Complaint filed by A.V. against NSMNM and PSO for discrimination on grounds of political belief in area of work and employment

No. 07-00-383/2016-02 Date:12/12/2016

**OPINION**

The Opinion has been issued in the proceeding acted upon the complaint filed by A. V. against the National Council of the Hungarian Ethnic Minority (NSMNM) and the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities (PSO), for discrimination on grounds of political beliefs and membership in a non-governmental organization. The complaint states that the Executive Board of the National Council of the Hungarian Ethnic Minority on 19 May 2016 reached a decision, and the Provincial Secretariat reached a decision on 2 June 2016, which renounces their approval for appointing the complainant as the principal of Secondary School “D. K.” in S. The complainant considers that she was discriminated against with this decision based on political beliefs and membership in the non-governmental organization M. p. The explanation of the National Council of the Hungarian Ethnic Minority states that the decision was made on professional arguments, none of which pertained to A. V.’s political beliefs and membership in a non-governmental organization, and which were explained in a session of the National Council of the Hungarian Ethnic Minority dated 27 May 2016. The Provincial Secretary stated that the decision was made based on legal authorization, and in this particular case he was of the view that the conclusion of the National Council of the Hungarian Ethnic Minority, renouncing the formerly given approval for appointing A. V. as principal of the institution, could negatively affect the unobstructed functioning of this institution, which would cause long-term harmful consequences, to which purpose he refused to agree with the School Board’s decision on appointing A. V. as the principal of the Secondary School. In the course of the proceedings it was determined that the members of the Executive Board of the National Council of the Hungarian Ethnic Minority, in its session of 19 May 2016, expressed reasons and opinions which did not relate to A. V.’s political beliefs and membership in a non-governmental organization. Furthermore, based on the number of given and refused approvals by the National Council of the Hungarian Ethnic Minority, from 2013 to September 2016, it could not be determined whether the National Council refused to give its approval for appointing A. V. as the principal of the institution based on her political beliefs and membership in a non-governmental organization. In addition, based on the evidence for the number of given and refused approvals by the Provincial Secretariat, from 2013 to September 2016, it could not be determined whether the Provincial Secretariat refused to give its approval of the decision of the School Board on appointing A. V. as the principal of the institution based on her political beliefs and membership in a non-governmental organization. Therefore, the Commissioner for the Protection of Equality issued an opinion that the proceeding upon complaints filed by A. V. did not determine whether the decisions of the National Council of the Hungarian Ethnic Minority and the Provincial Secretariat for Education, Regulations, Administration and National Minorities – National Communities, renouncing their approval of appointing A. V. as principal of Secondary School “D. K.” in S., had committed discrimination on grounds of complainant’s political beliefs and membership in a non-governmental organization.