



REPORT ON THE ACTIVITIES
OF THE COMMISSIONER
FOR FUNDAMENTAL RIGHTS OF
HUNGARY AND HIS DEPUTIES – 2022

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LECTORI SALUTEM

I can confidently state, midway through my term, that I am diligently fulfilling my constitutional responsibilities amid extraordinary circumstances. Since the spring of 2020, the Hungarian ombudsman institution has faced continuous and unprecedented challenges due to the Covid pandemic, the related measures and consequences, as well as the ongoing war near our borders, which has led to a humanitarian emergency situation and extraordinary economic conditions.

Throughout my tenure as ombudsman, I have consistently emphasised the importance of active rights protection. This approach focuses on action, personal engagement, accessibility, and direct assistance, all of which play a pivotal role in lending credibility to our human rights advocacy. This is especially critical during traumatic situations that impact society at large, such as disasters, epidemics, armed conflicts, and prolonged economic crises. It is vital to acknowledge that while aid, assistance, and extraordinary state and church services are necessary, they should never replace the protection of fundamental rights; rather, they should serve as a means to achieve that goal.

The Preamble to the Universal Declaration of Human Rights ('UDHR') highlights that freedom, justice, and peace are founded upon the recognition of the dignity, as well as the inherent and equal rights of all individuals. The concept of the right to peace can be interpreted in two ways: a prohibition of violence and aggression between states (passive peace) and a broader approach based on human rights and cooperation among nations (active peace) in Europe and all over the world. In addition to the elimination of the direct and indirect forms of aggression, the latter entails ensuring equality of rights and opportunities, an impartial and independent judiciary, and the rule of law. In this dimension lies the potential for individual fundamental rights institutions, including ombudsmen, to make a difference by collaborating with national and international partners. The recent months have witnessed a fundamental transformation of the world, where peaceful, partnership-based dispute resolution was shattered to the core in front of our eyes, while the immense value of peace, which we tend to take for granted, has become more tangible. The foundation of our actions is firmly rooted in the clear assertion that the denial of human rights by any state or entity, for any reason or interest, as well as the negation of the principles of peace, security, and humanity upon which these rights rest, and the dehumanisation of individuals, are entirely unacceptable and unforgivable. Such actions are to be unequivocally condemned.

In a statement issued shortly after the outbreak of the war, I stressed that “the ongoing conflict in Ukraine is deeply traumatic and profoundly distressing for all individuals of good

conscience in Europe and worldwide. All of this, however, must not paralyse us: we must stay committed to the protection of human rights in this situation as well. We must show active solidarity: we must help and support all the victims of the war, the persons fleeing their country, both individually and as a community.” Our report on the momentous year of 2022 seeks to accurately depict the extensive efforts undertaken by my dedicated office staff in providing direct assistance. This assistance was rendered both during their regular working hours and voluntarily, starting from March 2022. As you will find in the comprehensive report, in March 2022, we established two temporary offices in critical locations on the Ukrainian-Hungarian border. The first office was set up at the Záhony railway station, followed by another one at the Beregsurány collection point. Furthermore, by the end of that month, we successfully set up an information point at the BOK Sports Hall in Budapest. Throughout this challenging period, we have maintained an ongoing and constructive dialogue with Hungarian institutions and international organisations alike. Our relentless dedication to fulfilling our constitutional responsibilities has led us to provide meaningful assistance to individuals and families displaced from Ukraine, while also reinforcing their rights protection. Our devoted staff have remained actively engaged in case management and legal counsel to address the urgent needs of those affected. Additionally, we have strived to keep the public well-informed by regularly updating essential information in Hungarian, Ukrainian, and English on our Office's official website.

Furthermore, our dedication to fostering connections between individuals and various situations remained unwavering. In 2022, we took immense pride in persisting with and renewing the joint initiative, with the support of the national leaders of the penitentiary system and the state forestry companies, in continuing prisoner work placements in two more children's homes and group homes in the countryside. Hence, we successfully undertook the renovation of these premises, ensuring a conducive environment for the Christmas holidays.

I am also delighted to inform you that in 2022, through meticulous preparations, our Office achieved a significant milestone in enhancing our accessibility and visibility to the citizens. We successfully established Regional Offices in six major provincial cities. In addition to our existing customer service in the capital, which has been operational for the same duration as the Office, our aim was to provide citizens with the opportunity to engage in the in-person administration of their affairs, assert their rights, and avail themselves of broader access to ombudsman procedures. As of spring 2022, complainants are now able to initiate ombudsman proceedings in person at six central cities in the region: Szeged, Debrecen, Győr,

Székesfehérvár, Miskolc, and Pécs. Our dedicated staff are readily available to provide assistance to those seeking ombudsman support at these locations. Our Regional Offices in Miskolc and Debrecen have played a vital role in coordinating assistance to refugees.

The ombudsman traditionally enjoys a broad scope to offer constructive and supportive suggestions for safeguarding fundamental rights in various cases and situations. These recommendations are typically presented to both the wider and more specialised professional audiences in the form of investigations and reports. The overarching goal of the Commissioner for Fundamental Rights of Hungary is to identify and address issues, propose practical solutions, and foster constructive dialogue with relevant stakeholders. During the current year, I am pleased to report that a significant majority of the entities impacted by our recommendations, though predominantly intended for future remedies, have demonstrated commendable compliance, either in whole or in part. For instance, the legislature has given earnest consideration to several of our proposed amendments and has taken decisive actions accordingly.

As the advocate for the people, it is a legal, moral and institutional obligation alike to prioritise the protection of the rights of the vulnerable, including children, people with disabilities, the elderly, the sick, and homeless people. Our report showcases various cases, reports, responses, and actions taken to address these issues, making our work tangible across a range of areas, from education to health care, and from classic ombudsman powers to special functions. These efforts represent the essence of genuine rights protection, and we take great pride in our accomplishments in 2022, which have further strengthened our Office's position on the axis of international forums.

We are dedicated to maintaining our commitment to meeting the high expectations and challenges, while consistently earning the trust placed in our office this year as well.

Budapest, February 2023

Dr. Ákos Kozma
Commissioner for Fundamental Rights

1. FOCAL POINTS OF THE OMBUDSMAN'S RIGHTS-PROTECTION ACTIVITIES IN THE HUMANITARIAN CRISIS 2022

The Russian-Ukrainian war, which commenced on 24 February 2022, has brought about immense devastation and human suffering, leading to a profound humanitarian crisis. The impact of this conflict is deeply traumatic and shocking for individuals with good conscience both in Europe and across the globe. All of this, however, must not paralyse us: we must stay committed to the protection of human rights in this situation as well, and we must show active solidarity. Both individually and as a community, we must help and support the victims of the war, all those fleeing their homeland. The Commissioner considered it a key priority to **personally follow the current state of events in these extraordinary times as well, and with his staff, he was constantly working on** being able to provide direct legal and humanitarian assistance to as many people as possible. As of the beginning of March, the Office of the Commissioner for Fundamental Rights of Hungary has responded to this situation by establishing temporary regional offices in close proximity to the affected border section. The dedicated staff of the Commissioner for Fundamental Rights of Hungary are personally providing immediate assistance at this location, including case management and legal advice, to those affected. Furthermore, they are regularly updating the Office's website and social media platforms to disseminate essential information to refugees fleeing the war in Hungarian, Ukrainian, and English.



3 March 2022 - Záhony railway station

As part of his active involvement in supporting individuals displaced by the war and fleeing to Hungary, the Commissioner for Fundamental Rights of Hungary **has maintained several temporary regional offices and information points** in the most affected areas near the Hungarian-Ukrainian border since the outbreak of the war. Besides the temporary regional

offices situated in the settlements of Záhony and Beregsurány, the Office's personnel have continuously offered assistance at the BOK Hall, a reception centre established in the capital to accommodate refugees. The Office's support encompasses legal aid, distribution of informational leaflets in Hungarian, Ukrainian, and English, and facilitation for filing complaints regarding official procedures. Additionally, the Commissioner for Fundamental Rights of Hungary has disclosed information on the Office's official website, which does not only outline the rights of refugees but also details the Office's activities, contact information, and the contact details and competencies of various organisations. In March 2022, **the Commissioner for Fundamental Rights of Hungary, along with the staff, made several visits to the Hungarian-Ukrainian border**, where they conducted consultations with local authorities and organisations, and visited various settlements. Besides offering direct legal and humanitarian aid at the Hungarian-Ukrainian border, the Commissioner for Fundamental Rights of Hungary has designated the Debrecen and Miskolc Regional Offices as information points specifically catering to refugees.



3 March 2022 - Záhony railway station

On March 1, 2022, the Ombudsman personally visited the Police Headquarters of Szabolcs-Szatmár-Bereg County in Nyíregyháza, to learn about the conditions of the reception of people fleeing the war in Ukraine and the possibilities of providing them with more efficient support. The chairman of the Szabolcs-Szatmár-Bereg County Defence Committee, the head of the Szabolcs-Szatmár-Bereg County Government Office, the deputy chief of police of the county police headquarters, the director and deputy director of the Szabolcs-Szatmár-Bereg County Disaster Management Directorate, and the MP of the region also participated in the meeting. During the consultation,

the Commissioner for Fundamental Rights of Hungary, the Secretary General of the Office and the Director of Police Complaints were informed about the conditions of the reception of refugees from Ukraine and the work of the staff on duty. At the same time, the Office launched a fund-raising campaign to help the refugees fleeing the war in Ukraine.



29 March 2022 - BOK Sports Hall

On 3 March 2022, the first temporary regional office was established at the Záhony railway station, serving as a direct point of contact to offer legal and humanitarian assistance to refugees. Following the launch of this temporary regional office, the Commissioner for Fundamental Rights of Hungary, along with his Office's staff, generously donated aid items to charitable organisations, contributing to the support of refugees escaping the war in Ukraine. Subsequently, on 11 March 2022, the Commissioner for Fundamental Rights of Hungary visited the collection point in Fehérgyarmat, accompanied by the Director of the North Great Plain Regional Directorate of the National Directorate-General for Aliens Policing. During this visit, the Commissioner for Fundamental Rights of Hungary was updated on the current situation, the reception conditions for individuals seeking refuge from the Ukrainian conflict, the measures implemented to enhance support, and the valuable insights of the staff members, including the medical team, working at the collection point. As a gesture of solidarity, the Commissioner for Fundamental Rights of Hungary presented donations, comprising essential items such as nappies, toiletries, and non-perishable food to those fleeing the war, contributed by his Office's staff to aid the refugees from Ukraine. Moreover, the Ombudsman also made a visit to the Beregsurány border crossing point, accompanied by the Director of Police Complaints, to gain a deeper understanding of the circumstances at the border crossing point, the reception conditions for refugees arriving from Ukraine to Hungary via Beregsurány, and the experience of the personnel stationed there.

On 17 March 2022, the second temporary regional office was established at the Beregsurány border crossing point, mirroring the services provided at the temporary office in Záhony. At this location, the Office's staff will directly assist refugees from Ukraine who are seeking safety from the ongoing conflict, offering administrative and legal guidance, as well as providing humanitarian aid. On 22 March 2022, accompanied by the Director of the Szabolcs-Szatmár-Bereg County Directorate for Disaster Management, the Ombudsman undertook a visit to the Lónya help point and the border crossing point. During this visit, comprehensive information was provided on the current situation and the reception conditions for individuals fleeing from Ukraine to Hungary, the measures in place to assist them, and the implementation of these measures. The Ombudsman also had the opportunity to learn about the experience of the dedicated volunteers working at the centre, including those from the Hungarian Red Cross. Here, the Ombudsman handed over the donations collected by his Office's staff to the Hungarian Red Cross volunteers, further contributing to the aid efforts.



17 March 2022 - Beregsurány

On 29 March 2022, the Office established an information point at the BOK Sports Hall, aligning with the presence of the Government's humanitarian transit point. At this location, the Office's staff offers continuous support, including legal advice, to those seeking assistance, and also actively contributes to humanitarian aid efforts. Since March 2022, the temporary offices in Záhony and Beregsurány, along with the information point at the BOK Sports Hall, have consistently received visits from international delegations, foreign ombudsmen, and experts who have either been invited by the Ombudsman or have visited Hungary for various reasons, all of whom have been accompanied by the Commissioner.

In March 2022, the Commissioner for Fundamental Rights of Hungary and his Office conducted thorough investigations into the institutions of the service system that cater to refugees crossing the border from Ukraine due to the war.

Several sites near the border were visited to gain insights into the support provided to the refugees. In locations such as Tiszabecs and Beregsurány, the Commissioner for Fundamental Rights of Hungary and his Office were apprised of the crucial role of schools in caring for refugees. During the visits, temporary reception points, often designated in gymnasiums, were observed, and every effort was made to assist the temporary arrivals. In the municipality of Barabás, the focus was on healthcare provisions. The Commissioner's staff were briefed on the initial solutions and the work of volunteer doctors, ensuring the welfare of the refugees. At the institutions in Lónya and Vásárosnamény, information on temporary care for refugees, along with care for the elderly and people with disabilities, was shared. The social workers at the community centre attended to the arrivals and provided voluntary assistance after their work hours. In Nyíregyháza, the staff observed the swift response of the university to refugees, including stu-

dents, with the assistance of the rector. Additionally, the operation of two homes for people with disabilities was shown, with plans for the care of refugees as well. The focus of the visit to Mándok was also on the care provided to people with disabilities, for whom it was not a problem to meet persons fleeing the war. The settlements of Uszka, Tiszakóród, and Milota, which are located near the Hungarian-Ukrainian border, were included in the investigative visits to observe the roles and tasks of the defence committees in supporting refugees. These small, disadvantaged border villages lacked specialised civil, church, or state help points, yet refugees in need of care were present. In Mátészalka, the focus shifted to a children's home, where the Commissioner's staff gained insight into the accommodation conditions of refugee families and the arrangements made for the admission of unaccompanied children to the institution.

2. INTERNATIONAL ENGAGEMENT OF THE OMBUDSMAN

The outbreak of the war in Ukraine on 24 February 2022 had profound consequences, resulting in a **humanitarian emergency** that had a direct impact on Europe as a whole, including Hungary. The care and assistance provided to individuals fleeing from Ukraine swiftly became a priority concern. In light of this situation, the Commissioner for Fundamental Rights of Hungary took significant steps to **establish close communication and coordination with all institutions involved in the field of international human rights protection** throughout his activities in 2022.

The Ombudsman's stance has remained resolute since the onset of the war in Ukraine: the situation must not lead to inaction, and his Office is dedicated to safeguarding human rights and delivering humanitarian aid. As part of his **active involvement** in supporting individuals seeking refuge from the conflict in Hungary, the Ombudsman has personally monitored the developments in these exceptional circumstances and has worked, with his team, on offering direct legal and humanitarian support to as many Ukrainian refugees as possible.

As the National Human Rights Institution of the United Nations, the Office acted promptly in response to the outbreak of the war in Ukraine, opening a temporary regional office in Záhony, near the affected border section, on 27 February 2022, just three days after the onset of the conflict. In March 2022, the Office further extended its support by establishing temporary information points, first at the collection point in Beregsurány, and subsequently at the BOK Sports Hall in Budapest. To aid individuals fleeing from Ukraine to Hungary, the Office provided valuable assistance through regularly updated information made available on its official website and social media page in the Ukrainian language, ensuring that relevant and crucial information was accessible to those in need.

The Commissioner for Fundamental Rights of Hungary has been actively engaged in raising awareness and advocating for assistance to individuals and families fleeing Ukraine. This commitment has been demonstrated through consistent participation in various international forums, where the Commissioner for Fundamental Rights of Hungary has addressed the issue and highlighted the importance of fundamental rights protection in the context of the war. Additionally, the Commissioner began to issue a bi-weekly newsletter in English, focusing on the situation of fundamental rights protection concerning the war. His Office has distributed this newsletter to various organisations, including the International Ombudsman Institute (IOI) and its member institutions. Furthermore, the Om-

budsman's proactive efforts have resulted in hosting several international delegations in Hungary.

The Ombudsman has also regularly supported the work of international human rights institutions, networks and organisations that have contacted his Office by issuing opinions, technical materials and, where necessary, by holding consultations. The 2022 summary of the Ombudsman's international relations first deals with the relations and cooperation with the UN institutions and bodies, then the institutions of the Council of Europe and last, those of the European Union, following the structure of the international organisations involved in the protection of human rights.

Activities pursued as the National Human Rights Institution recognised by the UN

The Commissioner for Fundamental Rights, as a National Human Rights Institution accredited by the UN, is a member of the Global Alliance of National Human Rights Institutions (GANHRI), which works with the United Nations Office of the High Commissioner for Human Rights (UN OHCHR), and which comprises and supports the National Human Rights Institutions. He takes part in the work of the European regional organisation of the network, i.e. the European Network of National Human Rights Institutions (ENNHRI), which was established in 2013.

In March 2022, ENNHRI prepared a comprehensive report focusing on the state of the rule of law in Europe. ENNHRI member institutions were given the opportunity to conduct an in-depth review of various aspects of the rule of law within their respective countries. This review encompassed key areas such as the functioning of checks and balances, the status of human rights defenders and civil society, media pluralism, and corruption. A shared methodology was employed to ensure consistency and comparability across the different country reports. During 2022, the Commissioner for Fundamental Rights of Hungary actively participated in this important work, contributing to the examination of developments related to the rule of law in Hungary. As a result of the Commissioner's involvement, a comprehensive 20-page report on the rule of law in Hungary was produced and shared with ENNHRI at the beginning of the year.

During his activity, the Commissioner for Fundamental Rights pays special attention to supporting, protecting and controlling **the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)**. In 2007, Hungary ratified the Convention, according to Article 35 of which

the states parties have a **periodic reporting obligation**. The Ombudsman helped the work of the **UN Special Rapporteur** on the rights of persons living with disabilities with a mandate prolonged by resolution No. 35/6 of the United Nations Human Rights Council by sending them professional materials several times. Furthermore, he supported the work of the committees and rapporteurs who wished to gather information under the aegis of **CRPD** monitoring. On 8 March 2022, the Commissioner for Fundamental Rights of Hungary participated in an **online session of the 26th session of the Committee on the Rights of Persons with Disabilities (CRPD)** and addressed the committee during the session.

On 16 March 2022, the Ombudsman welcomed Ms. **Afshan Khan, UNICEF Regional Director for Europe and Central Asia**, in his Office. During their meeting, the Commissioner provided valuable information concerning the reception conditions for individuals, especially children, who are fleeing from Ukraine to Hungary. The Commissioner for Fundamental Rights of Hungary also shared details about the measures implemented to offer assistance and support to these vulnerable communities.

On 31 May 2022, the Commissioner for Fundamental Rights had a meeting with Mr. **Roland Schilling, the Head of the United Nations High Commissioner for Refugees in Central Europe (UNHCR)**, at his Office. During this meeting, the Ombudsman provided comprehensive information about the operations of the temporary regional offices and information points, which were established in Záhony, Beregsurány, and the BOK Sports Hall in Budapest.

The Office undertakes a professional consultation role in several working groups of ENNHRI; such include, for instance, the CRPD Working Group dealing with the Convention on the Rights of Persons with Disabilities, the Legal Working Group, as well as the SDG Working Group, which was established for the harmonisation of the activities performed for the achievement of the UN Sustainable Development Goals and the enforcement of human rights.

On 29-30 August 2022, the Ombudsman actively participated in a meeting convened by the **UN Open-ended Working Group on Ageing**. The meeting entitled **'Multi-stakeholder meeting on the human rights of older persons'** centred around the crucial aspects of safeguarding and advancing the human rights of older individuals. The discussions revolved around international experience, accomplishments, and challenges encountered in the pursuit of ensuring the protection and promotion of the rights of older persons.

On 22 September 2022, the **Secretary General of the Office** delivered a speech at a **high-level meeting of ENNHRI**, specifically **focused on the human rights situation of refugees coming from Ukraine**. During the meeting, the Secretary General presented a comprehensive overview of the efforts and activities of the Commissioner for Fundamental Rights of

Hungary, shedding light on the conditions faced by individuals seeking refuge in the country.

In October 2022, the Office submitted a **report to the Global Alliance of National Human Rights Institutions (GANHRI)** focusing on the application of **positive legal practices** in the protection of human rights. GANHRI later incorporated the findings from this report into a subsequent report, specifically for the *Questionnaire for National Human Rights Institutions (NHRIs) by the UN Special Rapporteur on the situation of human rights defenders*.

On 22-23 November 2022, the Commissioner for Fundamental Rights of Hungary, along with the Secretary General and the Director of Police Complaints, represented the Office at the **Annual General Assembly of ENNHRI**. Furthermore, in November and December 2022, the Office was involved in **a series of meetings of the UN's NGO Committee on Ageing**, with the Commissioner's expert staff representing the institution. The focus of these meetings was on the protection of older individuals, particularly highlighting the challenges faced by older women.

Cooperation with the Council of Europe

The Council of Europe is a key partner for European defenders of fundamental rights. One of the major achievements of the organisation is the European Convention on Human Rights. In the case of a violation of the rights included in the Convention, an action may be brought before the European Court of Human Rights, whose judicial practices are closely followed by the Office. The Council of Europe has put in place a high number of conventions that are significant for human rights defenders, as well as mechanisms that support and monitor the observance of these conventions.

With a view to monitoring the implementation of the Framework Convention for the Protection of National Minorities, **the Committee of Ministers of the Council of Europe set up an Advisory Committee**, which supports the activities of the Council of Europe in the area of minority protection by country visits and the preparation of reports. The members of the Advisory Committee are recognised experts in the area of the protection of national minorities. The Committee of Ministers of the Council of Europe appointed the Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities as a permanent member of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Her initial mandate commenced on 1 June 2016, and lasted for four years. Subsequently, she was re-elected as an alternate member until the next active mandate.

The Office regularly cooperates with the main bodies, committees and rapporteurs of the Council of Europe, among others, with the Congress of European Municipalities and Regions, the Commissioner for Human Rights, as well as the Venice Commission.

On 7-8 April 2022, the Commissioner for Fundamental Rights took part in the **Council of Europe High-Level International Conference on the Rights of the Child** entitled "Beyond the Horizon: A New Era for the Rights of the Child", which was held in Rome. During the two-day event, the new Council of Europe **Strategy for the Rights of the Child** was presented: a milestone document which was developed by the Member States for the protection and promotion of the rights of the child. The so-called "Rome Strategy" (2022–2027) was adopted by the Committee of Ministers of the Council of Europe on 23 February 2022. Due to the ongoing war in Ukraine, one of the main topics of the meeting was the sixth main point of the Rome Strategy entitled "Children's rights in crisis and emergency situations".

On 26 April 2022, the Commissioner for Fundamental Rights of Hungary had a bilateral meeting with Ms. **Leyla Kayacik, the Special Representative of the Secretary General of the Council of Europe for Migration and Refugees**, in Strasbourg. Additionally, on the same day, 26 April 2022, the Commissioner was received by Mr. **Robert Spano, President of the European Court of Human Rights (ECHR)**, in his office. During these meetings, the Commissioner shared insights gained from the experience at the Hungarian-Ukrainian border and the operations of the temporary regional office in Záhony, as well as the information points in Beregsurány and the BOK Sports Hall in Budapest.

The European Court of Human Rights (ECHR) is a pivotal international court established by the Council of Europe in 1959. Its primary mission is to oversee compliance with the European Convention on Human Rights, commonly known as the European Convention for the Protection of Human Rights and Fundamental Freedoms. Since 1998, the ECHR has been operating continuously. The President of the ECHR is elected by the Court during a plenary session for a term of three years. Presently, Ms. Siofra O'Leary is the elected President of the Court and she has filled her position since 1 November 2022.

On 14 June 2022, the Hungarian Ombudsman hosted a meeting at his office with Greek MEP Mr. **George Papandreou** and Estonian MEP Mr. **Eerik-Niiles Kross**, who are both **members of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**. The meeting was part of a periodic review process that involves all member states of the Council of Europe that are not currently under monitoring or post-monitoring procedures.

In September 2022, the Office submitted a summary to the ECRI Secretariat (European Commission against Racism and Intolerance), and this summary was subsequently incorporated into **ECRI's current report on Hungary**.

The European Union and European networks

The Office has well-established and long-standing relations with the European Union Agency for Fundamental Rights, i.e. FRA, which was formed on 1 March 2007 based on Council Directive No. 168/2007/EC. The Charter of Fundamental Rights of the European Union defines the personal, civil, political, economic and social rights of the persons living in the European Union. The Agency for Fundamental Rights is an independent body of the EU specialising in this field, whose mandate extends to the full scope of the rights defined in the Charter.

During the period under review, the Office continued to collaborate with the European Union Agency for Fundamental Rights (FRA) by providing input and comments. The Office actively participated in discussions concerning the selection of topics to be prioritised in the forthcoming 2022 consultation questionnaire.

On 17 – 18 November 2022, the Secretary General of the Office participated in an **EU fundamental rights' expert meeting** focused on implementing **FRA's guidance for establishing independent and effective national border monitoring mechanisms**. The meeting specifically addressed the implementation of the FRA Guidelines 2022 concerning the establishment of independent national border control mechanisms. During the event, the Secretary General shared insights and information regarding Hungary's approach and practices in relation to these guidelines.

The Office joined the Network of European Integrity and Whistleblowing Authorities (NEIWA) in 2019, which is a newly established international anti-corruption / whistleblower protection network. After the inaugural session held in the Hague, Holland, our expert colleagues took part in the next meeting of the national organisations protecting whistleblowers joining the network, which was convened in Paris. **The NEIWA meeting took place in Barcelona** on 16-17 June 2022, and an expert representative from the Office attended the event on this occasion again.

The European Network of Equality Bodies, i.e. EQUINET is the organisation with which our Office has international relations and cooperation going back the longest time. The cooperation forum established in 2002 became an international organisation with independent legal personality in 2007, and it continues to take action against the various forms of discrimination. The 48 member organisations operating in as many as 36 European countries fight against the various forms of discrimination with different authorisations, competences and means. EQUINET is one of the key international partners of the Office, in several working groups, professional consultation sessions and conferences of which the staff members of the Office regularly take an active part.

The **EQUINET 2022 Annual General Assembly** took place in Brussels on 4-5 October 2022, with the participation of the Secretary General of the Office. During the General Assembly, members engaged in discussions regarding the organisation's work plan for 2023 and the election of the organisation's board was also on the agenda.

On 20 October 2022, the Office was represented by an expert at **EQUINET's Working Group meeting on Gender Equality** in Brussels. This meeting provided a platform for engaging in a dialogue with the European Commission. Discussions during the meeting covered various topics, including the draft directive on pay transparency and updates on the activities of the working group focused on combating violence against women.

On 29 – 30 November 2022, **EQUINET organised a seminar on pay transparency** in Brussels, which was attended by an expert from the Office. The two-day conference focused on various aspects related to pay transparency, including the principle of equal pay within the European Union. Participants also discussed the EU regulation on pay transparency and explored the role of equality bodies in promoting and ensuring fair remuneration practices.

In 2022, the Secretary General of the Office, with his staff, took part in **several EQUINET webinars**. These webinars were centred around topics primarily defined by the war in Ukraine and its humanitarian repercussions. During these sessions, EQUINET members had the opportunity to share their experience and engage in discussions surrounding specific cases.



On 27 April 2022, the Commissioner for Fundamental Rights gave a presentation at the conference of the European Network of Ombudsmen

The European Network of Ombudsmen (ENO) was founded in 1996. This informal network facilitates the exchange of information and the dissemination of best practices concerning EU law and policy among ombudsmen and similar bodies. The coordination of ENO falls under the responsibility of the European Ombudsman, and its membership encompasses national and regional ombudsmen from EU Member States, EU candidate countries, and EEA countries. Additionally, it includes representatives from the European Ombudsman and the European Parliament's Committee on Petitions.

On 27 April 2022, during an official visit to Strasbourg, the Commissioner **delivered a presentation and engaged in a roundtable discussion at a conference of the European Network of Ombudsmen** focusing on “The role of Ombudsmen in times of crisis—Sharing best practices in assisting refugees fleeing from Ukraine.” At the conference, the participants discussed – among others – the circumstances of the reception of those fleeing to Europe from the war in Ukraine, and the measures taken to assist them more efficiently.

The main task of the European Network of Ombudspersons for Children, i.e. ENOC, which was established in 1997, is to promote the protection of the rights of the child stipulated in the UN Convention on the Rights of the Child (CRC).

ENOC convened its **26th General Assembly and Annual Conference on children's rights in Reykjavík** from 19 to 21 September 2022. The Commissioner for Fundamental Rights of Hungary and the Secretary General of the Office attended the event. The conference featured deliberations on climate change, children's rights within European organisations, and the overall quality of education. Additionally, it included speeches delivered by children. On 20 September 2022, the members of the assembly presented a concise report on their progress and activities up to that point.

Founded in 2004 as a result of the merger between the European Forum for Child Welfare (EFCW) and other organisations, Eurochild operates as an umbrella organisation comprising approximately 200 children's rights organisations across 35 European countries. It serves as a prominent focal point for combating child hunger and child abuse through its concerted actions and initiatives.

Eurochild's primary theme for the current year was the situation of Ukrainian children, with a particular emphasis on the impact of the ongoing war. The Office provided relevant information on several occasions. Notably, on 7 March 2022, the Office's designated expert staff actively participated in the **online Eurochild event entitled 'Open Spaces for Solidarity'**. The event was repeated on 24 March and 4 April 2022, with continued participation from the Office's expert staff.

Other key international events in 2022

On 10 March 2022, the Commissioner for Fundamental Rights of Hungary conducted an online discussion with Ms. **Michelle Macleod, the Police Investigations and Review Commissioner (PIRC) of Scotland**, focusing on the matter of individuals seeking refuge in Hungary from the war in Ukraine.

On 23 March 2022, **Regional Migration Researcher of the International Committee of the Red Cross Ms. Jessica Chillemi and Head of Delegation of the International Committee of the Red Cross to Hungary Mr. Frédéric Boyer** were received by the Secretary General of the Office of the Commissioner for Fundamental Rights. At the meeting, several topics were discussed, including the legal regulations regarding the refugee

situation, the conditions prevailing on the Hungarian-Ukrainian border, the operations of the temporary regional ombudsman office and the information point established in the region. Moreover, the Secretary General shared insights into the first-hand experience of the Office's staff while working in the area.

The Organisation for Security and Co-operation in Europe (OSCE) is the most extensive and inclusive security organisation in Europe, encompassing 57 participating states. Among these are the United States and Canada, the 27 member states of the European Union, the successor states of the former CIS, the Western Balkans, and, since 2012, Mongolia. The primary mandate of this Vienna-based international organisation, outlined in Chapter VIII of the UN Charter, is to uphold security and stability in Europe by engaging in early warning, conflict management, crisis management, and post-crisis rehabilitation efforts.



On 10 January 2022 Dr. Ákos Kozma received at the Office Matteo Meccacci, the Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE ODIHR), who paid an official visit to Hungary

On 10 January 2022, the Commissioner for Fundamental Rights of Hungary welcomed Mr. **Matteo Meccacci, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR)**, who was on an official visit to Hungary, at his Office. The Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities also attended the meeting. During the meeting, the Commissioner provided an overview of his Office's responsibilities and the expansion of his mandate. The participants of the meeting discussed the enforcement of the rights of nationalities living in Hungary, in-

cluding the human rights of the Roma community. They also talked in detail about how complaints against police measures are investigated into, and reviewed some further areas of future cooperation between the parties.

On 23 February 2022, the Commissioner delivered a presentation on the ombudsman's role in protecting the rights of persons with disabilities **at the conference entitled "Ensuring Human Rights and Freedoms as the Highest Value and an Important Criterion of the Reforms Carried Out in the Country" organised by the Organisation for Security and Co-operation in Europe (OSCE) and the Uzbek ombudsman institution.**

On 16 March 2022, the Commissioner for Fundamental Rights of Hungary received in his Office Ms. **Jillian Stirk, Head of Election Observation Mission to Hungary of OSCE Office for Democratic Institutions and Human Rights (ODIHR).**

On 28 March 2022, the Ombudsman participated in the **first Supplementary Human Dimension Meeting in Vienna**, organised by the **OSCE Office for Democratic Institutions and Human Rights (ODIHR)**. The meeting focused on the crucial subject of **international humanitarian co-operation to address violations of international human rights.**

On 23 May 2022, the Commissioner for Fundamental Rights of Hungary was honoured with a distinguished award for his exemplary efforts in assisting Ukrainian refugees. **During the coordination meeting of EU Ambassadors, Mr. Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings**, expressed his deep appreciation for the Commissioner and his Office's exceptional dedication to providing direct assistance to Ukrainian refugees at the border.

On 18 and 19 July 2022, the Ombudsman took part in the third **Supplementary Human Dimension Meeting**, which focused on international cooperation to address humanitarian and human rights violations. The two-day meeting, organised by the **OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Vienna**, offered a platform to engage in discussions aimed at enhancing the protection of victims of trafficking in human beings.

On 5 September 2022, the Commissioner **participated in a "Meeting of heads of National Human Rights Institutions - building the resilience of NHRIs"** organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, Poland. Furthermore, on 28 September 2022, he was also present **at the conference on human rights and fundamental freedoms organised in Warsaw, Poland** by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE).

Established in 1989, the European Federation of National Organisations Working with the Homeless (FEANTSA) holds the distinction of being the sole European non-governmental organisation devoted entirely to combating homelessness. Their primary objective is to eliminate

homelessness across Europe. With a network encompassing over 120 member organisations in 30 countries, including all 27 EU member states, FEANTSA has been in close cooperation with the Office of the Commissioner for Fundamental Rights of Hungary since 2008.

From 2 to 3 June 2022, the Ombudsman participated in the FEANTSA conference held in Dublin, which centred on efforts to eradicate homelessness. The conference also addressed pertinent issues concerning housing for asylum seekers and the impact of climate change. During the event, the Commissioner for Fundamental Rights of Hungary presented insights into the Ombudsman's initiatives on the Hungarian-Ukrainian border, particularly in extending direct support to individuals seeking refuge from the conflict in Ukraine. Additionally, information was shared on the functioning of temporary regional offices and information points established for this purpose.

In the focus of the activities of DCAF (Democratic Control of Armed Forces), one can find democratic control based on the rule of law, the defence of human rights, local involvement, as well as impartiality, i.e. the promotion of democracy without taking a stand on political issues. Since its foundation in 2000, DCAF has supported projects in more than eighty countries and has provided consultancy to national and international partners. Its seat is in Switzerland and Hungary joined the organisation in 2000.

On 29 August 2022, the Commissioner for Fundamental Rights of Hungary engaged in a meeting with DCAF leaders in Geneva. This bilateral discussion offered a platform for the parties to exchange information about the operations of their respective institutions. Additionally, they explored potential avenues for future collaboration and cooperation.

On 3 October 2022, the Ombudsman attended the 14th ICOAF (International Conference of Ombuds Institutions for the Armed Forces) in Oslo, accompanied by the Director of Police Complaints of his Office. The Commissioner for Fundamental Rights provided information on the activity performed by his Office in the interests of the refugees fleeing the war in Ukraine, the experience gained from the operation of the temporary offices set up at the Hungarian-Ukrainian border, with special regard to monitoring the activities of the law enforcement agencies serving at the border.

On 18 October 2022, the Secretary General of the Office took part in a high-level conference entitled "The role of Ombudsmen and NHRIs on business and human rights" in Azerbaijan. The Ombudsman Ms. Sabina Aliyeva, extended an invitation to the Commissioner and his staff to participate in the several-day event. Remarkably, the conference coincided with the celebration of the 20th anniversary of the Azerbaijani Ombudsman's Office. The programme featured presentations on human rights issues, including insights from UN human rights experts and ombudsmen from other nations.

On 10 November 2022, the Commissioner for Fundamental Rights of Hungary participated in the international om-

budsman conference entitled "Knowledge and Experience Sharing Conference on Human Rights and Migration" in Istanbul. During the event, the Commissioner addressed the challenges encountered by the Ombudsman in relation to the refugee crisis resulting from the war in Ukraine. Emphasising the efforts of his Office on the Hungarian-Ukrainian border, the Commissioner engaged in bilateral coordination discussions with Chief Ombudsman of Türkiye Mr. Şeref Malkoç, to explore potential avenues of cooperation between their respective institutions.



On 10 November 2022, the Commissioner for Fundamental Rights at the „Knowledge and Experience Sharing Conference on Human Rights and Migration“ international ombudsman conference in Istanbul

On 17 November 2022, the Commissioner for Fundamental Rights of Hungary delivered an online presentation at an international forum focusing on "Ensuring Children's Rights to a Healthy Environment" in Uzbekistan.

Other forms of cooperation

During his activity, the Commissioner for Fundamental Rights strives to maintain relations with both European and non-European institutions involved in international human rights protection as widely as possible. The Ombudsman helps the efforts of the international organisations, institutions, the ombudsman institutions of other countries, as well as NGOs by giving policy statements, providing professional materials, participating in conferences, seminars and workshops, by holding consultation and training sessions if necessary.

Upon the request of his Office's collaborating partners, the expert staff of the Commissioner for Fundamental Rights of Hungary consistently offer technical input to the organisations reaching out to the Commissioner. This assistance is provided through written responses or technical questionnaires. The extension of the scope of bilateral and multilateral cooperation with other ombudsman institutions and international organisations involves the reception of the representatives of these organisations at our Office, as well as participation in the conferences organised by them, and the joining of the Office in the implementation of the projects launched by these organisations.

In 2022, the Office of the Commissioner for Fundamental Rights of Hungary offered various data services, including

the dissemination of questionnaires concerning the fundamental rights aspects of the measures taken in response to the refugee crisis arising from the war in Ukraine. Additionally, the Office administered questionnaires to provide information for our main partner umbrella organisations such as EQUINET, GANHRI, and ENOC data collections, as well as our primary partners like the Office of the UN High Commissioner for Human Rights and the UN special rapporteurs. These questionnaires aimed to identify good practices that could bolster their efforts.



Chris Field, President of the IOI, at the invitation of the Commissioner for Fundamental Rights, visited Hungary for several days in September 2022



On 31 March 2022, Şeref Malkoç, Türkiye's Chief Ombudsman, and Celile Özlem Tunçak, Ombudsman for Women's and Children's Rights, were received in his office by Dr. Ákos Kozma



On 17 March 2022, the Greek Ombudsman, Andreas Pottakis, the European European Regional President of the International Ombudsman Institute (IOI), and Slovenian Ombudsman Peter Svetina in Záhony

In 2022, fostering dialogue with other ombudsmen remained a key priority for the Commissioner for Fundamental Rights of Hungary. Achieving this objective involved conducting frequent consultations and bilateral meetings, during which the parties shared valuable experience and best practices in addressing the challenges brought about by the refugee crisis resulting from the war in Ukraine.

On 17 March 2022, an important visit took place, which was initiated by the Commissioner for Fundamental Rights of Hungary. The Greek Ombudsman and President of the European Region of the International Ombudsman Institute (IOI) Mr. Andreas Pottakis and Slovenian Ombudsman Mr. Peter Svetina participated in this visit. The delegation visited the collection points in Fehérgyarmat and Beregsurány, where the Hungarian Ombudsman established the temporary regional office of his Office. During their visit, the ombudsmen were briefed on the functioning of these collection points and received first-hand insights from the volunteers, including the health team and 'Caritas Hungarica', who were actively involved at each location. Subsequently, the international delegation travelled to the Hungarian-Ukrainian border to personally observe and assess the current situation.

On 24 March 2022, the Commissioner held an online meeting with Chief Ombudsman for New Zealand Mr. Peter Boshier about the situation of the people fleeing the war in Ukraine to Hungary.

On 31 March 2022, the Commissioner for Fundamental Rights of Hungary welcomed the Chief Ombudsman of Türkiye, Mr. Şeref Malkoç and the Ombudsman for the Rights of Women and Children Ms. Celile Özlem Tunçak at his Office. During the meeting, the Hungarian Ombudsman provided the delegation with an update on the prevailing situation at the Hungarian-Ukrainian border. Subsequently, the parties visited the temporary information point established by the Office at the BOK Sports Hall to gain further insights. Then the Turkish delegation proceeded to visit the Regional Office in Miskolc, where the Secretary General of the Office presented a comprehensive overview of the functioning of the Ombudsman's regional offices and shared the experience gained thus far. The delegation then travelled to the Hungarian-Ukrainian border section, where they visited the temporary regional offices located in Záhony and Beregsurány, and they also paid a visit to the Hungarian-Romanian border section.

In April 2022, the Commissioner for Fundamental Rights of Hungary engaged in bilateral discussions with Dutch Ombudsman Mr. Reinier van Zutphen, Danish Ombudsman Mr. Niels Fenger, and Belgian Ombudsmen Mr. Jérôme Aass and Mr. David Baele in Strasbourg, France. The meetings served as a platform for the parties to share valuable information on the operations of their respective institutions and exchange best practices in managing the challenges posed by the epidemic. Additionally, they discussed the measures implemented in response to the outbreak of the war in Ukraine.

On 24 May 2022, the **Commissioner for Fundamental Rights of Hungary and Croatian Ombudsperson Ms. Tena Šimonović Einwalter convened for a bilateral meeting** in Nagykanizsa. The meeting focused on exchanging insights into the state institutions responsible for safeguarding fundamental rights in both countries, as well as the mandates and competences of the commissioners. Additionally, the discussion encompassed the measures taken to aid and support the refugees from Ukraine.

On 2 June 2022, the **Irish Ombudsman Mr. Ger Deering welcomed** the Commissioner for Fundamental Rights of Hungary in his **Dublin office**. The meeting served as an opportunity for both parties to exchange information about the operations of their institutions. Furthermore, the Hungarian Ombudsman shared his field experience in offering direct legal and humanitarian assistance to refugees from Ukraine.

In August and September 2022, **two expert staff members of the Ombudsman Institution of the Republic of Türkiye Ms. Sema Masatli and Mr. Murat Soy** undertook a four-week visit to the **Office of the Commissioner for Fundamental Rights of Hungary**. During their stay, **the staff of the Commissioner for Fundamental Rights of Hungary provided a comprehensive overview** of the legal and operational framework underpinning the activities of the Ombudsman. Furthermore, the visiting delegation had the chance to visit the regional offices and observe the work conducted by the Commissioner on the border.



From 19 to 21 October 2022, the Commissioner for Fundamental Rights attended on V4 Ombudsmen Summit on fundamental rights in Kroměříž, Czech Republic

The Commissioner for Fundamental Rights of Hungary participated in **the V4 Ombudsmen Summit** held in Kroměříž, the Czech Republic, from 19 to 21 October 2022. The summit provided an opportunity for the attending parties to engage in discussions regarding the role of ombudsman institutions

in the reception and integration of individuals seeking refuge from the war in Ukraine.

On 24 November 2022, the Office received a **delegation from the ombudsman institution of the Republic of Türkiye** led by **Ombudsman Mr. Yahya Akman**.

On 29 November 2022, a **Vietnamese delegation from the National Academy of Politics (HCMA)** visited the Office. During the visit, the Secretary General of the Office provided the delegation with an overview of the functioning of the Office of the Commissioner for Fundamental Rights of Hungary. Additionally, the delegation was briefed about the situation of Ukrainian refugees arriving in Hungary.

The International Ombudsman Institute (IOI) is a prominent network that was established in 1978 and holds a pivotal role as a forum for consultation and collaboration among ombudsman institutions. It serves as a unifying platform, encompassing over 200 independent national and regional ombudsman institutions from more than 100 countries.

On 3 March 2022, the Commissioner for Fundamental Rights of Hungary **held an online meeting with Greek Ombudsman and European Regional President of the International Ombudsman Institute (IOI) Dr. Andreas Pottakis** about the situation of the Ukrainian refugees fleeing the war. Dr. Andreas Pottakis assured the Commissioner of the IOI's continuing support and offered to keep the member organisations of the International Ombudsman Institute informed – based on the information sent to him by the Commissioner in the form of a bi-weekly newsletter in English – about the issues concerning the persons fleeing to Hungary from the Ukrainian war.

On 28 March 2022, the Commissioner travelled to Vienna, where he was welcomed by **Mr. Werner Amon, Member of the Austrian Ombudsman Board and Secretary General of the International Ombudsman Institute (IOI)** at the headquarters of the Austrian institution. The meeting offered an opportunity for the Hungarian Ombudsman to share information about the measures undertaken in response to the refugee situation.

On 5 April 2022, the Commissioner **held an online meeting with President of the International Ombudsman Institute (IOI), Western Australian Ombudsman Mr. Chris Field**, on the issue of refugees from Ukraine.

On 27 May 2022, the International Ombudsman Institute (IOI) held its Europe Annual Assembly in Sounion, Greece. The Ombudsman of Hungary **delivered a presentation** at the event. The Commissioner's presentation covered various aspects, including the functioning of his Office, the experience gained from the regional offices established in six regional centres in the first quarter of 2022, as well as the operations of the temporary regional offices in Záhony and Beregsurány, with the information point at the BOK Sports Hall in Budapest. At the IOI Europe Annual General Assembly, the European President of the International Ombudsman Institute, the Greek Ombudsman, expressed his appreciation for the exceptional work of the Commissioner for Fundamental Rights of Hungary and

his Office's presence at the border to directly assist refugees from Ukraine. The IOI European Regional President assured the Commissioner of the unwavering support and solidarity of the international community in these endeavours.

On 7 June 2022, the Commissioner participated in a **ceremony held by the International Ombudsman Institute (IOI)** in Vienna. The event featured speeches from prominent figures within the IOI, including **Mr. Chris Field, President of the IOI** and Ombudsman of Western Australia, **Mr. Werner Amon, the Secretary General of the IOI** and a member of the Austrian Ombudsman Board, also delivered a speech during the ceremony.

In September 2022, **Mr. Chris Field, President of the International Ombudsman Institute (IOI) visited Hungary** at the invitation of the Commissioner for Fundamental Rights of Hungary. During his **several-day stay, he received firsthand information on the direct legal and humanitarian assistance provided by the Office to individuals displaced because of the war in Ukraine, among others, in Záhony and Beregsurány.**

On 12 September 2022, the President of IOI, with the Commissioner for Fundamental Rights of Hungary, paid a visit to **the Regional Office in Debrecen**. Additionally, a **tree-planting ceremony took place** on this occasion, **organised to commemorate the visit of the IOI President**. The ombudsmen were welcomed by the Chief Executive Officer of **ÉSZAKERDŐ Erdőgazdasági Zrt**, a forestry company in Kisgyőr during this event.

On 13 September 2022, **the President of the International Ombudsman Institute (IOI), accompanied by the Commissioner for Fundamental Rights of Hungary, conducted a visit to the Ombudsman's information points** established to provide direct assistance to Ukrainian refugees. Then the delegation proceeded to visit the **border crossing point** located between **Beregsurány and Acseň (Asztély)**. During this visit, they received information on the responsibilities and tasks undertaken by the National Directorate-General for Aliens Policing at the border.

On 14 September 2022, the President of IOI, accompanied by the Commissioner, **held a meeting with the Deputy Director General for Security and Incarceration of the Hungarian Prison Service Headquarters**. At the same time, the Commissioner informed Mr. Chris Field of his experience gained from his visits to penitentiary institutions in the past few years in the framework of the OPCAT National Preventive Mechanism, the key conclusions drawn from his inquiries and published in the earlier ombudsman's reports, as well as the findings and requirements formulated therein. After this, the delegation paid a visit to the **Veszprém County Remand Prison**. Then the Commissioner for Fundamental Rights of Hungary had the privilege of presenting the Justitia Regnorum Fundamentum Award to the President of the International Ombudsman Institute (IOI) during a ceremony. This award was established by the ombudsmen in 2007.

During Mr. Chris Field's first official visit to Hungary, he had the opportunity to meet with **the President of the Constitutional Court of Hungary, who received him at his office**. The President provided comprehensive information on the operations, functions, and responsibilities of the Constitutional Court of Hungary.

At the same time, the President of the IOI held meetings **with police leaders**, including the chiefs of police of Hajdú-Bihar County, Szabolcs-Szatmár-Bereg County and Somogy County, in which events the Director of Police Complaints of the Office also participated.

During his visit, the President of the International Ombudsman Institute (IOI) highlighted the exceptional international standing of the Commissioner for Fundamental Rights and his Office. Particular emphasis was placed on their exemplary decisions and measures implemented to extend aid and support to the refugees from Ukraine.

3. FLAGSHIP CASES, INQUIRIES AND REPORTS

In conformity with the provisions of the CFR Act, the Commissioner for Fundamental Rights paid particular attention to the protection of the rights of the vulnerable, children, persons with disabilities, the elderly, the sick, and the homeless in 2022 as well. In the year under review, notable and comprehensive reports were produced, focusing specifically on fundamental rights issues.

Hence, these reports included a series of reports dedicated to **safeguarding the rights of children**. 2022 saw the conclusion of the Commissioner's comprehensive inquiry in which he reviewed **the content and practical enforcement of the right of separated parents** with parental supervisory rights **to information in public education and health care**. Apart from highlighting specific findings in individual cases, the Ombudsman's report encompassed a range of systemic initiatives directed at the relevant ministries. These initiatives aimed to enhance clarity in existing legislation, promote uniformity in legal practices, and empower parents to exercise their rights. It is noteworthy that most of these initiatives received positive responses from the relevant institutions, leading to the necessary actions being taken. In his **report on the comprehensive review of the system of digital** child protection, the Commissioner for Fundamental Rights of Hungary established that the practical enforcement of the regulation reflecting the rights of the child and the best interests of the child is currently hindered. The diversified legal background, the parallel and fragmented mechanisms, the lack of transparency, actual accessibility and monitoring, the low level of familiarity of the individual means, the competences that have lost their functions and have become meaningless in the operation of the institutions that perform priority tasks and services of rights protection give rise to concerns. In order to improve this situation, the Ombudsman elaborated a recommendation package for the ministries and institutions concerned, as well as the media authority. A particularly significant outcome was observed in response to the Commissioner's report concerning the **regulations governing the 50-50% family allowance claim for children in shared parenting**. As a result of the report, the Ministry agreed to implement the recommended amendment.

In 2022, numerous reports shed light on deficiencies in the handling and substantive investigation of **the handling of parental complaints by schools and school administrators**, as well as the disregard for legal safeguards. These shortcomings ranged from individual cases of omission to systemic regulatory issues. The Ombudsman's investigations encompassed a variety of topics, including the procedure for suspending family

allowances due to school absences, the process for evaluating students' knowledge before an independent examination board, the practice of co-education in kindergartens for children with special educational needs, and the implementation of amendments to the system of extra scores in the higher education admission process. It was in the wake of a case in January that the Commissioner launched an ex officio investigation in order to find out the currently applied regulations and practices at nursery schools and schools for **the identification and immediate treatment of life-threatening allergic reactions**. In his report, he concluded that at the moment, adrenaline injections are not mandatorily available at the institutions and the staff is not adequately prepared for the use of these, this is why he has formulated several recommendations.

In 2022, the Commissioner conducted investigations **into several cases where individual guardianship offices conducted excessively protracted procedures**. These investigations sought to understand **the underlying causes, context, and background** of the delays, initiated in response to the complaints filed by complainants. Additionally, these inquiries also brought to light certain systemic issues prevalent in the broader framework of the guardianship system.

Based on a complainant mother's petition, the Commissioner exposed grave and repeated omissions causing an impropriety with regard to fundamental rights with regard to keeping contact with the child. In his report, the Ombudsman concluded that by this, the parent under guardianship serving her binding prison sentence was automatically deprived by the acting child welfare institutions of her keeping contact with her child, thus he made several recommendations for remedying the improprieties. In another case, on the basis of a foster parent's complaint, the Commissioner examined whether the immediate change of the place of care was compatible with the rights of the child and the principle of the best interests of the child on the basis of the governing legal regulations. The Ombudsman established that in the course of his proceedings, the public guardianship authority had made several omissions, it disregarded the guarantee rules, this is why he proposed that it should only make a decision on the immediate change of the place of care if the child's current place of care evidently gravely endangers the child's best interests.

In 2022, several reports **focusing on the functioning of the disability institutions or the system** of disability care as a whole were published by the Commissioner. The Ombudsman conducted investigations into the special education of school-age children with disabilities at the Heves County

“Harmónia” United Social Care Institution. Additionally, an inquiry was conducted into the abuse of a disabled person residing in supported housing. Throughout the year, the Ombudsman consistently emphasised the pressing and vital task of de-institutionalisation, underscoring the urgency in providing thousands of individuals in institutions with the opportunity to lead a dignified human life, based on the inherent human dignity of all individuals, on an equal basis. Besides closely monitoring the operations of different institutions, the Commissioner for Fundamental Rights of Hungary thoroughly examined the implementation of the rights of persons with disabilities, the requirement for equal treatment, the principle of equal opportunities, and the system of requirements outlined in CRPD (Convention on the Rights of Persons with Disabilities). These investigations encompassed a wide range of areas, scrutinising both regulatory measures and legal practices.

The Commissioner expressed his views on **the provision of medical aids, labour law, maternity care for disabled women, and the obligation for hearing-impaired individuals to wear masks** in a report. The Ombudsman’s report on the legal rules pertaining to the lower level of labour law guarantees for the vulnerable recipients of disability benefits resulted in a positive outcome, as the competent ministry accepted the Commissioner’s initiative. This led to an amendment that came into effect on 1 January 2023. Furthermore, another report issued by the Commissioner in 2022 thoroughly analysed the system of provision of medical aids that can be used with social security support from a fundamental rights perspective. The report aimed to facilitate the development of a solution that considers all relevant aspects and works towards improving the existing system in line with national and international guarantees for safeguarding the rights of persons with disabilities. As part of this endeavour, the Ombudsman proposed the establishment of a professional working group, among other measures.

In the 2021-2022 winter crisis period, the Commissioner conducted another ex officio investigation into **the situation and issues of homeless care in the capital**, as part of the rights protection of the most vulnerable groups of society. This area was faced with a very unique double challenge, i.e. the pandemic and the humanitarian emergency caused by the war. In the report, which was aimed at raising awareness, the Commissioner established that the care system had done well in this difficult situation due to the efforts taken by the expert staff and the individual institutions, however, there is still a lot

to be done. The Commissioner proposed that the competent ministry standardise the norms guiding the work in elaborating programmes concerning the group of homeless persons who are disadvantaged and are in need, as well as in developing the care system.

In 2022, the Ombudsman concluded several investigations related to **institutional care for older people**, examining **the operations of individual homes** or the specific aspects thereof. A significant report in this domain focused on a particular case of regulatory deficiencies in retirement homes run on the basis of the regulations of civil law. The Ombudsman’s findings revealed that the elderly individuals involved might be misled into believing that they were receiving social care in these types of institutions, assuming that certain guaranteed rules were in place. Based on these observations and in agreement with the ministry in charge of social affairs, the Ombudsman recommended the prompt establishment of transparent and separate legislation.

In 2022, the Commissioner for Fundamental Rights of Hungary directed investigations into two **specific cases that revolved around ensuring the rights of psychiatric patients**. These inquiries covered issues related to **institutional practices** in psychiatric care without proper documentation, emergency psychiatric treatment, guarantee rules, house rules, and the complaint mechanism, i.e. those that raised concerns from a fundamental rights perspective. Regarding patients’ rights, the Commissioner conducted an in-depth review in a report on the institutional practices and situation in the field of reconstructive surgery for spinal deformities in children, as well as the utilisation of healthcare in Hungary and the relevant background factors. The findings revealed that while the form of care was being provided, challenges such as the lack of a centralised point of care and limited specialist capacity, exacerbated by the impact of the epidemic, hindered access to healthcare at times. Consequently, the Commissioner took various initiatives towards the competent ministry and the management of the National Health Insurance Fund of Hungary (“NEAK”) to address these issues. Furthermore, in another case, the Commissioner brought to light a longstanding failure to provide basic dental care to residents in situations where the municipality was unable to offer such service. In response to this specific case, the Ombudsman issued a general recommendation to the relevant ministry, urging amendments to existing legislation to prevent similar situations from occurring in the future.

4. THE OMBUDSMAN'S ACTIVITIES WITH REGARD TO POLICE COMPLAINTS

The Police Complaints Directorate, established as a distinct entity in 2020, assumes responsibility for investigating complaints lodged against the actions of various law enforcement entities, namely, the Police, the Police Counter Terrorism Centre, the National Protective Service, and the National Directorate-General for Aliens Policing. Additionally, it addresses grievances related to the conduct of police, criminal investigation, and prison authorities. The activities of the Police Complaints Directorate are directly controlled by the Director of Police Complaints. It is noteworthy to mention that on 22 November 2022, the Hungarian National Assembly enacted a bill that introduced amendments to several laws concerning Hungary’s security, including modifications to Act CXI of 2011 on the Commissioner for Fundamental Rights (CFR Act). As a result of this amendment, effective from 1 January 2023, the former Directorate of Police Complaints of the Office will retain its autonomy as a separate organisational unit, with the oversight of a Director General of Police Complaints, replacing the title of Director.

Specific features of the police complaints procedure

In the complaint procedure under the Police Act, legal remedies can be taken against police acts that are expressly designated as measures (e.g. stop and search, arrest and detention, escorting a person to a police station), as well as against the use of coercive means (e.g. physical force, handcuffs). Legal remedies may be sought for possible breaches of the fundamental principles and obligations governing police activity (e.g. the duty to take action, the principle of proportionality, the duty to provide assistance). However, other procedural acts related to police measures (e.g. infringement, criminal, enforcement proceedings) are not covered: their regulatory framework and the procedures for appeal are different. The Commissioner’s role in the police complaints procedure is specific: the Police Act supplements the police’s own administrative procedure with the possibility of an ombudsman inquiry. The Ombudsman’s inquiry is, in principle, conditional on the applicant having exhausted the administrative remedies available to him, whereas in the case of police complaints procedures, the Ombudsman’s inquiry precedes the decision in the official complaint procedure, with a direct impact on the police’s legal practices. The Ombudsman’s impact may be particularly significant in the light of the fact that the reports are specifically addressed to the highest police authorities, such as the National Chief of Police, who are required to take a final decision on

the complainant’s case in response to the findings of the report. The Ombudsman’s investigation is not automatic, and the complainant must always choose between going directly to the police body which took the action, or requesting that his complaint be dealt with by the relevant chief constable, following the Ombudsman’s investigation. The possibility of a parallel decision is therefore excluded.

In 2022, the Commissioner for Fundamental Rights of Hungary issued 29 reports on complaints against police action. In 24 of the police measures covered by the report, the National Chief of Police conducted the authority procedure, taking into account the findings of the Commissioner for Fundamental Rights of Hungary. In 20 cases, the decision was in full agreement with the Commissioner’s decision, in 1 case it was contrary to the Commissioner’s position, while in 3 cases the National Chief of Police rejected the complaint on the grounds of procedural obstacles.

With a view to maintaining effective professional cooperation, the Police Complaints Directorate continued to hold regular formal consultations in 2022 with the senior management of the National Police Headquarters, the heads of the Crime Control Agency, the heads of the County Police Headquarters, the heads of the National Directorate-General for Aliens Policing, and the leaders of the Hungarian Prison Service, the heads of the police forces concerned.

In 2022, the Commissioner and the Director of Police Complaints visited county police headquarters, police stations and border crossing points. During the visits, they were given detailed information on the functioning and main tasks of the police stations, the public security and crime situation in the counties, complaints against police actions and the work of the school guards on duty in the counties, whose function was established in the summer of 2020.

International relations, conferences and visits

The Commissioner for Fundamental Rights of Hungary and the Director of Police Complaints attended the UN “Multi-stakeholder meeting on human rights of older persons” in Geneva on 29 - 30 August 2022. The discussion on the protection and promotion of the human rights of older persons focused on international experience, achievements and challenges. On 29 August 2022, the Ombudsman also met with the leaders of the Swiss-based DCAF, i.e. Democratic Control of Armed Forces in Geneva. On 3 October 2022, the Commissioner for Fundamen-

tal Rights and the Director of Police Complaints attended the 14th International Conference of Ombuds Institutions for the Armed Forces (ICOAF) in Oslo, Norway. At the meeting, the participants reviewed the fundamental rights-related activities of the different ombudsman institutions with regard to the armed forces, furthermore, they also discussed the possible forms of cooperation between the ombudsmen also involved with law

enforcement organisations. The Commissioner for Fundamental Rights of Hungary and the Director of Police Complaints took part in the summit meeting of the ombudsmen of the Visegrád Group countries at Kroměříž, Czech Republic from 19 to 21 October 2022. During the meeting, the parties discussed the role of ombudsman institutions in the reception and integration of persons fleeing the war in Ukraine, among others.

5. THE OMBUDSMAN'S COMPETENCE WITH REGARD TO THE INQUIRY INTO THE ENFORCEMENT OF THE PRINCIPLE OF EQUAL TREATMENT

The Commissioner for Fundamental Rights has been responsible for performing the tasks specified in the Act on Equal Treatment since 1 January 2021. This means that this was the second year when these responsibilities have been fulfilled by the organisational unit of the Office designated for this task, i.e. the Directorate-General for Equal Treatment. In contrast to his other traditional or special competences, the Commissioner for Fundamental Rights may not only make proposals for remedying the exposed infringement of rights in the case of establishing a violation of the principle of equal treatment in his procedures conducted on the basis of the Equal Treatment Act but may also make a binding administrative decision, in which he may also impose a sanction. Thus, he can order the correction of such non-compliance, he can prohibit the demonstration of such behaviour in the future, he may order the disclosure of the order establishing the infringement, or he may also impose a fine.

The Ombudsman's responsibilities related to the enforcement of the principle of equal treatment

The Commissioner's primary responsibility pursuant to the Equal Treatment Act is to investigate into the petitions submitted on the subject of the violation of the requirement of equal treatment (discrimination). In the cases defined by the law, the Commissioner is also entitled to launch an ex officio procedure. In addition to conducting the procedures, the other key responsibility is to provide continuous information to those concerned on the options of action against the violation of the principle of equal treatment. Pursuant to the law, the principle of equal treatment is violated when a person or a group receives less favourable treatment than the others on account of their so-called protected characteristics specified in the law.

The following characteristics qualify as protected pursuant to the Equal Treatment Act: sex, racial origin, colour, nationality, national or ethnic origin, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, motherhood (pregnancy) or fatherhood, sexual orientation, sexual identity, age, social origin, financial status, the part-time nature or definite term of the employment relationship or other relationship related to employment, the membership of an organisation representing employees' interests, other status, attribute or characteristic. In general, the Equal Treatment Act provides protection to such characteristics that are typically innate, permanent, unchangeable or difficult to change by the person, those characteristics or situations that do not depend on the person's own free will or

decision. The characteristics protected by the law are usually essential features of the personality, they are suitable for creating groups and they may be grounds for prejudice. The list in the law is not finite, the last items in the list are other status, attribute or characteristic. This, however, does not mean that the law would regard it as discrimination if a person or group was treated differently based on one of these other attributes or characteristics. The concept of other status should be interpreted narrowly, as in this scope, only those characteristics or situations that are similar to those listed in the law that may be taken into account. If the interpretation was broader, this would result in the devaluation of the rights protection for the above-listed protected characteristics.

Pursuant to the law, direct discrimination, indirect discrimination, harassment, illegal segregation and retaliation mean the violation of the principle of equal treatment.

In 2022, the Directorate-General handled a total of 463 cases. Out of these, 265 were authority-related cases, including, among others, the official matters, the judicial review matters and the cases in the enforcement phase that have been carried over from previous years. Furthermore, there were 198 non-authority-related cases, in which the Commissioner informed the clients, who usually turned to him with individual cases, through the Directorate-General on the option to enforce their rights in the case of the violation of the principle of equal treatment and he also provided information on the activities performed by the Directorate-General to those who turned to him.

In 2022, as many as 180 decisions concluding a procedure were adopted at the Directorate-General: there were 96 orders that rejected the petition or terminated the procedure, 77 decisions were made on the merits of the case, and there were 7 decisions approving the settlement. With regard to the decisions on the merits of the case, there were 54 decisions rejecting the petition and 23 decisions establishing a violation of rights. There were 4 cases where fines were imposed as a sanction.

The decisions establishing a violation of rights were as follows, in a breakdown by areas: 10 referred to social security and health care, 4 to using services, 4 to employment, 3 to education and training, and 2 concerned other areas. The decisions establishing a violation of rights were as follows, according to the protected characteristics: the Commissioner established a violation of rights in 18 cases related to disability, in 3 cases related to maternity (pregnancy), in 2 cases related to health condition and in 1 case, related to nationality. In 2022, there

were 18 cases in which a hearing was held in the framework of an administrative procedure.

In addition to the activities outlined above, the Directorate-General is involved in commenting on the drafts concerning the enforcement of the requirement of equal treatment, in making proposals and providing information, directly, or in cooperation with the other organisational units of the Office. The Directorate-General cooperates with the civil society organisations, the government organs, it takes part in the preparation of reports for the international organisations, in responding the data requests and questionnaires coming from Hungarian and international organisations, as well as data supply that affects their own activities. With regard to the year under review, of all these, the active participation in the preparation for defending

the 9th periodic country report on the enforcement of the UN Convention (CEDAW) on the elimination of all forms of discrimination against women should be highlighted. It should also be mentioned that in 2022, the Directorate-General took part in the EQUINET working group on gender equality. In 2022, a publication entitled “Information for persons with disability” was compiled by the Ombudsman, in which the Commissioner’s activities related to the protection and rights enforcement of persons with disability in his different competences were summed up. The publication, in the preparation of which the Directorate-General also participated, pays special attention to the presentation of the Ombudsman’s activity in the context of an official procedure, through the Directorate-General.

6. THE OMBUDSMAN'S ACTIVITIES AS OPCAT NATIONAL PREVENTIVE MECHANISM

Pursuant to Act CXLIII of 2011 on the Promulgation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – OPCAT), the Commissioner for Fundamental Rights acts as the National Preventive Mechanism (NPM) in Hungary, personally or through his staff members, with effect from 1 January 2015.

In 2022, the NPM partially continued to control to what extent the measures taken for the prevention of the spread of the coronavirus pandemic had affected the fundamental rights of the detainees at the places of detention. It was a further task in the inquiry conducted by the NPM to examine how the places of detention ensured the conditions for the prevention of getting infected and the potential spread of any infections. After the outbreak of the Russian-Ukrainian war, from March 2022, the NPM began to visit the places of detention near the Hungarian-Ukrainian border. These visits were aimed at finding out about the effect of the Russian-Ukrainian conflict on social care institutions, as well as at investigating into the placement conditions and treatment of the persons residing at these institutions with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment, acting in the competence of the National Preventive Mechanism.

In 2022, the NPM **visited a total 16 places of detention, including police, penitentiary, child protection and social care institutions**, and he issued **8 reports**. The difference between the number of the visited places and that of the reports partly comes from the fact that the findings of the on-site inspections of several sites are contained by the same joint report, and partly from that, similarly to the previous years, the analysis of the experience was not completed in the year of the visits in certain cases. It is a positive development experienced during the visits to penitentiary institutions that, as a result of BVOP’s (the Hungarian Prison Service Headquarters) measures aimed at expanding prison capacity, the critical level of overcrowding found during the earlier ombudsman’s inquiries came to an end. It was also a generally favourable experience that the penitentiary institutions took effective measures against the pandemic.

In the period between 20 and 22 June 2022, a staff member of the NPM took part in a conference organised by the National Preventive Mechanisms (NPM) Network for South-East Europe, which focused on the special needs of the elderly and persons with disabilities at places of detention.

In the period between 7 and 9 September 2022, a staff member of the NPM took part in a regional training session organised by the OSCE Office for Democratic Institutions and Human Rights entitled “Integrating the Issue of Sexual and Gender-Based Violence in Detention Monitoring”. The participants, i.e. the staff members of the NPMs of European and Asian countries, had the opportunity to deepen the knowledge shared with them at the theoretical presentations through resolving tasks in groups, by analysing specific cases, under the guidance of international expert trainers. During the training session, it also became possible for the participants to pay a visit to the Polish Office of the Commissioner for Human Rights and to get an insight into the work of the Polish NPM and the Department of Prison Cases of the Office, which is responsible for investigating into individual complaints.

On 5 and 6 October 2022, the acting head of the OPCAT NPM Department took part in the European NPM Forum in Strasbourg, France, at which the methodology of monitoring with regard to all the vulnerable groups deprived of their liberty (the elderly, women, young persons and minors, migrants, persons belonging to ethnic minorities, LGBTQ persons) was discussed.

On 15-16 November 2022, the head of the OPCAT NPM Department took part in the 2nd 2022 session of the National Preventive Mechanisms (NPM) Network for South-East Europe, as part of which the attendants shared their experience regarding the treatment of children and adolescents with mental disorders and physical disabilities, as well as the coercive measures applied against young people and persons with mental disorders.

7. SIX REGIONAL OFFICES OF THE OFFICE OF THE COMMISSIONER FOR FUNDAMENTAL RIGHTS STARTED THEIR OPERATION

It is a critical factor in the fundamental rights perspective of the constitutional tasks of the Commissioner for Fundamental Rights to fulfil these responsibilities by embracing a wide spectrum of society. In the rights protection activity of an ombudsman, it is of key importance to ensure access and a possibility to lodge complaints to those who wish to act in defence of their fundamental rights, or wish to get informed of these rights.

Until February 2022, the Office only had headquarters in Budapest, this is why the clients had to travel to Budapest for administering their affairs in person. The Commissioner set it as a goal to ensure that clients have the opportunity to launch the ombudsman procedure in person, close to where they live. In addition to the customer service available in Budapest, he wished to ensure more possibilities for the citizens to enforce their rights, to reach the ombudsman procedures in a wider range, to get familiar with the types of cases and procedures, also with regard to the expansion of the fundamental rights protection activities of the Commissioner in the past three years. With regard to all these, **the Office opened Regional Offices** for developing the performance of customer service and fundamental rights protection tasks.

The complainants can now initiate the ombudsman procedure in person not only in Budapest but also, in as many as six regional centres, large cities and county seats outside Budapest. The regional officers of the Office have received those who seek ombudsman's assistance **in Szeged, Debrecen and Győr since 1 February 2022, and in Székesfehérvár, Miskolc and Pécs since 1 April 2022.** In the regional offices, the citizens have the chance to file petitions asking for a proper investigation into complaints regarding their fundamental rights, police meas-

ures, as well as their public interest disclosures, furthermore, they can also launch official procedures related to discrimination. The Regional Offices were established by the Office in the regional centres, thus, each of the six regional offices receives their clients from three counties, respectively. In the Regional Offices, it is possible to have personal interviews based on making appointments in advance on two occasions a week, and on two other days, the staff members receive the inquiries of those seeking ombudsman assistance on the phone.

In addition to providing direct humanitarian assistance, on the Hungarian-Ukrainian border, the Office **has designated the Debrecen and Miskolc Regional Offices as information points for those fleeing the war.** In addition to providing general information, mainly as a response to telephone inquiries, these two Regional Offices help those fleeing Ukraine by giving legal advice, handling administration, as well as sharing important information with them, furthermore, they also inform them of their option to lodge complaints related to fundamental rights. Those fleeing the war in Ukraine mostly sought help with issues related to travel documents and employment in Hungary, as well as other legal questions.

In addition to getting informed on the reception of refugees fleeing the war in Ukraine and the measures taken in order to help them, the Ombudsman of Greece, President of the European Region of the International Ombudsman Institute (IOI) Mr. Andreas Pottakis, Slovenian Ombudsman Mr. Peter Svetina and his deputy, as well as Chief Ombudsman of Turkey Mr. Şeref Malkoç and Turkish Ombudsman for the Rights of Women and Children Ms. Celile Özlem Tunçak also visited the Debrecen Regional Office.

8. FOCAL POINTS OF THE ACTIVITY OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES

General tendencies

After the hopeful post-Covid period of 2021, **2022 again became the year of crises**, which exerted a significant impact on the area of national minority rights.

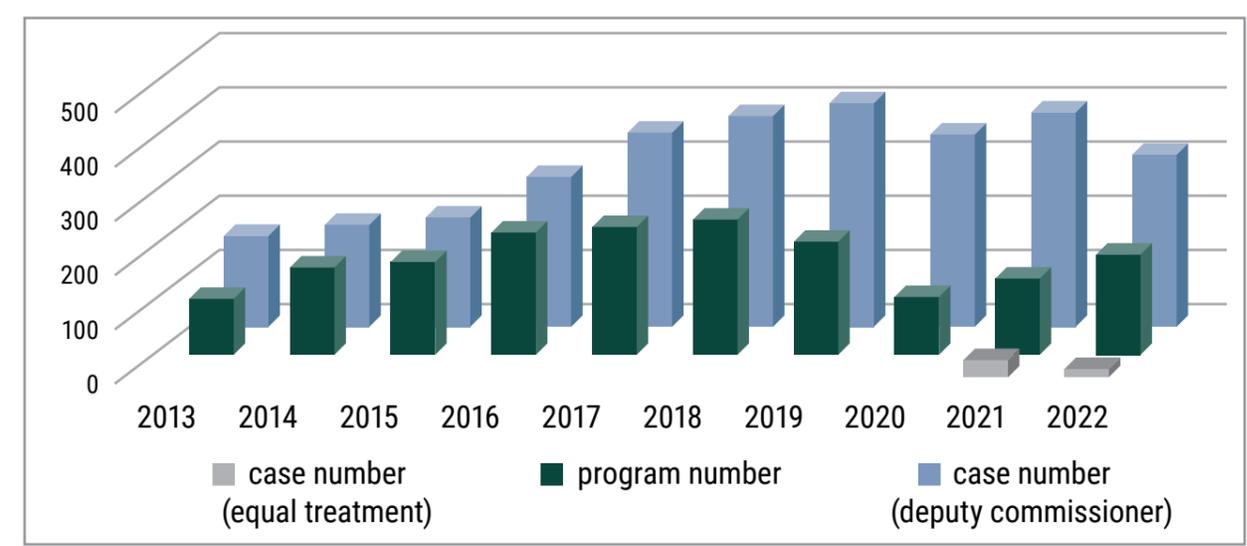
In addition to **the after-effects of the pandemic**, the terrors of the war in Ukraine that broke out in late February, **the high number of traumatised refugees** posed new challenges to the citizens of Hungary, including the national minority communities. Rapid and generous help meant a lot to those who arrived in Hungary in the first months of the war but ensuring the conditions for the long-term stay of the refugees, especially their housing, their employment opportunities, health care supply and the education of children, posed expressly difficult and complex tasks for all the players involved in the organisation of providing support to the refugees.

In 2022, as consequence of the pandemic, **as the direct consequence** of the devastating war and the inflation, the number of complaints related to social and housing problems considerably increased, and **as an indirect impact**, social tension intensified and the number of hate-motivated acts also rose. In addition to these, numerous complaints related to individual and community national minority rights were submitted to the Deputy Commissioner, primarily from the national minority self-governments and the members of other advocacy groups.

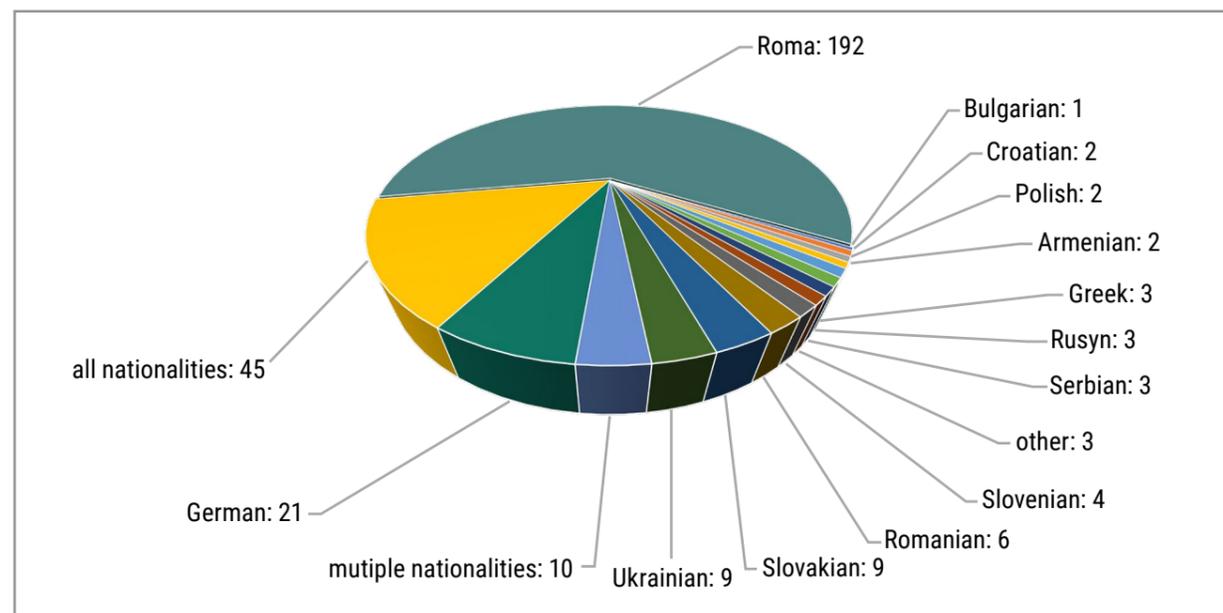
The social processes **further strengthened the tendencies in caseload** that have been experienced by the Deputy Commissioner for the Rights of National Minorities in the past few

years. As the previous year, 2022 also saw **the submission of petitions of a lower number but higher theoretical significance** in the case of **classical nationality rights cases**, which meant that the cases affected all the national minority groups, rather than representing individual improprieties. **In the cases related to equal treatment and equal opportunities**, which first of all concerned the Roma community, the reverse of the previously mentioned phenomenon was typical: the overwhelming majority of the petitions **were related to specific life situations, mainly social and housing**, as well as **educational challenges**. On the basis of the chain of individual complaints, the identification and analysis of the comprehensive problems and the search for policy solutions typically remained the responsibility of the Deputy Commissioner in the case of petitions submitted by the Roma complainants.

In 2022, **the number** of cases related to national minorities, i.e. complaints and improprieties detected ex officio, **was 315**, of which as many as **192 petitions were filed by the members of the Roma community**. The number of cases **concerning several or all national minority communities** and indicating comprehensive nationality rights-related improprieties (45) did not decrease as compared to 2021 (10) either, which means a proportionate increase, similarly to the previously mentioned situation. Roma complaints are traditionally followed by the number of **German and Slovak nationality rights-related cases** and this was the case in 2022 too. The number of complaints filed by **Ukrainian** persons visibly and understandably



Deputy Commissioner and and equal treatment case numbers and number of Deputy Commissioner programmes 2013-2022



Distribution of cases by nationality

grew, as the improprieties that especially affected the Ukrainian community also represented a higher proportion among those cases that concern all national minorities.

The **traffic of incoming letters** also decreased moderately, similarly to the number of cases. The staff members of the Deputy Commissioner for the Rights of National Minorities handled as many as **1,852** paper-based or electronic documents, of which **810** were **incoming** (e.g. submissions, responses by the contacted organisations, expert materials) and **1,042** were **outgoing** letters (e.g. inquiries, professional position papers, case-closing documents).

Flagship case groups by petitions

The Deputy Commissioner proceeded in a high number of cases related to the rights of children belonging to different national minority communities, in which **the children** were **especially endangered** not only **on account of their nationalities** but due to the vulnerability **caused by their age**. The cases related to education can basically be classified in two groups, similarly to the past few years. **In addition to the classical cases concerning national minority education**, 2022 saw the arrival of an especially high number of parents' complaints about **their children having suffered from degrading or ill treatment, verbal or even physical aggression, or exclusion at public educational institutions**. These cases always concerned **the members of the Roma community**, with the exception that, after the breakout of the war, reports were made to the Deputy Commissioner about ill-treatment and harassment of **Ukrainian children** as well. The petitioners mostly complained about the behaviour of some teachers but there were several cases where the parents asked for help because of

the peer abuse and bullying amongst the students because they felt that their children had not received appropriate protection and support from the school. In addition to ill-treatment, **other forms of the manifestation of discrimination** also emerged as problems affecting Roma children, especially **the phenomenon of isolation** within the institution or the settlement, in other words, **segregation**. It is a well-known fact that in Hungary, school segregation is the most frequent discrimination mechanism against Roma children with multiple disadvantages. In most cases, segregated education affecting Roma children involves poorer, lower standard education and less favourable infrastructural conditions as well. In segregated schools, the majority of children struggle with serious learning and behaviour problems, there are no pull forces, the teachers take superhuman efforts and receive a low level of recognition, so they are burnt out and apathetic. Those children who are forced to attend a segregated school are put in a situation that practically adversely affects all of their later course of life. **Segregated education directly leads to under-education, unemployment and total deprivation**.

In relation to the operation of the national minority self-governments, it is mostly the problems and difficulties that had been typical before the pandemic that resurfaced: **complaints came in about the operation of the national minority self-governments, the cooperation between the settlement municipalities and the national minority self-governments, related to the exercising of the rights of the national minority self-governments to make comments and express agreements**. In the cases related to problems of cooperation, the Deputy Commissioner tried to mediate between the two municipalities several times in order to establish appropriate communication and efficient coordination, which is of key importance for the enforcement of national minority rights. Na-

tional minority self-governments were posed a new challenge by the **energy and economic crisis**, as a consequence of which their financing problems increased.

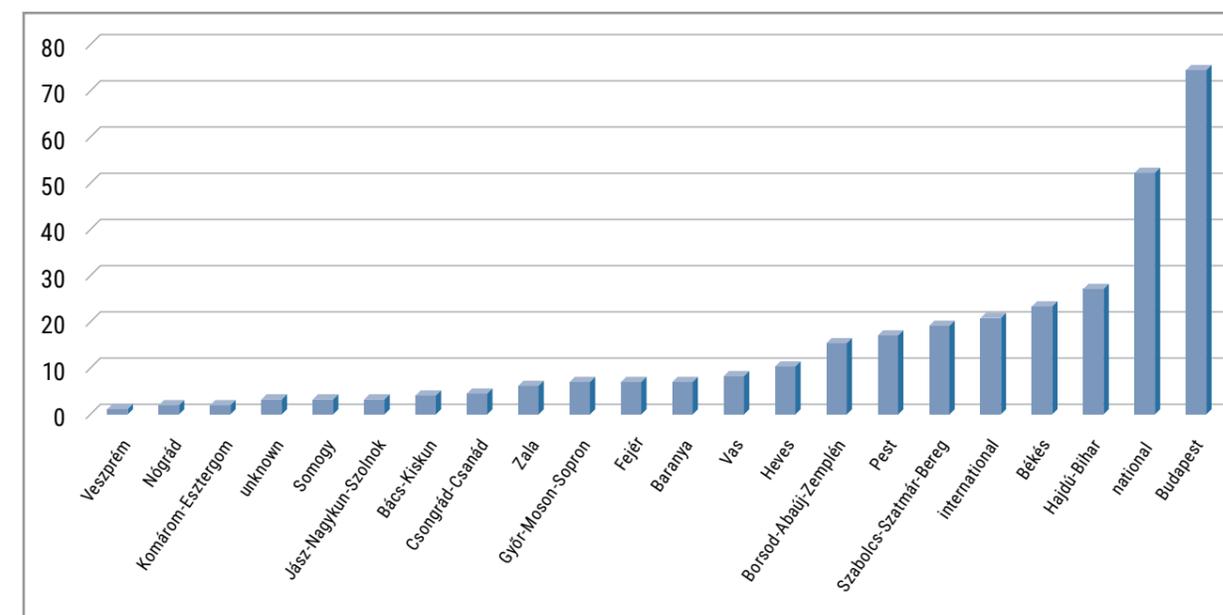
After reviewing the operation of the national minority self-governments, we can say that **the joint report of the Deputy Commissioner for the Rights of National Minorities and the President of the National Authority for Data Protection and Freedom of Information (NAIH) on the investigation into the transparency of the operation of the national minority self-governments** was a case of key importance in 2022. The inquiry and consultation procedures conducted by NAIH on the freedom of information as part of the comprehensive investigation primarily referred to the fulfilment of data requests and the implementation of mandatory disclosure. The key questions of the joint investigation included the tasks of the national minority self-governments in the state of danger and the special disadvantages suffered by the Roma national minority self-governments.

2022 also saw the submission of a high number of complex **complaints** concerning housing and **social** issues to the Deputy Commissioner for the Rights of National Minorities, in which the petitioners first of all complained of **housing difficulties**, as well as **the lack of appropriate social support and allowances**. **In the submissions related to housing issues**, the complainants complained of the arrears of rent and operating costs, evictions, as well as foreclosure related to the latter, the condition of municipality tenement flats, missed rent agreements, the rejection of applications for municipality-owned exchange apartments, as well as the interrupted access to electricity and water supply. As regards **the subject of social benefits**, the complaints were about financial and in-kind social allowances, including social catering and social firewood support, as well as debt relief support, the public works programme, and the water supply of the places of residence.

In the second half of the year, especially in the autumn and winter period, **the effect of the energy and economic crisis** also brought up problems **whose monitoring was deemed as a task of key importance by the Deputy Commissioner for the Rights of National Minorities**.

In 2022, **in criminal cases**, primarily suspects (accused) of national minority origin and their (legal) representatives turned to the Deputy Commissioner with their complaints, while **in misdemeanour cases**, respondents complained to the Deputy Commissioner, there was one criminal case in which an injured party of Roma origin complained. **In cases of misdemeanour, the respondent complainants complained of the procedures or decisions of the police (law enforcement authority)**. The number of complaints filed by detainees referring to their national minority origin **on matters related to law enforcement or other matters related to detention** somewhat decreased as compared to the previous year but in 2022 again, several complainants **requested help with their transportation to another penitentiary institution**, their conflicts with the other detainees, the supervisory personnel, or with their fear of retaliation or abuse. Several detainees **gave account of their suicide attempts, their hopeless situations, and they also complained of the disciplinary procedures** conducted against them, including **disciplinary isolations**.

In 2022, a total of **16 professional documents of key importance** were issued as a result of the investigations conducted in the cases of complaints, of which 4 were joint reports, 5 were general opinions, and 7 were closing letters containing a proposal regarding judicial practices. The **specific topics** of the documents were diverse, for example, the exercising of the right of agreement of national minorities, the conflict of interests of national minority self-government representatives, the operational transparency of national minority self-governments, the infringement procedures that can be launched



Territorial distribution of cases in 2022

for school absence and other sanctions, the problems of the drinking water supply of the population of the ghettos on the unincorporated areas of the settlements, as well as the circumstances of the escorting and hearing of persons of Roma origin as suspects.

Key topics and phenomena

Besides the publication of professional materials, with the Commissioner's agreement, the Deputy Commissioner for the Rights of National Minorities **paid special attention to several such topics** in 2022 that exerted a significant effect on the national minority communities in Hungary. As opposed to the previous years, **only a part of this could be planned ahead**, the majority were immediate and inevitable professional responses to the current social processes and structural problems.

The situation of Ukrainian and Roma persons fleeing Ukraine

Since the outbreak of the war, the Deputy Commissioner has deemed it a task of special importance to support the **Ukrainian and Ukrainian Roma persons and families** fleeing to Hungary and to resolve the emerging problems. This is why, in 2022, she held several coordination talks with the Ukrainian nationality advocate, with the State Self-Government of Ukrainians of Hungary, the heads of the Ministry of Interior, the national and local leaders of the Roma community, as well as the civil society organisations performing the support activity. In order to handle the problems and acute challenges identified on the basis of **conversations** with those affected, **the professional meetings, as well as the signals from civil society partners**, the Deputy Commissioner for the Rights of National Minorities **held continuous coordination meetings** with the leaders of the Government in charge of Romani affairs, as well as the civil and charitable organisations intent on giving prompt responses to the situation, and she also contacted the professional administrative bodies concerned.

In the second half of the year, the resolution of **new problems** and new situations was put into the focus of attention, i.e. the settlement of the life conditions of the refugee families who stayed in Hungary permanently, the finding of appropriate, continuous housing and employment for them, as well as the satisfaction of the children's educational needs. The Deputy Commissioner began to work in close cooperation with the experts of the International Organisation for Migration (**IOM**), the UN High Commissioner for Refugees (**UNHCR**), the UN Children's Fund (**UNICEF**), as well as **the Civil Society Coalition on the Convention on the Rights of the Child** with a view to exposing and resolving the improprieties primarily related to the educational situation of Roma children fleeing from Ukraine.

Parliamentary elections

During the Parliamentary elections held in the spring of 2022, it was possible for the third time **for the national minorities to choose an advocate or a representative**. With the exception of the Roma community, lists were successfully set up by all the national minorities, thus, participation in the work of the National Assembly was ensured. Due to the activity of the registered voters of German nationality, the community could use the opportunity to gain preferential mandates ensured by the Act on the Elections of Members of Parliament after 2018 again and Mr. Imre Ritter continued his work as an MP. The Deputy Commissioner **continuously monitored** the preparation and implementation of the elections, as well as the operation of the local and national electoral bodies and forums of legal remedy. As part of this, she kept in touch with the elected representatives of the national minority communities and held professional coordination talks with the President of the National Election Commission and the National Election Office.

Census

The census is an event of key significance for the national minority communities living in Hungary: the **authentic, well-substantiated and professional official statistical data** obtained from a census allow the experts and policymakers to get to know, understand and evaluate the social phenomena and processes of the national minorities living in Hungary. These data are vital for the exercising of the rights to establish national minority self-governments. In her **General Comment No. 2/2020**, the Deputy Commissioner gave a detailed description of the complex questions related to the preparation and implementation of the census, while she supported the preparation of the process with her professional proposals. In the eighteen months that followed, in close cooperation with the Hungarian Central Statistical Office and the national-level minority self-governments, **she joined the newly started and continuous series of professional consultation sessions** and she also commented on the decree on the implementation of the census, she helped determine its contents, furthermore, she participated in a campaign encouraging the confession of one's national identities called "Let Us Become a Community".

Individual use of national minority languages

The Deputy Commissioner for the Rights of National Minorities, in conjunction with the Hungarian Research Centre for Linguistics of the Eötvös Loránd Research Network organised a conference entitled "**What shall I call you? - Current issues of the individual use of national minority names**" at the Office on 20 October 2022. The event was followed with great interest: 50 of the leaders and experts of the national minor-

ity communities, as well as experts of linguistics took part in person, while 40 others who were interested joined the event online. The conference was organised on the basis of **General Comment No. 3/2021** on the individual use of national minority names, which brought up and strengthened the necessity of a dialogue between the national minority self-governments and the linguistic experts about the use of names, which is an organic part of identity and which is protected by the Fundamental Law of Hungary.

Action against hate crimes

The events of the past two years have transformed our global and local communities from several aspects: **the pandemic** was a challenge that caused both direct economic and even more serious indirect social damages, while the war strengthened these tendencies further. As the sad consequence of **the deficiencies of coping strategies** on both the individual and community levels, **insecure livelihoods**, the widening gap between the different groups of society, **the multi-directional expansion** of acts motivated by prejudice, especially that of **hate crimes could be experienced**. Since 2020, the number of complaints about hate crimes and its attendant phenomena has risen in the practice of the Deputy Commissioner as well, this is why she deemed it necessary to (re)assess the efforts of the actions taken against hate crimes by the legislator and the legal practitioners concerned in the past decade.

On 8 December 2022, a hybrid conference (both online and with personal attendance) entitled "**Current challenges and opportunities in tackling hate crime - through criminal law and beyond**" was held with the participation of more than 150 guests at the Office. The professional event jointly organised by the Deputy Commissioner for the Rights of National Minorities and Res Iudicata - Association of Judges for Social Awareness was a unique event on the topic in Hungary: **the judges, prosecutors, lawyers and the experts of civil society organisations** had the opportunity to discuss their professional experience and could get to know about the current challenges of the topic from academic experts. The purpose of the conference was to learn about the current European and Hungarian trends and measures, to exchange the experience of legal practitioners on the assessment of hate crimes, as well as to discuss the questions of interpretation and the forms of action.

Training of the next generation of lawyers

In 2022, the strengthening of the rights awareness and the shaping of the attitudes of the generation of university students regarding nationality rights resumed. In the context of this, the Deputy Commissioner for the Rights of National Minorities **held several lectures** to the law students of Eötvös Loránd University and Pécs University during the year and she also **hosted professional interns** from Pázmány Péter Catholic University

and Budapest Corvinus University. In the spring of 2022, a dialogue **on the possibility of an interdisciplinary professional cooperation** commenced between the Deputy Commissioner and the Faculty of Education and Psychology of Eötvös Loránd University, in the context of which the Deputy Commissioner can share her experience on national minority rights and the enforcement of equal treatment and equal opportunities with the lecturers and researchers of the future. On the other hand, the professional knowledge and wide-ranging experience of the lecturers of the faculty may contribute to **increasing the efficiency of work** with minority groups **and reaching out to the vulnerable groups**.

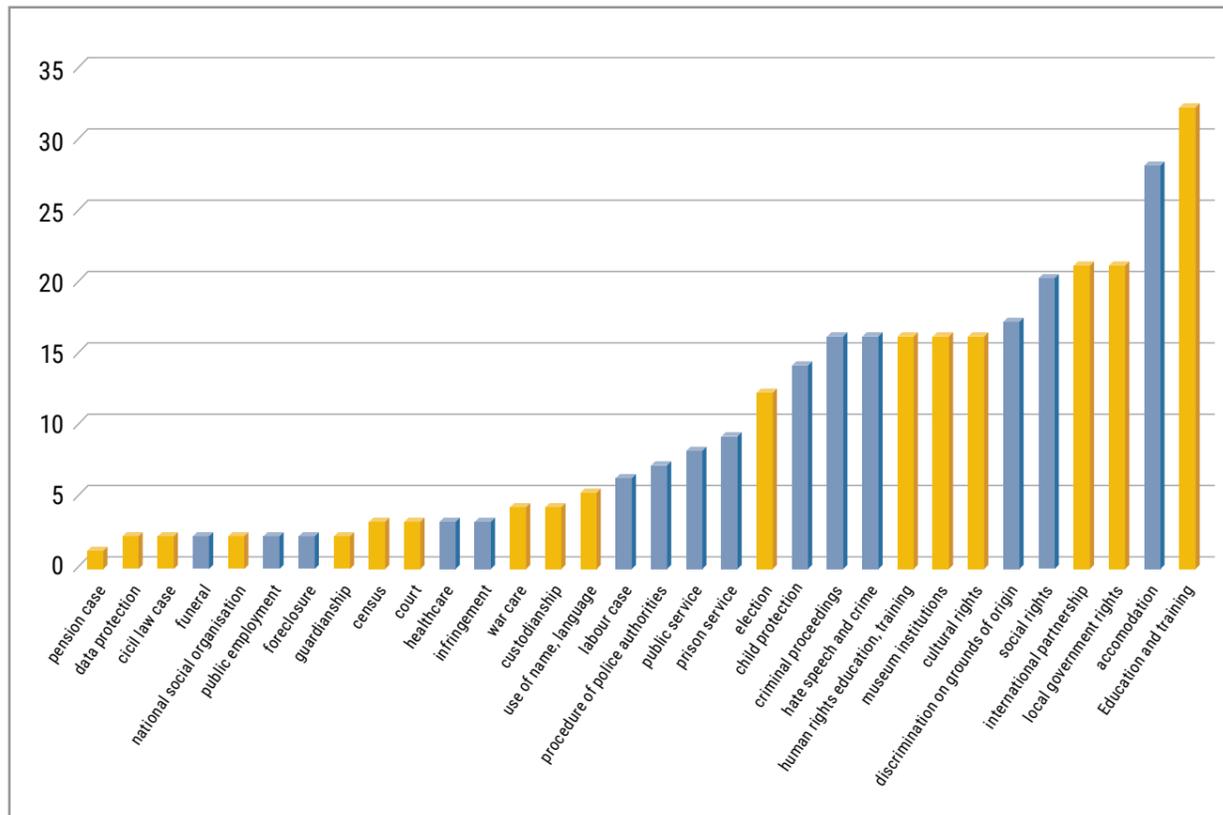
Professional relations

In 2022 as well, the Deputy Commissioner **kept continuous professional contact** with the **representatives of those national and international research institutions, church and civil society organisations** which are active in the enforcement of the cultural autonomy of nationality communities and the promotion of their rights to equal treatment and equal opportunities. In addition to this, **as a key partner**, she held regular coordination sessions with the **elected bodies** of the national minorities living in Hungary, other **organisations protecting fundamental rights, governmental and public administration organs**, as well as with the **conciliation bodies** specifically involved in examining the enforcement of national minority rights. The Deputy Commissioner established close work relationships with the MPs of national minorities, the advocates, the presidents of the national level minority self-governments, which greatly contributed to the efficiency of her fundamental rights protection activities.

Online communication forums

The Deputy Commissioner ensures the broad and continuous accessibility of the professional materials on two online platforms. At **www.nemzetisegijogok.hu**, one can find a knowledge base that presents the national minority field of law and the professional materials of the Deputy Commissioner in detail, one that is regularly updated, while at **www.facebook.com/ombudsmanhelyettes**, one can primarily find the current issues and events, the statements and messages, as well as the newly published professional documents.

INFO.lapok contains brief educational and professional information materials in a digital form, which present the structure, permanent regulatory elements and guarantee institutions of the national minority rights protection system in an easy-to-understand way. These materials provide general information and at the same time, they may mean the first step for those who are more seriously interested in national minority rights in getting to know this area more thoroughly.



Types of cases and subject areas in 2022

Through the quarterly, digitally published **Newsletter (Hírlevél)**, the Deputy Commissioner gives a regular insight into her activity in the given period, to the professional events in Hungary and on the international scene, the tendencies in caseload, furthermore, she presents the findings of her closed comprehensive inquiries. The part called “Case Law Mosaic” of the publication shows concrete, anonymous complaints and situations that deserve more professional attention.



Dr. Elisabeth Sándor-Szalay
Professor, Deputy Ombudsman



The Fifteenth session of the UN Forum on Minority Issues – Geneva, Switzerland



„Escape Van” Dutch-Hungarian cooperation in the struggle against trafficking in humans – Budapest



On-site visit at the Hungarian- Ukrainian border - Záhony



Training of Roma colleagues at the Calvinist congregation “Together for Each Other” (Együtt-Egymásért)



Conference of the Civil Society Coalition on the Convention on the Rights of the Child on the occasion of World Children’s Day - Budapest



Joint conference with the Res Iudicata Association on the current challenges and opportunities in tackling hate crime - Budapest

9. FOCAL POINTS OF THE ACTIVITY OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR FUTURE GENERATIONS

International outlook

On the global level, it is a step of historical significance for the protection of the interests of future generations that in the summer of 2022, the UN General Assembly recognised the right to a clean, healthy and sustainable environment as a human right. It also gives guidance for ensuring fairness between the generations that the UN Secretary-General emphasised the strengthening of the protection of the interests of future generations in his report entitled “Our Common Agenda”. For this, he outlined an institutional structure with several players to be set up in the future, which includes the issuance of a Declaration for Future Generations, as well as the setting up of a new organisation called UN Special Envoy for Future Generations.

The organisation based on international institutional cooperation entitled Network of Institutions for Future Generations (NIFG), which was established by the previous Hungarian Deputy Commissioner for Future Generations, got the opportunity to support these UN-level processes with their professional materials. As part of this, in 2022, NIFG took part in a virtual consultation organised in relation to laying down the UN’s basic principles in the “Declaration for Future Generations” and

they also prepared a submission about the criteria to be taken into account in establishing the position of the UN Special Envoy for Future Generations. In 2022, NIFG issued a comprehensive publication entitled “Building our Common Future - the role of the Network of Institutions in safeguarding the future”, in which the international background of the protection of the interests of future generations was presented, including the initiatives under the aegis of the UN, as well as the institutional solutions of the individual countries of the world and the possible synergies. The Deputy Commissioner and his colleagues also took active part in this.

The key international inquiries to the Secretariat of the Deputy Commissioner during the year are shown in the following table.

Key topics and professional documents

Environmental impacts pose a growing difficulty in ensuring numerous fundamental rights, especially with regard to the rights of vulnerable groups and future generations.

The manifold challenges related to the human rights factors of **climate change, climate adaptation and climate mitigation** have been in the focus of international rights protection for a long time. As a part of this process, the Deputy Commis-

Key international inquiries	
International party contacting the Office	Topic and outcome of inquiry
GANHRI	Hungarian institutional good practices for GANHRI's publication entitled "Practical Guidance on Human Rights and Climate Change"
GANHRI	Roundtable discussion with the UN Special Rapporteur on Climate Change
ENNHRI	Preparation of several professional background materials on international climate cases
GANHRI	Roundtable discussion: Climate Change and Human Rights, and the role of National Human Rights Institutions
Danish Institute for Human Rights	<i>Webinar on implementing and interconnecting environmental and human rights due diligence processes</i>
Council of Europe	Questionnaire: Culture, Nature, Heritage and Disaster Risk Reduction
Central European Academy	Conference: Protection of Future Generations in Central Europe: Good Practices and Developments at Constitutional Level, and Current Challenges in the Legal Order
Croatian Ombudsman	Inquiry related to criminal law facts on nature conservation and environmental protection
Finnish Government Foresight Group	Presentation of Hungarian institutional experience to the sustainability consultants of the Finnish Prime Minister's Office

sioner, represented by one of his expert colleagues, also took part in the **Climate Change Working Group** of the European Network of National Human Rights Institutions (ENNHRI), which **elaborated and submitted** a third-party intervention (**amicus brief**) in 4 climate cases before the **European Court of Human Rights** (ECHR) in 2022.

The staff members of the Deputy Commissioner took part in several international roundtable discussions focusing on climate change. **At the roundtable discussion of the newly appointed UN Special Rapporteur** on Human Rights and Climate Change, the possible ways of cooperation with the national human rights institutions were discussed, and also, the cornerstones of the first annual report were presented, which at the same time set the next priorities of his mandate. The event held by the Global Alliance of National Human Rights Institutions (GANHRI) in relation to the 51st regular session of the UN Human Rights Council focused on the work of the national human rights institutions in the area of the intertwining of climate change and human rights, as well as the challenges posed by this.

In Hungary, the Deputy Commissioner organised a **conference entitled “Climate Financing and Fairness”**, in joint efforts with the organisation called Hungarian Friends of the Earth, focusing on the restriction of the rights of future generations and the concept of fairness between generations.

The other ecological problem that endangers the rights of the present and future generations is **the reduction of biological diversity**. At the UN’s conference on biodiversity in December 2022, the global community adopted the Global Biodiversity Framework Strategic Initiative and they determined the courses of action for the management of the ecological crisis threatening humankind.

In harmony with the above, one of the key focus areas of the Deputy Commissioner’s activity remained nature conservation in 2022 as well. For the protection of biodiversity, the assessment of ecosystem services is of special importance, related to which the Deputy Commissioner resumed his activities that he began in 2021. After several professional and scientific roundtable discussions and coordination talks, during the year, the Deputy Commissioner **issued a proposal supporting legislation and legal practice for the incorporation of the assessment of the ecosystem services into the legal system**. In this, he pointed out that the findings of the assessment of ecosystems and ecosystem services should be taken into account during the implementation of the individual strategic plan documents, and that the environmental impact assessment has to include, among others, the findings of the assessment of the ecosystem services. All this can only be completed if the detailed rules are precisely defined and a practical guide supporting legal practice is prepared, so that we can use rather than misuse the potentials provided to us by nature.

In his statements issued on the occasion of the special days of 2022, the Deputy Commissioner emphasised that the protection of biodiversity cannot be narrowed down to the preserva-

tion of certain endangered species, it is more important to create the conditions for the stability and operability of the natural systems constituting the basis for human life.

As a result of the successful cooperation with the Deputy Commissioner, with a view to strengthening the role of the national park directorates, **the Office of the Prosecutor General made a proposal on that the national park directorates should be more broadly and more intensively involved in the criminal cases related to nature destruction**, since in such a way, by making their expertise and special knowledge available, they may make a meaningful contribution to the success of the criminal procedures. In addition to the above, the Deputy Commissioner issued a legal summary and a guide for legal practice **related to the activities concerning the Natura 2000 areas**, to ensure that the designers, developers, authorities and municipalities are familiar with the entire system, procedures and key principles of the approval and licensing of the activities impacting the Natura 2000 areas.

The past few years have seen an increasing number of submissions on plans and developments that affected local values declared protected by the settlement, including protected natural (cultural) heritage. Thus, the Deputy Commissioner **issued a policy statement on the locally protected natural areas** in 2022, in which he reviewed and summarised the requirements related to the locally protected areas and values and the fundamental law frameworks arising from the Fundamental Law of Hungary.

He explained the aspects of legislation and legal practices related **to land use, as well as the formation and protection of the built environment** related to the protection of the interests of future generations in a **fundamental law summary related to the transformation of the settlement-level regulation of land use**. In this material, he summed up several years of his activities related to this subject, he formulated proposals supporting legislation and legal practice, with special regard to the tasks of the municipalities. Related to the protection of the built heritage, the Deputy Commissioner issued a special statement on the International Day for Monuments and Sites.

The transfer to the circular economy as one of the cornerstones of the European green transition was in the focus of attention in 2022 as well. Ensuring the right to a healthy environment and physical and mental health, as well as the protection of the common heritage of the nation are inconceivable without a shift in the industrial and production sector models, as well as a move away from unsustainable material use and consumer habits. The Deputy Commissioner resumed his series of scientific and professional roundtable discussions that he started in 2021, focusing on sustainable consumption, emphasising that the players of the economy, the consumers and the regulators play equally important roles in promoting a shift to a more sustainable cycle.

In the area of **waste management**, the Deputy Commissioner monitors the transformation of the system and the modifica-

tion of its legal environment. As part of this effort, in 2022, he requested information from the winner of the concession bids, the representatives of which presented their short- and long-term plans and concepts affecting this area in a professional coordination meeting in a narrow circle. Furthermore, he held coordination talks with the representatives of FoodDrinkEurope, Branded Goods Association Hungary, as well as the Hungarian Cosmetics and Household Chemicals Association to give them the opportunity to voice their concerns.

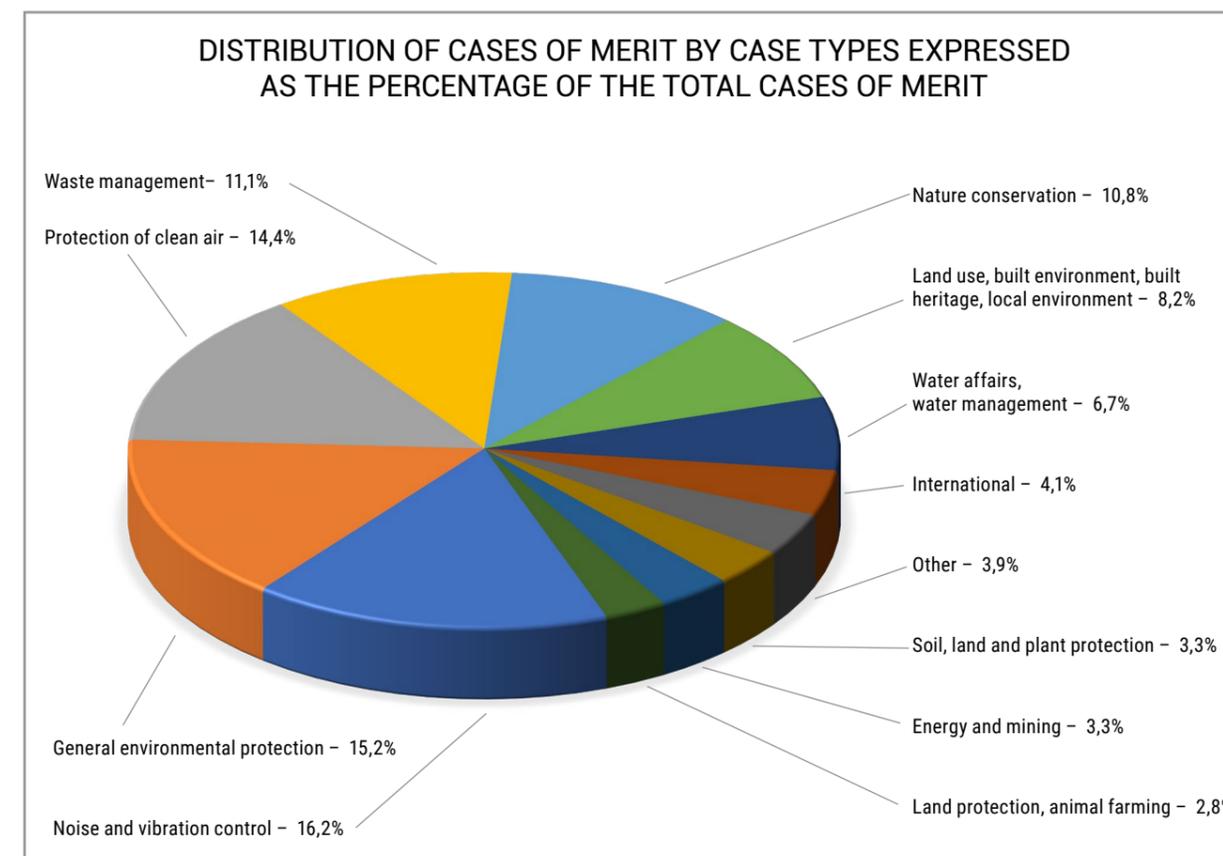
At the request of the Ministry of Agriculture, in 2022, the Deputy Commissioner participated in the national dialogue that was started about making **food production and consumption** sustainable in relation to the UN Food Systems Summit, as a part of which the process of the review of the national timetable for making food systems sustainable was conducted.

Related to the issues of **water protection**, the Deputy Commissioner made comments on the documentation entitled “CAP Strategic Plan for Hungary 2023–2027 Strategic Environmental Assessment”, in connection with which he agreed with the findings and proposals related to the condition and protection of surface water and groundwater supplies, i.e. with the idea that agricultural practices that adapt to the characteristics of the landscape and sustain and improve the diversity of the landscape should and may be supported. The Deputy Commissioner also participated in the UN GLAAS survey. The questionnaire was completed with the coordination of the Secretariat of the Deputy Commissioner, by involving the other organisational units of the Office.

The Deputy Commissioner also pays attention to monitoring the situation of **green finance**. Besides acting in the role of the observer, he also attends professional coordination talks and information sessions either in person or represented by his colleagues. In this framework, he monitors the relevant activities of the National Bank of Hungary and strengthens his cooperation with the Public Procurement Authority. Invited by the latter, the Deputy Commissioner was a guest lecturer at their summer conference, at which the representatives of significant organisations such as OECD, the European Commission, the French Ministry of Finance or the Czech Competition Authority also took the floor. Related to **green marketing**, he continuously cooperates with the Advertising Self-Regulatory Board (ÖRT) and held professional coordination meetings with the Hungarian Competition Authority (GVH).

Individual complaints

The complaints received by the Deputy Commissioner in 2022 mainly concerned the topics of noise and vibration protection, air quality protection, waste management, nature conservation, land use, built environment, built heritage, local environment, water affairs and water management. The proportion and distribution of these is illustrated in the following diagram.



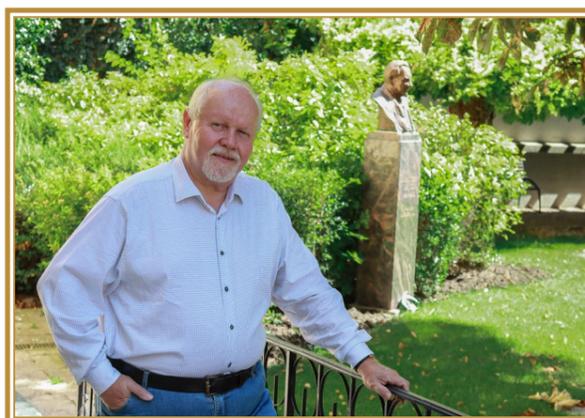
The **cases completed by a report** also concerned a wide spectrum. **In the 7 joint reports issued by the Commissioner and the Deputy Commissioner in 2022**, fundamental rights-related improprieties related to the following topics were examined:

- the relations between the use of renewable green energy sources and municipal landscapes;
- the indoor air pollution of a condominium;
- practical enforcement of the client right of a civil society organisation taking part in an official animal protection procedure;
- waste management public service fee payment of an economic association;
- and three noise complaints for (i) shooting ground in a residential area; (ii) outdoor music festival, (iii) the disturbing noise effects of industrial activity performed with machine tools.

In strategic work, as is shown by the above, cooperation with social, professional and economic associations, organisations and experts involved in environmental issues is of special significance, and the same is true for the possible involvement of the different level government, ministry, authority, or municipality organisations of the public sector. Well-informed professional opinions and strategic proposals can only be made based on appropriate information, a broad knowledge base, as it is a great responsibility to influence environmental thinking. In this work, the Deputy Commissioner cooperates with other Hungarian organisations specialising in sustainable development. These forums of cooperation mean professional support in applying the toolbox of measures available to the Deputy Commissioner. As regards the more complex problems, the Deputy Commissioner has already issued general

comments, awareness raising statements and legislative proposals as mentioned above, and he has also issued reports in joint efforts with the Commissioner. Professional work is also strengthened by the on-site visits and field presence, which are also part of the annual activities of the Deputy Commissioner. This is already the second year in which the Commissioner and the Deputy Commissioner have visited the Hungarian national park directorates, in order to get a more thorough insight into their professional activities and to get familiar with their achievements and problems. The findings of the professional activity of the Deputy Commissioner are shared with the public in the form of professional publications, presentations and thematic statements.

Dr. Gyula Bándi's activity that relies on a broad professional basis may have greatly contributed to his having been re-elected as Deputy Commissioner for Future Generations by the National Assembly on 7 December 2022. He can fill this position for another six years, with effect from 22 February 2023.



*Dr. Gyula Bándi D.Sc.,
Ombudsman for Future Generations,
Deputy Commissioner for Fundamental Rights
(Photo: Dóra Réti)*

8. DATA RELATED TO THE OPERATION OF THE OFFICE

In 2022, 5,740 submissions were filed to the Commissioner for Fundamental Rights. From the previous year, the handling of 1,887 cases was carried over to 2022. This year, the Office concluded 4,711 cases, so at the end of the year, 1,676 cases in progress were registered.

Cases received	
Cases filed	5740
Completed cases	4951
Cases in progress at closure of the year	1676

With regard to turning to the Ombudsman, **there is no formal requirement whatsoever** for the petitioners, except for the activities of the equal treatment authority and public interest disclosures, thus the following criteria should be considered **in the correct interpretation of the data**. In each case, the petitions are to be examined one by one to define whether the complainant wishes to lodge a new petition, or to supplement an earlier submission, or wishes to make additions to it, involving another authority or another circumstance. A submission may consist of one complaint and one case, or several complaints and several cases. In a submission, it is usually one complaint that is presented, which basically raises the suspicion of a fundamental rights-related impropriety but several complaints of the same complainant, or the petitions of several complainants that raise the suspicion of the same impropriety may also be handled as one or several cases, depending on whether their handling will presumably take place in one or several ombudsman's proceedings. Thus, **the number of petitions, complaints or cases cannot be** regarded as equivalent: these can only be compared to themselves in each and every case. It should also be mentioned that the number of reports, the number of cases completed with reports, as well as the number of recommendations formulated therein should be distinguished from each other.

In line with the trends of the earlier years, **the use of electronic communications channels** is increasing amongst our complainants as well. The proportion of those complainants who opt for one of the electronic channels of access to the Ombudsman for submitting their petitions is on the rise year by year. In 2022, as many as **3,350 petitions** were submitted in an e-mail format, on our portal, via the system established for the reception of public interest disclosures, or via the electronic system of the Parliament, to which the use of the official gateway was added. On account of the state of danger ordered because of the pandemic, the Complaints Office has ensured

the possibility of **taking complaints on the phone** rather than ensuring a personal interview since 2020. We accepted this on condition that the records taken are signed and returned by the clients to the address of our Office electronically, or by post.

Mode of the generation of cases*	
postal submission	836
electronic public interest disclosure	535
e-mail	1713
e-paper petition	227
launched ex officio	298
received via the official gateway	179
cases coming in through the ParLex system	9
submission sent via the portal	687
personal public interest disclosure	4
oral complaint	773
telephone complaint	421
Total	5740

*These data refer merely to the initial petition of a case.

In the case of electronically submitted complaints, in most cases, it cannot be established which type of settlement it was sent from, or whether it arrived from abroad, so the difference in the level of activity of the village and city population cannot be measured at all. Likewise, the difference regarding the level of activity of the counties can only be examined on the basis of the latter.

Territorial distribution of cases	
Budapest	1121
Bács-Kiskun County	161
Baranya County	165
Békés County	100
Borsod-Abaúj-Zemplén County	243
Csongrád-Csanád County	160
Fejér County	176
Győr-Moson-Sopron County	228
Hajdú-Bihar County	281
Heves County	132
Jász-Nagykun-Szolnok County	82
Komárom-Esztergom County	83
Nógrád County	49
Pest County	618
Somogy County	130
Szabolcs-Szatmár-Bereg County	156
Tolna County	47
Vas County	85
Veszprém County	101
Zala County	82
The place cannot be specified (e-mail)	1540
Total	5740

The **4,951 cases** completed in 2022 had to be classified in **123 case types** but they can be grouped for the sake of transparency. The submissions are classified in the appropriate case groups when they are received but it is also possible to select the suitable type of case during the procedure, or also, to reclassify them on the basis of the incoming new information, this is why here you can see the classification of the completed cases by the individual case types.

Completed cases by types	
Police-related and OPCAT cases	609
Public interest disclosures	571
Municipality- and other authority-related cases	545
Civil law cases, pension and health insurance, foreclosure	517
Social, labour, health care and educational cases	490

Equal Treatment cases	378
Environmental cases	337
Cases of nationality rights	315
Children and family law cases, guardianship and public guardianship cases	240
Comments on laws, constitutional criticism of laws	199
Cases related to public utility providers	124
Cases related to financial institutions, taxes and duties	101
Other cases	525
Total	4951

In the year under review, the significant majority of the cases, i.e. 609 cases were handled by the **Police Complaints Directorate**, which manages cases concerning criminal procedures, law enforcement and police procedures, as well as the **OPCAT NPM Department**, which is aimed at the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The second largest group by number was made up by **571 cases** related to public interest disclosures in 2022. As part of the total **545 municipality- and other authority-related cases**, the Office basically handled complaints concerning the municipality procedures and other authority-related administration. In addition to these, the Office also managed **517 civil law types of cases**, which included contractual pension and health insurances cases, as well as judicial and foreclosure-related complaints. The number of **complaints related to social issues, labour, education and health care** was **490**, while the **Equal Treatment Directorate closed** as many as **378 cases** in the year under review.

The Office closed **investigations into 240 submissions related to children's rights, family rights and guardianship complaints**. There were **199 cases** related to the constitutional criticism of laws and comments on a law. The Office investigated into **complaints related to public utility providers in 124 cases**. Complaints related to financial institutions, as well as taxes and duties were brought before the Commissioner in 101 cases. 525 cases that could not be classified under the main case types were put in the category of other cases.

The Ombudsman for Future Generations and his colleagues proceeded in **337 environmental cases**, while the Deputy Commissioner for the Rights of Nationalities Living in Hungary acted in as many as 315 cases, of which you can find detailed information in Chapter 6 of this report.

We classified the petitions submitted to the Ombudsman according to the method of completion as specified below.

Method of completion		
	Number of cases	Total
1	no "exceptional inquiry" is justified	5
	a case older than 23 October 1989	1
	the report does not qualify as a public interest disclosure	158
	the violation affects no constitutional right, or is obviously unfounded	499
	repeated petition with no new data	92
	more than one year has elapsed since taking effect	36
	missed legal remedy (prohibition of encroachment of power)	816
	judicial proceedings launched	193
	not an authority, complaint against a procedure conducted in this quality	716
	petition from a non-eligible entity	39
	the complaint cannot be investigated into in the procedure pursuant to the Police Act	13
	a final official decision has already been adopted on the subject of the complaint, in a procedure under the Police Act	2
	the complainant asked to remain anonymous in the procedure under the Police Act	2
	the complainant did not confirm the complaint with their signature in the procedure under the Police Act	23
petition from a non-eligible entity in the procedure under the Police Act	5	
unsuccessful identification	36	
Total		2636
2	transfer to the competent organ, in lack of competence	81
	forwarding of a petition for the consideration of a procedure	2
	forwarding of a petition by calling attention	7
	KBV (Department of Public Interest Disclosures) transfer	13
Total		103
3	rejection of the instigation of a Constitutional Court motion	11
	by adding a policy statement	68
	complaint resolved during the proceedings	95
	rejection of an application for the conclusion of a legal rule's being anti-constitutional	20
	KBV (Department of Public Interest Disclosures) with sending the response of the acting body	284
	implications of a completed case if no new case is generated	19
	submission cannot be assessed	75
	anonymous petition (in the case of an e-mail, also the lack of full name or postal address)	16
	due to the death of the complainant (return receipt, due to communication received from authority or relative)	1
	at the complainant's request (missing documents are not submitted, request related to confidential data handling)	173
at the complainant's request by adding written information	145	
after oral information provided to the complainant (at the Complaints Office, on the phone or by direct e-mail)	109	

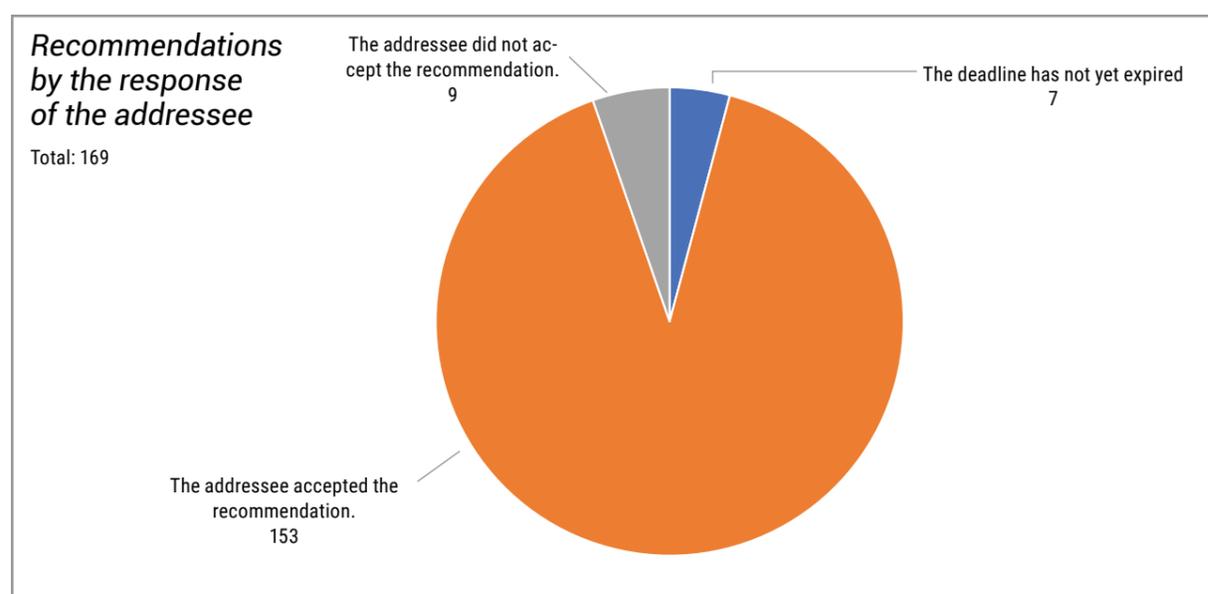
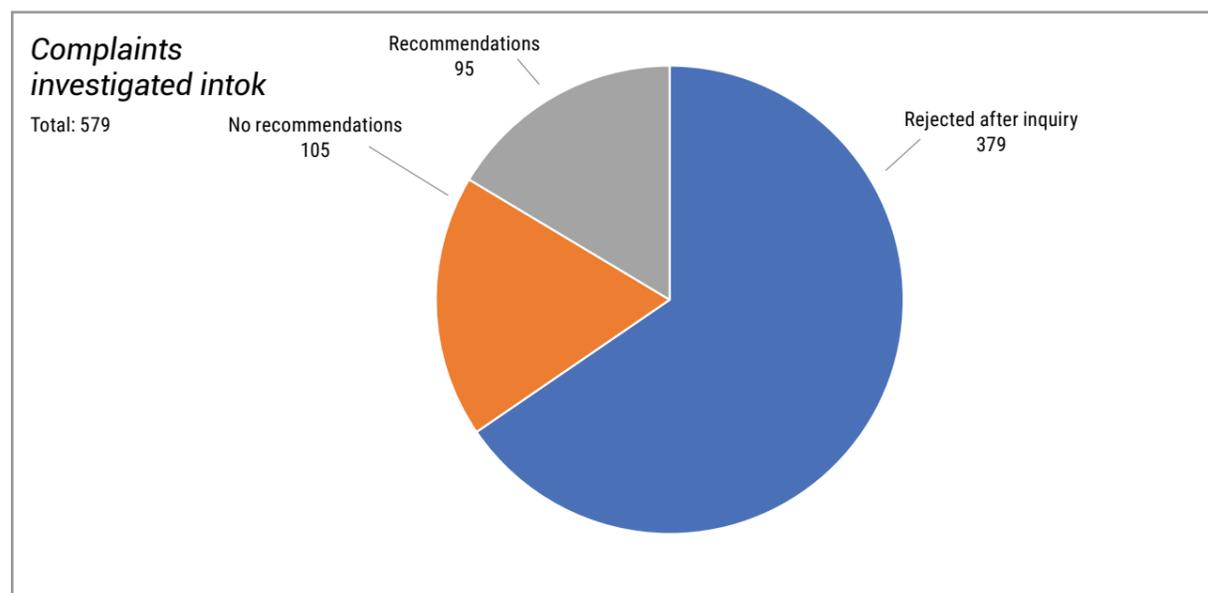
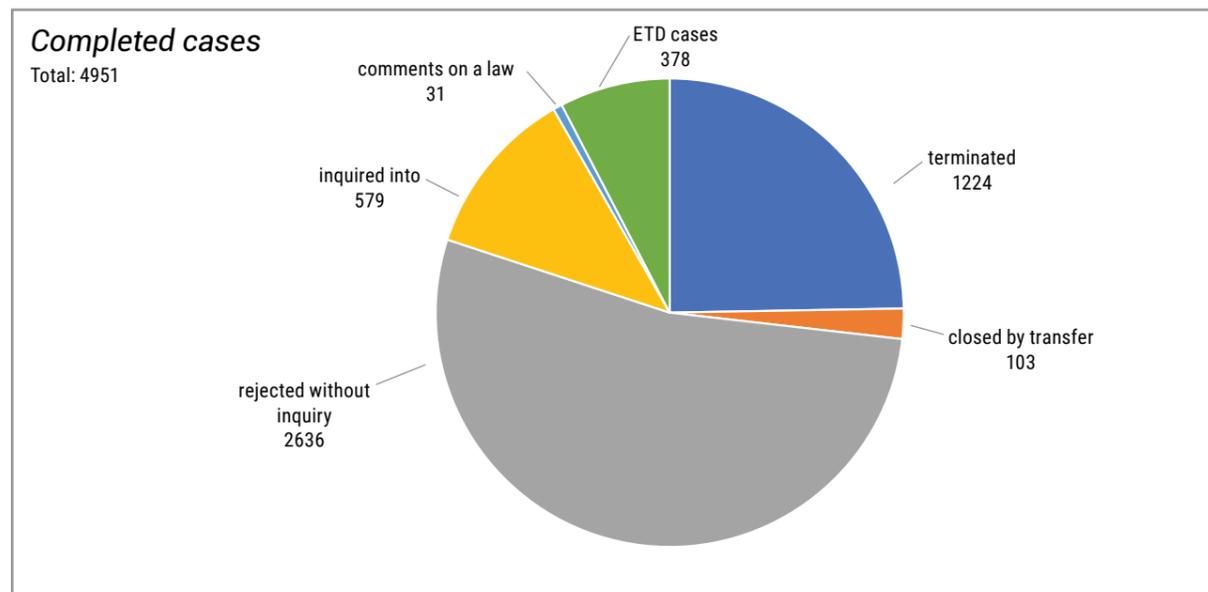
3	the complainant has withdrawn his complaint in the procedure under the Police Act	4	
	the objectionable police measure cannot be identified in the procedure under the Police Act	4	
	information on filing a motion to the Constitutional Court	4	
	information on the decision adopted by the Constitutional Court	22	
	complaint repeated several times despite providing information	2	
	technical closing (e.g. merging of cases, closing of a case launched ex officio)	172	
Total			1224
4	establishment of the lack of a constitutional impropriety	181	
	due to minor significance	4	
	with regard to initiating settlement between the parties	4	
	closed by a report on another case	15	
	rejection after the start of an inquiry (based on the response from the contacted organ)	175	
Total			379
5	report with calling attention	90	
	report without a recommendation, due to the inability to remedy	0	
	report without establishing an impropriety (e.g. in the case of a follow-up investigation)	5	
	report with a measure or a recommendation	87	
	meaningful rejection, in a procedure under the Police Act	74	
	report with a measure, in a procedure under the Police Act	8	
report without establishing an impropriety, with calling attention, in a procedure under the Police Act	0		
Total			264
6	comments on the law – we made no meaningful comments	9	
	comments on the law – we made a meaningful comment	21	
	we agreed with the comments on a law	1	
Total			31
7	ETD (Equal Treatment Directorate) cases	378	
Total			378
Grand total			4951

Most of the complaints, **2,636 petitions had to be rejected by the Commissioner** (these belong to completion category 1), as in these cases, our competence to inquire was excluded or limited by the relevant law. **The most frequent reasons for rejection** were as follows: 816 clients did not exhaust the available legal remedies, while 716 complainants did not complain of the procedure of one of the authorities. In the case of 499 complaints, in addition to the possible further options of legal remedy, the Commissioner informed the client that the indicated problem did not affect any fundamental constitutional rights. In 193 cases, the court proceedings that were launched excluded the possibility of an inquiry.

As long as it can be clearly established that a petition belongs to the competence of a certain authority and the petitioner did not request that his name be treated in camera, we transferred the case in question to the authority that is authorised to act –

these cases belong to completion category 2. This happened in a total of 103 cases in the year under review. Completion category 3 contained 1,224 terminated petitions.

There were 379 submissions in category 4 completions, in the case of which the Commissioner rejected the complaints after the investigation, e.g. because the responses given by the organs that had been contacted clarified the suspicion of an impropriety. The Office concluded 185 cases with a report, of which 87 were completed with a measure, a recommendation or a decision, and there were another 83 cases that were closed with a measure in a procedure under the Police Act. A report may also be prepared by merging several cases. In 15 cases that were closed by a report, we finished the inquiry without making a recommendation or taking a measure. The Commissioner for Fundamental Rights was requested **to make comments on as many as 31 laws** in 2022. **In the 226 issued reports**, the



Ombudsman formulated a total of **169 recommendations**, to several addressees in some cases. Of these, our proposals were accepted by the addressees of the recommendations in 153

cases, while they were rejected in 9 cases. When the data of this report were closed, there was an ongoing professional coordination or exchange of opinions in 60 cases.

Recommendations by the response of the addressee			
Type of recommendation	Response given by addressee	Total	
Recommendation to the supervisory organ	recommendation accepted by the addressee	37	
	the addressee did not accept the recommendation.	4	
	Total		41
Recommendation to the organ inquired into	deadline has not yet expired	1	
	recommendation accepted by the addressee	74	
	the addressee did not accept the recommendation.	3	
	Total		78
Proposal for the amendment of a government decree	recommendation accepted by the addressee	3	
	Total		3
Proposal for the amendment of a ministerial decree	deadline has not yet expired	2	
	recommendation accepted by the addressee	6	
	Total		8
Proposal for the amendment of a decree of the head of an independent regulatory organ	recommendation accepted by the addressee	1	
	Total		1
Proposal for the modification of a municipality decree	recommendation accepted by the addressee	4	
	Total		4
Proposal for the amendment of a law	recommendation accepted by the addressee	8	
	the addressee did not accept the recommendation.	2	
	Total		10
Initiative for the right legal interpretation and legal practice in the future	deadline has not yet expired	4	
	recommendation accepted by the addressee	20	
	Total		24
In total			169

Statistics of the Complaints Office and the Regional Offices

In performing the customer service tasks of the Office, since February 2022, the Regional Offices operating in the regional centres have also taken part besides the Budapest-based Information Service and Complaints Office. **The customer service units of the Office received as many as 15,190 citizens' inquiries in 2022.** The citizens turned to the Complaints Office and the Regional Offices **in person on 2,297 occasions** and **they requested information and help on the phone on a total of 12,893 occasions.** The customer service staff of the Office

also took part in providing support at the temporary regional office opened at the Záhony railway station in order to ensure the protection of the rights of persons fleeing Ukraine, and since March 2022, they have also helped the refugees at the ombudsman information point set up at the Beregsurány collection point, as well as the humanitarian transit point set up at the BOK Sports Hall. In addition to providing direct humanitarian assistance on the Hungarian-Ukrainian border, the Office has designated the Debrecen and Miskolc Regional Offices as **information points** for those fleeing the war.

Client service statistics

The Office received as many as **9,499 citizens' inquiries** in 2022, while at the Complaints Office, 926 clients who requested

personal interviews regarding their specific complaints were heard at appointments. **As compared to last year, there were 12 percent more inquiries to the Office.**

Telephone inquiry			Personal appointment				Total
Making an appointment or requesting information	Regarding a submission	Taking records on the phone	Taking records in person	Regarding a submission	Access to the file, submission of a file	Making an appointment or requesting information	
General fundamental rights-related complaints							
4799	1700	348	578	247	155	277	11104
Complaints related to national minority rights							
125	119	14	12	18	3	7	297
Complaints related to the right to a healthy environment							
98	101	12	9	7	2	11	240
Police complaints							
178	159	29	27	18	7	16	434
EBF (Equal Treatment Directorate) petition							
89	86	27	25	25	0	19	271
Public interest disclosures							
91	78	0	4	0	0	21	194

Statistics of the Regional Offices

The citizens show an especially **great interest** in the Regional Offices, which is also indicated by the fact that since they

were opened, **the clients have turned to us on 3,548 occasions.** In the Regional Offices, the clients **requested personal interviews in as many as 899 cases** regarding specific complaints on the basis of appointments.

Telephone inquiry			Personal appointment				Total
Making an appointment or requesting information	Regarding a submission	Taking records on the phone	Taking records in person	Regarding a submission	Access to the file, submission of a file	Making an appointment or requesting information	
General fundamental rights-related complaints							
1348	606	143	517	59	93	127	2893
Complaints related to national minority rights							
38	15	6	23	0	7	8	97
Complaints related to the right to a healthy environment							
27	4	7	19	0	0	0	57
Police complaints							
130	33	9	91	0	12	4	279
EBF (Equal Treatment Directorate) petition							
54	37	12	40	0	8	0	151
Public interest disclosures							
32	7	0	32	0	0	0	71

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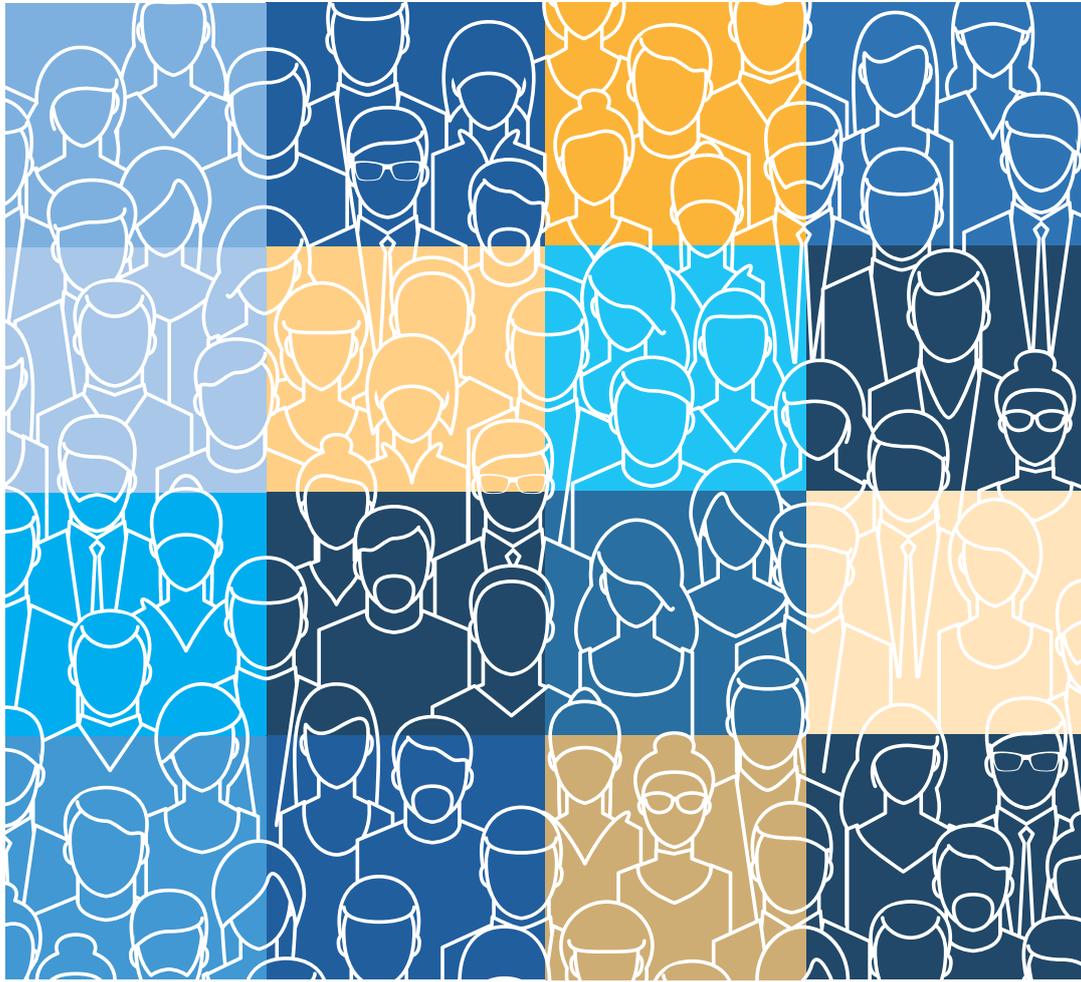
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“The freedom loving man [...] never loses sight of the fact that human liberty and human dignity is one and the same, and any wrongdoing against anyone based on their social position, origin, gender or age endangers everyone else’s freedom and dignity: therefore he stands up either collectively, or if that is not immediately possible individually against any infringement on the human freedom, arbitrary arresting, detention, private or official harassment.”

(István Bibó: The Political Ten Commandments of the Freedom Loving Man)