



NEWSLETTER

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



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27. Festgala am Tag der Ungarndeutschen Selbstverwaltungen



Life-work exhibition of Márta Bada in the Szentandrassy Gallery



Case Law Mosaic

INFO.sheets



MAIN INDICATORS
OF THE
MINORITY OMBUDSMAN'S
ACTIVITY IN **2022**

THOUGHTS ON THE START OF THE YEAR



This is the third year of my quarterly newsletters published in Hungarian and English. The idea, born years earlier, came to fruition at the beginning of 2021: the lockdown caused by the pandemic prompted me to create a medium that has proved to be useful and its relevance has not changed since. It is true that there are no longer any obstacles to personal encounters, but I see that the metaphorical distances remain. Indeed, the war, different crises and the growing social and international tensions are all indications that there is nothing more important than communicating with each other, not just by expressing our own opinions, but by listening to and understanding the other side.

We have to build bridges – this is the message of the renewed cover image of the newsletter: we have to keep rebuilding them, both physically and metaphorically.

As in previous years, I started my own work in 2023 with a spirit of dialogue and cooperation. This year, in addition to examining individual cases, I will concentrate my work on three major areas: mapping the nationality content of museum organisations, the current situation of educational segregation and trends in hate crime. All three issues require a lot of resources and ongoing professional cooperation. I hope to be able to report on the first results to the faithful readers of the newsletter soon.

Prof. Elisabeth Sándor-Szalay

REFLECTIONS ON THE LAST YEAR

In 2022, as a **direct effect** of the pandemic, the devastating war and inflation, the number of complaints about social and housing problems increased significantly, and as an **indirect effect**, social tension and hate crimes increased. I have also received a number of complaints about **individual and community nationality rights**, mainly from nationality self-governments and members of other advocacy organisations.

As Minority Ombudsman, in 2022, I investigated **315 complaints**, dealt with **1,852 letters** and attended **178 meetings** with my professional partners. The **main themes** of the year, reflecting current crises and social phenomena, were the situation of Ukrainian and Roma refugees from Ukraine, parliamentary elections, the census, use of nationality languages by individuals, fight against hate crimes and the education of the next generation of lawyers.

The **specific topics** covered by the **16 priority professional documents** adopted during the year – 2 general comments, 6 joint reports, 8 closing letters containing proposals on the application of the law – were wide-ranging: they concerned the exercise of the rights of nationality self-governments, the conclusion of public education contracts, the use of individual and community names, child protection and social administration, criminal procedure and the enforcement of sentences.

For more details, see [INFO.sheet 5](#) and the [2022 Annual Report](#) of the Commissioner and the Deputy Commissioners.

STATISTICAL DATA 2023

1st quarter

petitions and ex officio proceedings	121
correspondence	283
legislative opinions	5
professional meetings	39

Joint report by the Minority Ombudsman and the President of NAIH in the context of the investigation into the operational transparency of nationality self-governments

The President of the National Authority for Data Protection and Freedom of Information (NAIH) has launched an investigation into the operational transparency of nationality self-governments, with a particular focus on the processes of electronic publication and requests for data of public interest. In order to ensure a complex approach to fundamental rights, the Minority Ombudsman was involved from the beginning of the procedure.

In the course of its proceedings, the NAIH contacted the relevant state secretariats and the nationality self-governments and conducted freedom of information-related investigation and consultation procedures, which mainly focused on who is responsible for fulfilling data requests and implementing mandatory disclosure: the nationality self-governments processing data of public interest or the mayor's offices of the municipalities performing the related administrative tasks under the legislation. The study was complemented by a website analysis, a test data request and an online questionnaire survey.

The investigation found that all responding nationality self-governments had an administrative contract pursuant to the Act on the Rights of Nationalities. In this connection, the President and the Minority Ombudsman recommended that the legislator should include a specific provision on the tasks of the nationality self-government in the mandatory content of the administrative contract, and on the division of these tasks.

It was also noted that while all the national-level nationality self-governments have their own websites, the local and regional nationality self-governments do not. In connection with this, they suggested that the municipal notary and the administrative apparatus should actively contribute to the mandatory electronic publication of data of public interest and data disclosed in the public interest, which is generated in the course of the operation of local nationality self-governments and results in the public disclosure of relevant data of public interest.

In addition to the above, they called for the development of information and training materials, the organisation of offline and online training courses to provide nationality self-government representatives with the knowledge and skills to ensure the transparent operation of nationality self-governments in accordance with the Act on Information Self-Determination and Freedom of Information.

The President and the Minority Ombudsman also drew attention to the fact that the ability of Roma nationality self-governments to play a public role and to perform their tasks, their preparedness, and their supply with technical equipment and information, in line with the social challenges, requires continuous improvement, which in turn means an increased obligation of cooperation for the local governments.

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



Joint report on the examination of the support provided by nationality self-governments to nationality public education institutions under public education contracts

At the beginning of 2022, several nationality self-governments reported to the Minority Ombudsman that they had problems with the maintenance of their nationality public education institutions due to the delay in the conclusion of public education contracts.

Although the competent ministry has settled the delayed contracts complained of over time, the Commissioner and

his deputy, in their joint report, considered it important and necessary to reflect on the difficulties encountered, to systematise them and to initiate measures to prevent similar difficulties from arising.

In the opinion of the Commissioner and the Minority Ombudsman, closer professional cooperation between the ministry in charge of education and the representatives of the nationality self-governments should be established in order to clearly and unambiguously identify the problems and to start negotiations on public education contracts in due time.

They also proposed the development and design of a flexible compensation system that would ensure that inflation and other additional costs are monitored and financed, even on an annual basis. The ministry in charge of education has organised the proposed technical consultation with the relevant nationality authorities.

A summary of the report is available [here](#). The full text of the report in Hungarian can be found [here](#).



Joint report on the lawfulness of the restriction of personal liberty and the safeguarding of the right of defence in the context of criminal proceedings against a person of Roma nationality



The complainant, who is of Roma origin and has no criminal record, complained that he was prosecuted, brought before the police and detained on the basis of an anonymous report, and that he was not allowed to retain a lawyer before his interrogation. The investigation against the complainant was terminated after more than a year.

As a result of their investigation, the Commissioner and the Minority Ombudsman found that the investigating authority had failed to take a decision to order the short-term arrest of the complainant, which caused an infringement of the complainant's fundamental right to liberty. It was also found that the investigating authority had failed to allow the arrested complainant to retain a lawyer, contrary to the applicable rules of criminal procedure, and that the investigating authority's failure to do so had thus also caused a concern regarding the complainant's right of defence.

The Commissioner and the Minority Ombudsman concluded that the anonymous report should only be used as evidence in criminal proceedings with particular caution.

The head of the investigating authority accepted the initiatives.

A summary of the report is available [here](#). The full text of the report in Hungarian can be found [here](#).

Joint report in connection with the registration of a surname under foreign law



A father of foreign nationality and a mother of Hungarian nationality, who also had ancestors of other nationalities, wanted to register in the birth register of their child a surname not included in the Hungarian register of surnames. In the case, the grandparent complained that the registrar had refused to register in the register of births the birth name of his grandchild as determined by the parents.

The joint report stated that the parents' right to choose their own names was not violated, as the child was finally given a first name that reflected his family ties and nationality. The Commissioner and the Minority Ombudsman considered it a positive phenomenon that the registrar in this particular case had acted within his powers in the absence of official knowledge.

In the light of the lessons learned from the case, the Commissioner and his deputy proposed to consider amending the relevant provision of the Act on Civil Status Registration to make it the registrar's official duty to verify whether the surname(s) chosen by the parent(s) comply with the rules applicable under the foreign law relevant due to the non-Hungarian nationality of the parent(s) and can be registered accordingly.

A summary of the report is available [here](#). The full text of the report in Hungarian can be found [here](#).

Joint report in the context of the conflict of interest rules for members of nationality self-governments

In 2022, the late president of an association of members of the Ruthenian nationality community in Hungary indicated that the fundamental rights concerns previously identified in a joint report by the Commissioner and his deputy on the conflict of interest rules for members of nationality self-governments still exist.

Due to the different conflict of interest provisions of the Act on the Rights of Nationalities and the Act on Government Administration, the complainant, working as a government official of the county government office could not participate in the work of the local or national-level nationality self-government – as chairman, deputy chairman or representative –, despite the fact that as a government official, the matters concerning the given nationality self-government did not fall within his scope of duties.

The Commissioner and his deputy considered it necessary to review the whole legislative environment in the context of a follow-up investigation and to seek the opinion of the Minister of Justice, who confirmed in her reply the lack of regulatory consistency.

As a result of their investigation, the Minister of Justice was requested to take the necessary measures to amend the relevant provisions of the law in line with her preliminary position.

In the meantime, the provision of the Act on Government Administration has been amended.

A summary of the report is available [here](#). The full text of the report in Hungarian can be found [here](#).



VERSCHLEPPUNG UND VERTREIBUNG - NIE WIEDER!



To read the Minority Ombudsman's message on the occasion of the Remembrance Day, [click here](#).

On 10 December 2012, the Parliament decided to declare 19 January as the Day of Remembrance of the Deportation and Expulsion of Germans in Hungary. The date is symbolic: the first transport of Germans deprived of their rights, citizenship and property in Hungary and expelled from their homes left Budaörs on this day in 1946. In total, some 200,000 people were deported and expelled. The State commemoration held annually on this day traditionally takes place in settlements once inhabited by large numbers of Germans and severely affected by the historical tragedy.

After the commemoration in Bonyhád in 2022, this year's event was organised in Környe, where after the German and Hungarian Holy Masses, the commemorators, including the Minority Ombudsman, laid a wreath at the German Exile Memorial.

SAINT SAVA ACADEMY

The most prominent cultural event of the Serbian Nationality Self-government, Saint Sava Day, is dedicated to the commemoration of the founder of the independent Serbian Orthodox Church, Saint Sava, and the 19th century Serbian polyhistor and philanthropist Sava Thököly. Traditionally, the most important awards for the work done for the benefit of the Serbian nationality community, the Saint Sava Award, the Sava Thököly Award and the Presidential Certificate of Recognition, are handed over on this occasion. The ceremony on 28 January was also attended by the Minority Ombudsman.



HUNGARIAN ROMA DURING THE SECOND WORLD WAR – PROJECT PRESENTATION

Research on the Roma Holocaust and social awareness-raising have been a prominent part of the Minority Ombudsman's professional work for many years. It was with this in mind that she undertook the opening of the presentation of the project entitled Hungarian Roma during the Second World War, which was held on 15 February at the Rácz Gyöngyi Community Centre in Újpest.

The professional research was carried out in the framework of European cooperation, with the participation of the Slovak National Museum/Holocaust Museum of Sered, the Vienna Wiesenthal Institute for Holocaust Studies, the Zachor Foundation for Social Memory and the Hungarian National Archives, and with the support of the International Holocaust Remembrance Alliance, the Ministry of Culture and Innovation and the Austrian Ministry of Education, Science and Research. [Details here](#).

For the interactive informative website created as part of the project, [click here](#).

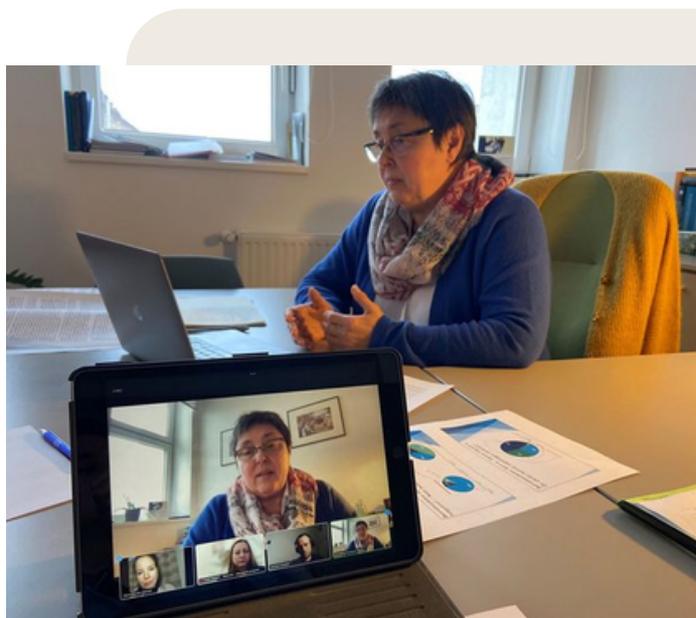


ROUND TABLE DISCUSSION ON THE EDUCATIONAL SITUATION OF CHILDREN FLEEING UKRAINE

The Deputy Ombudsman has been following the situation of Ukrainian and Roma refugees arriving in our country since the beginning of the war. As part of this, she participated in an online roundtable discussion on the difficulties and challenges related to the educational integration of Ukrainian and Roma children arriving in Hungary from Ukraine to escape the war.

The event was coordinated by Terre des hommes, Switzerland's leading international child protection NGO. The roundtable discussion was also attended by the head of the organisation's emergency programme, the director of the Romaveristas Foundation and a staff member of the refugee programme of the BMSZKI.

[Details here.](#)



PROFESSIONAL INFORMATION MEETING WITH THE MEMBERS OF THE COMMITTEE OF THE NATIONALITIES

The Parliament's Committee of the Nationalities in Hungary and the Minority Ombudsman maintain an active working relationship, which includes the continuous presence of staff at current meetings, participation in professional working groups and the presentation of published materials. In addition to the obligatory presentation of the annual report, it has become a regular practice for the Minority Ombudsman to provide information on the general comments and joint reports published.

During the last week of March, the Minority Ombudsman presented to the members of the Committee the content and follow-up of 6 of the 16 professional documents published in 2022. [Details here.](#)



LET'S GET SMART TOGETHER! CONFERENCE

At the invitation of the President of the Komárom-Esztergom County German Self-government, the Minority Ombudsman gave a presentation at the conference entitled Let's get smart together, which focused on the use of individual names in nationality languages. The event in Tatabánya was attended by the heads of the German nationality self-governments in the county and the presidents of the Slovak and Roma county nationality self-governments.

The visitors were welcomed by the chief notary of Komárom-Esztergom County, and then the head of the office of the National-level Self-government of Germans in Hungary and the host presented the theoretical and practical dimensions of the topic. The Minority Ombudsman presented her general comment No. 3/2021 on the use of individual names in nationality languages, highlighting the complex situation regarding the proper registration of births and the issuing of official identity cards.

You can find details of the event [here](#) and the summary of the general comment [here](#).

COMPREHENSIVE INVESTIGATION OF MUSEUM INSTITUTIONS, THE 2023 FLAGSHIP PROFESSIONAL PROGRAMME, HAS BEGUN

Of the cultural rights affecting nationality communities in Hungary, the role of museums is of particular significance. The museum system plays a key role in the collection, preservation and transmission of cultural values and tangible relics. In the case of nationality communities, this is of particular importance in order to prevent and combat assimilation processes. The processing and preservation of nationality cultural values in this form provides members of nationality communities with an opportunity to better understand their past, their roots and the historical background of nationality existence in Hungary.

In addition to the basic nationality institutions and regional museums, other national-level and county museums, as well as municipal museums, are also involved in the collection of material relics of the nationalities, the preservation and presentation of their values and traditions.

In 2022, the Commissioner and his deputy launched a joint ex-officio investigation into the enforcement of nationality cultural rights, in particular the nationality content of museums. The investigation deals with the implementation of the recommendations of the 2010 Minority Ombudsman's Report on the enforcement of nationality cultural rights concerning museum institutions and the changes that have occurred since then. However, the comprehensive investigation cannot be limited and cannot be interpreted merely as a follow-up, since significant legislative changes have taken place in the past decade, partly as a result of the Minority Ombudsman's investigation. The question is to what extent the legislative changes have solved previous problems and financing difficulties, how the current nationality content and task provision of museum institutions can be characterised and evaluated, and whether there are new problems and difficulties that have emerged in the meantime that require further changes.

In 2022, a detailed investigation plan was drawn up to launch a comprehensive investigation, and the Minority Ombudsman approached the presidents of the 13 nationality self-governments to seek their cooperation.



The Minority Ombudsman informed the presidents that she intends to send a questionnaire to the selected museums in 2023 in order to obtain credible and complete information. She asked for help in mapping the difficulties encountered in as much detail as possible, in preparing the questionnaire in a professional manner and in creating a detailed database of institutions for each nationality community.

As part of the investigation, the Minority Ombudsman plans to carry out several on-site visits.

First, Elisabeth Sándor-Szalay and her colleagues visited the Jakob Bleyer Heimatmuseum in Budaörs. The second personal visit took place in Szentendre, where the Minority Ombudsman's colleagues visited the Serbian Church Museum.

From the two visits, it is clear that face-to-face meetings provide an excellent opportunity to learn about specific institutional values, possible difficulties and new approaches.



CASE LAW MOSAIC

The complainant submitted her complaint to the Minority Ombudsman in the context of her difficult financial circumstances and her problems in finding a job, claiming that her husband was discriminated because of his Roma origin. The Minority Ombudsman did not have the competence to examine the general nature of the complaint, which primarily complained of financial difficulties, but considered it important to provide the complainant with detailed information.

[Details here.](#)

A Roma petitioner complained that the registrar did not enter his details in the birth register of a minor, despite the fact that the court had declared him to be the father of the minor. He also indicated that he would like the guardianship office to allow him to have contact with the minor and to annul the adoption of the minor. The Minority Ombudsman provided the complainant with full information to make him understand his situation and options.

[Details here.](#)

A petitioner of Roma nationality complained about the circumstances of determining medicine support on the basis of equitableness. The delay of almost six weeks could have been caused by an administrative error within the organisation, and the Minority Ombudsman sent a letter of formal notice to the competent authority asking it to correct its practice of accepting applications.

[Details here.](#)

A petitioner of Roma nationality living in a small rural village complained to the Minority Ombudsman because he said his grandson had been shamed in kindergarten. According to the complainant, the child had been brought to the institution with a short haircut the morning of the incident, which the kindergarten considered was probably due to a lice infestation, and therefore they called the district nurse. The nurse examined the scalp of the child and family members but found no infestation. As it turned out, there had been previous conflicts between the family and the institution, which the family perceived as discrimination because of their Roma origin.

[Details here.](#)

A complainant of Roma nationality turned to the Minority Ombudsman about a procedure for the payment of water charges. The Minority Ombudsman did not have the competence to investigate the payment order procedure contested by the complainant, but considered it important to inform the complainant in detail about the case.

[Details here.](#)

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