

Summary

The Minority Ombudsman's General Comment 3/2021 on the use of individual names in nationality languages

The Minority Ombudsman has issued this General Comment with the aim of presenting the complex situation of the enforcement of the use of individual names in nationality languages in the field of the use of own personal names in the nationality language, the registration of births in accordance with the rules of the nationality language and other related official procedures, in particular the issuing of official certificates.

The right of persons belonging to nationality communities living in Hungary to use their names in their nationality language is a fundamental right guaranteed by the Fundamental Law and international conventions. This right is derived from the fundamental right to human dignity and the right to respect for private and family life. The right to use an individual name in a nationality language is a fundamental element of the nationality identity and self-identity of Hungarian citizens belonging to a nationality, and contributes to its preservation and, indirectly, to the survival of nationality communities. Moreover, the use of individual names in the nationality language is closely related to the right of the nationalities living in Hungary to use their mother tongue.

In the course of her investigation, the Minority Ombudsman examined the following thematic issues:

- General issues of the use of individual names in the nationality language.
- Procedural issues concerning the registration of births in accordance with the rules of the nationality language.
- Professional and technical conditions for the registration of births in accordance with the rules of the nationality language.
- Tasks and competences of nationality self-governments in registering births and marriages in accordance with the rules of the nationality language.
- Nationality law aspects of name changes.
- Use of the mother tongue of the nationality in civil registration procedures.
- Use of individual names in the nationality language in other official certificates.

During the investigation the Minority Ombudsman encountered a number of practical issues that can have a decisive impact on the effective administration of justice in the field of individual name use in the nationality language. At the same time, the Minority Ombudsman did not identify any structural problems in relation to the enforcement of the right to use an individual name in nationality languages.

In her General Comment the Minority Ombudsman made proposals aimed at promoting more effective enforcement of the rights of persons belonging to nationality communities in Hungary, calling for closer cooperation between the Parliament's Committee of the Nationalities in Hungary, the nationality self-governments and the Minister in charge of the Prime Minister's Office. The technical proposals of the general comment mainly concerned the promotion of legal awareness among persons belonging to nationalities and officials and registry offices involved in birth registration, the partial amendment of the rules on birth registration in the nationality language and the online accessibility of nationality surname registers. She has found that the failure to take account of the findings and proposals made in the General Comment could result in a violation of nationality rights.