

# Office of the Commissioner for Fundamental Rights – Hungary



## Brief profile

### Contact details

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### Overview

The Commissioner for Fundamental Rights shall – in addition to his or her tasks and competences specified in the Fundamental Law – perform the tasks and exercise the competences laid down in Act CXI of 2011 on the Commissioner for Fundamental Rights.

In the course of his or her activities the Commissioner for Fundamental Rights shall pay special attention to the protection of the rights of children, the interests of future generations, the rights of nationalities living in Hungary, and the rights of the most vulnerable social groups.

In the course of his or her activities the Commissioner for Fundamental Rights shall pay special attention to assisting, protecting and supervising the implementation of the Convention on the Rights of Persons with Disabilities, promulgated by Act XCII of 2007.

### Type of equality body

The *Office of the Commissioner for Fundamental Rights* is a predominantly quasi-judicial body<sup>1</sup>.

Grounds and fields of discrimination covered		
Grounds	Fields	
	Employment	Beyond employment (education, goods & services, housing, etc.)
Gender	◆	◆
Race and ethnic origin	◆	◆
Age	◆	◆
Disability	◆	◆
Sexual orientation	◆	◆
Religion and belief	◆	◆

<sup>1</sup> According to a [European Commission study on Equality Bodies](#), predominantly quasi-judicial bodies are “impartial institutions which spend the bulk of their time and resources hearing, investigating and deciding on individual instances of discrimination brought before them” (page 43).

## Detailed profile

### Brief history

- **Date of establishment:**

The institution of the Parliamentary Commissioners also referred to as the Ombudsmen was established by constitutional amendment in 1989. The Ombudsman Act, which was passed in 1993, provides for the details of the institution of ombudsmen. The Office of the Parliamentary Commissioners was set up in 1995 when Parliament managed to reach a compromise about the persons of the four ombudsmen (the Parliamentary Commissioner for Civil Rights, the General Deputy Parliamentary Commissioner, the Parliamentary Commissioner for Data protection and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities).

The Fundamental Law of Hungary, which came into force on 1 January 2012, has reorganized the Ombudsman system in Hungary. The offices of the special ombudsmen (ombudsman for the rights of national/ethnic minorities and for the rights of the future generations) have been integrated into the office of the general ombudsman. Therefore, the independent special ombudsmen serve as deputies of the commissioner for fundamental rights.

The institution of the parliamentary commissioner for data protection and freedom of information has been abolished and replaced by the Authority for Data Protection and Freedom of Information, an independent authority totally separated from the ombudsman office.

- **Mode of establishment:** the Fundamental Law of Hungary: Act CXI of 2011 on the Commissioner for Fundamental Rights
- **Status:** the Office of the Commissioner for Fundamental Rights is an organ of the Parliament and the Ombudsman is accountable exclusively to it. The Ombudsman takes measures solely on the basis of the Fundamental Law and cannot be given instructions concerning the course of his proceedings.

### Mandate

- **Powers:** the *Office of the Commissioner for Fundamental Rights* is a predominantly quasi-judicial equality body;
- **Litigation powers:**
  - Representing in front of courts;
  - Bringing proceedings in own name;
  - Intervening before the court;
  - Amicus curiae;
  - Formally deciding on complaints (decision or recommendation) – *not legally binding*;

## Grounds and fields of discrimination covered \*

Grounds	Fields				
	Employment	Education	Housing	Social protection	Goods and Services
Gender	♦	♦	♦	♦	♦
Race and ethnic origin	♦	♦	♦	♦	♦
Age	♦	♦	♦	♦	♦
Disability	♦	♦	♦	♦	♦
Sexual orientation	♦	♦	♦	♦	♦
Religion and belief	♦	♦	♦	♦	♦

According to Act CXI of 2011 on the Commissioner for Fundamental Rights (Section 18, (1)) “Anyone may turn to the Commissioner for Fundamental Rights, if in his or her judgement the activity or omission of a public administration organ, a local government, a minority self-government, a public body with mandatory membership, the Hungarian Defence Forces, a law-enforcement organ, any other organ acting in its public administration competence, in this competence, an investigation authority or an investigation organ of the Prosecution Service, a notary public, a bailiff at a county court, an independent bailiff, or an organ performing public services (hereinafter referred to together as ‘authority’) infringes a fundamental right of the person submitting the petition or presents an imminent danger thereto (hereinafter referred to together as ‘impropriety’), provided that this person has exhausted the available administrative legal remedies, not including the judicial review of an administrative decision, or that no legal remedy is available to him or her.”

### Activities

- Promotional activities aimed at duty bearers (by way of trainings, guidance material, etc.);
- Promotional activities aimed at potential victims (trainings, awareness raising, etc.);
- Communication activities;
- Publications and research projects;
- Number of inquiries / complaints lodged and cases handled per year: **5191** in 2011

### Structure

#### 1. Management structure

- Type: single headed equality body (led by director or ombudsman/commissioner);
- Details:
  - Parliament shall elect the Commissioner for Fundamental Rights and his or her deputies for six years with the votes of two-thirds of all Members of Parliament. The deputies shall ensure the protection of the interests of future generations and of the rights of nationalities living in Hungary. The Commissioner for Fundamental Rights

and his or her deputies shall not be members of a political party or engaged in any political activity.

- The administration and preparation related to the tasks of the Commissioner for Fundamental Rights shall be performed by the Office.
- The Office shall be directed by the Commissioner for Fundamental Rights and it shall be managed by the Secretary General.

## 2. Institutional structure

- Type: the organisation is part of a national human rights institution and consists of offices of ombudsmen;
- Details: the provisions of the Act strongly affect the organizational structure of the ombudsman system. Since Parliament elects only *one ombudsman*, this person is assigned to propose his/her own deputies who are also elected by the Hungarian Parliament. There is one *Deputy-Commissioner* who is responsible for the protection of the interests of future generations and there is one other Deputy-Commissioner who is responsible for the protection of the interests of nationalities living in Hungary.

## 3. Nomination of senior staff and board:

- Parliament shall elect the Commissioner for Fundamental Rights and his or her deputies for six years with the votes of two-thirds of all Members of Parliament;
- According to Act CXI of 2011 on the Commissioner for Fundamental Rights:
  - The employer's rights over the Secretary General shall be exercised by the Commissioner for Fundamental Rights.
  - Public servants employed by the Office shall be appointed and dismissed by the Commissioner for Fundamental Rights, or in the case of public servants referred to under the last point below, by either Deputy Commissioner for Fundamental Rights; in other respects the employer's rights over these public servants shall be exercised by the Secretary General.
  - The authorised number of posts of public servants placed under the direction of the Deputy Commissioners for Fundamental Rights shall be determined in the organizational and operational rules.

## 4. Number of staff: 85 lawyers and experts

### Operating budget (for the parts of the organization dealing with equality issues)

There is no separated budget for the parts of the organization dealing with equality issues. However, according to the 2011 Act of CLXXXVIII on the Central Budget of Hungary for the year 2012, the overall budget of the Office of the Commissioner for Fundamental Rights is approx. 1 200 000 000 HUF (around 4 million €).

### Accountability (reporting to)

The Commissioner for Fundamental Rights shall report annually to Parliament on his or her activities.

## Contact details (address, key contact person, website)

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