

Joint report No. 1376/2020.
on a funeral procedure involving a Roma person and his family

The Commissioner for Fundamental Rights and the Deputy Commissioner for Fundamental Rights Ombudsman for the Rights of National Minorities issued a joint report in connection with a funeral procedure involving a Roma person and his family. The report stated that the burial practice in the locality violated fundamental rights due to the shortcomings of the local regulatory environment and the established procedures, and in connection with this, the right of the deceased person's family members to equal treatment was also violated.

The advocate of the Roma nationality of the Parliament addressed the Deputy Commissioner on behalf of a Roma family living in a village from Nógrád County, about a case regarding the burial of their relative. According to his complaint, after designating the burial place of the deceased family member and excavating it, the municipality obliged the Roma family to relocate the burial site and bury their relative at a more distant point in the cemetery. The new grave site was excavated by family members and friends of the deceased, for them to be able to hold the funeral scheduled for the next day. According to those involved and the nationality advocate, the aggrieved proceeding and the mayor's decision was connected to the Roma origin of the family.

During their investigation, the Commissioner for Fundamental Rights and his deputy contacted the mayor involved in the case, the mortician and then the notary. In order to clarify the existing contradictions, the district office was later asked to carry out an on-the-spot check.

The Commissioner and his deputy, in their joint report stated, that in the case under investigation, the worrying way of preparing the funeral, may have been due to local practice. In the course of everyday life, contrary to the provisions of the local decree, the burial sites were not designated by the operating municipality, but the person requesting the burial and the mortician agreed on this issue without written documents. This practice has led to abuses of the right to a fair trial under the rule of law, of the right to human dignity and the right of reverence.

The commissioner and his deputy also dealt with the procedure and omission made of the district office conducting the official inspection, as well as the regulatory shortcomings of the local government decree. They established in both cases a violation of the fundamental right to a fair trial under the rule of law.

During their investigation, the Commissioner for Fundamental Rights and his deputy, analyzed in detail the aspects of direct discrimination in the case, aspects of maintaining or violating the requirement of equal treatment and the exculpation options, and found that the municipality's exculpation probation was not successful, the deceased person's family members' right to equal treatment was violated.

The Commissioner and Deputy Commissioner initiated that the mayor and notary of the municipality take steps to ensure that the designation of burial sites is in accordance with the legislation in force and that local practice does not conflict with the relevant legal provisions. The representative body of the municipality was also asked to consider paying compensation and damages to the Roma family involved in the complaint, given the irregular local practice and the violation of the requirement of equal treatment. The government commissioner headed the Nógrád County Government Office was also asked to review the funeral practice of the affected village and the related legal regulations, and to promote the development of legal and professional practice and law enforcement.