



The Ombudsman for Minorities and his  
inquires in the field of education

# Historical overview

- 1809 Swedish Ombudsman
- Mid -1950s maladministration ombudsmen
- New democracies human rights ombudsmen

# Hungary:

- **1989** – amendment of the Constitution: The institution of the Parliamentary Commissioner was introduced into the Hungarian legal system
- **1993** Act on the Ombudsman was adopted
- **1995** Parliamentary Commissioner for Civil Rights, General Deputy and 2 special Ombudsmen were elected
- **2008** Parliamentary Commissioner for Future Generations

# The four Commissioners

1. Parliamentary Commissioner for Human Rights,
  2. Parliamentary Commissioner for the Rights of National and Ethnic Minorities,
  3. Parliamentary Commissioner for Data Protection and Freedom of Information,
  4. Parliamentary Commissioner for Future Generations
- no hierarchy
  - common office: Office of the Parliamentary Commissioners

# **Organs/ agencies under the scope of Ombudsmen jurisdiction are:**

- State administration organ (ministries)
- Armed forces
- Law enforcement agencies (police, fire-service)
- National security service
- Judicial organisations with the exception of courts
- Local governments, minority self-governments
- Public utility organisations (gas, water, electricity companies, etc.)
- Public service media (Hungarian Television, Hungarian Radio)

# Constitutional Rights

- Listed in the Constitution
- Fundamental principles of law
- International human rights
- Case law of the 2 European Courts

# Independence of the Commissioners

## 1. Election:

heightened majority  
political impartiality

professional requirements  
6 year mandate

2. Conflict of interest: ban on any gainful employment
3. Immunities: as for an MP
4. Staff: the Ombudsman nominates staff and exercises employer rights
5. Budget: decided by the Parliament

# Accessibility

## Means of submitting a complaint:

- In writing (letter, e-mail)
- By phone
- In person (at the Complaints Office)
  
- Free of duty
- No formal requirements



# Means of investigation available to the ombudsman

- He may have access to premises of the authority,
- may request data and information from an authority,
- may inspect documents, make copies, may hear the official in charge of the matter investigated by him,
- may request that an inquiry be conducted,
- may request a written explanation, declaration, or opinion from any organ.

(The ombudsman for minorities or his staff often visit the scene.)

# Means of the ombudsman to remedy violations I.

Limited opportunities:

- make recommendations to the organ concerned, or to its supervisory body
- initiate disciplinary or criminal procedures,
- make a motion to the Constitutional court asking for an explanation of the constitutionality of a legal ruling, or for an interpretation to be given on one of the Constitution's provisions, and
- propose an amendment, repeal or issue of a legal ruling.

# Means of the ombudsman to remedy violations II.

Important factors increasing willingness to accept our recommendations:

- Mediation
- Prestige, credibility, regard of the institution
- Publicity, media

# Minorities in Hungary

All groups of people who

1. have lived in the territory of the Republic of Hungary for at least one century
2. who represent a numerical minority in the country's population,
3. whose members are Hungarian citizens,
4. who are distinguished from the rest of the population by their own language, culture, traditions,
5. who demonstrate a sense of belonging together, that includes the will of preserving the above, and of expressing and protecting the interests of their historical communities

# The 13 recognized minorities in Hungary

- Armenian
- Bulgarian
- Croatian
- German
- Greek
- Polish
- Roma
- Romanian
- Ruthenian
- Serbian
- Slovak
- Slovenian
- Ukrainian

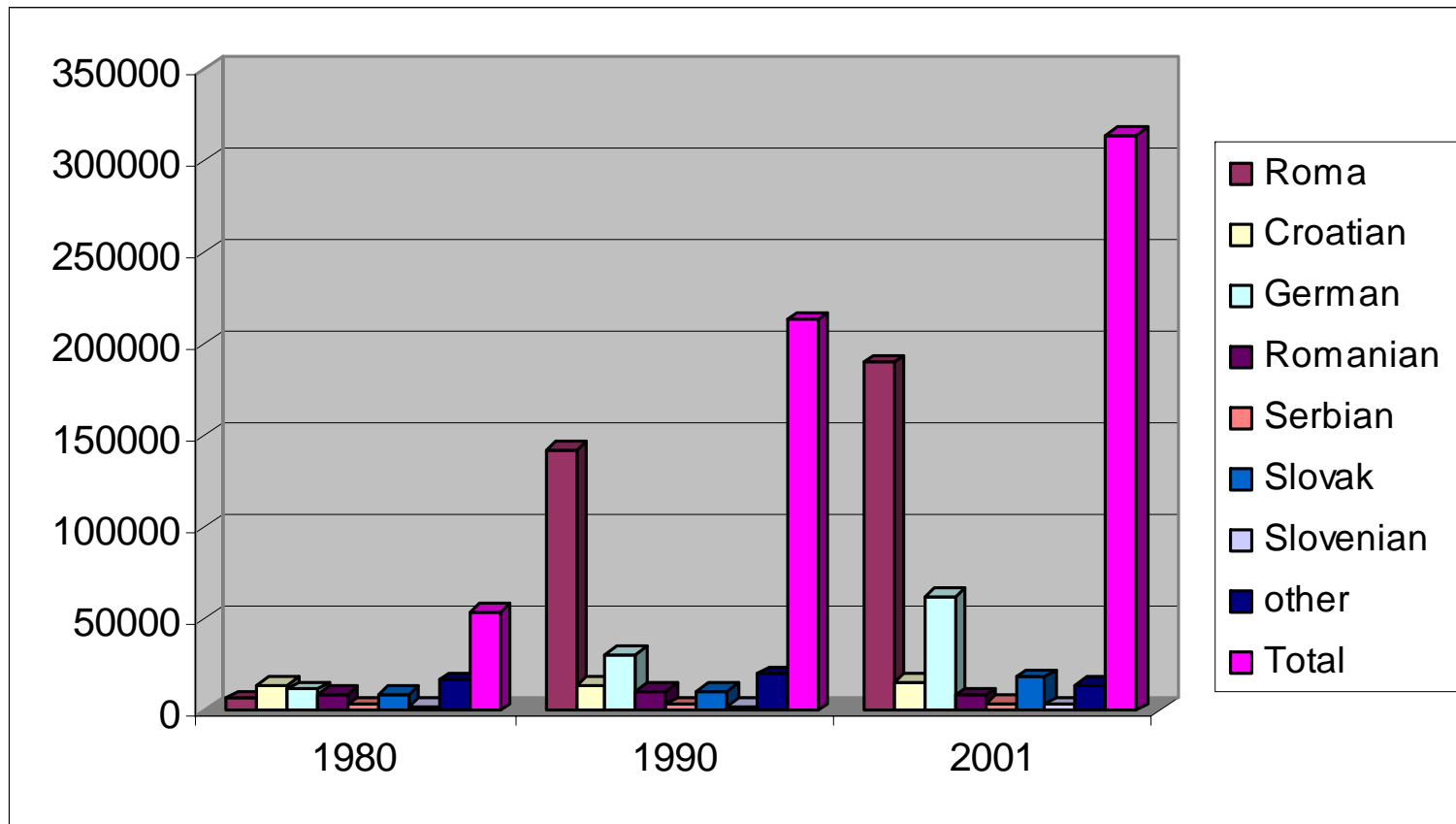
# Figures on minorities

- Data Protection Act: racial origin - sensitive data
- Freedom of declaring minority identity
- No state register
- Only statistical data available - Census 2001 :  
3.2% of the population belonging to minorities
- Estimates given by sociological surveys: 8-10%
- Estimates given by minority organisations: more than 10%

## National and ethnic minorities

Year	1980	1990	2001
Roma	6404	142683	190046
Bulgarian	not.available	n.a.	1358
Greek	n.a.	n.a.	2509
Croatian	13895	13570	15620
Polish	n.a.	n.a.	2962
German	11310	30824	62233
Armenian	n.a.	n.a.	620
Romanian	8874	10740	7995
Ruthenian	n.a.	n.a.	1098
Serbian	2805	2905	3816
Slovak	9101	10459	17693
Slovenian	1731	1930	3040
Ukrainian	n.a.	n.a.	5070
<b>Total</b>	<b>54120</b>	<b>213111</b>	<b>314060</b>

# National and Ethnic Minorities

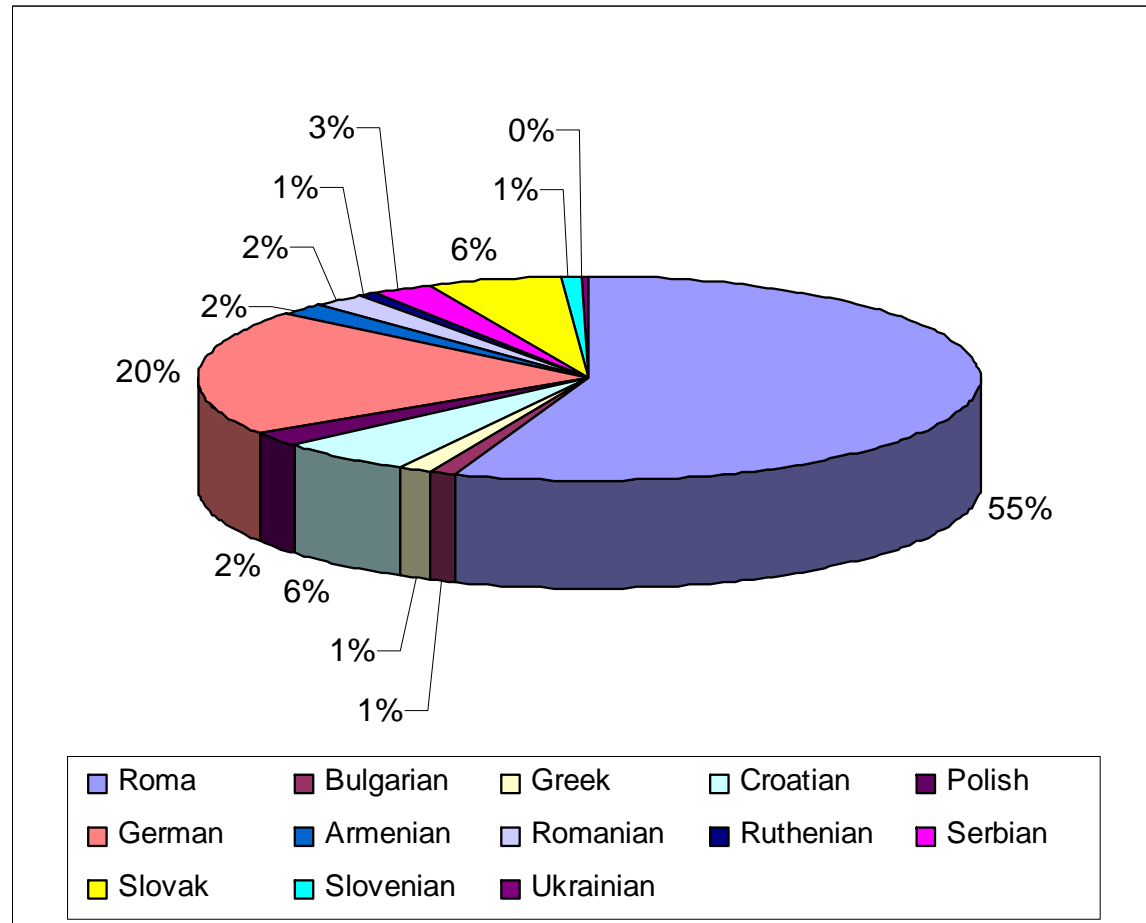




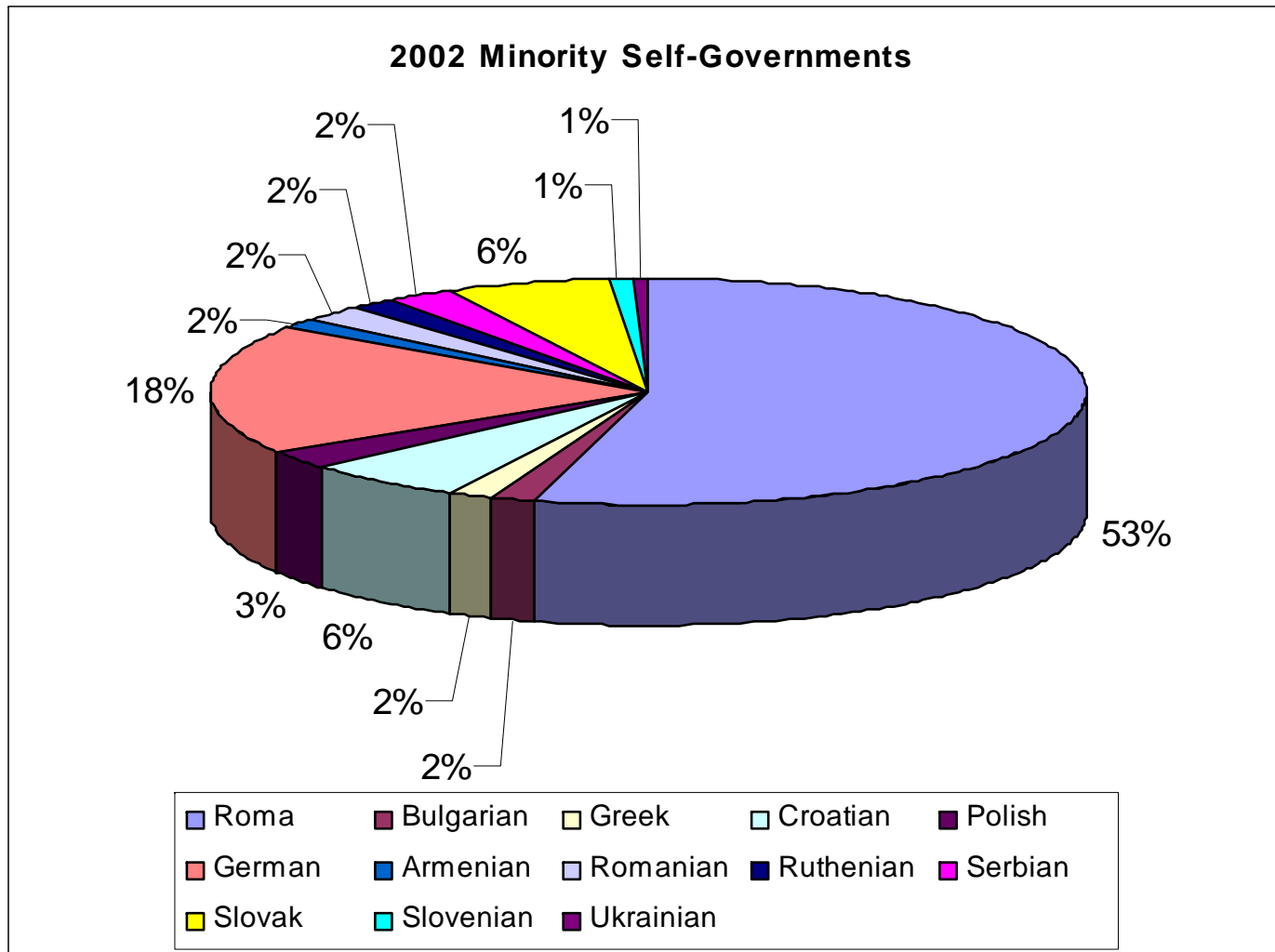
# Minority Self-Governments

<b>Year</b>	<b>1999</b>	<b>2002</b>	<b>2006</b>
Roma	754	999	1106
Bulgarian	15	30	38
Greek	19	30	34
Croatian	75	107	115
Polish	33	50	47
German	272	340	378
Armenian	25	30	31
Romanian	31	44	46
Ruthenian	10	31	51
Serbian	35	43	40
Slovak	75	114	116
Slovenian	10	13	11
Ukrainian	5	12	19
<b>Total</b>	<b>1359</b>	<b>1843</b>	<b>2032</b>

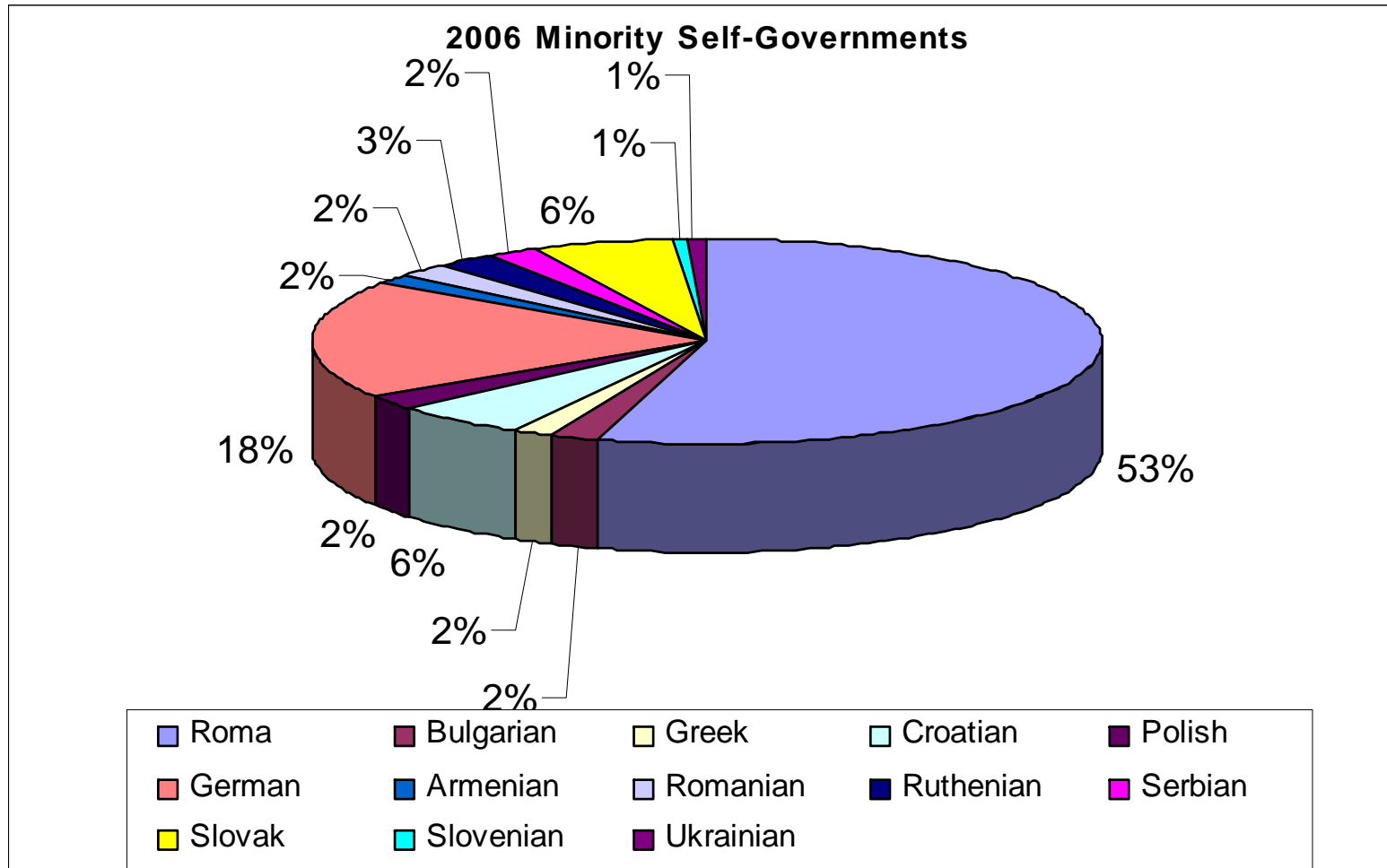
# Minority Self-Governments 1999



# Minority Self-Governments 2002



# Minority Self-Governments 2006



## **local MSG decides independently on the following:**

- Name, symbols, honours of the MSG
- Feasts of the minority community
- Founding, taking over and maintaining educational and cultural institutions
- To use its means and properties
- Its budget

## County level MSG

- Gives its opinion on the county capital orders concerning the given minority
- Contributes to the professional control of secondary minority education
- Can initiate the taking over local and county level competencies concerning minority education
- May organise minority public services at county level

# National level

- May found and maintain institutions in order to preserve cultural autonomy
- Decides on national feasts of the minority represented
- May maintain theatres, libraries, museums, legal aid services
- Prepares the register of minority first names
- Gives its opinion on bills, and on the implementation of international instruments concerning minorities
- May demand information and make proposals to all local and national administrative organs
- Participates in the professional control of minority education

# Some institutions run by minority communities

- German Minority Secondary Grammar School, Economical Vocational School and Dormitory
- Pedagogical Institute of the Germans of Hungary
- Library of the Ruthenes of Hungary
- National Polish Language Teaching School
- Research Institute of the Slovaks of Hungary
- Slovak Cultural Centre
- Croatica Non-Profit Company for Culture, Information and Publishing
- Radio Monoster – Slovenian Radio of the town of Szentgotthárd
- Museum and Archives of the Polish population of Hungary
- National Roma Library, Archives and Documentation Centre
- National Roma Public Interest Museum Collection and Gallery
- 12-grade Complementary Greek Language Teaching School
- Christian Collection of the Croats of Hungary
- Vertigo Slovak Theatre



# Roma in Hungary I.

## ➤ **Figures:**

- Estimates go from 4-6% to 7-10% (400.000-1 million people)
- Census 2001: 190.046 people defined themselves as Roma
- Sociological research: 6%

## ➤ **Subgroups:**

- Roma (70-75%)
- Romani (15-20%)
- Beash-Roma (10%)

# Roma in Hungary II.

## ➤ Employment:

- Traditional trades
- Loss of economic role from the 18th century
- Survey in 1971: 85.2% of Roma men are active earners (87.7% of the majority population)
- After the regime change: employment rate fell dramatically
- Unemployment rate today: approx. 40%

# Roma in Hungary III.

- Causes of unemployment:
  - Lack of education
  - Living mainly in economically poor regions
  - Collapse of industries in which they worked
  - Discrimination

# Roma in Hungary IV.

## ➤ Housing and living conditions:

- Segregation
- 600-700 Roma settlements
- Very low infrastructure
- Overcrowded flats, house

# Roma in Hungary V.

## ➤ State of health:

- No representative survey
- Determined by social status and poverty

## ➤ Mortality rate:

- Study from the eighties: Roma men die 12.5 years earlier, and women 11.5 years earlier than non-Roma

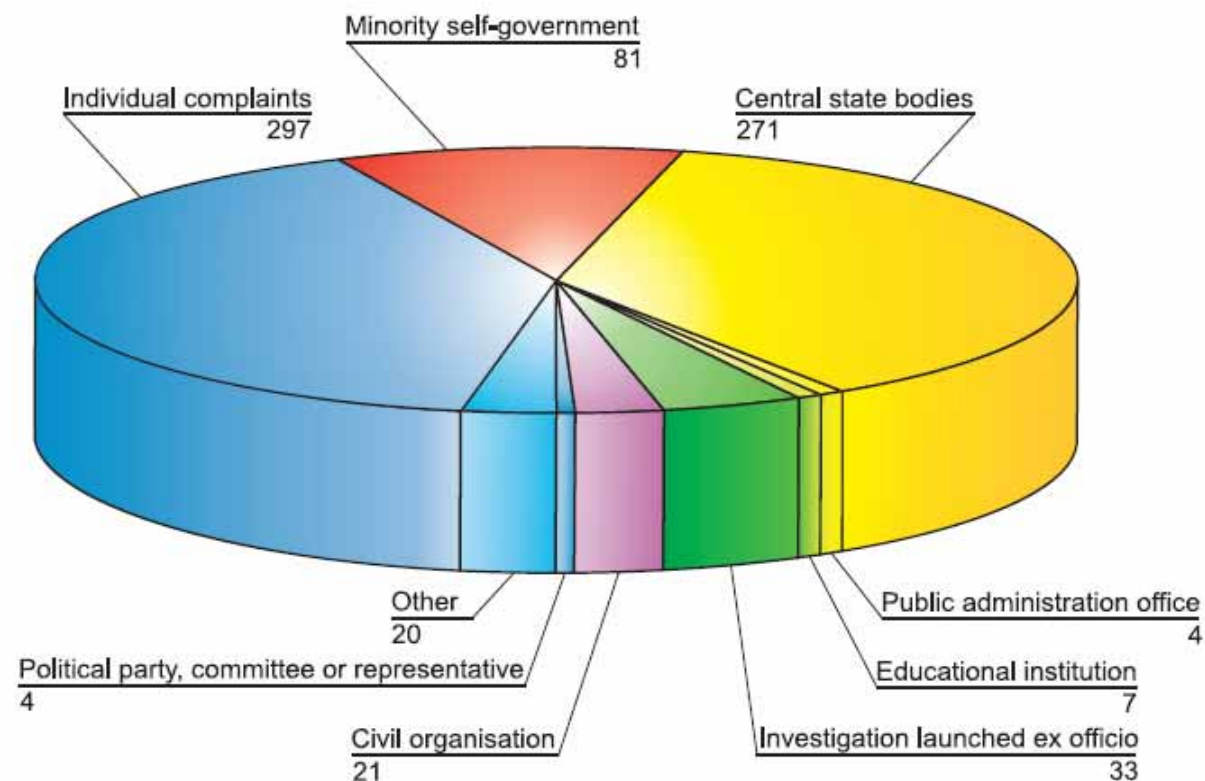
# I. Distribution of cases in 2007 according to complainants



- Individual complaints 297
- Minority self-government 81
- Central state bodies 271
- Public administration office 4
- Educational institution 7
- Investigation launched ex officio 33
- Civil organisation 21
- Political party, committee or representative 4
- Other 20
- **Total 738**

# I. Distribution of cases in 2007 according to complainants

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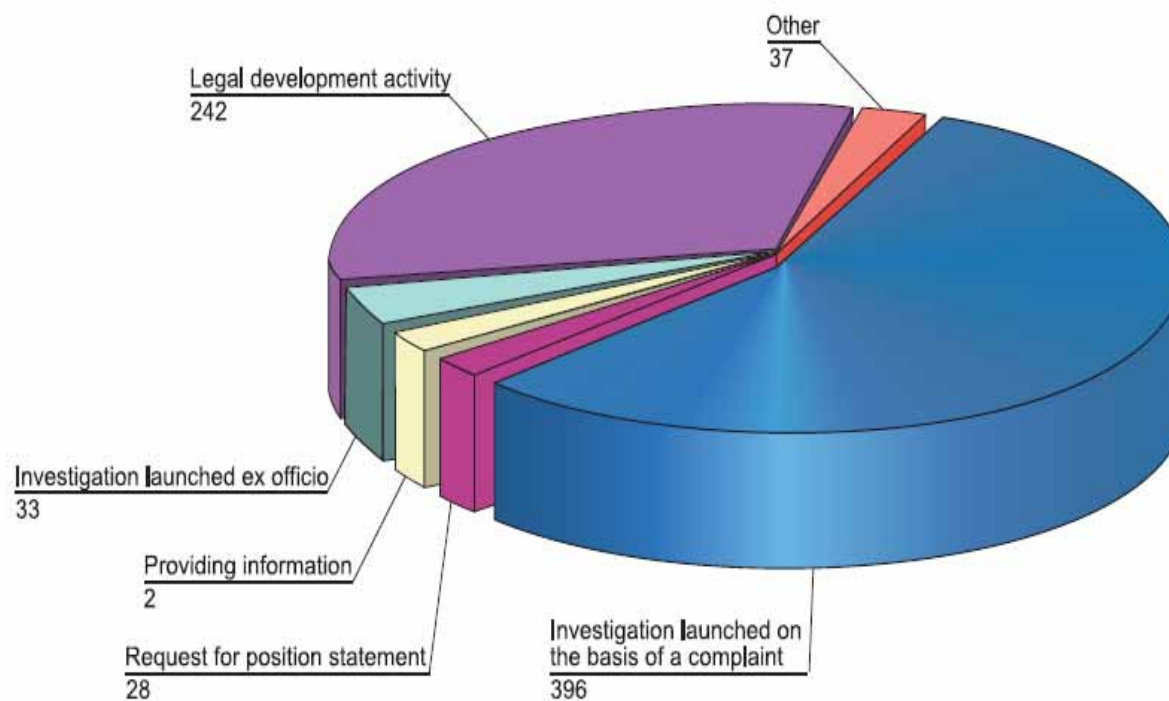


## **II. Procedures launched based on cases in 2007**

- Investigation launched on the basis of a complaint 396
- Investigation launched ex officio 33
- Providing information 2
- Request for position statement 28
- Legal development activity 242
- Other 37
- **Total 738**



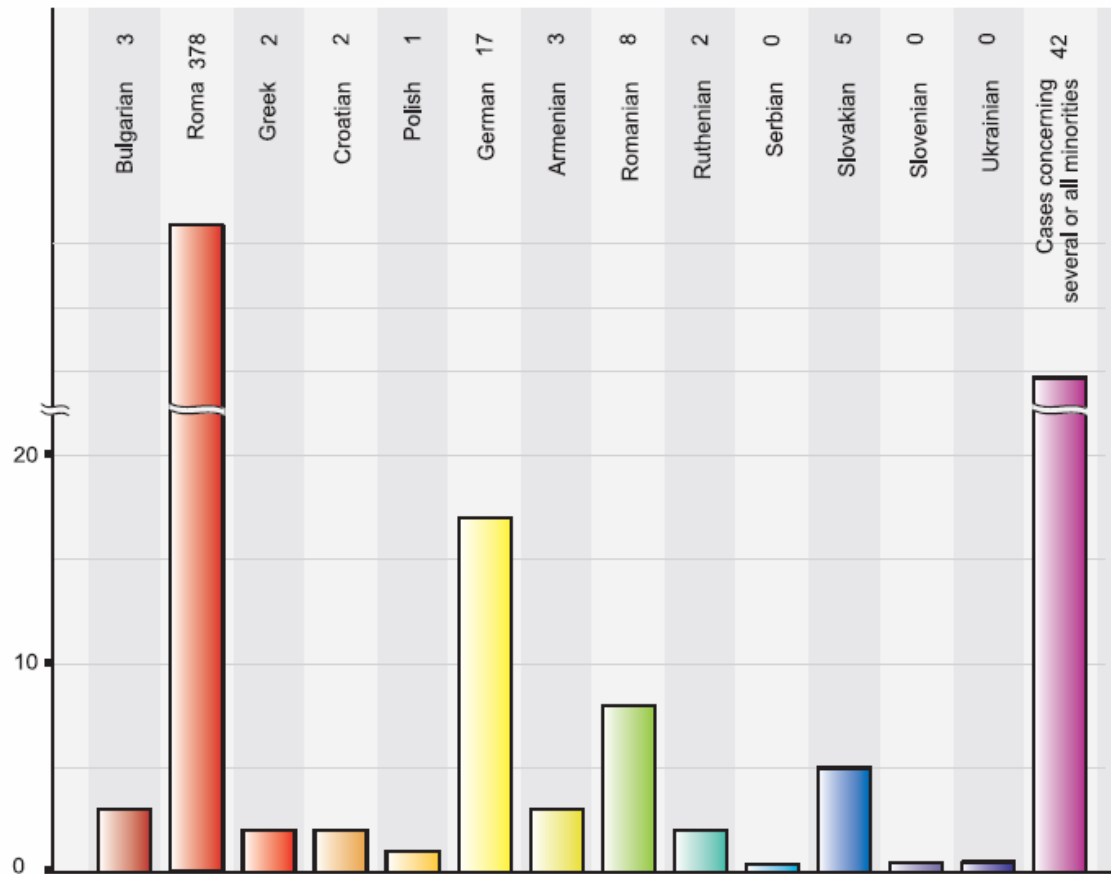
## II. Procedures launched based on cases in 2007



### III. The minority which the cases concerned\*

- Bulgarian 3
  - Roma 378
  - Greek 2
  - Croatian 2
  - Polish 1
  - German 17
  - Armenian 3
  - Romanian 8
  - Ruthenian 2
  - Serbian 0
  - Slovakian 5
  - Slovenian 0
  - Ukrainian 0
  - Cases concerning several or all minorities 42
  - **Total 463**
- 
- \* One case may concern more than one minority

### III. The minority which the cases concerned\*



# Forms of segregation in the education system:

- segregation based on place of residence,
- selection between schools,
- selection within schools,
- special schools for children with a mental disability,
- declaring Roma children as private students.







# elválasztó

