

Hungary's New Minorities Ombudsman Seeks Broader Mandate

During an interview with the ERRC's Sinan Gokcen, Mr Erno Kallai, Hungary's newly-elected Parliamentary Commissioner for National and Ethnic Minorities Rights (Minorities Ombudsman) emphasised the need to expand the Ombudsman's mandate to cover discrimination in the private sphere.

First, thank you for taking the time to speak with us today. Were you surprised when you learned that you had been appointed Hungary's new Minorities Ombudsman?

Yes, I was surprised. When you work in the field it naturally crosses your mind "what if", but so far it has been a political game. This time, the President did not consult with any political party, but took the decision into his own hands. Thus, I became the candidate and the Parliament can support or decline with 2/3 majority. They supported me.

I have followed the activity of the Office and felt that a new impulse was needed. I wish to bring to the forefront the issues that were in the background previously. Amongst these issues are the parliamentary representation of minorities, local minority self governments – expose structural and election-related contradictions – segregation in schools, discrimination, etc.

The chief issue that led to problems was the lack of priority. Political parties did not consider minority issues a main concern; since there was lack of will, there was no political decision.

In your opinion, should the Ombudsman's Office have a proactive role or a responsive role?

Both. Responsive in the sense of receiving complaints and investigating, consulting, and acting if needed. Proactive for taking the initiative to find new solutions; to not merely act on a political level. There is a need to design new plans, projects, and solutions; therefore we act on this dimension.

Can you mention two or three areas with respect to Roma in Hungary in which your office can play a proactive role?

This does not merely concern Roma, but also the other 13 minorities in Hungary. Issues like



Mr Erno Kallai was born on 1 December 1969 in Budapest. He is a lawyer and teacher of history. Since 2002 he has been the head of the Institute of Romology and Applied Social Sciences at the Apor Vilmos Roman Catholic College. Since 1998 he has led the Romology research group at the Research Institute for Ethnic and National Minorities at the Hungarian Academy of Sciences in Budapest. From 1999 through 2002, he taught in the sociology department at the University of Miskolc and from 1996 to 1998 he was employed at the Budapest-based Roma Civil Rights Foundation. Earlier, between 1988 and 1997 he taught at various educational institutions. On 11 June 2007, the Hungarian Parliament voted Mr Kallai as Hungary's new Minorities Ombudsman.

political representation, minority education, and the establishment of cultural institutions are relevant to all the minorities and naturally it affects Roma as well. Roma may face difficulties on a different level since we cannot talk about school segregation with Germans, thus different, special circumstances come up.

Do you have any concrete proposals to amend the existing legislation concerning minorities in general and Roma in particular?

The sphere of activity of the Ombudsman is very narrow and therefore action is required to broaden it. A draft law has been handed to the Parliament in order to broaden the Ombudsman's mandate regarding anti-discrimination activities and also to be able to act in cases of discrimination in the private sphere. So far we had no mandate to act in such cases relating to minorities. We have also submitted a draft law/legal amendment on parliamentary representation of minorities and gave concrete suggestions on how to amend the law. We also initiated the second minority roundtable.

Will it affect criminal law?

No. There is no possibility to interfere with criminal law.

What about other points in the proposed amendment?

There is also the re-shaping of the sanctions system because, right now, the Ombudsman can only initiate investigation. We would like to broaden this spectrum and open the possibility for the Office to issue legally binding sanctions – not in criminal law but something in between.

Are you satisfied with the publicity your office has amongst Roma? If not, how can this aspect be further developed?

I prefer to refer to all 13 minorities in Hungary because there is an attitude that the Minorities Ombudsman in Hungary only deals with Roma. I alone will not solve the Roma issue because I am neither an NGO nor a governmental organ. We function as a control office of the Parliament.

Therefore, we focus on issues when the rights of all minorities are abused and take action. Let me tell you an example: The Csörögi school case. If a village cannot secure the education of children and the neighbouring village would rather not, and there is no legal instrument to solve the situation, what is there to do? We designed a legal framework, a draft for such situations.

We further have co-operation in progress with the Ministry of Labour and Social Affairs. They supervise a network that we would like to use as well, and thus be able to receive complaints on a local level. The Ombudsman's Office never had access to such a network, and since we don't have any local organs, it is of great importance to us. Civil organisations expect the office to be more aggressive, but they must understand that we have to consider many aspects.

This idea can be expanded to other stakeholders such as business people, or is it limited to NGOs?

Yes, the whole society must be changed. Our biggest ally is the media, for publicity aids us in exercising pressure at the political level. The Office and the Ombudsman's sphere of authority are rather narrow and we plan to broaden the scope of action. The Data Protection Ombudsman, for example, has a much broader scope of activity.

Media is a great tool. Is it a potential partner or a confirmed ally already?

They are partners, but not enough. The relationship needs to be further developed. All important issues are publicised through the media.

Mainstream Hungarian media – are they a part of the problem or part of the solution?

It is very important to look at where the media gets information from. The Ombudsman's Office so far merely reacted to media issues. We now have a press officer, and after 12 years we also have a new website. We organise media breakfasts – press meetings for media representatives. There are negotiations to have a thematic week on the Hungarian national television station MTV1.

Where is the problem when communicating with the media: Lack of info or lack of will?

Journalists are not prejudiced – usually; they just have little information. That is why it is important to communicate information, present cases, and teach them as well.

Do you think the Romani Minority Self Government has any real impact in terms of policy-making on Romani issues?

The Minority Self Government's (MSG) task is not to create policy but to represent cultural identity. The Romani MSGs alone cannot be expected to solve social problems, for that would create ghettoisation. The MSGs are survival institutions. Governmental organisations should focus on cultural preservation, otherwise minorities will disappear. Operational conditions of the MSGs should be changed. Financing, for example; all MSG's face the same financial problem: They have an annual budget of 640,000 Hungarian forints (approximately 2,410 EUR) which is little to realise programmes. Election rules should also be changed to create a legal background so that the real members of the community could participate.

Ethnic data? Do you support it?

“Yes” would be too simplified an answer. Election name records must be utilised appropriately. Presently, notaries have the authority to make the lists and minorities cannot interfere. It has to be made possible for minorities to be able to choose if they want to vote or not.

Many people believe that the collection of ethnic data is forbidden in Hungary. If there is no ethnic data how can you identify who needs protection? What is your personal opinion?

I see two types of ethnic data collection: 1. General, anonymous, non-identifiable 2. For

minority elections; these lists should be public for minority communities, and if the community sees abuse of the list they can intervene.

As you know, the European Court of Human Rights recently issued a landmark judgment in a case involving the school segregation of Romani children in Czech Republic. How might this ruling affect the policies and actions of the Hungarian government?

The Hungarian legal system is not precedent based. The ruling in this case can be used as an example, a basis of litigation later on and it can influence the general attitude. Naturally the case can be referred to when a similar case occurs.

Do you advise the government to amend laws based on this decision?

The principles of this ruling are already accepted in Hungary. Practice, however, does not show similar tendencies.

Do you think Magyar Garda poses a threat to the democratic values in this country?

I believe it is as much a threat as similar extreme organisations in other countries. The criminal justice system does not get engaged in prosecution on the basis of the suspicion of possible future criminal acts. They are a visible problem, and thus not a major threat. However, I consider the non-visible gatherings that are on the Internet a lot more dangerous.

Do you think that your election to this post – you being Romani – is a political gesture?

Maybe. Hopefully it is not the only reason. I would rather say that there is a chance for Roma.