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Council of Europe norms and standards on national minority rights: Results and challenges

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**Speech by Elisabeth Sándor-Szalay,
Expert eligible in respect of Hungary to serve on the Advisory Committee on the
Framework Convention for the Protection of National Minorities**

Question 1: From your experiences, how has the impact of Covid-19 interacted with the concrete and specific challenges which national minorities and in particular Roma are facing today?

1. National minorities have had to face particular challenges as far as the impact of Covid is concerned. The Human Rights Commissioner has given us a broad overview of how persons belonging to national minorities have had to deal with Covid 19 and the measures taken by states in response to it.
2. Persons belonging to national minorities may be seen as “the other” within their societies. This has resulted in some cases in their being blamed for spreading the virus.
3. As the Commissioner also said, the Roma community has had to face special and complex issues in this regard. There are examples from across Europe of Roma persons being targeted by individuals and authorities for spreading coronavirus or not

following health protocols. Roma settlements have become, without justification, singled out as sites of infection by the authorities and others in society.

4. This has resulted in Roma settlements being locked down or confined by authorities, or being in particular targeted by hate speech from politicians and individuals. Law enforcement may also have unjustifiably and disproportionately targeted Roma settlements in their policing of the various coronavirus restrictions in place. Roma have been therefore more susceptible to privacy infringements by authorities in the policing of restrictions.
5. There are also persisting structural problems for Roma which were further underlined by the pandemic. The living conditions of Roma in many European countries are of particular concern in this connection. Roma settlements, especially informal ones, may lack access to running water, electricity, sewerage or other basic services. Their vulnerability to evictions also exacerbates the situation. Staying home, as we were all told to do, is much more difficult if that home is insecure, lacks basic services, and if it can be taken away easily.
6. The slowdown/lockdown of many economic activities due to the pandemic resulted in the loss of jobs for many people all over Europe. For those living in poverty or having limited financial savings, the loss of employment often results in the inability to pay the rent. Therefore, in some European countries, governments ordered a moratorium on evictions in order to prevent the loss of housing for thousands of families. Over time, in some countries these moratoriums have been abolished, which may raise concerns as not all of the unemployed people have already been benefited from the expected economic recovery, that is to say that still there are many families (among them many belonging to the Roma community) without access to the labour market, facing the loss of their housing. In Hungary, the eviction moratorium is still in force, it is extended until the end of the emergency situation ordered by the Government. This is a positive measure, which helps to prevent the worsening of the housing situation, in particular of the Roma in Hungary, as many of them live in deprived circumstances in segregated settlements.
7. There are also various barriers faced by Roma in their access to healthcare. In some states a lack of documentation, personal ID cards and health insurance may hinder full access to effective healthcare, or poverty may also have the same effect.

8. In some European countries civil society initiatives, together with NGOs and together with elected representatives of the Roma community (nationality self-governments) joined forces to launch and successfully implement a campaign promoting registration for (and actually receiving) the Covid19 vaccine among the members of the Roma communities living in segregated areas with poor living conditions and with very limited access to reliable information about the real risks of Covid19. The activists of the campaign used “roadshows” to reach these vulnerable communities on-site, providing them with understandable and authentic information about the importance of taking the vaccine, how to register for vaccination and how to take it.
9. I want to also mention the difficulties faced by Roma children when schools were closed and education became online. For Roma children without an internet connection or the hardware necessary to take part in lessons, this shift to online learning has left them far behind in terms of pedagogical development.
10. The very swift transition of public education system from traditional classroom teaching methods to fully digital out-of-classroom training has been in particular challenging for all educational institutions, especially for institutions that undertake the duties of national minority education. However, according to the information available, most of the institutions engaged in national minority education – as for example in Hungary – managed to control and successfully implement the shift to the out-of-classroom digital education system. This online teaching method requires enhanced cooperation by not only teachers and students but also by the parents. Due to the traditionally close personal connections within the minority communities and in the case of well-equipped schools, run by the so called national minority self-governments, some national minority education institutions in Hungary have had – as strange it may seem – a competitive advantage in this hard times of pandemic – having close and direct connections with students and their parents. But! As regards the special situation of the education of Roma children, most of them and their families (particularly those living in deprived rural areas) have in many cases no access to internet, do not have computers and other electronic devices, and, in some cases, even electricity is not available. This may have a long-term negative impact on the educational achievements of Roma. As well as it will further stigmatize Roma communities leading to deepened isolation. In some European countries local self-governments, civil society groupings, together with NGOs launched different programmes to provide the children who do not

have internet access with offline teaching aids to compensate for their disadvantages. As for many children the meal they get in the school was and is the basis of their daily nutrition, these initiatives also provided the children with food packages.

(The list of possible examples is much longer, but my time is over...)

• **Question 2: What are the results of these two treaties after more than 20 years of implementation and monitoring by these two committees, and what do you see as the remaining obstacles to more complete national minority protection going forward ? (4 minutes)**

11. As other speakers have mentioned, there is a need for awareness of the rights of persons, as well as a need for awareness of the obligations of states under the Framework Convention to be further raised, including through their inclusion in the process of monitoring through shadow reports and meetings during country visits – which is already the practice.
12. This awareness in particular needs raising among the younger generation, as minority youth are the future of their communities, and they need to be made aware of the rights they have as young persons belonging to national minorities. Through this, they can advocate more strongly for their own rights, and make their own voices heard.
13. As Marie said, participation in decision-making processes is a vital tenet of minority rights, and in helping to protect and promote minority language, identity and culture. Youth need to be able to actively participate in these processes and take a leading role in forging the future of their communities.
14. Some States do take particular care to involve these groups in participatory processes, but more needs to be done to ensure their participation is effective, meaningful and genuine, and that their concerns are given due attention.
15. A general problem affecting almost all communities in Europe who speak their own native/minority language is that the positions/resolutions/recommendations are officially published only in English and/or French and the member states are not legally bound to provide translations of these documents either to the official language of the state, not to mention minority languages. Therefore, the members of minority

communities have no possibility to obtain comprehensive and authentic information – in their own mother tongue – on the findings of the AC about the implementation of the FCNM. As the result of this lack of information they are unable to react upon the findings of the AC or to start and engage in a meaningful dialogue with the government of state they live in about the problems and challenges of minority policy in the respective country. This is a general challenge that has to be addressed as the lack of minority language information about the work and the findings of the AC compromises the effective implementation of both treaties. This is a language barrier that has to be tackled and overcome by joint efforts.

16. Finally I wish to emphasise along with Marie how important follow-up activities are, primarily as a useful tool for the states to check on their activities in order to comply with the Advisory Committee recommendations, with the expert input of the Advisory Committee, and with the participation of persons belonging to national minorities as well.

(Thank you.)