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# Annual report of the Commissioner for Fundamental Rights and his Deputies for the year

2014

The Commissioner for Fundamental Rights is solely responsible to the Parliament. The Ombudsman performs his tasks independently, his activities are exclusively subject to the Fundamental Law and the relevant legal regulations. The Commissioner for Fundamental Rights enjoys the same immunity as the Members of Parliament.

The Ombudsman is elected for six years on the proposal of the President of the Republic, with the support of two-thirds of the Members of Parliament. The Ombudsman has to annually submit a report on his activities to the Parliament. The Commissioner for Fundamental Rights may be re-elected once.

Act CXI of 2011 on the Commissioner for Fundamental Rights has modified the structure of the ombudsman institution: the Commissioner for Fundamental Rights has now two Deputies



**László Székely** has been performing the duties of the Commissioner for Fundamental Rights since 2013



**Elisabeth Sándor-Szalay** as "Ombudsman for the Rights of National Minorities" performs the duties of Deputy-Commissioner responsible for the protection of the rights of nationalities living in Hungary



**Marcel Szabó** as "Ombudsman for Future Generations" performs the duties of Deputy-Commissioner responsible for the protection of the interests of future generations



In accordance with the relevant provisions and the spirit of the Ombudsman Act, the Commissioner for Fundamental Rights paid special attention to the **five priority investigation areas** in 2014, as well:

### protecting the rights of other most vulnerable groups

In connection with protecting the rights of the “weak”, the needy and the vulnerable, the Ombudsman’s basic task is to render assistance or give information on the basis of a logical, consistent system of fundamental rights criteria. The societal groups classified by the Act as the most vulnerable are considered as vulnerable for varying reasons, in particular for their existential situation, age, health or mental state: the homeless, the psychiatric patients, the LGBT, the elderly and those on community service.

### the rights of the disabled

Calling attention to fundamental rights-related improprieties, offering solutions and giving recommendations are of key importance in the case of the members of the most vulnerable groups. Whether it is the disabled, the sick, the homeless, or the asylum seekers or the detainees, in cases related to their rights or situation the ombudsman has to take a position, sometimes as a last resort, referring to the right to equal dignity. The inquiries of the year in question show that vulnerability has a thousand faces - the legal and social solutions to be offered and the answers to be given need to be rethought again and again.

### the rights of the child

Complaints filed during last year also confirmed that citizens of Roma nationality have to face different problems than other ethnic communities. In their case, their everyday life situations are determined by discrimination, social exclusion, prejudice and extreme poverty. Act CLXXIX of 2011 on the Rights of Nationalities expressly prohibits any form of infringement of the requirement of equal treatment for reasons of nationality. It provides grounds for investigating any types of ethnic discrimination as a violation of nationality rights.

In the fields of the enforcement and protection of the rights of the child, the Commissioner for Fundamental Rights tried to fulfil his multi-dimensional and complex duties in 2014, too, simultaneously using reactive and proactive tools of legal protection in his disposal, i.e., tools based on inquiries into complaints and tools intended to uncover and prevent comprehensive, systemic problems, respectively. In his reports, he always tried to call attention, in addition to the importance of Hungarian constitutional and statutory guarantees, to international human rights expectations, as well. He tried to move in the direction of the constructive solution of various problems: from the issues of the operation of the child protection warning system, through the introduction of the legal institution of protective guardianship, to the systems of child-friendly justice and victim support. The vulnerability of the child magnifies any negligence, infringement, mistake or error, and the consequences are serious. In addition to using the traditional tools of the ombudsman and stressing the importance of prevention, the Commissioner dedicated the year 2014 to the renewal and deepening of strategic professional cooperation.





## the rights of the national minorities

The enforcement of the right to minority education is of key importance for preserving and strengthening the identity and mother tongue of ethnic communities. Minority languages are instrumental in preserving minority culture, also playing an important role in the cohesion, survival of ethnic communities. Minority education is intended to compensate the minority languages' relegation to the background in everyday life. That is why the completion of a comprehensive inquiry into the state of minority secondary education in 2014 was of major significance.

## protecting a healthy environment

The theoretical basis of the inquiries is determined by the fact that any damage caused to our natural environment will destroy finite resources, human intervention will induce, in many cases, irreversible processes. Economic development and the fulfilment of society's ever-growing needs may be secured only with due respect for sustainability. Failure to protect environmental values, in addition to adversely



affecting the present generations, will endanger future generations, as well. In addition to proposals related to particular cases, investigation reports often contain measures going beyond them, serving the interests of the larger community, as well.

## The Ombudsman's new tasks

By virtue of Section 4 of Act CLXV of 2013 on Complaints and Public Interest Disclosures (Complaints Act), as of January 1, 2014, public interest disclosures may also be submitted through the secure electronic system operated by the Commissioner for Fundamental Rights.

A public interest disclosure calls attention to a circumstance whose remedying or elimination would serve the interests of the community or society as a whole. A public interest disclosure may also contain a proposal.

The Ombudsman's activities aimed at operating the OPCAT National Preventive Mechanism rely on the fact that, through Law-decree 3 of 1988, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has become part of the domestic legal system. Under Act CXLIII of 2011 on the Promulgation of the Optional Protocol to the Convention against Torture (OPCAT), as of January 1, 2015, the tasks of the National Preventive Mechanism in Hungary are performed by the Commissioner for Fundamental Rights either personally, or through his colleagues.

Pursuant to the provisions of Act CXXV of 1995 on the National Security Services, as of February 11, 2015, the Commissioner for Fundamental Rights may investigate, in connection with fundamental rights-related improprieties, the ordering and the conduct of the review process of national security checks. The person under review may request the Ombudsman to conduct an investigation within six months after he/she became aware of the review process. Furthermore, the Commissioner for Fundamental Rights may also conduct an ex officio inquiry into the national security services' reviewing practices.



In 2014, the Commissioner for Fundamental Rights, as a last resort, availed himself of the opportunity in several issues to recommend a review of norms both to the Constitutional Court and the Curia. The Ombudsman filed two petitions in connection with the protection of the rights and equal dignity of the homeless, members of one of the most vulnerable groups. In one of those cases, a decision on the Commissioner's petition was adopted within the year: the Curia mostly upheld the Commissioner's misgivings and annulled the administrative regulations in question. One also cannot ignore the fact that in 2014, just as in earlier years, the Constitutional Court adopted several major decisions whose initiator had been the Commissioner for Fundamental Rights, acting in the interest of protecting fundamental rights.

- he may recommend the proceedings of the Constitutional Court
- he may request the Curia to review whether a local government's decree is in accordance with a legal regulation
- as a final measure, he may submit a case to the Parliament within the frameworks of his annual report
- he may initiate proceedings by the competent prosecutor through the Prosecutor General
- he may turn to the National Authority for Data Protection and Freedom of Information
- he may request the head of the body concerned to remedy a perceived impropriety

**The Ombudsman may select, in accordance with the provisions of the act regulating his competence, any measure he deems expedient:**

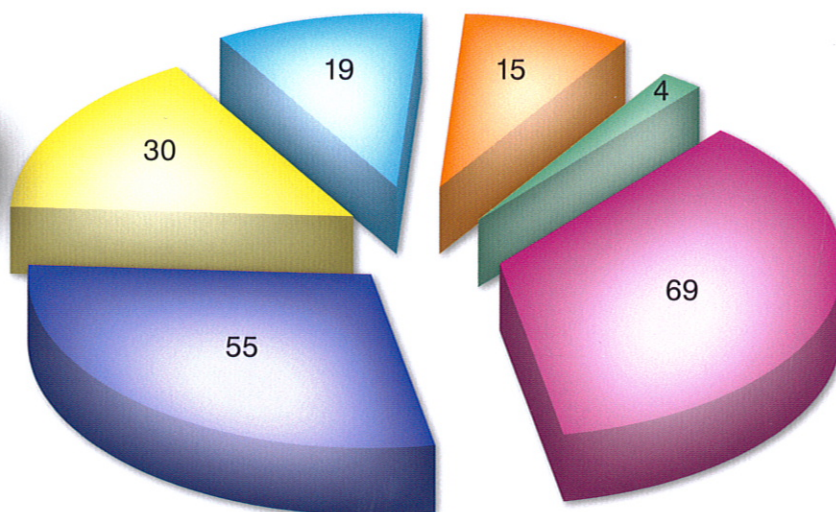
- he may propose that the organ authorized to make law or to issue a public law instrument for the regulation of organizations modify, repeal or issue the legal rule or the public law instrument for the regulation of organizations
- in order to redress an impropriety, he may address a recommendation to the supervisory organ of the authority causing the impropriety
- if there is a reasonable suspicion that a regulatory or disciplinary offense has been committed, he may initiate regulatory offense proceedings or disciplinary proceedings with the organ authorized to conduct such proceedings; if a crime has been committed, he shall initiate criminal proceedings with the organ authorized to start such proceedings



## Legislation-related activities

The Commissioner reviewed 192 draft bills in 2014.

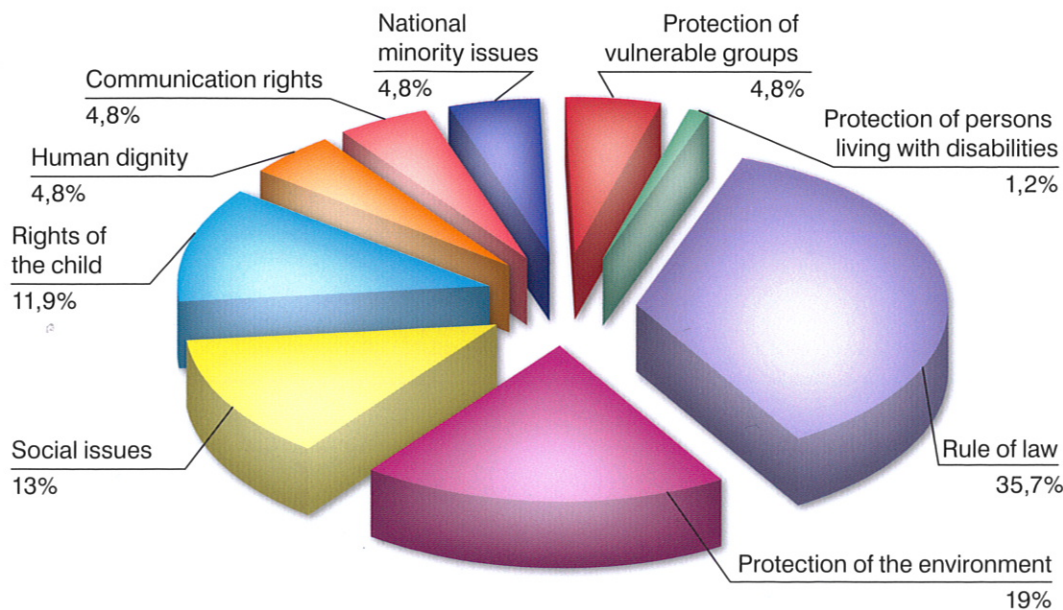
Draft bills submitted for review by the submitter



- Ministry of Public Administration and Justice/Ministry of Justice
- Ministry of National Development
- Others (Ministry for National Economy, National Office for the Judiciary)
- Ministry of Human Resources
- Ministry of Interior
- Ministry of Rural Development/Ministry of Agriculture

In 2014, the Ombudsman published reports on 165 cases; in 54 cases he initiated the amendment of a relevant legal regulation or the general review of the legal environment. Grouping by the source of law, and taking into account that the Commissioner may simultaneously recommend the amendment of several legal regulations and legal provisions, the Ombudsman initiated the amendment of an act on 25, and the amendment of a regulation on 26 occasions, and proposed a comprehensive review of regulations in 15 cases.

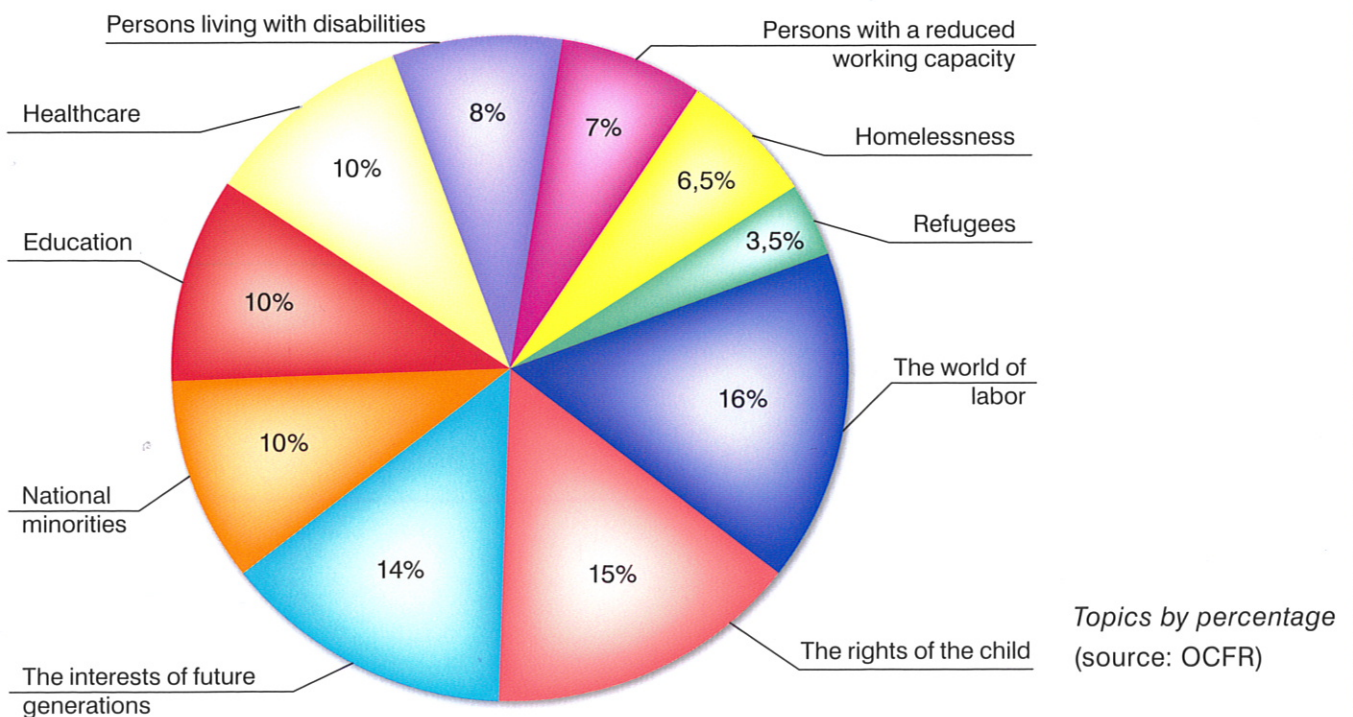
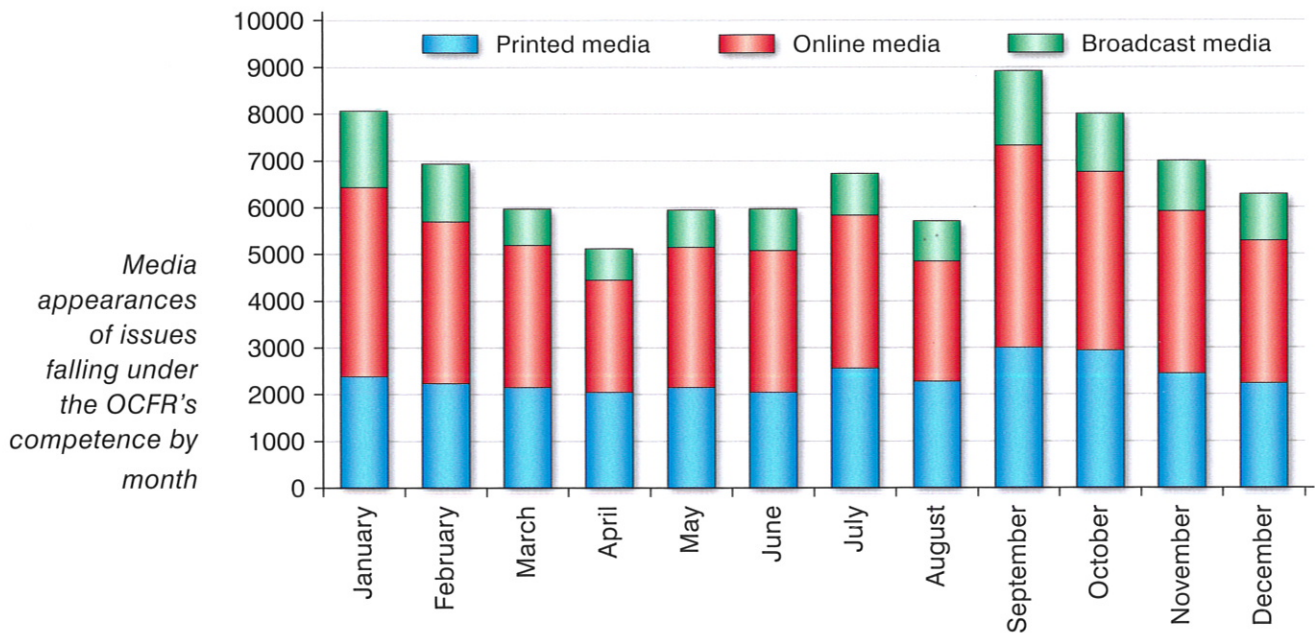
Legislative proposals by the subject





## Media

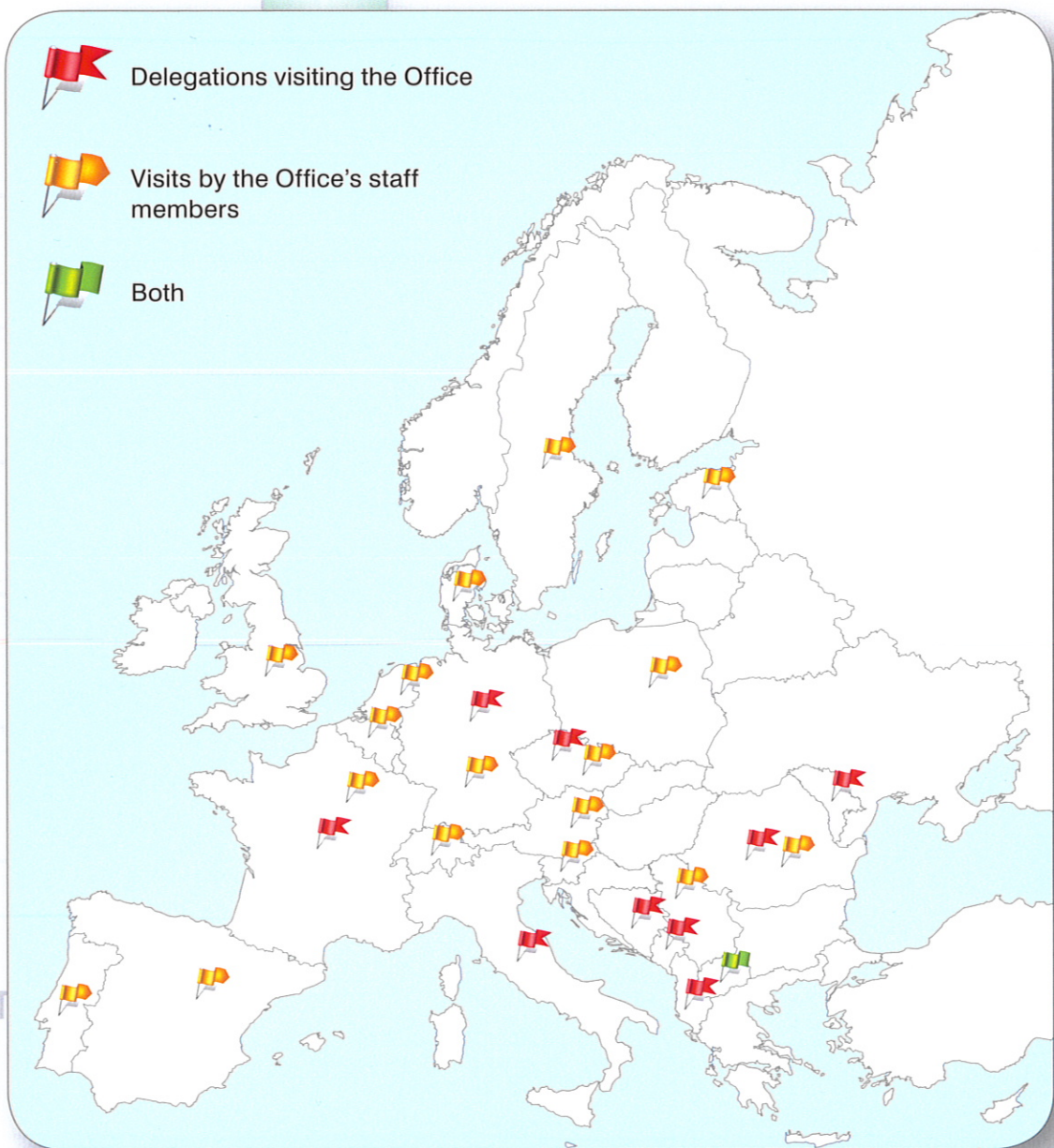
In 2014, the Office of the Commissioner for Fundamental Rights, the Commissioner and his two Deputies were named on almost 11 thousand occasions in the more than 80 thousand articles, media coverages and reports dealing with issues falling under their scope of duty. The predominance of online media and the gradual relegation of printed press to the background have become a permanently manifesting feature of media appearances. The media's interest intensified mainly with the emergence of major fundamental rights-related, environmental or national minority-related issues, in most cases covering the findings and recommendations of the Ombudsman's reports, or expecting the position of the Commissioner for Fundamental Rights on certain developments in Hungary, drawing a lot of attention.





As a result of the accreditation procedure conducted during the Spring of 2011 by the International Coordinating Committee of the UN National Human Rights Institutions, the Commissioner for Fundamental Rights functioned as a Status 'B' human rights institution in Hungary. In the Summer of 2013, the Commissioner requested the ICC's Sub-Committee on Accreditation to conduct a Status 'A' reaccreditation procedure, to recognize our institution as fully compliant with the so called Paris Principles.

In its session held in Geneva between October 27 and 31, 2014, the Sub-Committee on Accreditation of the International Coordinating Committee of the UN National Human Rights Institutions proposed to award Status 'A' to the Hungarian NHRI - no objections were raised by the ICC's Member States. As a result, as a member with full voting rights, the Office of the Commissioner for Fundamental Rights will be able to take an active part in the meetings of the regional bodies and sub-committees of the Office of the UN High Commissioner for Human Rights (OHCHR) and the ICC, and to independently and professionally supervise the implementation of fundamental rights in Hungary in accordance with the Paris Principles.



Visits by our international partners to the Office had major significance in 2014, too: among them we should mention our contacts with diplomatic representations, partner institutions, heads and staff-members of international organizations, and foreign institutions of higher education.



Client relations are taken care of by two organizational units of the Office. Our Information Service received 12,309 phone calls from citizens in 2014. Our Complaint Office conducted 1163 pre-arranged interviews with clients who had requested a personal meeting in order to submit their complaints. In 2014, our clients visited either of our client relations units on 14,365 occasions. Among them, 394 made inquiries in connection with data protection, 216 reported infringements on minority rights, and 129 people turned to our Office in connection with the right to a healthy environment.

### Complaints may be submitted in the following ways

- Citizens may lodge a complaint personally, either in writing or orally.
- Electronically, using the form on the webpage [http://www.ajbh.hu/en/web/ajbh-en/main\\_page](http://www.ajbh.hu/en/web/ajbh-en/main_page) under the menu item "Lodging a Complaint".
- In an e-mail sent to [panasz@ajbh.hu](mailto:panasz@ajbh.hu), reserved exclusively for this purpose.
- By mail sent to the following address: Office of the Commissioner for Fundamental Rights, 1387 Budapest Pf. 40.
- In person at the Office of the Commissioner for Fundamental Rights, located at 1051 Budapest, Nádor utca 22.

### Number of cases

Complaints received in 2014: **5471**

Cases deferred from 2013: **855**

Cases completed in 2014: **5454**

Cases still under investigation at the end of the year: **886**

Most complaints, namely **992**, belonged to the group of social issues, including complaints submitted in connection with work-related, educational, healthcare and means-tested benefit-related problems.

The number of cases related, in any form, to the protection of the environment amounted to **213** in the year in question, while there were **200** minority rights-related complaints submitted to the Commissioner or to the Ombudsman for the Rights of National Minorities.

