAL MEETINGS AND FORUMS

- Fernand de Varennes (UN Special Rapporteur on Minority Issues)
- Christiana Markert (Minister-Counsellor of the Federal Republic of Germany)
- Olívia Schubert (Vice President of the National Self-Government of Germans in Hungary)
- Remembrance Day for the Roma Victims of the Holocaust
- Nationality Vocational Academic Year Opening Conference
- Pécs City Day Festive General Assembly
- Improving the access to justice of Roma in Slovakia, Slovenia and Hungary (PRESS Project, Minority Rights Group Europe)
- Professional presentation of the 2022 census results
- "Itthon otthon" MCC round table discussion on nationality youth
- Challenges Facing the Judiciary in the 21st Century Conference
- Constitutional adjudication in the Carpathian Basin, round table discussion

STATISTICAL DATA 2023

petitions and ex officio proceedings
correspondance
legislative opinions
professional meetings

3rd quarter	2023 in total
54	270
434	1 133
6	15
24	114

JOINT REPORT ON THE INVESTIGATION RELATED TO THE EX OFFICIO REGISTRATION OF THE NATIONALITY FAMILY NAME AND FIRST NAME IN THE BIRTH CERTIFICATE

A citizen of German nationality filed a petition with the Office of the Commissioner for Fundamental Rights, objecting that, as a result of the negative decision of the Budapest-Capital Government Office, the mother's German family name and first name were not transferred in the birth register entry and in the identity card.



In order to get to know the specific case as well as the established practice as fully as possible, the Commissioner and the Minority Ombudsman contacted the head of the Budapest-Capital Government Office, who, in addition to expressing a professional position – in order to create a uniform interpretation and application of the law – also obtained a position by the Deputy State Secretariat for Authority Affairs of the Prime Minister's office acting as a professional governing body.

The Commissioner and the Minority Ombudsman established that the decision of the Budapest-Capital Government Office rejecting the mother's request was unlawful, but since it remedied the injury within its own authority, no violation of fundamental rights was established. In addition, however, they asked the head of the Budapest-Capital Government Office to strive to consistently enforce the requirement of legal certainty by carefully applying the current legislation, as the registry body designated by the Government with exclusive competence to carry out the name change procedure, in the future when dealing with similar cases.

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

GENERAL COMMENT ON THE INVESTIGATION OF INSPECTIONS CARRIED OUT BY RANGERS AND PUBLIC AREA INSPECTORS IN MISKOLC

In a petition, a local resident of Roma origin complained that green-uniform guards (rangers) of the Miskolc Municipal Police (MIÖR) constantly harass Roma persons in Lyukóvölgye and Pereces areas. On a daily basis, they check whether they steal electricity, where they put the garbage, whether they have a waste water tank, how they keep dogs, and they also ask for their bills. According to the complainant, the problem is not that they carry out inspections, but that they keep coming early in the morning and in the evenings as well, and they don't even let the families rest. According to the petitioner's opinion, they have not done anything wrong, they are just poor, but they want to live in peace.

In the matter, the Minority Ombudsman initiated a joint investigation, in the context of which she contacted the mayor of Miskolc City of County Rank, taking into account the 2015 ombudsman's investigation into the joint inspection exercise coordinated by MIÖR and carried out together with other partner bodies in the segregated residential areas of Miskolc.

The Minority Ombudsman, in the general comment, reviewing the relevant provisions of the law and the documents received, determined that in some cases rangers and public area inspectors carry out inspections in the public administration area of the city of Miskolc outside their scope of duties and powers, which violate the requirement of legal certainty stemming from the principle of the rule of law, and they pose a direct threat to the fundamental rights of the owners and users of the affected properties to respect their privacy and protect the peace of their homes.



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

MESSAGE

ON THE INTERNATIONAL DAY OF REMEMBRANCE OF THE ROMA HOLOCAUST

Excerpt from the Minority Ombudsman's message issued on August 2:

"Every community has the right to inclusion, equality and social justice.

As Minority Ombudsman, like my predecessors in office, I have a consistent and firm position that not only should we regularly remember all those affected by the genocides committed by the National Socialist government, the victims of the Roma, Jewish, disabled and LGBT communities who lost their lives in the Nazi death camps, but we should also draw attention to the historical processes as well as human and social crimes that lead to the Holocaust.

The systematic persecution and genocide committed against the members of the Roma community during the Second World War was a direct consequence of the prejudice and hatred accumulated during the previous centuries, the discrimination mechanisms used in almost all areas of life, and the related social indifference. Unfortunately, the seeds of the related racist ideologies, the exclusion that feeds on them, still exist worldwide today and find a breeding ground.

The position I expressed in my professional documents over the past years is still relevant: hate speech, which is becoming stronger on the level of everyday life – and is even more amplified by the anonymity of Internet speech – carries extraordinary threats to social peace, even if these acts do not reach the level of criminal offence. I am convinced that taking action against this is our common social interest and responsibility."

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

MESSAGE

ON TACKLING HATE SPEECH AND SCAPEGOATING

Excerpt from the Minority Ombudsman's message issued on August 30:

"In the course of my work, I follow cases related to hate speech and acts of hate with particular attention, and I constantly investigate the possibilities of suppressing such acts. Every time it is necessary, it is my duty to draw attention to the fact that racism, xenophobia and the spread and normalization of related hate speech fundamentally threaten the functioning of our society, therefore it is the duty of all of us to take action against exclusionary, stigmatizing behaviors that violate human dignity.

We must learn from the painful experiences of history and recognize the dangerous processes that trigger irreversible reactions in our society. The appearance of physical atrocities committed with a racist motive is usually preceded by a decrease in the level of social sensitivity to hate speech. It is therefore the responsibility of all of us how we speak about those vulnerable groups that are already surrounded by prejudices, and it is also our duty to raise our voices when these groups are used as scapegoats for various reasons.

In addition to respecting freedom of speech, I would like to emphasize that demonstrations and various community actions must in all cases be carried out in such a way that they do not violate the human dignity and sensitivities of others. Manifestations that act against social peace and coexistence, and that are suitable for stigmatizing the members of an already vulnerable nationality and minority group, and for creating a humiliating and intimidating atmosphere towards them, cannot be accepted."

The full text of the message can be found [here](#)

"SO KERES, EUROPA?!" - EUROPEAN ROMA YOUTH MEETING

This year, Hungary hosted the "So keres, Europa?! - What are you doing, Europe?!" international Roma youth meeting, organized by the Phiren Amenca International Network, held in Balatonkenese. Young people from Italy, Spain, Albania, Lithuania, Germany, Macedonia, Bulgaria, Belgium, Slovakia, Serbia, Montenegro and Romania came to the event from August 23 to 28, while Hungary was represented by 50 young activists.

The Minority Ombudsman was a key speaker of the event, who in her presentation thematically presented to the young people the situation of the domestic nationality communities, the structure of the system of nationality law and the regulations on equal treatment, as well as the special situation of the Roma communities from the point of view of legal protection. She presented from her practice several joint reports and general comments to draw attention to the trends of educational segregation, the structural problems of social services, and the important role of non-prejudiced and non-violent public discourse. In the discussion following the presentation, the young people asked questions and shared their experiences from their own countries.

Domestic and European Union politicians, decision-makers, well-known cultural and public figures were also invited to the meeting. [Details here.](#)



300 JAHRE ANSIEDLUNG – INTERNATIONAL SCIENTIFIC CONFERENCE IN BUDAÖRS



The Minority Ombudsman participated in the two-day, large-scale professional conference organized on the occasion of the anniversary of the settlement of Germans in Hungary three centuries ago entitled "300 Jahre Ansiedlung - Mit dem Wissen von heute über die Brücke der Vergangenheit Zukunft gestalten". The chosen title of the event also indicates that the knowledge of the personal and community stories of the past is important for the Germans of today in Hungary, which also lays the foundation for building their future.

The first day of the event, organized by the National Self-Government of Germans in Hungary and the Jakob Bleyer Heimatmuseum, was hosted by the Budaörs town hall, where those interested could learn about the history of the settlement of the German community and its wide-ranging social and cultural effects. After a welcome from the host Katalin Gajdos-Frank, director of the Heimatmuseum, Julia Gross, ambassador of the Federal Republic of Germany and Olivia Schubert, deputy president of the National Self-Government of Germans in Hungary, and Tamás Wittinghoff, mayor of Budaörs, opened the event. [Details here.](#)

"PROTECTION OF MINORITIES IN EUROPE" SUMMER UNIVERSITY

From 9 to 13 July 2023, the eleventh "Minority Protection in Europe" summer university of the Institute for the Protection of Minorities and the Research Institute for Hungarian Communities Abroad took place with the participation of a record number of nearly forty students. At the event, Elisabeth Sándor-Szalay also gave a presentation to young people from Hungary, Romania, Slovakia, Ukraine and Serbia entitled "Tasks and opportunities of the Minority Ombudsman in the protection of domestic nationalities". [Details here.](#)



HATE SPEECH IN HUNGARY - INTERNATIONAL CONFERENCE



On September 27, Political Capital organized an all-day conference entitled "Hate Speech in Hungary". The event consisted of four round-table discussions that dealt with individual elements of the issue of hate speech, presenting and analyzing law enforcement experiences, professional dilemmas, shortcomings and good practices related to the given topic. The interdisciplinary approach of the discussions was ensured by the involvement of recognized experts from various social science fields.

The first discussion of the conference was about regulatory and law enforcement issues related to hate speech. In addition to the Minority Ombudsman, Zsuzsanna Kunos (TASZ), Erika Muhi (human rights lawyer) and Gábor Polyák (Mérték Médiaelemző Műhely, HUN-REN, ELTE BTK) took part in processing the topic with the moderator Veronika Szontagh (Political Capital). The conversation touched on the current regulation, law enforcement practice, as well as what problems and shortcomings arise in connection with them.

The participants stated that although the legal options for intervention against hate speech are available in Hungary, since the regulation also covers civil, media and criminal law, but the definitional basis of each legal area is different, based on diverse dogmatic backgrounds elaborated to different degrees. During the application of the law, it is a problem that the latency is particularly high due to the lack of information, trust in the authorities or even the feeling of shame, so that few cases reach the appropriate advocacy forums. Due to the low number of cases and the different dogmatic background, the practice of law enforcement lacks a unified approach at many points, and due to the lack of protocols, State institutions are not able to handle the cases that come under their jurisdiction. The participants of the discussion agreed that the current intervention options cannot effectively deal with systemic social problems. They also highlighted the rapid and widespread spread of online hate speech, the prevention of which would require cooperation between service providers and States.

In the rest of the day, lawyers, sociologists, social psychologists, civil society workers and a criminal linguist shared their experiences on recognizing and monitoring hate speech, the community and social effects of the phenomenon, and the role of artificial intelligence.

The detailed record in of the conference in Hungarian can be found [here](#), the audio recording of the panel discussions made by Első Pesti Egyetemi Rádió (EPER) can be found at the end of the record.

FUEN CONGRESS 2023 - PÉCS • FÜNFKIRCHEN • PEČUH

On 7 to 10 September 7-10,2023 the 67th congress of the FUEN (Federal Union of European Nationalities) took place in Pécs. Fifteen years after the 2008 congress, the city hosted the largest meeting of European national minorities and linguistic communities for the second time. This year's Hungarian organizing partner and host was the National Self-Government of Germans in Hungary.

At the ceremonial opening held in the Kodály Center, in addition to the Minority Ombudsman, Ibolya Englenderné Hock, the President of the LdU, MEP Vincze Loránt, the President of FUEN, Attila Péterffy, the Mayor of Pécs, the State Secretary for Hungarian Communities Abroad János Potápi and Imre Ritter, the chairman of the Parliament's Committee of Nationalities in Hungary, greeted the participants.

In their opening speeches, the presenters unanimously emphasized the importance of the active social involvement of national minorities, for which the creation of an appropriate legal environment and the support by law enforcers and society of various efforts to preserve cultural identity are also essential. In the current period full of challenges, the committed cooperation and joint thinking of communities is important at the local, regional and European levels. One example of this can be FUEN, which is the largest minority umbrella organization in Europe: it brings together 100 member organizations from 36 states. The cultural and educational rights of minorities, best practices and examples to be followed in the member states, as well as the definition of priorities for the next period were also formulated during the speeches.

In her speech, the Minority Ombudsman highlighted: the specific individual and community rights of national and ethnic minorities are fundamental freedoms. The totality of these rights is not the gift of the majority or the privilege of the minority, and their source is not the number of national and ethnic minorities, but the right to be different, which is based on respect for individual freedom and social peace. She recalled that 2023 is a special year regarding minority rights: we can also celebrate the anniversary of two extremely important international agreements and a Hungarian law. These are the 70-year-old European Convention on Human Rights, the 25-year-old Framework



Convention on the Protection of National Minorities, and the 30-year-old Act on the Rights of National and Ethnic Minorities. All three documents apparently exist independently of each other in time and space, but all three can only exert their legal effects as intended by their creators in relation to each other, and can only ensure the general human and special nationality rights of the communities under their scope and their members by supplementing each other. And the bridge between them can only be built by the application of the law in good faith.



The ceremony also hosted the presentation of the 2023 FUEN Award, which was given to Renate Schnack, a politician and former minority representative from the German province of Schleswig-Holstein, for her dedicated and devoted work on behalf of European indigenous national minorities and language groups. Since 2019, the FUEN award has been awarded once a year to persons who are active in the field of minority protection and who are committed to the development and recognition of indigenous and national minorities and language groups.

A detailed report of the event can be read [here](#).

NATIONALITY DATA OF THE 2022 CENSUS

Pursuant to the Act on the Census, a population and housing census of natural persons and dwellings had to be conducted on the territory of Hungary on October 1, 2022 at 0:00 a.m., which was carried out by the Central Statistical Office (KSH). The census data was collected between October 1, 2022 and November 20, 2022. The supplementary census of the persons who were left out of the census and their apartments had to be completed by November 28, 2022.

Participation in the census was mandatory for all persons living in Hungary, but those concerned could voluntarily comment on data related to belonging to a nationality – belonging to a nationality, mother tongue and the language used among family members and friends. 86% of the population answered the above questions.

The statistical data obtained on nationality communities during the censuses contribute to getting to know, understand and evaluate social phenomena and processes in Hungary, which serve as a basis for the preparation of social, economic and political decisions. The data obtained during the censuses are also of particular importance because the Act on the Rights of Nationalities ties the exercise of the rights to use language and the calling of municipal nationality self-government elections to the proportion and number of nationalities registered during the census.

In her [general comment no. 2/2020](#), the Minority Ombudsman examined in details the preparation of the census and issues related to its implementation. In addition, during the preparation of the process, she cooperated with the KSH and the interest representation bodies of the nationalities.

In the coming years, the assessment of the results of the census will be the responsibility of the members and leaders of each community, as well as the scientific and professional community.

Census 2022



	2001	2011	2022
Armenian	1 165	3 571	4 199
Bulgarian	2 316	6 272	6 109
Croatian	25 730	26 774	21 824
German	120 344	185 696	142 551
Greek	6 619	4 642	6 178
Polish	5 144	7 001	7 398
Roma	205 720	315 583	209 909
Romanian	14 781	35 641	27 554
Ruthenian	2 079	3 882	7 111
Serbian	7 350	10 038	11 622
Slovak	39 266	35 208	29 881
Slovenian	4.832	2 820	3 965
Ukrainian	7 393	7 396	24 615
Altogether	442 739	644 524	502 916

CASE LAW MOSAIC

A Roma complainant appealed to the Minority Ombudsman with a petition objecting to the municipality's expropriation procedure and valuation. According to the complainant, the municipality wanted to expropriate his parents' house and the house he built, but the expropriation value included in the municipality's offer was much less than the real market value of the properties.

[Details here.](#)

A Roma complainant turned to the Minority Ombudsman for help in his housing case. The complainant lives without a legal title with his family in a municipal emergency apartment, therefore their permanent address was declared fictitious. The complainant, who only has a residential address at the settlement level, complained that due to their address problems, they faced many difficulties when applying for benefits. In addition, he complained that their requests for a new municipal apartment were rejected.

[Details here.](#)

A Roma complainant complained that the guardianship authority rejected his request to accept his grandson into the family, on the grounds that he was diabetic. He also reported that he had lost the decision authorizing contact with his grandchildren, and when he inquired on the phone about replacing it, the staff of the guardianship authority spoke to him in an unacceptable tone. In his next submission, in an enforcement case, he objected that he had not received information about the legal basis of the claims and the settlement of his paid and outstanding debts.

[Details here.](#)

The president of the Roma self-government (RNÖ) of a settlement in eastern Hungary addressed several complaints to the Minority Ombudsman. As the authorized representative of his adult child, he complained that his son's mandate as a nationality representative was terminated. In his next complaint, he objected that the local government moved the RNÖ out of the property it had been using since 1995, but did not provide another independent property for the nationality self-government. In a subsequent submission, the complainant complained about an article published in a publication of the local government, which, in his view, contained false statements about his activities as president. In the end, he expressed as a complaint that the RNÖ could not exercise its right to consent when appointing the head of the local kindergarten.

[Details here.](#)

The deputy commissioner investigated the health care conditions of a detainee of Roma origin. The complainant was finally transferred to the penal institute appropriate for his condition.

[Details here.](#)

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