

## National minority rights

The enforcement of the right to minority education is of key importance for preserving 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. Complaints filed in 2015 also confirmed that the everyday life of the Roma is determined by discrimination, social exclusion, prejudice and extreme poverty. The Nationality Act 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.

By virtue of Act CLXV of 2013 on Complaints and Public Interest Disclosures, public interest disclosures may also be submitted anonymously 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. Public interest disclosures may be submitted in person or through an electronic system. Public interest disclosures may be submitted electronically using the interface provided on the website of the OCFR ([www.ajbh.hu](http://www.ajbh.hu)). Based on a whistleblower's submission, the Commissioner for Fundamental Rights shall inquire into the proper handling of public interest disclosures, and he may investigate ex officio the proceedings of various organs handling PIDs.

## 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, and 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 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:

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 CXLI 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. In 2015, the staff of the OPCAT NPM Department, with the assistance of external experts, inspected 15 places of detention and published seven reports.

Pursuant to the provisions of Act CXXV of 1995 on the National Security Services, 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.

Client relations are taken care of by two organizational units of the Office. Our Information Service received 12,773 phone calls from citizens in 2015. Our Complaint Office conducted 2,129 pre-arranged interviews with clients who had requested a personal meeting in order to submit their complaints. In 2015, our clients visited either of our client relations units on 14,902 occasions. Among them, 370 persons made inquiries concerning the protection of their personal data, irrespective of the fact that, as of January 2012, data protection falls under the competences of the National Authority for Data Protection and Freedom of Information. 227 reported infringements on minority rights, and 172 people turned to our Office in connection with the right to a healthy environment.

## Complaints may be submitted in the following ways:

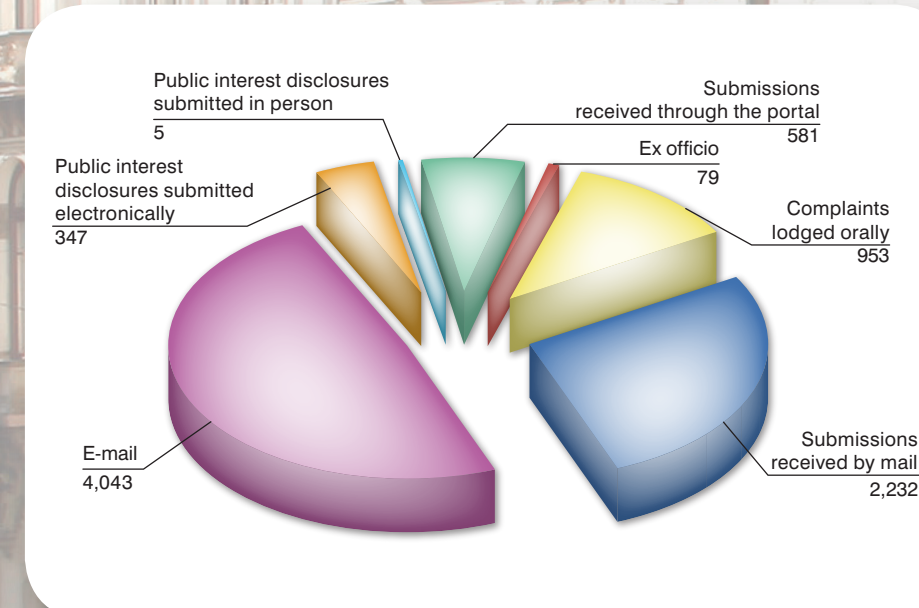
- Citizens may lodge a complaint personally, either in writing or orally.
- Electronically, using the form on the webpage [http://www.ajbh.hu/en/web/ajbh-en/main\\_page](http://www.ajbh.hu/en/web/ajbh-en/main_page) under the menu item "Lodging a Complaint".
- In an e-mail sent to [panasz@ajbh.hu](mailto:panasz@ajbh.hu), 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 2015: 8,240  
Cases deferred from 2014: 886  
Cases completed in 2015: 5,440  
Cases still under investigation at the end of the year: 3,686

In 2015, submissions objecting to the proceedings or decisions of various authorities accounted for the majority of cases. Another large group of complains dealt with civil rights, monetary institutions, public services and social affairs.

The number of cases related, in any form, to the protection of the environment amounted to **179** 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.



# The Activities of the Commissioner for Fundamental Rights and his Deputies in the year 2015

This publication and the English text of the 2015 Annual Report can be found on the website of the OCFR at [www.ajbh.hu](http://www.ajbh.hu) using this QR code



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 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 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 2015, as well:

## 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, 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.

## Protecting the rights of other 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. Groups of society, 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 LGBTI, the elderly and people on community service.



## The rights of the child

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 2015, too, simultaneously using reactive and proactive tools of legal protection at 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 2015 to the renewal and deepening of strategic professional cooperation.

In 2015, based on the practices established in recent years, the Commissioner for Fundamental Rights availed himself of the possibility to recommend the review of norms both to the Constitutional Court and the Curia. Acting upon the submission of a civil society organization, he inquired into the legal regulation of pre-trial detention and recommended to the Constitutional Court the annulment of the relevant provision of the Act on Criminal Proceedings. In order to ensure the lawfulness of decrees issued by local governments, the Commissioner for Fundamental Rights requested the Curia to proceed on several occasions: in 2015, he turned to the Curia on seven occasions in connection with local tax decrees, and once in connection with a local noise protection decree.

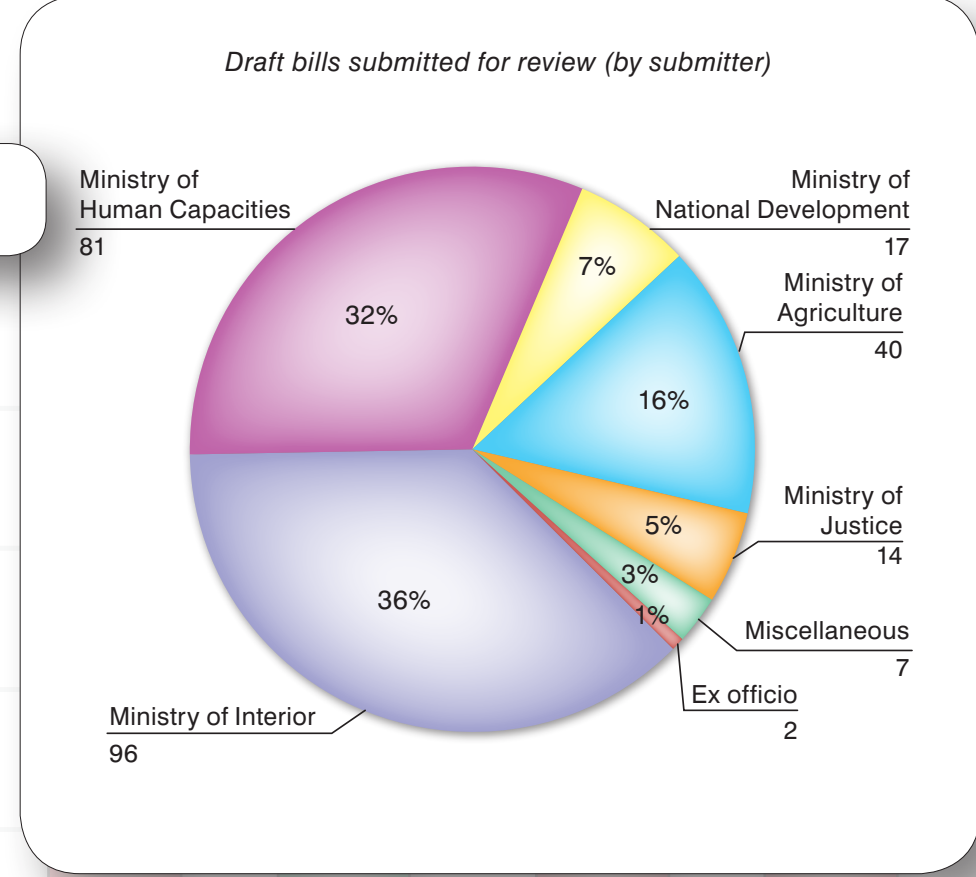
- he may recommend the proceedings of the Constitutional Court
- he may request the Curia to review whether a local government's decree is in accordance with a legal regulation
- as a final measure, he may submit a case to the Parliament within the frameworks of his annual report
- he may initiate proceedings 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:**

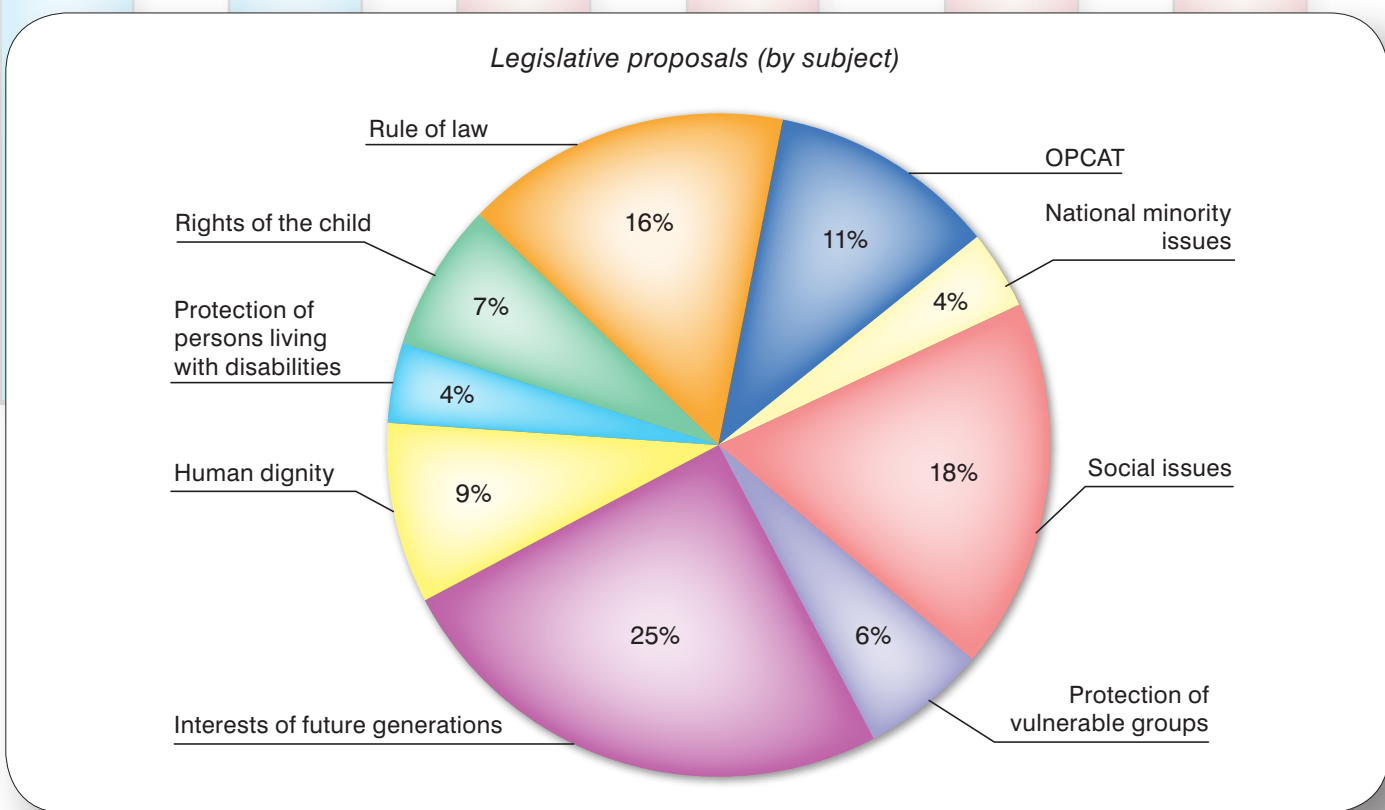
- he may propose that the organ authorized to make law or to issue a public law instrument for the regulation of organizations modify, repeal or issue the legal rule or the public law instrument for the regulation of organizations
- in order to redress an impropriety, he may address a recommendation 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 257 draft bills in 2015.



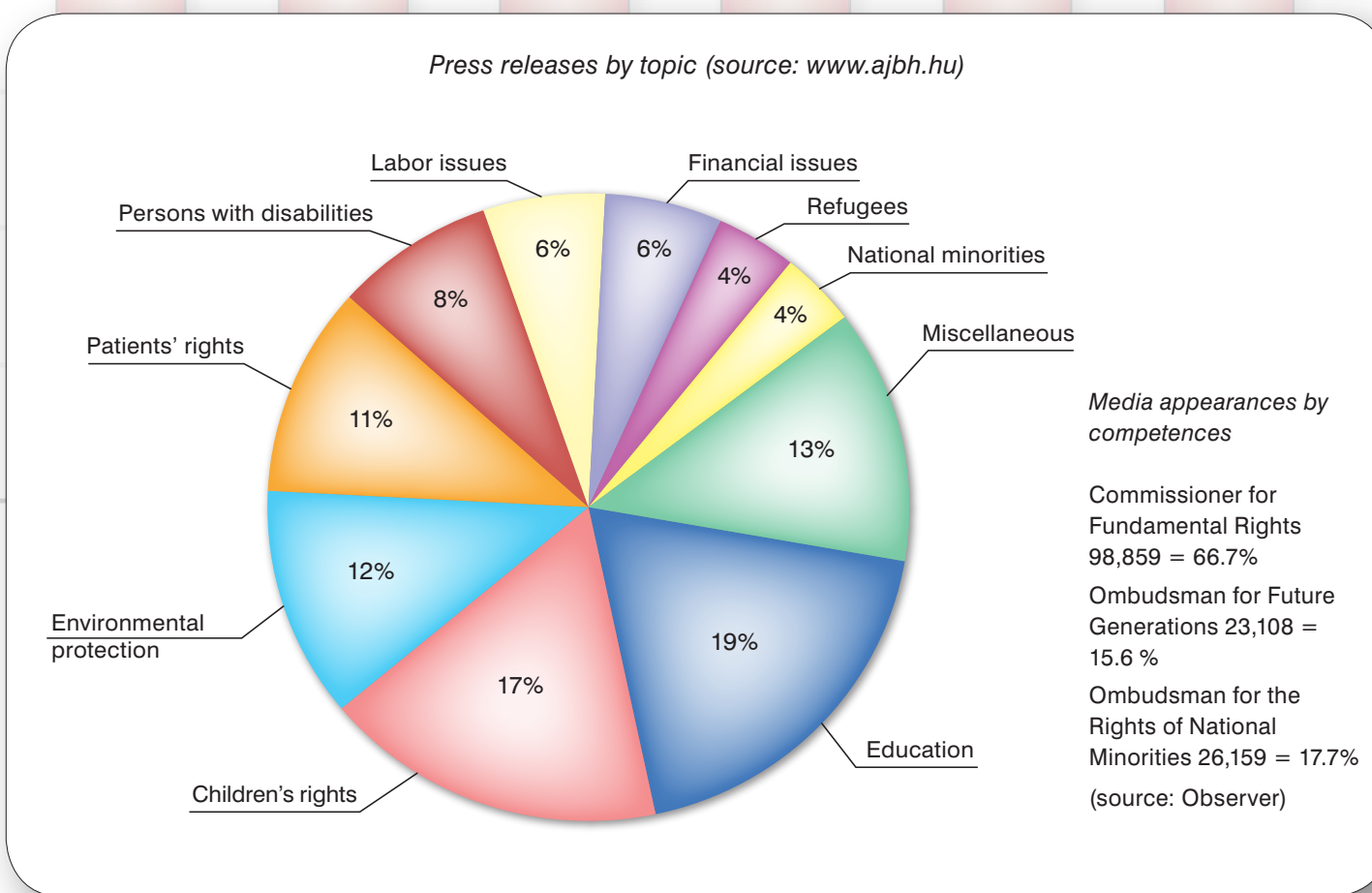
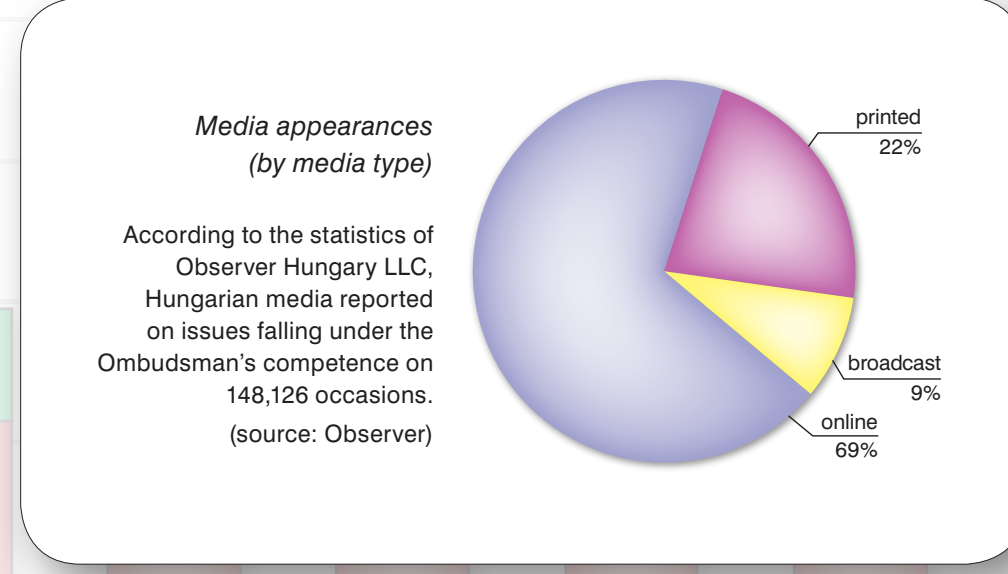
In 2015, the Ombudsman published reports on 140 cases; in 50 cases he initiated the amendment of a relevant legal regulation or the general review of the legal environment. Grouping by the source of law, and taking into account that the Commissioner may simultaneously recommend the amendment of several legal regulations and legal provisions, the Ombudsman initiated the amendment of an act on 16, and the amendment of a regulation on 28 occasions, and in 12 cases he proposed the general review of a given regulation instead of reviewing a particular act.



**Media**

In 2015, almost 150 thousand articles, press coverages and reports dealt with issues falling under the competences of the Commissioner for Fundamental Rights and his two Deputies. The predominance of online media, the gradual decline of printed media over the past few years, and the media's growing attention towards reports and press releases published on the [ajbh.hu](http://ajbh.hu) website and the Facebook site of the OCFR have become a steady feature of our media appearances. In addition to quoting the Ombudsman's reports and press releases in full or in excerpts, the media managed, on many occasions, to generate widespread social debates based on, further elaborating or even going beyond those reports.

**The Ombudsman's topics in the media**



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.

The decision on awarding Status 'A' was adopted during the December 2014 Session of the Sub-Committee on Accreditation of the International Coordination Committee of UN National Human Rights Institutions. As a result, as of January 2015, the Office of the Commissioner for Fundamental Rights takes an active part, as a member with full voting rights, 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 independently and professionally supervises 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 2015, 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.