

General Comment No. 4/2018
on the enforcement of the cultural autonomy of the nationalities
in the field of cinematic art and film production in Hungary

EXECUTIVE SUMMARY

In the year 2018 the Minority Ombudsman elaborated a document examining a special aspect of the enforcement of the cultural autonomy of the nationalities: this General Comment reviews the cultural autonomy of the nationalities in the field of cinematic art and film production in Hungary.

The Minority Ombudsman issued this General Comment for the purpose of exploring the complex situation of the enforcement of the rights of the nationalities, in particular the cultural autonomy of the nationalities in the field of cinematic art and film production in Hungary.

Movie is the most versatile tool for artistic self-expression, and at the same time it may directly form the attitude of the society due to its wide-scale, well-organised and long-lasting publicity, thus it plays a significant role in shaping the relations within the society. Furthermore, the freedom of art and the independence of artists are democratic principles to be respected by all State institutions.

The Minority Ombudsman's study covered not only the summary of the measures aimed at facilitating the production, dissemination and preservation of nationality-films and at presenting the values of cinematic art of the nationalities; it also explored the tools and opportunities for active self-representation of the nationality communities. In this framework, it lists the challenges faced by the authors of nationality cinematic workshops, the distributors and the safe-keepers of films in the course of securing, exercising and enforcing the relevant rights, and at the same time it presents the domestic and international good practices revealed.

This General Comment is in organic interrelation with the General Comment No. 3/2018 on the enforcement of the cultural autonomy of the nationalities in public service media broadcasting. The two documents together present the today's situation and the potentials as well as the social mechanism of action of the two most important fields of nationality self-representation in terms of forming the community and the society.

During the study, the Minority Ombudsman provided a follow-up of the findings of the study carried out in 2010 by the parliamentary commissioner of nationality and ethnic minorities, comparing them to the present situation. The study also provides a detailed analysis of the legislative environment applicable to the production, support, distribution and archiving of nationality cinematic art as well as the relevant practical experience by exploring the values of nationality cinematic art movie industry in Hungary. In the course of the study, the Minority Ombudsman obtained information by way of requesting the affected parties in writing: she asked information from the government actors, public administration bodies and public service providers engaged in producing, distributing, archiving and supporting nationality films, and she also studied the documents available in the area including the relevant domestic law and Union law, international treaties, recommendations as well as the results of scientific research in the field concerned.

In the study, the Minority Ombudsman reviewed the following thematic fields:

- defining the scope of nationality content;
- defining the works of nationality cinematic art;
- presenting works of nationality cinematic art;
- the state of nationality film-festivals;
- registration and archiving works of nationality cinematic art, the possibilities of research;
- institutional background, infrastructure;
- guarantees and the transparency of the financing environment.

The Minority Ombudsman did not find any structural problem related to the State's mandatory duties related to nationality cinematic art and film production, however, she identified several difficulties that affect the area, including the production, distribution, safekeeping or other utilisation of works of cinematic art.

On the basis of the findings of the study, in the General Comment, the Minority Ombudsman puts forward professional recommendations and presents guidelines in principle for the purpose of developing the production, distribution and the safekeeping of works of nationality cinematic art as well as for the more effective enforcement of collective nationality rights connected to nationality films.

With account to the primary importance of the field examined in the General Comment as well as to the potential amendments of the regulations, the Minority Ombudsman formulated some concrete proposals.

By way of the proposals contained in the General Comment, the Minority Ombudsman called upon the Parliament's committee of the Hungarian nationalities and the government actors, public administration bodies and public service providers engaged in producing, distributing, archiving and supporting nationality films to act in cooperation and to review – by involving and requesting opinion from the leaders of national minority self-governments – the legislative and the financing environment of nationality film production and cinematic art, and to consider forming a common position about the amendment of the legal regulations and the system of supporting the movie industry to meet the needs and the interests of the nationalities living in Hungary.