



1. In which circumstances are testing procedures used in Hungary as evidence during cases of alleged discrimination?

The Government Decree 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure authorizes the Equal Treatment Authority to conduct testing procedures.

Article 13 of the Decree states that the Authority may conduct tests in order to check compliance with the obligation of equal treatment. During such testing, the Authority involves other persons that are different regarding their position, characteristics or attributes (hereinafter called collectively: characteristics) defined in Article 8 of the Act on Equal Treatment, but are otherwise similar and puts them into an identical situation regarding the conduct, measures, condition, omission, instruction or practice (hereinafter called collectively: disposition) of the person drawn under the procedure, and examines the disposition of the person drawn under the procedure regarding compliance with the obligation of equal treatment.

The results of such testing may be used as an evidence during procedures instigated because of the violation of the obligation of equal treatment.

For the examination described in the above paragraph (1), the Authority may involve people working under other relationship aimed at employment, as well as employees having a temporary employment book on the basis of the provisions of Act LXXIV of 1997 on employment with a temporary employment book and on the simplified procedures for payment of associated public dues. For such a participating person, the Authority issues a letter of commission which includes the name of the person involved, as well as a description of the types of examination that may be conducted at the various persons drawn under such a procedure.

2. Under which preconditions do the courts in Hungary accept the results of testing procedures for the production of evidence?

The results of such testing may be used as an evidence during procedures instigated because of the violation of the obligation of equal treatment. Courts in Hungary have a wide margin of appreciation to assess every piece of evidence.

3. Which role does the Office of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities play with regard to testing procedures?

The Parliamentary Commissioner for the Rights of National and Ethnic Minorities is free to use any investigation methods within the limits of the law. In theory, he could use testing methods, in practice however, this is rather rare due to the complexity of cases and his limited human and financial resources.