

25 March 2011

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Prime Minister, Viktor Orbán
Minister of Public Administration and Justice Tibor Navracsis
Constitutional, Judicial and Standing Orders Committee Chair István Balsai
Committee on Human Rights, Minority, Civic and Religious Affairs Chair Tamás Lukács

Dear Prime Minister Orbán, Dear Minister Navracsis, Dear Members of Parliament,

The European Roma Rights Centre (ERRC), an international human rights law organisation combating anti-Roma racism and discrimination, is writing to express its concern about proposed provisions of the new Constitution that involve the restructuring of the Ombudsman Institution in Hungary and changes related to minority rights issues.

The draft Constitution proposes abandoning the autonomous existence of the Parliamentary Commissioner for National and Ethnic Minorities (Minorities Ombudsman) and the other Ombudsmen tasked with protection of, in particular constitutional rights, in favour of one Ombudsman responsible for all relevant areas who would be assisted by Deputy Ombudsmen. The current position of the institution, as a separate Minorities Ombudsman, enables it to act autonomously as a dedicated mechanism for the protection of minority rights and provides a channel to fight against discrimination. We are concerned that the restructuring proposed by the new Constitution may compromise the independent work of the Minority Ombudsman and urge the State to ensure that the institution maintains the capacity to undertake independent inquiries if the Minorities Ombudsman's portfolio is transferred to a Deputy Ombudsman.

The Minorities Ombudsman has communicated several points related to the impact of the proposed Constitutional provisions and legislative changes that pose a serious risk of negatively impacting minorities in Hungary. The draft Constitution respects the languages of national and ethnic minorities, but does not clearly indicate whether the use of minority languages is guaranteed and supported by the State. It lacks a provision ensuring the right to collective participation in public affairs and fails to identify mechanisms for the representation of national and ethnic minorities at the local, regional or national level. Particularly in light of the reduced financial support to the minority self-government system, we urge the State to ensure that the political rights of minorities are not further diluted in the new Constitution. Furthermore, the recently abolished right to consent mechanism for national minority self-governments related to legislative questions, has undermined the opportunity for representatives to review legislative decisions relevant to them; this right does not appear to be preserved in the draft Constitution. Finally, we recall the parliamentary resolution passed last year ensuring minority representation in the Parliament,¹ which is unfortunately not included in the new draft Constitution.

As a State party to the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities, Hungary shall promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, political participation, language, traditions and cultural heritage.

The ERRC calls on the Hungarian Government to ensure that the new Constitution protects, promotes and implements the rights of minorities, including freedom from all forms of discrimination, as well as cultural autonomy, minority education and minority representation. To

¹ Republic of Hungary, Parliamentary Resolution 20/2010, 26 February 2010.

this end, we urge the Hungarian government to maintain the Office of the Minorities Ombudsman as an autonomous institution accountable to the Parliament, guaranteeing this office the opportunity to conduct its independent and proactive work on behalf of national and ethnic minorities in Hungary. We respectfully request to be informed of your activities related to this matter.

Sincerely,

Robert Kushen
Executive Director