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NEWSLETTER

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



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Prof. Elisabeth Sándor-Szalay

TO THE READER

The second quarter of the year has continued to be marked by extraordinary historical circumstances, the direct and indirect negative effects of which are experienced by our nationality communities, too. For me, as a human and as a lawyer, it is traumatizing to see the death, destruction and immeasurable human suffering brought by the war in our neighborhood. European societies and countries have immediately and, in most cases, selflessly welcomed the millions of refugees: a State attitude centred on the protection of human dignity and respect for international obligations is necessary and indeed possible in any such crisis. It is the very purpose of human and minority rights to ensure that we are all equally protected irrespectively of our characteristics or interests.

EXPERIENCES IN THE SECOND QUARTER

Two factors have dominated the work of the Minority Ombudsman in recent months: **the parliamentary elections** and the impact of the **war in Ukraine**.

It is a long-standing experience that in election years, people who have suffered rights violations or are disadvantaged expect the competing parties to remedy their situation, therefore they do not complain to the Minority Ombudsman or do so only later. Moreover, the war has created a sense of extreme anxiety and insecurity among people, which may have deterred many from reporting their complaints non existential in nature.

The combined effect of these two factors **had a negative impact on the dynamics of case-figures**, with fewer people turning to the Minority Ombudsman than in the same period in previous years. **The trend is expected to continue**, which will require a **close monitoring** of comprehensive nationality and equality issues and **direct contact** with potential complainants to ensure effective and rapid assistance.

The Minority Ombudsman has also increased her activities in the field of **professional relations**. As part of this, she held talks with three Roma MPs who are taking up political office for the first time this year, and monitored developments in the situation of migrants from Ukraine through leaders of the Ukrainian community in the country.

KEY PROFESSIONAL MEETINGS AND FORUMS

- Erzsébet Hollerné Racskó (President of the National-level Slovak Self-Government)
- Judit Bari and Erika Muhi (REILA Programme)
- Members of the Child Rights NGO Coalition on the Rights of the Child
- Judit Raátz (Senior Research Fellow, Institute of Linguistics)
- Gábor Nagy (Deputy Executive Director of the Hungarian Reformed Charity Foundation)
- László L. Simon (Director General of the Hungarian National Museum)
- Lajos Lőcsei (Member of Parliament)
- Ferenc Varga (Member of Parliament)
- Sándor Berki (Member of Parliament)
- Katarina Szécsi Åsbrink (Embassy of Sweden, Deputy Ambassador)
- Bálint Kovács (Head of the Department of Armenology, PPKE)
- UNHCR meeting
- Michael Winzer (Konrad Adenauer Stiftung, Head of Mission)
- Mehmet Gürcan Daimagüler (Government Commissioner for Roma Affairs of the Federal Republic of Germany)

STATISTICS

	2 nd quarter of 2021	2022 in total
petitions and ex officio proceedings:	61	180
correspondence:	280	482
legislative opinions:	4	10
professional meetings:	48	81

GENERAL COMMENT 2/2022 ON THE EXAMINATION OF INFRINGEMENT PROCEDURES AND OTHER SANCTIONS FOR SCHOOL ABSENCE

The Minority Ombudsman in her General Comment 2/2022 shows to what extent **the complex system of sanctions for offences and child protection, which reacts to parental negligence in relation to the completion of compulsory schooling**, can be applied effectively and to what extent it helps to successfully complete school studies and prevent early school leaving, i.e. **school drop-out**.

The investigation was launched following a petition by an NGO complaining that a **disproportionately high number of** infringement procedures had been launched for unjustified school absences in a settlement of 800 inhabitants in Borsod-Abaúj-Zemplén County. This practice, according to the organisation, mainly **affected families with many children, living in deep poverty, most of them of Roma origin**, who often had serious difficulties in paying the fines. In addition to the general complaint, the petitioner also asked for an investigation into the case of a family with several children, as the mother of ten children had been the subject of a number of infringement proceedings during the period under review.

In the general comment adopted following the inquiry, the Minority Ombudsman pointed out that, in addition to the omissions in the case in question, **the system of sanctions for families from poor social backgrounds for failure to comply with compulsory schooling**, in particular the suspension of family allowances, fines for infringements and the exclusion of parents from public employment, **causes serious financial problems**. A particular contradiction in the legislation is that measures taken in the best interests of children can hinder their **safe and healthy physical and psychological development**. By seeking to treat school absence with punitive sanctions, the legislation also deprives parents of the support they need to ensure

children's rights, thereby jeopardising children's rights.

In the Minority Ombudsman's view, the legislation on school absence **goes well beyond the actual issue** in terms of how the problem is dealt with and the consequences. Unjustified absenteeism is highest among children whose families are in a socially difficult situation, for whom the **only way out** of extreme poverty and unemployment would be to complete their education and obtain further education or vocational training.

Penal sanctions related to unjustified absences **affect disadvantaged families, including Roma families, to a greater extent**, which also raises the question of whether the persistent use of punitive measures that appear ineffective could lead to **indirect discrimination against Roma and disadvantaged groups**.

Reviewing the specific case and the related research data, it can be concluded that the effectiveness of the system based on punitive sanctions to ensure compliance with compulsory school attendance **has not yet fulfilled the hopes of the legislator**, because although the number of school absenteeism has decreased nationwide, the number of **early school leavers among Roma children in disadvantaged areas remains very high**.

On the basis of the problems and shortcomings identified, the Minority Ombudsman has made it a priority to **initiate research, studies and professional dialogue** that could facilitate a systemic overview and analysis of this complex issue. In this context, **he made proposals at local and national level** to the School District Centre, the Education Office and the former Ministry of Human Resources, with a view to reviewing and, if necessary, amending the legislation.



GYERMEKJOGI
CIVIL KOALÍCIÓ

The 28 members of the Child Rights NGO Coalition on the Rights of the Child welcomed the resolution "with pleasure and professional agreement" and issued a statement of support on 27 May. In the

document, the organisation stated that sanctions could have a place in a complex motivational system, but only if they are applied to ensure **conditions that prevent drop-outs** and as a complement to **supportive measures**. This could include building a partnership with parents, strengthening the necessary capacity to communicate with them, and reinforcing support and assistance measures for families and children, in the context of a **consistent, thoughtful and supportive process**. [Details here.](#)

INTERNATIONAL DAY OF REMEMBRANCE OF THE ROMA HOLOCAUST

In the field of the protection of human life and dignity, the responsibility of public figures is crucial, since their statements can amplify existing social processes in any direction, and their personal examples and manifestations can contribute to raising the level of public discourse, but also to the intensification of negative trends. Every year, the Minority Ombudsman takes part in official events organised to mark the International Day of Remembrance of the Roma Holocaust and also delivers a message of remembrance and reminder to the public.



This year, the staff members represented the Minority Ombudsman and laid flowers of remembrance at three key events.

The joint commemoration by **Phiren Amenca** and the **March of Life Foundation** took place at the Holocaust exhibition site in the Railway Historical Park, during which a Roma Holocaust survivor from Ukraine shared the story of her past and present suffering, followed by a talk by representatives of the historical churches and leaders of the organizing associations on the messages of the tragedy for today's societies.

During the wreath-laying ceremony of the **National Roma Self-Government**, the president and representatives of the board shared their thoughts on the role of the community in saving and healing, as well as the challenges facing the board.

At the joint programme of the **Holocaust Memorial Centre**, the **Roma Holocaust Memorial Committee** and the **Ministry of the Interior**, the President of the Republic and government representatives stressed the principle of zero tolerance against incitement to hatred, while civil society participants spoke to the audience about the constructive and destructive power of words and the need for shared responsibility.



Message from the Minority Ombudsman on the occasion of the International Day of Remembrance of the Roma Holocaust

„According to Article 1 of the Universal Declaration of Human Rights, which enshrines the fundamental and timeless common values of humanity, "all human beings are born free and equal in dignity and rights.

Human life and human dignity know no national boundaries, but their promotion and protection is the primary duty of States. State institutions and their representatives have a special responsibility to act in all their activities with due regard for international and constitutional guarantees of equal treatment and to act in the public service with respect for the human dignity of all members of society, irrespective of origin, national or ethnic affiliation or any other membership of a minority group. The International Day of Remembrance of the Roma Holocaust reminds us that acting against extremist views is also our common responsibility, so that the horrors of the Second World War are never repeated under any circumstances.“

Read the full text of the Minority Ombudsman's message [here](#).

OATH TAKING OF NATIONALITY ADVOCATES

On 2 May, following the **inaugural session of the National Assembly**, the eleven elected nationality advocates took the oath of office before the **Speaker of the National Assembly**, thus beginning and continuing their work in the interests of their national minority communities. The event was also attended by the previously sworn-in German nationality MP.

At the same time, the **Committee of the Nationalities in Hungary** was established, which is the initiating, proposing, opinion-forming and monitoring body of the National Assembly concerning the interests and rights of nationalities. **Imre Ritter**, the German nationality MP was reelected as the **chairman of the committee**.

The Minority Ombudsman wishes the elected advocates and the MP **good luck and good health** in their work in the Parliament.



On the photo from left to right: **Nikogos Akopyan**, Armenian advocate; **Vera Giricz**, Ruthenian advocate; **Lyubomir Alexov**, Serbian advocate; **Liliána Grexa**, Ukrainian advocate; **László Kövér**, Speaker of the House; **Erika Kissné Köles**, Slovenian advocate; **Imre Ritter**, German nationality MP, **Laokratis Koranis**, Greek advocate, **Traján Kreszta**, Romanian advocate, **Ewa Maria Rónayné Slaba**, Polish advocate, **Antal Paulik**, Slovak advocate, **József Szolga**, Croatian advocate and **Szimeon Varga**, Bulgarian advocate.

DEŇ SLOVÁKOV V MAĎARSKU – DAY OF SLOVAKS IN HUNGARY

At the invitation of the President of the National Slovak Self-Government and the Slovak Advocate, the Deputy Ombudsman also attended and spoke at the **Day of Slovaks in Hungary**, a prominent social and cultural event of the Slovak community in Hungary, which was held this year in **Szarvas**. In the town founded by Slovak settlers just **300 years ago**, the Evangelical Old Church, the Vajda Péter Street and the Tessedik Samuel Museum hosted colorful and rich cultural events, which, in addition to preserving tradition, also emphasised the importance of – and addressed – the next generations.



In her welcome speech, the Minority Ombudsman pointed out: "Crises highlight how important community is and how important our role is in our communities. However, it cannot be stressed enough that **community can only work in a democratic framework, in an inclusive and accepting way, with open dialogue, based on mutual respect** – and in this way it can achieve much, perhaps even 'miracles', at the small community and national level." In her speech, she also drew attention to this year's **census and the importance of the future-shaping role of children and teachers in** Slovak kindergartens, schools and secondary schools. "The **active presence of talented Slovak youth and their evident commitment to** running the Slovak community in Hungary can be an inspiration and a source of hope for all of us!" – said Elisabeth Sándor-Szalay.

The event has been organised annually since 1995, when the National Slovak Self-Government was first established, to celebrate the feast of St. Cyril and Methodius.

TRAINING AND SOCIAL AWARENESS-RAISING, SCIENTIFIC ACTIVITY

On 12 April, the students of the **Department of Constitutional Law of the ELTE Faculty of Law and Political Sciences** visited the Secretariat of the Minority Ombudsman.



On 27 April, the Minority Ombudsman received the members of **The European Law Students' Association** from Pécs.

During the meetings, students were introduced to the Ombudsman-type legal protection, the nationality rights system in Hungary, current issues of nationality representation in parliament and the activities of the Minority Ombudsman. In a separate discussion, they were able to share their thoughts on the implementation and enforcement of equal treatment and equal opportunities in Hungary.

For four years now, the Minority Ombudsman and her staff have been actively involved in the special training programme of the **Reformed Church of Hungary**, the **Together for Others congregational Roma staff training**. The aim of the initiative is to train Roma volunteers to provide a permanent presence and complex support to local communities. The **advocacy module will** introduce participants to the human rights system, the application of nationality and equal treatment legislation and complex tools for practical advocacy.



In the 2021/2022 school year, the **Nationality Education Centre of the Education Office** has again announced a number of call for applications for young people involved in nationality education. The call for applications highlight the importance of teaching and learning in the nationality language and provide an excellent opportunity for young people to showcase different aspects of their intellectual culture and national identity.

During the year, the Minority Ombudsman and her staff attended the following award ceremonies:

- Nationality Drawing and Photography Contest
- 2021/2022 National Primary School Study Competition for Nationalities, National German Nationality Communication Competition and National Online Language Competition for Nationalities

With the title "**International law in the service of minority protection - hard law, soft law and a little practice**", the Deputy Ombudsman gave a lecture at the international conference International Public Law from a Central European Perspective at the Hungarian Academy of Sciences. The aim of the event was to bring together invited experts to discuss current issues of international law in relation to the **different forms and levels of international cooperation, the international protection of individuals, communities and values**, international criminal law and the current challenges of migration.

The **keynote speakers** were Péter Paczolay, Judge of the European Court of Human Rights and Péter Kovács, Judge of the International Criminal Court.



FINNAGORA: SEMINAR ON EDUCATION AND EMPLOYMENT OPPORTUNITIES FOR ROMA YOUTH IN FINLAND AND HUNGARY

FinnAgora is a presenter and promoter of Finnish culture, science and economy in Hungary. The organisation also plays an important role in presenting social issues in a professional way, especially by sharing Finnish and Hungarian examples and possible models. As part of this objective, a seminar on **education and employment opportunities for Roma youth in Finland and Hungary** was organised on 9 May. The Minority Ombudsman was represented at the international event by her Head of Secretariat.

After the presentations, the participants discussed in an intensive and good atmosphere the problems and potential opportunities of the public education and secondary education system in Hungary, the challenges of entering higher education and the current opportunities for finding a job in the profession.

The dialogue also provided an opportunity to learn about the Finnish situation, identify common patterns and identify good practices. The organisers are planning a thematic follow-up to the event.



WINDROSE MEETING – YOUNG GENERATION IN THE SPOTLIGHT



At the invitation of the President-Bishop of the Hungarian Evangelical Church, the Minority Ombudsman participated in the **13th Windrose - Evangelical Youth Meeting**, which took place in Gyula between 13-17 July. The event, organised after a four-year break, reflected on the motto "You are among us" and its programmes focused on relationships, social coexistence and solidarity, and on solutions to crisis situations. In this context, the participants were also able to learn about the situation of minority groups, including nationalities, with a special focus on the communities living in the county.

Windrose meeting was established more than 25 years ago on the initiative of young Evangelicals under the umbrella of the Evangelical Church of Hungary. Since then, the primary aim of the event has been to promote and protect Christian values, to **strengthen solidarity and social responsibility** among young people in secondary schools and universities. In addition to devotions, lectures, round-table discussions, concerts on several stages, numerous sports competitions, games of skill or intellectual games and cultural programmes guaranteed the festival atmosphere.



A Roma complainant complained that he could not have the period of use of his father's grave extended. The Minority Ombudsman, lacking competence, informed the complainant of the main legal provisions relating to the complaint, in particular the possibilities of legal remedies.

[Details here.](#)

A complainant of German nationality made several submissions to the Minority Ombudsman, both in relation to his financial claims in connection with his work in Germany and to clarify his pension issues.

[Details here.](#)

In connection with demonstrations held by far-right organisations in certain municipalities, the Minority Ombudsman urged the National Chief Police Captain, as part of more effective action against hate crime, to make the police forces apply in their procedures the current provisions of the criminal law in force on incitement to hatred.

[Details here.](#)

CASE LAW MOSAIC

The family of a complainant of Roma nationality, fearing eviction from a flat rented from the House of Tenants, turned to the Minority Ombudsman for help. The Minority Ombudsman informed the complainant of the conditions for the continued renting of the flat and sent a sign to the local family assistance centre.

[Details here.](#)

The municipality local government rejected the application for extraordinary settlement support made by the applicant and his partner, who are disadvantaged and have problems in maintaining their livelihood. The complainant contested the decision and asked the Minority Ombudsman for further assistance.

[Details here.](#)

The complainant mother is raising her mentally handicapped and disabled child alone, who requires constant care and supervision, but the father is not fulfilling his child support obligations. The complainant of Roma nationality contacted the Minority Ombudsman in relation to the enforcement of the arrears of maintenance, the payment of the advance child maintenance and the possibility of its enforcement.

[Details here.](#)

