

REPORT ON THE ACTIVITIES OF THE
COMMISSIONER FOR FUNDAMENTAL
RIGHTS OF HUNGARY AND HIS
DEPUTIES – 2020

REPORT ON THE ACTIVITIES
OF THE COMMISSIONER
FOR FUNDAMENTAL RIGHTS
OF HUNGARY AND HIS
DEPUTIES – 2020

REPORT ON THE ACTIVITIES
OF THE COMMISSIONER
FOR FUNDAMENTAL RIGHTS
OF HUNGARY AND HIS
DEPUTIES – 2020

Table of contents

LECTORI SALUTEM	7
1. The general and extraordinary focal points of the Ombudsman's rights-protection activities during the pandemic	9
1.1. Challenges to the protection of rights in the period of the pandemic and the special legal order	9
1.2. Appearances, experience and inquiries	9
1.3. Visits to institutions	10
2. The Office of the Commissioner for Fundamental Rights moves to new headquarters	17
3. National Human Rights Institutions recognised by the UN – the accreditation process ..	19
4. International engagement of the Ombudsman	21
4.1. Activities pursued as the National Human Rights Institution accredited by the UN	24
4.2. Cooperation with the Council of Europe	27
4.3. The European Union and European networks	28
4.4. Other forms of cooperation	30
5. Flagship cases, inquiries and reports in 2020	33
6. The activities of the Ombudsman as the OPCAT National Preventive Mechanism	35
7. The focal points of the activity of the Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities in 2020	37
7.1. The general situation of nationality rights in Hungary	37
7.2. The framework of the professional contacts of the Deputy Commissioner, Ombudsman for the Rights of National Minorities	39
7.3. The specificities of the protection of rights by the Deputy Commissioner in an extraordinary year	43
7.3.1. Key areas and trends in relation to individual complaints	45
7.3.2. Strategic documents	46
8. The focal points of the activity of the Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations in 2020	49
8.1. General overview	49
8.2. Some priority focus areas	53
8.3. International engagement	53
9. Legislative proposals maintained by the Commissioner and the Deputy Commissioners	55
10. The Directorate of Police Complaints – a new organisational unit of the Office	57
11. Data related to the operation of the Office	59

All rights reserved

HU ISSN 2064-2547

Publisher: Office of the Commissioner for Fundamental Rights

1055 Budapest, Falk Miksa u. 9-11.

Phone: +36-1-475-7100; Fax: +36-1-269-1615

Internet: www.ajbh.hu

Publisher in charge: Dr. Ákos Kozma

Editor: Dr. Attila Láposy

Translators: Zita Litauszki, Judit Pethő-Szirmai, Györgyi Sárík

Page layout: Producom Kft.

Printed by Vareg Hungary Kft.

Executive manager: Márton Egyed

Relying on the tools provided by digital devices and modern technology, we have inserted a few QR codes in some of the chapters of the annual report of the Commissioner for Fundamental Rights and his Deputies. We hope that this new, interactive layout will give you a more thorough insight into our activity, inquiries and the operation of our Office.

LECTORI SALUTEM

The true protection of rights is neither a state, nor an achievement; it is rather a response or reaction to the changing circumstances, a mechanism that requires constant polishing. This statement is just as true for the institutional framework as for the instruments applied. The protection of rights can never attain an ideal level; nevertheless, it must aim for this goal, as providing the appropriate protection of rights is a fundamental tool for the creation of the legal culture of any given nation. The protection of rights cannot be restricted to the knowledge of law – the latter goes without saying. It is also necessary to be familiar with the international practice, and those scientific results and research that prevail in the given area.

The year that we have left behind was a historic one with plenty of challenges and struggles. The spread of the coronavirus pandemic and its social, economic and societal implications have left their mark on all our lives across the world, both in our immediate surroundings and broader environment. In these strenuous times of trial and testing, special attention should be given to the protection of the most vulnerable groups – including children, the elderly, the ill, persons living in closed institutions – and to supporting the specialised staff looking after them. Today the protection and promotion of fundamental rights and the main human values have perhaps an even greater significance than ever before throughout our history. The preservation and protection of human dignity is the foremost and most essential task of the protection of rights, which must not be affected by the changing health situation or the measures introduced in response, which occasionally restrict the life of each and every one of us. In such a period of pandemic, in addition to the examination of physical circumstances, the role of maintaining psychological and mental balance becomes even more important. In the isolation of the closed residential institutions governed by preventive-defensive measures, giving personal attention and gathering first-hand experience are paramount. This is why I decided to launch – in full compliance with all health-related and other protective measures – a series of visits so that I could personally visit as many institutions and locations as possible together with my staff members. The essential aim of these visits was to inspect the implementation of the measures taken in relation to the pandemic and to listen to the reports personally which summed up the experience gathered. On the next pages, you can read more about the details of this country-wide series of visits as well as about our press releases issued in relation to the epidemiological situation.

Besides the challenges, the year 2020 also brought numerous novelties for the Office of the Commissioner for Fundamental Rights. The Office moved into its news headquarters in August 2020 in the building located at 9-11 Falk Miksa Street in the fifth district of Budapest. The new Act on the legal status of the employees entered into force, which allowed for salary adjustment and the worthy recognition of the work carried out by the Office in the field of the protection of fundamental rights. As of 27 February 2020, the Independent Police Complaints Board was terminated, and its duties were taken over by the Commissioner for Fundamental Rights. Thanks to the lengthening of the time limit available for submitting complaints against police measures and the broadening of the Office's rights to act during inquiries, the examination of complaints against the police has become more efficient, as well as more transparent and accessible for the complainants.

Although personal contacts had to be suspended during the pandemic in the international domain, online conferences and meetings still made it possible to learn about best practices and to pass them on, which contributed to taking our activities to the next level even in this altered form of functioning.



The restrictions introduced have narrowed down our array of tools, therefore, we must reinterpret our tasks and handle certain matters with flexibility, while always keeping in mind the main objective of the operation of our institution. Let me paraphrase the thoughts of Anselm Grün, OSB, a German Benedictine spiritual author from his book titled *Glauben als Umdeuten: Reinterpretation is thus an active act, a reaction; I will make something of a given situation that is given as a fact, an unalterable fact of life. But what I should make of that thing, or how I reinterpret it, is entirely up to me. We face new challenges each and every day, and we are forced to make decision after decision. In this situation, the first and foremost rule is to protect the health of our staff members. It is not hard to see that only the fullest compliance with the epidemiological rules can guarantee the functioning of the institution. It is so even if the restrictions prevent us from performing our work with the usual intensity and in the conventional way. In this period, we need to be able to reinterpret our duties. It may very well be that inquiries into complaints will take longer now; that the circumstances of our inquiries will not be as self-evident as earlier, but still, we can and we must keep our institution up and running.*

In the process of reinterpretation, belonging to and responsibility for one another have become even more important. When we experience it first-hand that our brothers and sisters, our colleagues may face mortal danger, then we are overwhelmed with not only compassion but also a willingness to help. The implementation of all of the above is supported by all those numerous innovative technological solutions and IT tools whose existence we owe to our swift adaptation to the present epidemiological situation.

Regarding the figures and statistical data presented in this report, it should be kept in mind that they reflect the results of work carried out in an extraordinary period, as well as during the organisational transformation and moving of the Office. Although the figures are indisputable, one should look beyond them in appreciation of the efforts made by each and every member of my staff day after day in the performance of our tasks.

This volume presents the activity of the Commissioner for Fundamental Rights and his Deputies in 2020, the results of the visits carried out during the first and second waves of the coronavirus pandemic, and the inquiries of our Office, while also depicting all those social and societal difficulties and challenges that the whole world had to face and combat throughout that year.

As Seneca says, “if one does not know to which port one is sailing, no wind is favourable”. With our activities, we wish to serve not only the vulnerable on the individual level, but we also seek to enhance the legal culture and social peace – never forgetting that this is the service that we have been mandated for.

Budapest, January 2021

Dr. Ákos Kozma
Commissioner for Fundamental Rights of Hungary

1. THE GENERAL AND EXTRAORDINARY FOCAL POINTS OF THE OMBUDSMAN'S RIGHTS-PROTECTION ACTIVITIES DURING THE PANDEMIC

1.1. CHALLENGES TO THE PROTECTION OF RIGHTS IN THE PERIOD OF THE PANDEMIC AND THE SPECIAL LEGAL ORDER

In 2020, the whole world, including Hungary, had to face **extraordinary challenges due to the coronavirus pandemic**. The fluctuating pandemic situation, **its complex economic and social consequences**, as well as the measures taken for the prevention and the control of infections **made everyone's life more difficult in many ways**. The extraordinary measures **affected the daily lives of citizens, the exercise of their rights**, and their private autonomy and social relations **in a way and for a length of time that were unprecedented**. **The restrictive measures** introduced in order to mitigate the health risks, as well as their impacts triggered new types of social challenges, adaptations and dialogues.

In Hungary, as a result of the situation endangering life and property in the entire territory of the country, the Government **first declared a state of danger on 11 March 2020, which was terminated** in the summer, **on 18 June 2020**. Then, in the autumn, the special legal order was **reintroduced on 11 November 2020**, which was still in force at the time of closing the present report. Under a special legal order, such as the state of danger, the exercise of fundamental rights may be restricted more intensively or may occasionally be suspended with respect to the measures related and proportionate thereto; however, the protection of fundamental rights remains of major importance in these times, too.

This extraordinary situation **significantly affected and shaped the operation of the Office in many respects**. The Commissioner, the Deputy Commissioners and their staff members continuously analysed the impacts of the challenges posed by the extraordinary situation, both in general and with respect to the rights of the members of vulnerable social groups. During the state of danger and the epidemiological stand-by period, the Office continued to perform all of its constitutional tasks; the work was suspended only for a short period of time in the summer season due to the relocation of the Office. The Commissioner regularly published statements in which he informed the public about his activities carried out in relation to the pandemic situation and those performed in other domains, as well as about his main findings and the inquiries launched into key topics. For the protection of the health of its clients and staff members, the Office availed itself of the opportunity to use electronic administration and com-

munication: there had been no interruption in the reception of incoming complaints, and priority was given to answering and investigating those problems and improprieties that were related to the pandemic..

1.2. APPEARANCES, EXPERIENCE AND INQUIRIES

Statements

In their joint statement issued in March 2020, the Commissioner for Fundamental Rights and his Deputies called the attention of the general public to the fact that **as a result of the pandemic, the vulnerable social groups**, including children, the elderly, the ill, the disabled, the homeless and other existentially deprived people, especially those living in closed institutions are most likely to encounter problems in relation to the enforcement of their rights. These are not necessarily new concerns, but rather the worsening of already existing problems, such as those related to the lack of IT background required for digital education, hygiene and isolation, the shrinking of employment and earning opportunities, and the provision of staff and facilities in residential care homes. The different social groups were not equally prepared to manage the health risks associated with the pandemic.

During his visits in 2020, the Commissioner repeatedly emphasised the importance of the commitment of healthcare workers. In his statement made on the occasion of **World Health Day** (7 April), the Ombudsman specifically drew the attention of the public to the fact that it is important that in the current extraordinary emergency situation caused by the pandemic, our society express its gratitude to those tirelessly working in healthcare day after day.

On World Day of Sanitation (19 November), the Commissioner and his Deputies called attention to the multiple significance of sanitation, and its interconnectedness with life and human dignity, sustainability and climate change. In their joint statement, they pointed out that creating sanitation conditions suitable for preserving human dignity is a constitutional obligation which embodies an even higher level of responsibility at the time of the pandemic.

On World Children's Day (20 November), the Commissioner reminded that while the current health crisis may restrict and influence a number of things, it must not marginalise the rights of the child. He underlined that a careful balance has to be struck between the rights and best interests of the child, safety or ensuring the right to education, for that matter, and this requires closer

cooperation and thinking together by the public and the civil sector, national and international organisations.

In his statement issued on the occasion of the International Day of Persons with Disabilities (3 December), the Commissioner reminded that the active and independent living of persons with disabilities is more than just a “disability matter”, it is a common issue for the whole society. Both in a normal and an exceptional situation, we must create a social environment that can identify the real needs of people living with disabilities in all life situations. According to the Ombudsman, in order to effectively guarantee equal opportunities, it is not enough to prescribe it by law, but rather, it is the integrative mentality of society that can promote full-range integration. Therefore, in his statement, the Ombudsman called attention to the importance of disability-focused measures and the promotion of a continuous change of attitudes.

In their joint statement published on the occasion of **Human Rights Day** (10 December), the Commissioner and his Deputies emphasised that showing respect for human rights had never been so important as during the current coronavirus pandemic. It is mostly on the basis of human rights that we can give adequate answers to the questions arising at the time of the current challenges, i.e. through paying attention to one another and our communities, humanity, solidarity, setting an example, and supporting our communities on all levels.

Petitions, inquiries and experience

During the year under review, the Commissioner received **petitions and signals** on a wide variety of topics and issues concerning the measures related to the pandemic and the state of danger. There were complainants who asked for information about the rights of employees or inquired about the scope of data that can be collected by the employers during the period of the state of danger. Other people informed the Commissioner for Fundamental Rights about the difficulties in digital education encountered by children coming from financially needy families. Several people signalled problems at hospitals in relation to labour and delivery with the father’s attendance, but petitions were also submitted about the increased prices of epidemiological protective equipment. People also inquired about the organisation of summer camps, and asked for help in relation to the interpretation of the rules of the moratorium on loan repayments. The Ombudsman received signals about the lack of easy to understand information for people living with disabilities, the restrictions introduced in child protection institutions, and the difficulties encountered by separated parents in keeping contact with their children. The Commissioner informed each and every complainant about the extraordinary rules in force, the reasoning of his measures, and the options and forums available for the complainants to enforce their rights.

The Ombudsman turned to the State Secretary for Public Education in connection with the school-leaving exams in 2020, and put forth proposals regarding, among others, their

safe organisation. He requested that the rule of distance-keeping be respected during the entire examination process, and the number of examinees sitting in the same room be less than ten if possible. He urged for the issuance of a ministerial decree or a methodological recommendation containing the detailed rules as soon as possible. The Commissioner also insisted that those material conditions be ensured that can mitigate risks for both the examinees and the teachers taking part in the examination process and that provide appropriate protection for them. Furthermore, he called attention to the fact that examinees having subscribed to an advanced-level exam must be notified in due time about the exact name and contact data of the institution designated to hold the exam. The Ombudsman also proposed for consideration the elaboration of an alternative plan with a solution for a potential postponement of the school-leaving exams.

Upon the legislator’s request and the signals received by the Office, with regard to the issue of housing, **the Commissioner initiated the extension of the wintertime suspension of evictions for the period of the state of danger.** According to the decision of the Government, the eviction moratorium remained in place also during the period of the state of danger. In summer 2020, the Ombudsman launched an ex officio inquiry in relation to **the operation of nursing homes for the elderly** with respect to the measures related to the spreading and prevention of the epidemic, and the extraordinary situation. During the 2020 “winter crisis period”, the Commissioner closely followed **the operation of homeless care** in Budapest, as well as the impacts of the extraordinary measures.

1.3. VISITS TO INSTITUTIONS

This year, which was extraordinary in each and every respect, the Commissioner for Fundamental Rights considered **personal relations, dialogue and gathering experience** especially important. The most recent international practice of ombudsmen put emphasis primarily on holding events online. Contrary to this international practice, the Commissioner for Fundamental Rights began a series of visits across Hungary in order to monitor the measures taken for the prevention of the coronavirus pandemic. Within the framework of this, the Ombudsman wished to examine whether the most vulnerable social groups, as well as each and every one of those people who get in contact with the authorities or public service providers are guaranteed their fundamental rights. The idea behind this is that the current state of the protection of fundamental rights, as well as the problems and improper situations that are actually encountered by people can be monitored much more effectively through personal impressions. The Ombudsman’s key priority is precisely to offer help in finding solutions to the fundamental rights-related problems of those complainants who turn to him, as well as of those who do not reach him, by way of using the means at his disposal.



Visit to “Liget” Nursing and Residential Care Home and Day Care Institution for Persons with Disabilities in Szolnok on 7 October 2020



Visit to Nagykánizsa Juvenile Reformatory on 29 April 2020



Visit to the Szerep-Hosszúhát Human Services Centres of the Debrecen Social Services Centre (DSZSZK) on 6 May 2020



Visit to Szeged Strict and Medium Regime Prison on 15 May 2020

Within the framework of **the series of visits across Hungary** that began in March 2020, the Commissioner for Fundamental Rights continuously monitored – in person or through his staff members – the measures taken for the prevention of the coronavirus pandemic, as well as their impacts. During these visits, the Commissioner was able to monitor the actual, everyday enforcement of the rights of the members of the most vulnerable social groups, so that he could offer more prompt and efficient help in solving them.

Acting within his general rights-protection competence and other specific mandates, such as the one within the framework of the OPCAT National Preventive Mechanism, the Ombudsman **visited 8 penitentiary institutions, 8 social care institutions, 2 reformatories, 10 children’s homes or special homes for children**, as well as **further places of detention**. The Commissioner and his staff members talked to the heads of the institutions and inspected the living conditions of children, patients, persons living with moderate or severe disabilities, and detainees residing there. Moreover, they also inquired about the strategies of the institutions to be applied in the state of danger. The aim of the visits was to inspect the implementation of the measures taken with a view to preventing the coronavirus pandemic and to averting its consequences, as well as to examine how the restrictions ordered due to the state of danger affected the rights of those concerned.



Visit to Szeged Strict and Medium Regime Prison on 15 May 2020



Visit to Aszód Juvenile Reformatory, Primary School, Vocational School and Special School on 21 May 2020



Inspecting the control activities performed by police officers regarding compliance with home quarantine rules on 17 April 2020



Visit to the seat institution of the Baranya County "Platánliget" Care Home in Bóly on 29 May 2020



Visit to Vác Strict and Medium Regime Prison on 7 October 2020



Commissioner for Fundamental Rights Dr. Ákos Kozma visited the Group Home of the Saint Agatha Child Protection Service in Hódmezővásárhely on 13 October 2020



Visit to the foster homes of the Child Protection Centre and Territorial Child Protection Service of Fejér County in Sárbogárd on 2 October 2020



Inspecting the activity of school guards on duty in educational institutions in Budapest in September 2020



Visit to Sipkay Barna Technology School of the Nyiregyháza Centre of Vocational Training on 20 October 2020



Monitoring the activity of school guards on duty in schools in Somogy County on 19 October 2020

Furthermore, the Commissioner **collected information about the experience gathered in relation to the operation of the school guard system at 8 locations.** During the visit to the Hungarian National Police Headquarters (ORFK) in Teve Street, the National Chief of Police and his deputies informed the Ombudsman about the school guard system that started its operation on 1 September 2020. At the meeting, the parties also discussed the importance of the training of school guards. In September 2020, school guards began to work in 419 schools all over the country. In autumn 2020, the Ombudsman **visited 2 educational institutions in Budapest and 6 schools in the country,** where the heads of the institutions and the school guards on duty at the schools reported about the experience gathered in the past couple of months in relation to the school guard system, as well as about the reception of the recently introduced system among the students, their parents, and the teachers.

The Commissioner also visited those frontline professionals who work day after day for making sure that curfew restrictions and the rules of crossing national borders are respected. The Commissioner visited **15 border crossing points** where he inspected the efficiency of border protection, as well as the implementation of the healthcare measures taken in order to ensure the safe passage of international transit, cargo and passenger traffic and to prevent the spread of the coronavirus pandemic. During the consultations with the commanders, the Ombudsman emphasised that he considers it especially important that all the equipment necessary for sanitary protection be provided at the border control posts for police officers on duty at the borders, as well as for citizens in transit. The Commissioner particularly inquired about the handling of complaints about police measures that may be submitted by citizens, and the course of their administration.



Visit to the border crossing point at Rajka on 20 May 2020



Dr. Ákos Kozma's visit to the border crossing point at Nagylak on 6 May 2020



Visit to the border crossing point at Parassapuszta on 14 April 2020



Dr. Ákos Kozma's visit to the border crossing point at Záhony on 15 April 2020



Dr. Ákos Kozma's visit to the border crossing point at Rajka on 20 May 2020

The Commissioner for Fundamental Rights also visited facilities belonging to the National Police, **the National Directorate General for Disaster Management and the Hungarian Defence Forces**. During his visit to the Operations Management Centre of the National Police Headquarters, the Ombudsman received first-hand information from police officials about the management of police activities during the state of danger. In this period, the staff members of the Centre also encountered an increased number of tasks which, among others, derived from the coordination of the police measures necessary due to the coronavirus pandemic, and which also arose from the fact that a lot of people inquired about the rules pertaining to border crossing, curfew restrictions and home quarantine. Within his competence related to the handling of police complaints, the Ombudsman became acquainted with the operation of police institutions and watched the tactical demonstration of the Rapid Response and Special Police Services about the routine of using coercive measures, and he also inspected how compliance with the rules of official home quarantine is checked.



Operations Management Centre of the National Police Headquarters on 14 April 2020



At the Győr Base of the Rapid Response and Special Police Services on 20 May 2020



Visit to HDF 86th Szolnok Helicopter Base on 22 April 2020



Visit to the Körmen Fire Brigade on 25 September 2020



Visit to the Szombathely Fire Brigade on 25 September 2020



Visit to Szabolcs-Szatmár-Bereg County Police Headquarters on 20 October 2020

During his visit to the Northern Great Plain Regional Directorate of the **National Directorate-General for Aliens Policing** (OIF) in Debrecen, the Ombudsman was provided with detailed information about the measures that had been adopted by the institution for the prevention of the coronavirus pandemic. Following that, the Ombudsman inspected the Nyírbátor Site of the Guarded Asylum Reception Centre of the OIF, as well as the Detention Centre of the Szabolcs-Szatmár-Bereg County Police Headquarters. The Ombudsman paid a visit to the **Emergency Centre of the Hungarian Coronavirus Operational Group** responsible for the containment of the coronavirus infection, as well as to the **Kiskunhalas Mobile Epidemic Hospital**, which plays a key role in the protection against the coronavirus pandemic.



At the Emergency Centre of the Hungarian Coronavirus Operational Group on 17 April 2020



At the Kiskunhalas Mobile Epidemic Hospital on 16 April 2020



Visit to several sites of the National Directorate-General for Aliens Policing on 18 April 2020

In the period of the state of danger ordered due to the pandemic between 11 March and 18 June 2020, and from 11 November to 31 December 2020, the Commissioner visited as many as **72 locations in Hungary**, and he provided detailed information about these visits on his website.

2. THE OFFICE OF THE COMMISSIONER FOR FUNDAMENTAL RIGHTS MOVES TO NEW HEADQUARTERS

The listed monument that had been used by the institution ever since its foundation could no longer accommodate for the challenges of the 21st century; this is why the Office moved to temporary headquarters in June 2019. The Office continued to operate at its temporary location, i.e. in an office complex situated in the heart of Budapest for one year; after this, in August 2020, it moved to its new headquarters in the building located at 9-11 Falk Miksa Street in the fifth district of Budapest. The newly refurbished, state-of-the-art building satisfying 21st-century standards can effectively meet the requirements for an environment that enables the performance of the increased quantity of changed tasks encountered by the Office in the domain of the protection of fundamental rights. In the building, there are several meeting rooms of different sizes to provide a venue for the various consultations of the Commissioner, the Deputy Commissioners, and their staff members. Several conference rooms equipped with modern computer devices are available for the purposes of future national and international professional forums. In the new building of the Office, a special library supporting the work of the staff, as well as a self-service restaurant can also be found.



The entrance to the new headquarters of the Office

3. NATIONAL HUMAN RIGHTS INSTITUTIONS RECOGNISED BY THE UN – THE ACCREDITATION PROCESS

The set of criteria of the Paris Principles, i.e. the basic principles of the operation of National Human Rights Institutions (NHRIs) was adopted by the UN General Assembly in 1993 (*broad mandate, based on universal human rights norms and standards; autonomy from government; independence guaranteed by statute or Constitution; pluralism; adequate resources; and adequate powers of investigation*). It is based on compliance with these principles, through a comprehensive and in-depth external analysis, i.e. a so-called accreditation process, that a national institution may become a UN-accredited National Human Rights Institution, i.e. an NHRI.

There are currently two categories (status “A” and “B”) available for the classification of the institutions that wish to become NHRIs, depending on the degree that the institution in question complies with the Paris Principles. If an institution meets all the criteria, it will be awarded status “A”, through which it will become a full-fledged member of GANHRI (Global Alliance of National Human Rights Institutions), so among others, it can participate in and take the floor at the sessions of the most important human rights body of the UN, i.e. of the Human Rights Council, and it can also independently communicate with the different human rights mechanisms. The accreditation status of previously accredited institutions is reviewed every five years, and this procedure is just as comprehensive as the accreditation procedure itself.

In Hungary, the Commissioner for Fundamental Rights with fundamental and human rights protection responsibilities has been a status “A” UN National Human Rights

Institution since 2014. According to the original plans, the review procedure of the UN National Human Rights Institution’s “A” status would have taken place in 2019. These review procedures are conducted by the Sub-Committee on Accreditation (SCA) of the GANHRI. In order to support the successful outcome of the review procedure, the Office set up an Accreditation Working Group composed of the experts of the various professional fields under the direction of Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations Dr. Gyula Bándi. In the course of the review procedure, the Office pursued an ongoing dialogue and information exchange with the staff members of the SCA, as well as those of the European Network of National Human Rights Institutions (ENNHRI), both in writing and by telephone interviews. During the review procedure, the SCA received the opinion of the relevant international and Hungarian institutions, and non-governmental and civil society organisations regarding the operation of the Office.

The SCA is to make a decision after reviewing the documentation submitted by the Office. This act, however, was deferred to 2020 concerning the Office, and this postponement was further prolonged due to the pandemic situation. In February 2021, the Office finally submitted the additional information that had been requested by the SCA at the time of the deferral. The session in which the SCA will decide on whether to re-accredit the Commissioner for Fundamental Rights as an “A” status National Human Rights Institution will presumably be held in June 2021.

4. INTERNATIONAL ENGAGEMENT OF THE OMBUDSMAN

As of March 2020, the Commissioner's international contacts maintained on the basis of personal visits to international organisations and foreign partner institutions were hindered by the global spread of the coronavirus pandemic. Countries all over the world tried to take control of the spreading of the infection by closing their road and air traffic borders. As a result of this, the majority of the annual international conferences, trainings and consultations were held online. The themes of these events were also shaped by the issue of how to address the human rights challenges caused by the pandemic.

The Commissioner for Fundamental Rights is a member of the International Ombudsman Institute (IOI), which was established in 1978, and which comprises more than 200 national and regional Ombudsman institutions from more than 100 countries of the world.

“Ombudsmen in a Changing World: Resilience amidst Challenges” was the title of the international conference organised in **Bangkok** to commemorate the 20th anniversary of the establishment of the Thai ombudsman institution. Commissioner for Fundamental Rights Dr. Ákos Kozma, who was one of the main speakers of the international conference, attended the meeting upon the invitation of **Chief Ombudsman of Thailand** and Board Member of the International Ombudsman Institute (IOI) **General Viddhavat Rajatanun**. In his keynote speech delivered at the international conference, **President of the IOI Mr. Peter Tyndall** spoke about the importance of cooperation between the ombudsman institutions. Subsequently, on 12 February 2020, Ombudsman Dr. Ákos Kozma gave a talk in English under the title *“Perceptions on Ombudsmanship in a Changing World for the Promotion of Better Governance”*. In his speech, he underlined that *“the Commissioner for Fundamental Rights is the conscience of the state”*, thus he considers it his primary task to monitor the procedures of state organs and public services, explore potential deficiencies and promote the proper application of law. In his presentation, the Commissioner gave an insight into the operation of the Hungarian ombudsman institution, the responsibilities, competences and powers of the Commissioner for Fundamental Rights of Hungary, as well as his instruments for launching proceedings and taking actions. In his talk, he also touched upon the reports recently issued by the Office and his measures taken in order to promote better governance. During the international conference, the Commissioner led bilateral talks with Chief Ombudsman of Thailand and Board Member of the IOI General Viddhavat Rajatanun, as well as with Ombudsman of Western Australia and presidential candidate for the IOI **Mr. Chris Field**. The bilateral meeting of

the ombudsmen focused on the relations between the two ombudsman institutions, as well as the possibilities to reinforce these relations.



Dr. Ákos Kozma's presentation at the international conference entitled *“Ombudsmen in a Changing World: Resilience amidst Challenges”* in Bangkok on 12 February 2020



Bangkok, 12 February 2020 – In the photo: General Viddhavat Rajatanun, Chief Ombudsman of Thailand and Dr. Ákos Kozma, Commissioner for Fundamental Rights of Hungary

In February 2020, the Commissioner for Fundamental Rights met with **Romanian Ombudsperson Ms. Renate Weber, her Deputy Mr. Zsolt Molnár** and the colleagues of the Romanian ombudsman institute in **Oradea** to pursue discussions about the reinforcement of the working relationship between their institutions.



Consultation with Romanian Ombudsperson Ms. Renate Weber on 3 February 2020 in Oradea



Introductory visit to Romanian Ombudsperson Ms. Renate Weber on 3 February 2020 in Oradea

On 23 February 2020, the Commissioner for Fundamental Rights met with **Scotland's Police Investigations & Review Commissioner (PIRC) Ms. Michelle Macleod**, who gave a presentation about the investigative methods relating to the handling of police complaints by the PIRC and the process of reviewing complaints, and she also talked about the experience gained while conducting these proceedings. Pursuant to the new legislation adopted by the National Assembly in Hungary, the Independent Police Complaints' Board ceased to exist on 27 February 2020 and its tasks were taken over by the Commissioner for Fundamental Rights. Therefore, the Hungarian Ombudsman considered it important to learn about the good practices in Scotland. During his visit to Edinburgh, the Commissioner conducted discussions with **Scotland's Ombudsman Ms. Rosemary Agnew** about the development of the bilateral working relationships between their institutions.



Consultation with Scotland's Police Investigations & Review Commissioner (PIRC) Ms. Michelle Macleod on 23 February 2020



Introductory visit to Scotland's Ombudsman Ms. Rosemary Agnew

On 5 March 2020, the Commissioner for Fundamental Rights paid an introductory visit to **Human Rights Ombudsman of the Republic of Slovenia Mr. Peter Svetina** in Ljubljana. During the bilateral meeting, the Commissioner for Fundamental Rights held discussions with the Slovenian Ombudsman, his **Deputy Ombudsmen Mr. Ivan Šelih and Mr. Miha Horvat**, and **Secretary General Mr. Kristijan Lovrak** about the development and reinforcement of the working relationship between their institutions and the future possibilities of cooperation between them.



Introductory visit to Slovenian Ombudsman Mr. Peter Svetina in Ljubljana and consultation at the Slovenian Ombudsman's Office on 5 March 2020

On 9 March 2020, the Commissioner paid an introductory visit to **Chief Ombudsman of Turkey Mr. Şeref Malkoç** in Ankara. During the bilateral meeting, the Commissioner for Fundamental Rights held discussions with the Chief Ombudsman of Turkey and the five Ombudsmen of his Office working in different fields about the bilateral working relationship between their institutions, the development and reinforcement thereof, and the future possibilities of cooperation between them. Also, Ombudsman Dr. Ákos Kozma exchanged views with **members of the high-level leadership of the Grand National Assembly of Turkey**, namely, with Vice Speaker Mr. Levent Gök, Vice-Chairman of the Committee on Petitions Mr. İsmail Tamer, Chairman of the Committee on Human Rights Inquiry Mr. Hakan Çavuşoğlu and Head of the Turkish-Hungarian Inter-parliamentary Friendship Group Mr. Cemil Yaman.



Consultations with Chief Ombudsman of Turkey Mr. Şeref Malkoç and the members of the high-level leadership of the Grand National Assembly of Turkey



Dr. Ákos Kozma paid an introductory visit to Chief Ombudsman of Turkey Mr. Şeref Malkoç in Ankara on 9 March 2020



European Union:

- FRA - European Union Agency for Fundamental Rights
- ERA - Academy of European Law



Council of Europe:

- European Court of Human Rights
- European Commission against Racism and Intolerance (ECRI)
- Framework Convention for the Protection of National Minorities (FCNM)
- Venice Commission
- GRECO
- Congress of Local and Regional Authorities
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- Commissioner for Human Rights
- Group of Experts on Action against Trafficking in Human Beings (GRETA)



Organization for Security and Co-operation in Europe:

- High Commissioner on National Minorities
- Office for Democratic Institutions and Human Rights



United Nations:

- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Treaty Bodies
- Special Procedures
- Human Rights Council
- UPR
- UNDP, UNHCR, UNICEF, FAO

The network of European and international human rights institutions surrounding the Office

4.1. ACTIVITIES PURSUED AS THE NATIONAL HUMAN RIGHTS INSTITUTION ACCREDITED 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. Furthermore, 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.

The European Network of National Human Rights Institutions and the Committee of Ministers of the Council of Europe held a high-level consultation on 5–6 February 2020 in Brussels. The conference entitled “CoE Recommendation on NHRIs and EU Rule of Law Mechanism” was attended by the Ombudsman and the former Secretary General of his Office. The purpose of the meeting was to bring together the leadership of the European NHRIs in order to carry out negotiations on the future role of their institutions in EU and Council of Europe mechanisms. During the two-day event, the participants held discussions on the rights-protection role of NHRIs in the new European rule of law mechanism, as well as on the upcoming Council of Europe Recommendation on National Human Rights Institutions (Recommendation No. R(97)14 on the establishment of independent NHRIs).



Dr. Ákos Kozma at the conference entitled “CoE Recommendation on NHRIs and EU Rule of Law Mechanism” on 5 February 2020 in Brussels

The annual General Assembly of ENNHRI was held on 18 November 2020, and was organised online due to the coronavirus pandemic. ENNHRI Chair Ms. Caroline Fennell and Secretary-General Ms. Debbie Kohner reported on the achievements and successes of the year 2020, despite the difficult situation caused by the pandemic. At the General Assembly, the 2021 op-

erational plan and draft budget were approved, and the strategic plan for 2022–2025 was discussed. At the consultation on the strategic plan, the participants had the opportunity to discuss and make comments on the respective plan in small groups. At the event, senior specialist of the Polish Ombudsman’s Office Ms. Anna Chabiera was elected European member of the GANHRI Working Group on Ageing. Also, Executive Director of the Great Britain NHRI Mr. Alastair Pringle was elected a new ENNHRI member to GANHRI Sub-committee on Accreditation with effect from July 2021. The Office of the Commissioner for Fundamental Rights of Hungary also participated in the event and cast its vote as an “A” status human rights institution.

In view of the spreading of the coronavirus pandemic, GANHRI has postponed its annual General Assembly to 2021 without specifying its exact date.

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 27–28 May 2020, all departments of the Office were represented at the online expert seminar of the Office of the United Nations High Commissioner for Human Rights (UN OHCHR) that was organised with the purpose of acquainting the participants with how **artificial intelligence**, including profiling, automated decision-making and machine-learning technologies may affect the enjoyment of the right to privacy.

On 22 June 2020, GANHRI organised a webinar with the participation of the United Nations Independent Expert on older persons. The event which was held under the title “**Protecting and promoting the rights of older persons in COVID-19 responses and recovery: the role and experience of national human rights institutions**” was attended by one of the expert staff members of the Office.

Also on 22 June 2020, an online joint meeting was held by the EU and ENNHRI the theme of which was the further development of the comprehensive EU Monitoring Framework on the UN Convention on the Rights of Persons with Disabilities (CRPD), and the hastening of its swift implementation. The participating organisations (ENNHRI, European Ombudsman’s Office, European Disability Forum, European Union Agency for Fundamental Rights, Equinet) assured each other of their cooperation, as well as of sharing their experience and good practices. The online working group meeting was attended by one of the Office’s expert staff members.

On 3 September 2020, GANHRI held a webinar entitled “**Protecting and empowering persons with disabilities in the COVID-19 context: the role and experience of national human rights institutions**” at which the Office was also represented by one of its expert staff members.

The Office is regularly represented at the UN Forum on Minority Issues by the Deputy Commissioner for the Rights of National Minorities.

The National Human Rights Institutions pay special attention to the observation of human rights obligations set out in the UN Human Rights Treaties and the related additional protocols. From among the UN’s human rights legal documents, Hungary has by now ratified as many as 7 treaties and 9 additional protocols. Two of these are specifically mentioned in Act CXI of 2011 on the Commissioner for Fundamental Rights: since 1 January 2015, the Commissioner for Fundamental Rights has been fulfilling the tasks of the OPCAT NPM, i.e. the National Preventive Mechanism as defined in Article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was announced in Act CXLIII of 2011. The activities performed by the Commissioner in this capacity of his in Hungary are described in more detail in Chapter 5.2. of this report.

During his activities, the Commissioner for Fundamental Rights should pay special attention to supporting, protecting and controlling the enforcement of the UN Convention on the Rights of Persons with Disabilities, which was announced in Act XCII of 2007. In 2007, Hungary ratified the Convention, according to Article 35 of which the participating states have a periodic reporting obligation. The Commissioner 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.

The 23rd session of the UN Committee on the Rights of Persons with Disabilities was scheduled to be held between 9 and 27 March 2020, in the course of which the combined second and third periodic reports of Hungary would have been discussed as well. In accordance with the UN Convention on the Rights of Persons with Disabilities, the contributions of independent monitoring frameworks and National Human Rights Institutions were also welcomed by the Committee. For this reason, thanks to its status as a National Human Rights Institution, the Office was entitled to take part in the process: it prepared and submitted a **written contribution**, and intended to attend and speak at the session.

In the written contribution submitted by the Office, it is advocated that the legislation on the capacity to act, the issues of independent living and de-institutionalisation, as well as the question of reasonable accommodation should be in the focus of policies aimed at promoting the enforcement of the rights of persons with disabilities. The principle of equal human dignity enshrines the capacity to act, thus, it is inherent in its concept that all persons are subjects of fundamental rights and must be able to exercise and enjoy these rights on an equal basis with others. As opposed to that, the individual autonomy of a sig-

nificant number of persons living with disabilities is currently jeopardised. As it is recognised in the contribution of the Office, the Civil Code in force introduced the system of supported decision-making. However, it is also noted in the report that the Civil Code did not fully reflect the paradigm of the CRPD, as it partially preserved the rules on the limitation of capacity to act. The empirical data suggest that the number of guardianship procedures (including the limitation or termination of a person's autonomy and capacity to act) has not decreased, while substituted decision-making is by far the primary outcome of the procedures affecting the capacity to act. In its written contribution, the Office invited the Government to consider the need to further shift the focus from the system of guardianship towards supported decision-making, and expressed its hope that the Government will continue and speed up the process of de-institutionalisation in a manner compliant with the CRPD. Unfortunately, the session was postponed due to the coronavirus pandemic, and its new date has not yet been set by the time of drafting the present report.

On 12 May 2020, the **Geneva-based NGO Committee on Ageing** organised an online forum entitled **“Human rights of older persons in the age of COVID-19 and beyond”**. UN High Commissioner for Human Rights Ms. Michelle Bachelet was one of the speakers of the event. The experts found that the new infection brings up and amplifies many challenges that have already existed. The speakers emphasised that difficult medical decisions must be guided by appropriate ethical recommendations. They also drew attention to the issue of intersectional discrimination (e.g. discrimination against an older person who is a woman or belongs to a national minority).

Within the framework of the 13th session of the Conference of States Parties to the CRPD, a roundtable discussion entitled **“Addressing the rights and needs of older persons with disabilities: ageing and demographic trends”** was held on 1 December 2020, at which the Office was represented by one of its expert staff members who also participates in the activities of ENNHRI's CRPD Working Group.

The **UN Human Rights Council** held its **Social Forum** on 8 and 9 October 2020, which this year focused on combating poverty and inequalities. To enrich this interactive dialogue and to share the experience of the Hungarian National Human Rights Institution, the Commissioner for Fundamental Rights also participated in the Forum via a video message (with regard to the restrictions due to the pandemic). In his message, the Ombudsman presented the efforts taken by his institution during the pandemic aiming to enhance the situation of the most vulnerable groups of society, especially people living in deep poverty, with a special focus on the recommendations published and the relevant on-site visits of the Ombudsman. The Social Forum is an annual meeting convened by the Human Rights Council. It provides a unique space for open and interactive dialogue among members of civil society, representatives

of member states, NHRIs and intergovernmental organisations on a specific theme chosen by the Council.

In the CFR Act, the United Nations Convention on the Rights of the Child is not specifically mentioned, but it stipulates that supporting the enforcement of the rights of the child should receive special attention in the Ombudsman's activity, thus the Commissioner for Fundamental Rights participates in the work of several international organisations involved in the rights of the child. Upon entering into office, Ombudsman Dr. Ákos Kozma pointed out that he regards the protection of the rights of children and other vulnerable persons as issues of key importance and that he would like to take stronger action in such cases, using the legal means at his disposal.

The **UN Committee on the Rights of the Child** reviewed the sixth periodic report of Hungary **at its 83rd session**. In order to observe the constructive dialogue, the representatives of the Office were also present at the meeting. Although our Office did not submit separate information to the Committee in the respective reporting cycle, **it provided information** to both its NGO partners (The Child Rights NGO Coalition coordinated by the UNICEF National Committee for Hungary) and the Government of Hungary.

The Commissioner prepared and sent a detailed summary to both parties in which his most important reports, as well as other materials from the relevant reporting period were described in a structure adjusted to the individual articles and thematic units of the Convention on the Rights of the Child. The Commissioner's reports and inquiries were included in these two reports. In the Government's report, little is said about the practices of the Ombudsman, it rather describes the operation and organisation of the Ombudsman institution. Nevertheless, one of the main points of reference of the civil alternative report is the practice of the Ombudsman, including his reports issued in relation to cases concerning child's rights. In this document, approximately 25 of the Commissioner's reports from recent years were presented, including their findings which were specifically highlighted and analysed in the document, using their content in a manner consistent with the respective communications and reports. Furthermore, the document also referred to around 20 of the Commissioner's other reports in support of its statements.

Before the meeting, the Office also called the attention of the Committee to a number of its contributions prepared for other UN human rights mechanisms upon general calls for information the substance of which could be useful for the Committee in formulating its questions and recommendations. These include the information provided by the Office to the Special Rapporteur on the sale and sexual exploitation of children; the Office's input provided for the report of the UN High Commissioner for Human Rights in relation to the juvenile justice system; the contribution of the Office sent to the UN High Commissioner for Human Rights for its thematic report to the Human Rights Council on “realizing children's rights through a healthy

environment”; as well as the Office's contribution sent to the Special Rapporteur on violence against women, its causes and consequences in connection with the issues of mistreatment and violence against women during reproductive health care and facility-based child birth.

At the session held by the Committee, the staff members of the Office had the chance, among others, to meet the representatives of the Office of the UN High Commissioner for Human Rights and the civil society organisations, as well as the members of the delegation of the Hungarian Government. In its concluding observations issued after the session, the Committee noted with appreciation that the Office of the Commissioner for Fundamental Rights had become fully compliant with the Paris Principles, and children's rights had been brought under the responsibility of a dedicated body (Unit for Children's Rights). In its concluding observations formulated to Hungary, the Committee recommended that the State party (i) ensure that the Unit for Children's Rights of the Office has adequate human, technical and financial resources to implement and monitor the application of the Convention; (ii) ensure that the OPCAT National Preventive Mechanism Department of the Office has adequate resources to conduct regular monitoring visits to places where children are, or may be, detained; and (iii) ensure that the Unit for Children's Rights of the Office holds regular consultations with children on issues that affect them and ensure that the results of those consultations are taken into consideration in legislation and policy-making.

The Office regularly cooperates with the **UNICEF** (United Nations International Children's Emergency Fund) **National Committee for Hungary** as well. The organisation is the advocate of children's rights, and plays an important role in controlling the enforcement of the United Nations Convention on the Rights of the Child.

On 19 November 2020, the ZAMIN International Public Foundation, the UN Office in Uzbekistan and the UNICEF Office in Uzbekistan held an online forum entitled **“Children's rights to education: relevance, continuity and innovations during the pandemic”** on the occasion of World Children's Day. The event was organised to commemorate the 75th anniversary of the foundation of the United Nations and the 31st anniversary of the adoption of the Convention on the Rights of the Child. The online event was attended by one of the expert staff members of the Office upon the direct invitation of the ZAMIN International Public Foundation.

4.2. 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, the judicial practices of which 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 elected Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities Dr. Elisabeth Sándor-Szalay as a permanent member to the Advisory Committee of the Framework Convention for the Protection of National Minorities. Her mandate was for four years, and it began on 1 June 2016. Until her next active mandate, she has been elected as additional member.

The fight against xenophobia, anti-Semitism and intolerance is managed by the **European Commission against Racism and Intolerance** (ECRI). One of the first Hungarian Ombudsmen, Dr. Jenő Kaltenbach was an ECRI member for seventeen years, then he became its Deputy Chair, and later on its Chair. The Vienna Declaration and Plan of Action was adopted at the first Summit of Heads of State and Government of the member states of the Council of Europe on 9 October 1993 which established the European Commission against Racism and Intolerance. At the second Summit held on 11 October 1997, the Heads of State and Government of the member states of the Council of Europe resolved to intensify the activities of ECRI, while on 13 October 2002, the Governments of the member states committed themselves again to carry out negotiations to strengthen ECRI's action. The statute of the organisation was adopted by the Committee of Ministers of the Council of Europe on 13 June 2002. ECRI carries out its activities on the basis of the European Convention on Human Rights and its Protocols and the case law of the European Court of Human Rights. The objective of the organisation is to combat racism, racial discrimination, xenophobia, anti-Semitism and intolerance. It steps up against these phenomena in various ways, including the review of member states' legislation, policies and other measures, and their effectiveness; proposing further action at the local, national and European levels; preparing country reports; taking position in relation to current political and social events; formulating general policy recommendations to member states; and monitoring the changes in international law. ECRI prepares a report on each member state in five-year cycles. It has published reports on Hungary in 1997, 2000, 2004, 2009 and 2015 to date. The sixth-cycle country monitoring report on Hungary was due to be prepared in 2020; however, in view of the spread

of the epidemic in Hungary, the ECRI's delegation cancelled its planned country visit on 2–6 November 2020, and made a proposal to organise and conduct an online meeting, which took place on 12 November 2020. At the consultation, the Office was represented by Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities Dr. Elisabeth Sándor-Szalay and Head of Secretariat Dr. Tamás Török.

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 and the Venice Commission.

4.3. 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 (15 February 2007). 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 European Union 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.

On 7 December 2020, FRA, in cooperation with the media partners EURACTIV.com and EURACTIV.pl, hosted an online conference that was organised on the occasion of the 20th anniversary of the issuance of the EU Charter of Fundamental Rights. An expert of the Office also participated in the event. The online meeting also focused on those challenges and opportunities that the future holds for fundamental rights protection. The members of the panel discussion (Vice President of the European Commission for Values and Transparency Věra Jourová, Minister of Justice of Portugal Francisca Van Dunem, President of the Court of Justice of the European Union Koen Lenaerts, FRA Director Michael O'Flaherty) discussed how the Charter could be promoted, strengthened and applied more efficiently in this rapidly changing world. After the high-level meeting, the experts of FRA presented the guiding support materials compiled by them in connection with the Charter, along with the resources and other instruments.

The Commissioner for Fundamental Rights 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 international network NEIWA held its third meeting on 26 June 2020, online. The Office was represented at the event by two expert colleagues. As regards whistleblower protection, five working groups were formed as a result of the earlier meeting, which sent questionnaires on certain questions regarding the transposition of the Directive of the European Parliament and Council No. 2019/1937 (EU) on the protection of persons who report breaches of Union law to the organisations involved in whistleblower protection in the member states.

The above-mentioned organisations returned the completed questionnaires to the leaders of the working groups, who summarised and presented the findings in their talks at the webinar. The participants compared the relevant practices of the member states after the presentations. Following the practice of the earlier occasions, the meeting was closed by drawing up a draft joint statement.

On 7 October 2020, the next, extraordinary meeting of NEIWA was held online, the topic of which was the transposition of the directive into the national laws of the member states. The Office was represented at the meeting by the head of the Client Service and Department for the Protection of Whistleblowers. The reports showed that the member states were progressing with the transposition of the directive at varying speeds. Some member states currently hold public or targeted consultation sessions, others are busy elaborating the law, and there are also some others which have not yet made any meaningful progress. At the sessions of the expert groups, as well as during the bilateral meetings with the Commission, the topics of setting up competent authorities, the effect of the law, the internal channels and anonymity were discussed.

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 49 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.

EQUINET held its annual General Assembly on 16 October 2020, in an online form, due to the pandemic. The representatives of the Office also attended the annual meeting of the organisation. The agenda of the General Assembly included the adoption of the 2021 work plan of the network, the proposal on raising the membership fees, which had been the same for a long period of time, as well as the acceptance of the financial statements of 2019 and the draft minutes of the 2019 Gener-

al Assembly. Our institution cast a supporting vote for all four agenda points.

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.

On 21–22 September 2020, ENOC held a **two-day online seminar**. The Office was represented by the expert of the Department for Equal Opportunities and Children's Rights. During the seminar, the significance of the Child Rights Impact Assessment was presented, which supports the regular review of the impact of proposals, decisions and measures related to children's rights. The preparation of the Impact Assessment promotes the enforcement of Article 4 of the Convention on the Rights of the Child. At the moment, such impact assessments are prepared in seven countries, i.e. in the Flemish region of Belgium, in Bulgaria, Finland, Scotland, in the Basque region of Spain, Sweden and Wales. On the second day of the seminar, the working groups held coordination talks on the ENOC charter and the review thereof.

The **24th annual conference** of ENOC was held online on 16–18 November 2020. The Office was represented at the event by one of the Commissioner's expert colleagues. The annual General Assembly of ENOC focuses on a preselected topic each year and creates an opportunity for reporting on the annual activities of ENOC and for ENOC members to share their experience with each other. The new ENOC presidency was elected at the annual General Assembly. ENOC's main activity focused on the Child Rights Impact Assessment in 2020, in which it was examined how and to what extent the ENOC members concerned had elaborated and executed it. The Child Rights Impact Assessment supports the regular review of the impact of proposals, decisions and measures related to children's rights. This project was directed by the Office of the Children and Young People's Commissioner of Scotland. In addition to the position statement of ENOC, the related Common Framework of Reference was also created, which was unanimously accepted by the annual General Assembly of ENOC.

The **13th Forum of the European Commission on the Rights of the Child** was held between 29 September and 1 October 2020 in the virtual space, for the first time ever. The Forum on the Rights of the Child brings together the major international children's rights institutions, civil society organisations, judicial and child protection experts in order to discuss EU policies on child rights and the further development thereof. The Office was represented at the Forum by two experts. This year's Forum on the Rights of the Child was one of the milestones of the new EU strategy on the rights of the child (2021–2024). The strategy provides a comprehensive policy framework for children's rights, and it collects the relevant, already existing and future activities and policies of the EU. This year, the Commission allowed the active participation of children in the forum. In addition to this, in the cooperation of five international organisations (namely, Eurochild, UNICEF, Save the Children, World Vision Internation-

al, Child Fund), a questionnaire for children was developed (on a high number of topics such as school, meals, healthcare, leisure time, security, expression of opinions), which also contributes to the creation of the strategy.

Eurochild, which is a European umbrella organisation founded in 2003 from the European Forum for Child Welfare, i.e. EFCW and which comprises some 100 children's rights member organisations, assigns a key role to action against child starvation and the ill-treatment of children.

At the General Assembly of Eurochild held on 15 June 2020, the Office was represented by an expert of the Department for Equal Opportunities and Children's Rights. As a consequence of the measures ordered because of the pandemic, both the General Assembly and the simultaneously organised webinars were held in the virtual space. At the General Assembly, among others, the minutes of the 2019 General Assembly and the 2020 budget of the organisation were approved, and the participants also made some decisions on personal issues.

The Office takes part in the work of the Innsbruck-based **European Ombudsman Institute** (EOI), and the **European Network of Ombudsmen** (ENO), which was established in 1996. As a member of the EOI Board, the Commissioner for Fundamental Rights maintained a close relationship with the Institute in 2020 as well.

ENO is a network comprising more than 95 ombudsman's offices of as many as 36 European countries, which was established in order to facilitate the exchange of ideas on human rights between the EU member states, candidate countries, the members of EEC, as well as the European Ombudsman and the Committee on Petitions of the European Parliament.

Ombudsman institutions take turns in organising the now traditional annual meetings of the ombudsmen of the Visegrád Group (V4) countries. The experience of the previous years has shown that the independent ombudsman institutions have to face similar legal and social challenges in the Central and Eastern European region, and the sharing of professional experience and best practices may provide excellent support for coping with them.

The Commissioner visited **Slovak Ombudswoman Mária Patakyová** in Bratislava and her Czech counterpart **Anna Šabatova in Brno**, the Czech Republic in the first month of the year, to discuss the strengthening and further development of ties. These bilateral meetings also allowed for coordinating the professional topics proposed for the Ombudsman meeting of the **Visegrád Group (V4)** countries originally planned to take place in Hungary in the second half of 2020, which include inquiries into the fundamental rights-related complaints concerning police measures, the possible ways of strengthening cooperation between the civil sector and the ombudsman institution, the presentation of the OPCAT Department, the sharing of good practices, as well as the identification of challenges. The V4 Ombudsman meeting was postponed to 2021 by the Commissioner, due to the coronavirus pandemic.



Introductory visit to Slovak Ombudswoman
Mária Patakyová on 21 January 2020



Introductory visit to the Czech Commissioner for Human Rights on 22
January 2020 – Ombudswoman Anna Šabatová, Dr. Ákos Kozma and
Deputy Ombudswoman Monika Šimůnková

The online conference entitled **“Workplace Whistleblower Protection in the V4 countries, France and Slovenia – in Search of an Effective Model of Protection”** was held on 25 September 2020. In the framework of the Visegrád tender, the conference was organised by the head of the Institute of European and Collective Labour Law of the Polish University of Łódź, and it was funded by the International Visegrád Fund. The representatives of a high number of European universities gave talks at the conference. At the event, the Office was represented by the head of the Unit of Whistleblower Protection, who spoke about the role of the Commissioner and the Office in the system providing protection for whistle-blowers based on the relevant rules set out in the Ombudsman Act and the Complaints Act.

4.4. 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, furthermore, by holding consultation and training sessions if necessary. At the request of our cooperation partners, our expert staff members send out professional materials or complete professional questionnaires on a regular basis.

From among the data services provided by the Office, the questionnaires examining the fundamental rights-related aspects of the coronavirus pandemic were typical in 2020, through which we supported the information supply and the mapping of good practices of both our main umbrella organisations (Equinet, GANHRI, ENOC data collections) and our key partners (the Office of the UN High Commissioner for Human Rights, special rapporteurs). In addition to the data requests on the topic of coronavirus, the following requests were also significant:

2019 also saw the implementation of the research project conducted by FRA as a result of which a detailed and comprehensive analysis of the NHRIs operating in the member states will be offered, by reviewing the current situation of the institutions, their respective achievements and challenges, etc. In the course of the research project, our institution supported the compilation of the data and information on our institution by completing a questionnaire and holding coordination talks with the project manager of the Agency in the form of a teleconference. In early 2020, the Office received the draft study, thus getting an opportunity for clarifying and adding to the content thereof. The report summarising the findings of the research programme is displayed on the homepage of FRA.

During the summer, the Office participated in the preparation of the report on the rule of law to be compiled by the European Commission via two channels. On the one hand, the Office directly provided information to the Commission, while on the other, ENNHRI also prepared a comprehensive joint report, to the compilation of which considerable contribution was made by our institution.

In October, the expert staff members of the Office also participated in a consultation session on the twenty years of the mandate of the special rapporteur on the right to adequate housing, both by providing written contribution and attending the related online conference.

In December, FRA, in cooperation with Equinet, requested the institutions of equality and equal treatment to complete an online questionnaire, which request was fulfilled by the Office. The questionnaire will serve as the source of two EU studies

and situational assessments (FRA study on the 20-year history of the directive on equal treatment between persons irrespective of racial or ethnic origin, as well as the report of the European Commission on the issues of the joint application of the former directive and the directive on the establishment of a general framework for equal treatment in employment and occupation), furthermore, as the source for updating the organisational database of Equinet.

During the year, we shared our experience with our partner institutions on numerous occasions via the ENOC network as well (Ombudsperson for Children in the Republic of Croatia, Moldavian Child Protection Officer, Office of the Public Defender (Ombudsman) of Georgia).

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.

The Eurasian ombudsman institutions held their annual international conference on 17 November 2020, which was organised online due to the coronavirus pandemic. The Office also participated in the conference. At the high-level meeting, discussions were held about the implementation experience on both the national and international levels gained in the recent years on the occasion of the 70th anniversary of the declaration of the European Convention of Human Rights; further-

more, the new realities of the human rights dimension related to the lessons learnt from the pandemic were analysed by the participants. The event was opened by Tatiana Nikolayevna Moskalkova, High Commissioner for Human Rights in the Russian Federation, and Michelle Bachelet, UN High Commissioner for Human Rights.

The European Association for Education Law and Policy held its 133rd international conference on education on 16 October 2020, this time in an online form. The main topics of the conference included school conflict management and the ways in which the individual countries managed to tackle the challenges posed by digital education introduced due to the coronavirus pandemic.

The Ombudsman also gave a talk at the conference.

The South-East Europe Network of National Preventive Mechanisms held an online workshop organised by the Croatian National Preventive Mechanism entitled **“Strengthening of the Prevention of Torture in South-East Europe: the Safeguards to be Controlled in the First Hours of Police Custody”** in early October. After the consultation, an agreement was reached on that the organisation’s annual presidency would be taken over by the institution of the Hungarian Ombudsman in 2021.

5. FLAGSHIP CASES, INQUIRIES AND REPORTS IN 2020

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, the homeless and others existentially in need in 2020 as well. In addition to the already presented activities of the Commissioner in relation to the measures ordered in the wake of the pandemic, several reports on this aspect of the protection of fundamental rights can also be highlighted.

In 2020, there were two cases that generated a high level of response, which focused on **the method of restricting the freedom of expression, which also raises concerns from the aspect of the rule of law. In the area of education**, the Commissioner stressed that without a legislative authorisation, it runs counter to the principle of the rule of law if the school management organ imposes internal “rules of procedure” on educational institutions in relation to ordering a news ban with a binding effect. According to the report, the freedom of expression is violated by rules of procedure that tie the expression of the opinion of those concerned to a general approval in all kinds of school matters. In **health care**, the Commissioner established, in relation to an individual case, that it raises both formal and substantive concerns if the general prohibition of taking photos and making recordings at hospitals is ordered in internal rules of procedure. The Ombudsman pointed out that it is very important to inform both the patients and their relatives in order to ensure the balance that is necessary for discussing the conditions that exist at the hospitals, while also respecting human dignity.

This year, too, the Commissioner voiced his opinion several times on that the enforcement of **the rights of children with disabilities** is of key importance **in the area of education**, along with conducting meaningful inquiries into parents’ complaints by the school and the maintainer. Two reports were issued in which the Ombudsman called attention to the fact that in the case of a student with autism spectrum disorder without intellectual disability, those concerned did not get access to the treatment and education specified in the expert opinion.

The monitoring of residential institutions is a cardinal issue in relation to **the rights of persons with disabilities**. During investigating into a complaint, the Commissioner repeatedly established that the circumstances that are typical of institutions with a high number of residents cause improprieties as they are. Concerning the procedure aimed at the **disclosure of instances of abuse that happen at residential institutions** to persons living with disabilities, the report formulated detailed recommendations.

As regards the groups that are especially vulnerable, the report on **the rights of the elderly** deserves to be highlighted, in which the Commissioner investigated into the operation of a residential institution that also takes care of patients with dementia, where he disclosed improprieties with regard to the personal and objective circumstances, as well as the application and documentation of restrictive measures. The comprehensive report investigated into **the situation of providing health care to those struggling with dementia in Hungary** in general as well, in addition to monitoring the specific institution.

6. THE ACTIVITIES OF THE OMBUDSMAN AS THE OPCAT NATIONAL PREVENTIVE MECHANISM

Pursuant to the Act 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.

The NPM began his on-site inspections on the basis of a preliminary schedule of visits; however, the **pandemic situation** posed considerable challenges to the performance of this task, too. In order to prevent and slow down the spread of the pandemic, **special protective measures were ordered**, which also affected the institutions qualifying as places of detention pursuant to Article 4 of OPCAT. According to WHO's recommendation, the places of detention may be the starting points of infections, due to the closeness of detainees to each other, so preserving the health of the detainees is also a key interest for public health.

The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, i.e. **SPT** pointed out, **in its policy statement issued on the pandemic**, that the National Preventive Mechanisms are free to define how they respond to the challenges posed by the pandemic, keeping the rules set out in the relevant national laws in mind. They have to exercise their competence related to the visits during the pandemic as well but in doing so, they also have to keep in mind the rules of social distancing. The European Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (**CPT**) **also declared** that the independent monitoring, which is also conducted by the NPM, is an essential safeguard against ill treatment.

In possession of the information obtained from the operators and supervisory bodies of the places of detention, and with regard to the recommendations of SPT, CPT and WHO, the NPM decided not to suspend his on-site inspections, even temporarily. In addition to inspecting the places of detention according to the criteria applied to date, in the situation that had changed due to the pandemic, the NPM also considered it his responsibility **to control to what extent the measures applied for the prevention of the spread of the pandemic affected the fundamental rights of the detainees**. It was a further task in the framework of the inquiry conducted by the NPM to examine how the places of detention ensured the conditions for the prevention of getting infected, and the prevention of the potential spread of any infections.

The NPM **modified the methods of his inspections** in light of the pandemic. As opposed to his earlier practice, the NPM only

made previously announced visits, with the personal participation of the Commissioner, in order to ensure the protection of the detainees, the staff working at the places of detention, as well as the members of the visiting group from infection, with a view to ensuring preparation for the pandemic situation. In harmony with the principle of 'do no harm', the members of the visiting group entered the area of the places of detention after assessing the risks, in the required protective equipment, i.e. wearing masks, rubber gloves, protective glasses, and in the case of some of the institutions, in protective disposable suits that cover the entire body, with a hood and shoe covers.



A cell of the Szabolcs-Szatmár-Bereg County Guarded Shelter and the exercise area

During the visits at the time of the pandemic, the NPM paid special attention to the following:

- changes in the treatment of detainees generated by the pandemic;
- information provided on pandemic-related measures;
- measures taken in order to prevent infections, especially during admission;
- ensuring daily routines, especially education, work, leisure time, outdoor time;
- ensuring healthcare services during the pandemic, possibility for isolation for medical reasons;
- the possibilities of keeping contact;

- measures taken in compensation for the restrictions introduced for the reduction of the danger of infections.

The NPM reported on his visits at the time of the pandemic and his methods applied in these special circumstances at several international forums, including the 6th issue of the European NPM Newsletter, at the online meeting of SPT held on 15–19 June 2020, as well as at the online meetings of the South-East Europe NPM Network on 12–13 October 2020 and 7 December 2020. The NPM visited as many as 33 places of detention in 2020, in 25 of which he applied the above-mentioned special pandemic-related methodology.

7. THE FOCAL POINTS OF THE ACTIVITY OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES IN 2020

The purpose of this chapter is to focus on the Deputy Commissioner's complex activities in 2020 and the decisive trends in the area of nationality rights. The summaries of the educational and professional materials, current events and earlier programmes, as well as the English-language overviews of the joint reports, general comments and highlighted legal cases are available on the following website:

<http://nemzetisegijogok.hu/en/web/njbh-en/>

7.1. THE GENERAL SITUATION OF NATIONALITY RIGHTS IN HUNGARY

The area of nationality rights is one of the most complex segments of the Hungarian legal system: **the respective legislation, which rests on international foundations, and which is thoroughly elaborated both on the textual and dogmatic level, disposes of advanced supportive and control mechanisms.** The solid historical and broad social foundations of this area of law are matched with a continuous and dynamic ability for renewal. It is an equally sensitive and strong regulatory environment at the same time, which, according to the figures of the 2011 census, provides the cornerstones for the enforcement of the rights and interests of 644,524 persons, but in practice, it affects nearly one million individuals belonging to a national minority.



Prof. Elisabeth Sándor-Szalay
Ombudsman for the Rights of National Minorities

The Constitution of the Republic of Hungary, which was democratically amended in 1989 and was in force till the last day of 2011, declared for the first time in Hungarian history that the national and ethnic minorities living in the territory of Hungary are part of the people's power: they are constituent parts. Besides recognising the thirteen national minorities, it opened the way for the members of these communities to their effective equality before the law, and it guaranteed additional rights both on the individual and collective level with a view to countering the disadvantages.



The specificities of the nationality communities living in Hungary led to the emergence of the **concept of personal autonomy, resting on the system of nationality self-governments**, and the network of the cultural and educational institutions partly maintained by them. This **legal regulation, unique in Europe, as well as the financing system and institutional framework based on that** made it possible for the communities to develop their potential and strengthen their identity.



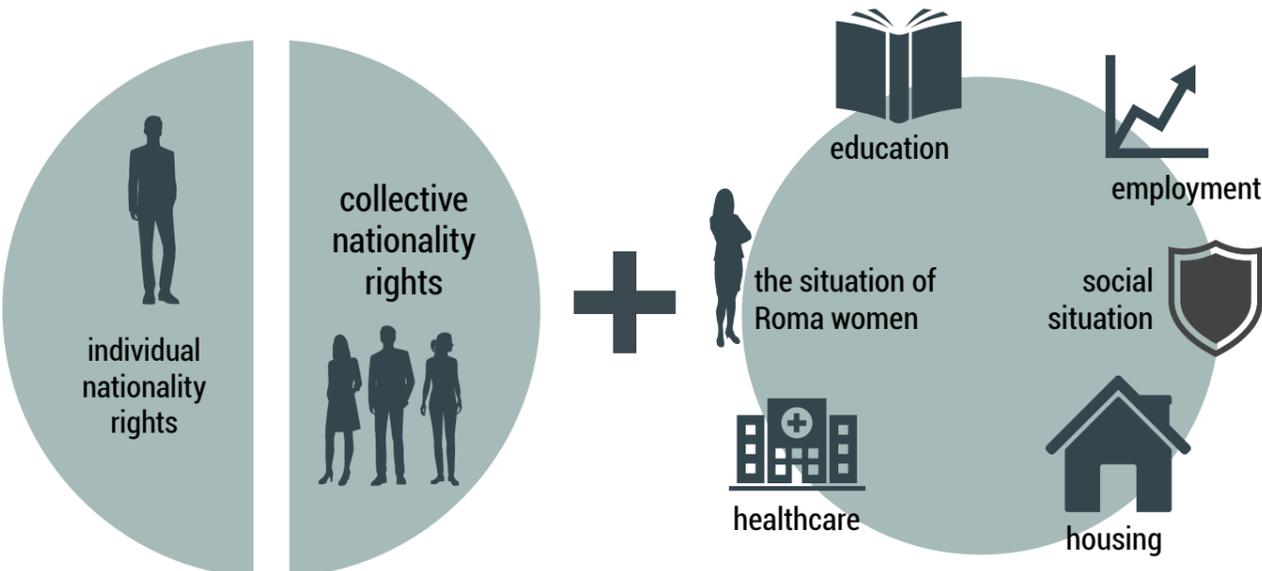
Individual rights

- the right to declare one's belonging to a national minority
- protection of specific personal data related to nationality affiliation
- free use of the mother tongue in speech and writing
- the use of surnames and first names according to the rules of the mother tongue, the right to seek the official registration of surnames and first names and their use on official documents
- the right to become acquainted with, foster, enrich and pass on one's mother tongue, history, culture and traditions
- the right to attend public education and cultural heritage events in one's mother tongue
- the right to honour family-related nationality traditions and foster family relations
- the right to hold family celebrations and conduct the related religious services in one's mother tongue



Collective rights

- the right to preserve, foster, reinforce and pass on their identity
- the right to preserve and develop their historical traditions, mother tongue and culture
- the right to use historically established locality names, street names and other geographical designations intended for the community
- the right to hold events and ceremonies undisturbed, foster their architectural, cultural and religious heritage and use their symbols
- the right to establish and operate educational, cultural and scientific institutions
- the right to initiate the establishment of nationality education and participate in the elaboration and maintenance thereof
- the possibility to produce and broadcast regular nationality programmes in the public service media
- the possibility to elect a nationality representative or nationality advocate to the National Assembly
- the right to build and maintain extensive and direct international relations



The situation of the Roma communities is completed by a distinctive dimension, different from that of other nationalities. As members of a nationality, Roma people are entitled to the special rights guaranteed by cultural autonomy. However, in practice, they are able to enforce them only to a limited extent, due to poverty, vulnerability and negative discrimination affecting the members of this community more than other groups of the society. **Six areas** (education, employment, social situation, housing, healthcare and the special situation of Roma women leading to multiple discrimination) continue to **pose a major challenge** to this day. Therefore, in addition to the enforcement of nationality rights, ensuring equal treatment and implementing special equal opportunities programmes for the Roma have a priority role even today as the tool of combating historical disadvantages and frequent institutional discrimination.

The **general monitoring** of the effective enforcement of nationality rights is greatly enhanced by the fact that since 2014, the Fundamental Law has made it possible for national minorities to take part in the work of the Parliament: the Committee Representing the Nationalities in Hungary composed of elected delegates has become an institution that can initiate legislation, make proposals, give its opinion and control the government's work with respect to the interests and rights of the nationalities.

The other key component of rights enforcement is the Ombudsman's independent monitoring mechanism. Due to a conceptual change of policy, after nearly twenty years of efficient and successful operation, the position of the **Parliamentary Commissioner for National and Ethnic Minority Rights** established in 1993 was replaced, **as of 1 January 2012**, by the position of the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary, commonly known as **Ombudsman for the Rights of National Minorities**, or **Minority Ombudsman** for short.

7.2. THE FRAMEWORK OF THE PROFESSIONAL CONTACTS OF THE DEPUTY COMMISSIONER, OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES

Maintaining professional contacts, and obtaining and processing information continuously are the Deputy Commissioner's statutory obligations and priority tasks, but these are also indispensable in order to lay the substantive groundwork for professional work. In 2020, despite the significantly limited possibilities to act due to the pandemic, the Deputy Commissioner once again endeavoured to be present in the everyday lives of the nationality communities, and to monitor, collect and systematise the information on the enforcement of their rights, and the current situation and public life of these communities.

In addition to the above, the Deputy Commissioner kept continuous professional contact with 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.

Responsibilities of the Ombudsman for the Rights of National Minorities

- regularly **inform** the Commissioner for Fundamental Rights, the institutions concerned and the public of his/her **experience** regarding the enforcement of the rights of nationalities living in Hungary
- draw** the attention of the Commissioner for Fundamental Rights, the institutions concerned and the public to the **danger of infringement** of rights affecting nationalities living in Hungary
- propose** that the Commissioner for Fundamental Rights institute **proceedings ex officio**
- participate in the inquiries** of the Commissioner for Fundamental Rights
- propose** that the Commissioner for Fundamental Rights **turn to the Constitutional Court**
- comment** on the Governments's social inclusion **strategy** and monitor the implementation of objectives thereof concerning nationalities living in Hungary
- propose the adoption and amendment of legislation** on the rights of nationalities living in Hungary
- promote**, through his/her international activities, the presentation of the merits of domestic institutions related to the interests of nationalities living in Hungary

Priority cooperation partners of the Ombudsman for the Rights of National Minorities in the relevant year:

Elected bodies	<ul style="list-style-type: none"> Association of National-level Nationality Self-governments Nationality self-governments at municipal, regional and national levels Parliament's Committee Representing the Nationalities Special committees of the Parliament
Other bodies protecting human rights	<ul style="list-style-type: none"> Constitutional Court Equal Treatment Authority Hungarian National Authority for Data Protection and Freedom of Information National Media and Telecommunications Authority
Governance and public administration	<ul style="list-style-type: none"> State Secretariat for Ecclesiastical and Nationality Relations of the Prime Minister's Office State Secretariat for Social Inclusion of the Ministry of Interior Education Authority, Nationality Pedagogical Training Centre National Election Commission National Election Office Miklós Vecsei, the Prime Minister's commissioner
Consultation bodies	<ul style="list-style-type: none"> Anti-Hate Crime Working Group Ministry of Justice, Human Rights Working Group Thematic Working Group for Nationality Affairs Ministry of Justice, Human Rights Working Group Thematic Working Group for Roma Affairs Anti-Segregation Roundtable Roma Coordination Council Hungarian Charity Service of the Order of Malta

CONTACT WITH STRATEGIC ADVOCACY ORGANS



Discussion of the 2019 Report in the Parliament's Committee Representing the Nationalities in Hungary – Budapest



Discussion of the 2019 Report in the Parliament's plenary session – Budapest



External meeting of the Association of National-level Nationality Self-governments in the Office of the Commissioner for Fundamental Rights – Budapest

PROFESSIONAL MEETINGS



Professional meeting with the leaders of the Slovak community in Hungary on the Day of Nationalities – Budapest



Professional consultation at the Department of Slavic Studies, Berzsenyi Dániel Teacher Training Centre – ELTE Savaria University Centre, Szombathely

ON-SITE VISITS



Meeting with the presidents of the nationality self-governments in Pécs



Professional consultation at the Institute of German Studies – Pécs University, Faculty of Arts



Professional consultation at the Department of Croatian Studies – Pécs University, Faculty of Arts



Meeting with the leaders of Pécs, City with County Rights, in charge of nationalities – Pécs



Joint on-site visit with the Commissioner for Fundamental Rights – Tarnabod



Joint on-site visit with the Commissioner for Fundamental Rights – Tarnabod

CULTURAL EVENTS AND COMMEMORATIONS



Commemoration on the memorial day of the expulsion of ethnic Germans from Hungary – Máty



Commemoration on the memorial day of the expulsion of ethnic Germans from Hungary – Máty



Celebration on the occasion of the national holiday of Bulgaria – Budapest



Celebration on the occasion of the national holiday of Bulgaria – Budapest



Tribute at the memorial wall in honour of Polish World War II refugees and their helpers – Budapest



Commemoration and wreath laying on the occasion of the Roma Holocaust Memorial Day – Budapest



Celebration on the occasion of International Roma Day – Budapest



Celebration on the occasion of International Roma Day – Budapest

INTERNATIONAL CONTACTS



Meeting with the representatives of the Flemish Government – Budapest



68th plenary session of the Advisory Committee of the Framework Convention for the Protection of National Minorities



Farewell visit of the Ambassador of Romania to Hungary – Budapest

MEDIA RELATIONS AND SOCIAL MEDIA PLATFORMS



Interview for Rondó magazine – Budapest



Interview for Rondó magazine – Budapest



Interview in Kossuth Radio programme "Good Morning, Hungary" – Budapest



Visit of the students of the Institute of German Studies – Eötvös Loránd University, Faculty of Arts, Budapest

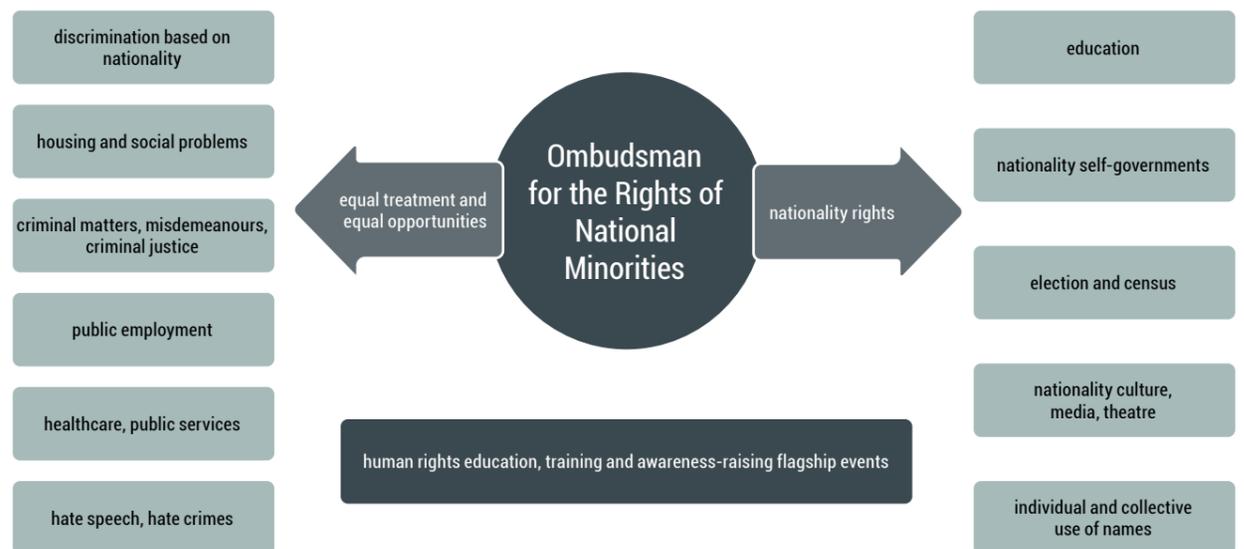
EDUCATION AND FORMING THE ATTITUDE OF THE SOCIETY



Visit of the students of Mikó Imre College for Advanced Studies, Cluj-Napoca – Budapest

7.3. THE SPECIFICITIES OF THE PROTECTION OF RIGHTS BY THE DEPUTY COMMISSIONER IN AN EXTRAORDINARY YEAR

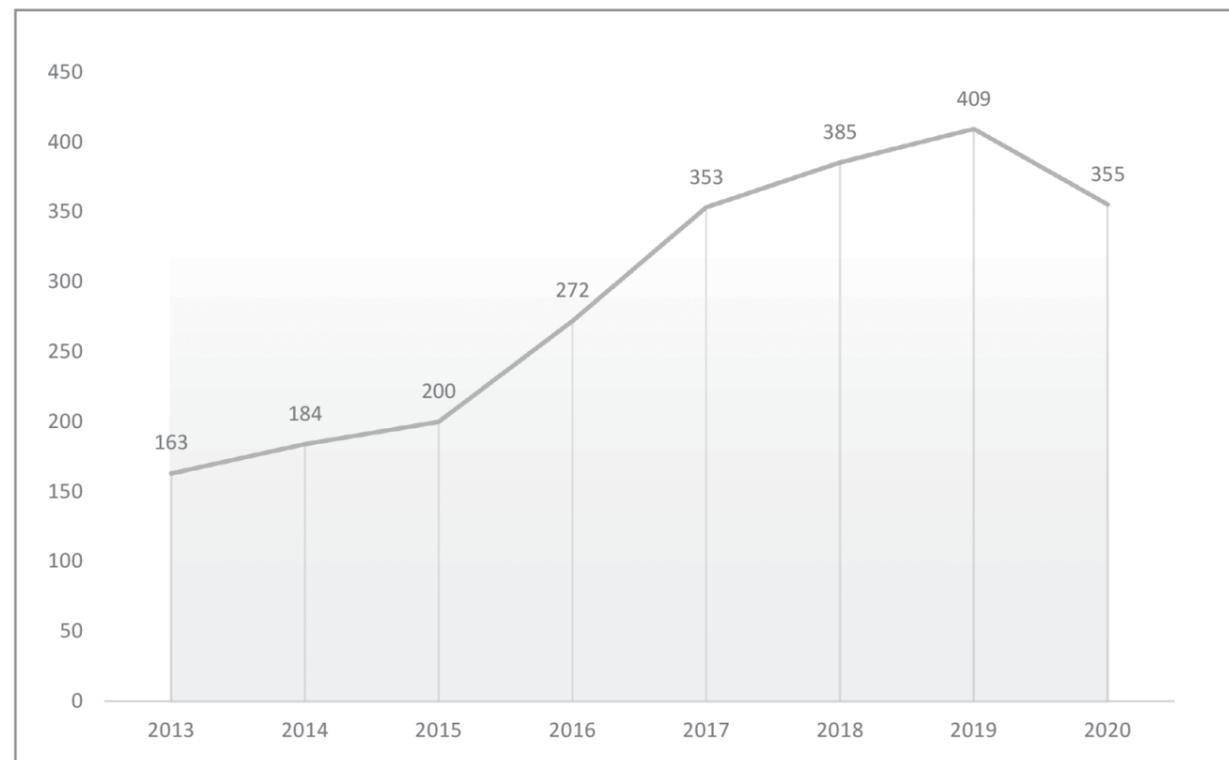
The Minority Ombudsman needs to cover a wide spectrum of rights protection activities. Her portfolio comprises **classical nationality rights cases** which demand complex, comprehensive, and substantial legal abstraction and broad professional expertise, as well as **complex petitions related to equal treatment and equal opportunities**, which uncover the anomalies of jurisprudence in the first place, and require an interdisciplinary knowledge in law, sociology, social work and mental hygiene.



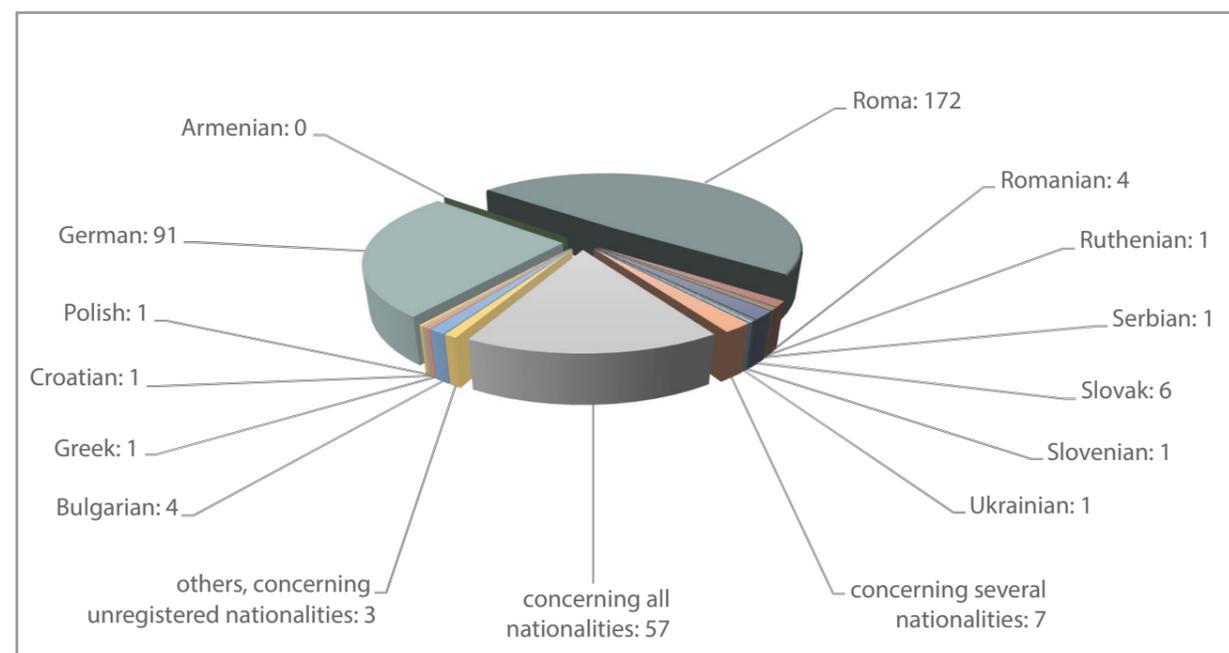
In 2020, the pandemic also affected the area of nationality law and the Deputy Commissioner's work significantly, as a result of which the content of the incoming complaints and the working conditions changed as well.

Despite the pandemic-related **difficulties and the obstacles in time and space**, the Deputy Commissioner constantly sought to proceed with the usual professionalism and on the appropriate level in those cases where complainants turned

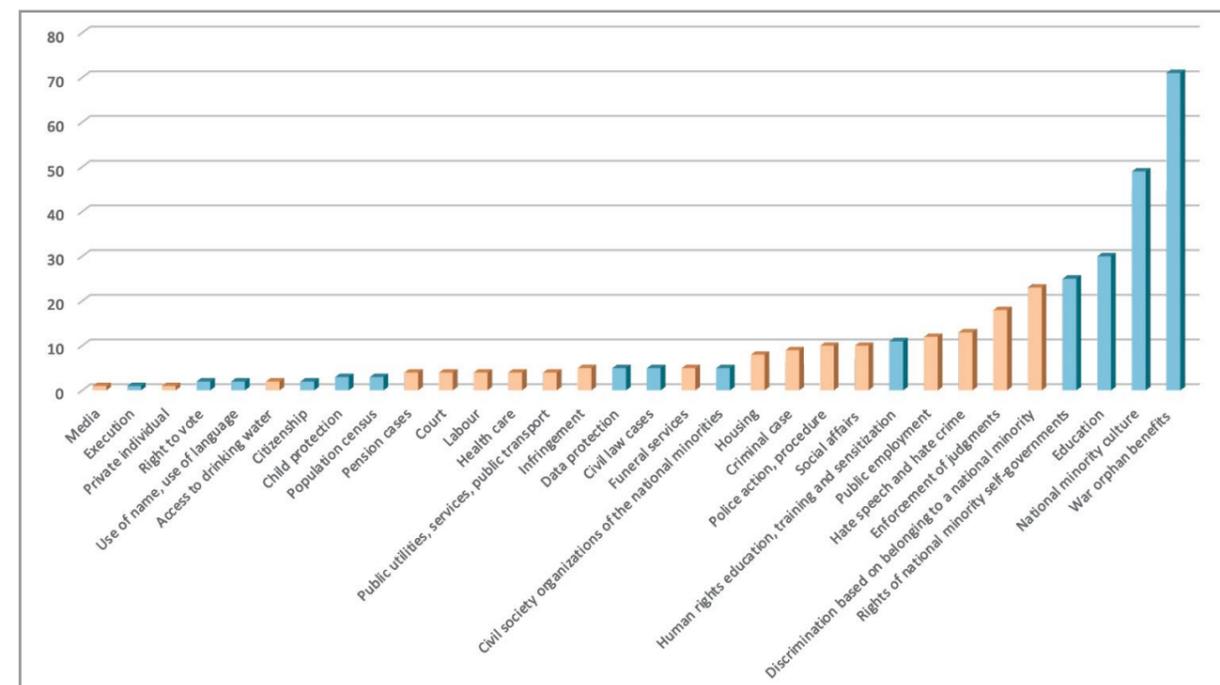
to her. In this effort, she could especially count on the help and cooperation of the nationality MP, nationality advocates, presidents of nationality self-governments, and other MPs and experts. At the same time, the internal composition of the petitions also changed substantially: while the number of complaints decreased, that of Roma complainants turning to the Deputy Commissioner due to the social crisis situation rose significantly.



Number of complaints and cases of maladministration detected ex officio between 2013 and 2020



Breakdown of complaints and ex officio cases of maladministration in 2020 by nationality



Types and subjects of complaints and ex officio cases of maladministration in 2020

7.3.1. KEY AREAS AND TRENDS IN RELATION TO INDIVIDUAL COMPLAINTS

An overview of the main types of cases of the year 2020 can offer an insight into the full spectrum of the Minority Ombudsman's activity. The **specific cases** allow us to better understand the complainants' problems occurring in the given period, their social background, trends in the application of the law, and the general connections pertaining to this area of law. At the same time, they can also help us to analyse and evaluate the practical effects of the Deputy Commissioner's work carried out in the framework of her competences.

Similarly to the previous years, in 2020, a substantial number of petitions were related to the operation and financial matters of the **nationality self-governments**, and complaints about problems in connection with the positions of nationality self-government representatives and the difficulties of cooperation between the nationality self-governments and local governments of the settlements were also numerous. In relation to **nationality education**, it was primarily the challenges of the transition to digital education, and the difficulties encountered in the operation of the nationality self-governments during the state of danger and in exercising their right to consent that were brought up in complaints. In this reporting period, the Deputy Commissioner received an outstanding number of petitions complaining about difficulties in connection with the complainants' **social situation, livelihood and housing**. As it transpires from the **individual complaints**, the epidemic hit those vulnerable inhabitants the hardest who come from a disadvantaged background, including those of Roma origin, for whom

health-related expenses meant a serious burden in addition to their dwindling **employment opportunities**.

The trends of the cases in 2020 are presented in the checklist below.

Education of national minorities

- difficulties related to exercising the right to consent by nationality self-governments during the state of danger
- general challenges in connection with the transition to digital education
- the special situation of Roma children (lack of multimedia devices and Internet connection, lack of private sphere and calm learning space, closing of talent support centres and community centres in the Roma settlements, child hunger)

Nationality self-governments

- dysfunctions of decision-making mechanisms during the state of danger
- precarious financial situation and budgetary figures of nationality self-governments
- creating the possibility to use state supports for alternative purposes
- difficulties of cooperation between the nationality self-governments and local governments of the settlements
- obstacles hampering the exercise of the right to be consulted and to consent

Preparation for the 2021 census

- anonymity of the census
- the question whether it is possible to connect the groups of data gathered
- data protection matters concerning the census
- using one's nationality mother tongue during the census
- issues related to the production of the census questionnaires in nationality languages
- participation of nationality self-governments in the preparation and execution of the census
- methodology of selecting census agents

Experience related to hate speech and hate crimes, and possibilities of taking action against them efficiently

Cases concerning social living conditions, housing, segregated Roma settlements

- difficulty to have access to food, medication and medical care
- evaluation of requests, allocation and distribution of benefits and aids
- untenable housing conditions, evictions
- creation and termination of legal relationship of rental housing owned by the local government

Public employment and employment cases

- jobs lost in the primary labour market
- shrinking public employment opportunities
- lack of advocacy organisations, difficulties to enforce rights

Cases related to funeral services and cemeteries

- safeguarding the cultural values and heritage of the national minorities
- violation of the right to respect for the deceased due to discriminatory funeral procedures

Cases related to criminal proceedings, infraction and penitentiary matters

- transforming non-collectible fines into confinement
- the rules of epidemiological separation, observation, quarantine or control ordered due to infection or the suspicion thereof
- the reduction of contact possibilities in penal institutions
- possibility to access special healthcare services
- ill-treatment, unlawful application of coercive measures, and problems in connection with transfer in penal institutions

Regarding the topics listed above in general and the Deputy Commissioner's related specific case law, detailed information is available in English under the following QR code:



7.3.2. STRATEGIC DOCUMENTS

In 2020, by shifting the focus of the inquiries and reconsidering earlier experience, petitions and signals, it became possible to launch inquiries demanding comprehensive and broad-ranging analytical work about those aspects of the enforcement of nationality rights that are indispensable from the perspective of both preserving and transmitting one's nationality identity. As a result of these, we published twelve **legal professional documents of general relevance: three joint reports, six general comments and three closing letters containing proposals on the application of the law.**

In 2020, our priority areas of inquiry were questions concerning the **census**, the situation of **cemeteries and graveyards for national minorities**, the possibilities of taking action against **hate speech and hate crimes**, as well as the **cultural representation of the Roma and their representation in textbooks**. A general comment was issued **on the effects of the pandemic on national minority communities**, examining considerations of nationality law, discrimination and social aspects. These documents, which were received positively by both the addressees and the broader professional public opinion, were able to substantially shape the application of the law in several cases, and they played a role in the strategic (re-) planning of certain policies.

The summaries of the priority professional materials listed above are also available in English under the following QR code:



General Comment No. 1/2020 of the Minority Ombudsman on the preservation of the nationality cultural values of the Old Swabian Cemetery (Neufriedhof) in Zsámbék
(31 January 2020)

General Comment No. 2/2020 of the Minority Ombudsman on the issues related to nationality law concerning the preparation and implementation of the 2021 census
(15 April 2020)

General Comment No. 3/2020 of the Minority Ombudsman on incorporating the history of the Roma people in the school curricula in a more professional and effective way
(29 October 2020)

General Comment No. 4/2020 of the Minority Ombudsman on the effects of coronavirus pandemic on nationality communities
(11 November 2020)

General Comment No. 5/2020 of the Minority Ombudsman on statements insulting the German nationality community, the need to take action against hate speech and the possibilities for taking action against harmful content on video-sharing platforms
(7 December 2020)

General Comment No. 6/2020 of the Minority Ombudsman on the measures related to damaging the Roma Holocaust Memorial in Budapest and the need for stepping up against incidents motivated by hatred
(7 December 2020)

Joint report No. 672/2020 on a case affecting a German minority self-government of a city with county rights, about the exercise of the right of consent required for the mandate of the head of a minority educational institution
(21 April 2020)

Joint report No. 1376/2020 on a funeral procedure involving a Roma person and his family
(21 April 2020)

Joint report No. 1991/2020 on the procedure for establishing the widow's pension of a Roma person
(2 October 2020)

Case No. AJB-163/2020 on the investigation of a penalty-enforcement case, regarding a Roma person's handcuffing
(14 May 2020)

Case No. AJB-757/2020 on the investigation of measures taken against a Roma person after his admission to the police
(10 September 2020)

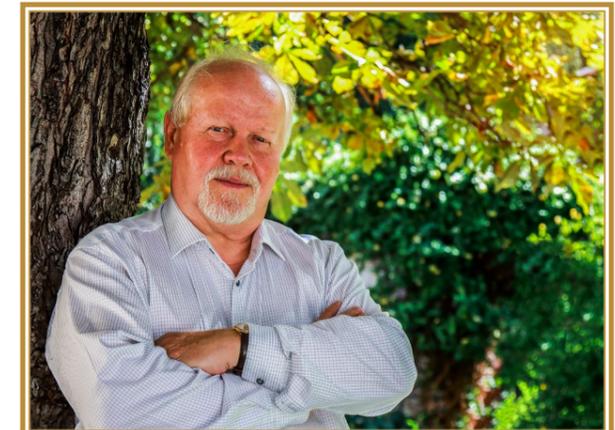
Case No. AJB-1997/2020 on the investigation of criminal proceedings against children
(8 October 2020)

8. THE FOCAL POINTS OF THE ACTIVITY OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR FUTURE GENERATIONS IN 2020

8.1. GENERAL OVERVIEW

The Fundamental Law of Hungary gives particular attention to the natural and cultural resources and treasures, the so-called “common heritage of the nation” that must be, by law, protected and safeguarded for future generations, as well as to the importance of the right to a healthy environment and the right to physical and mental integrity. The Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations is in charge of the ombudsman-level protection of all of these fundamental rights.

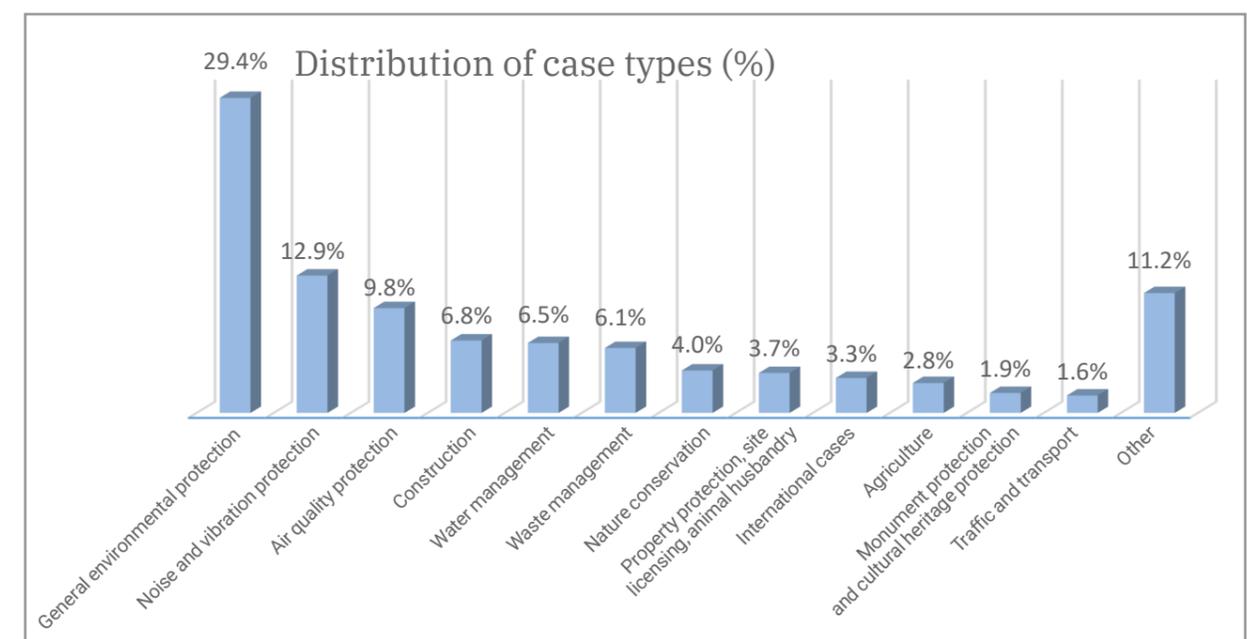
The Ombudsman takes part in the inquiry of the citizens' complaints submitted to the Commissioner, and in his mandate he can also rely on other instruments through his consultative and advisory role. In comparison with former years, in 2020 the Office received more petitions concerning certain priority topics or specific development projects because certain legislative actions seemed to be giving greater weight to economic considerations than to environmental and nature conservation aspects. The distribution of the complaints pertaining to the protection of the interests of future generations, the right to a healthy environment and to physical and mental integrity according to case types are presented in the diagram below.



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

As a result of complex inquiries launched on the basis of complaints, 11 joint reports were issued in the course of 2020 on the following topics:

- Noise pollution, noise protection (4)
- Waste management (3)
- Environmental protection and public transport (1)
- Nature conservation (1)
- Water protection and remediation (1)
- Settlement planning and environmental protection (1)



Types and subject matters of complaints, petitions and ex officio inquiries in 2020 related to the interests of future generations

In addition to the joint reports, based on the relevant legislation, the Ombudsman can utilise a variety of other instruments as well, by which he can assist and advise the law-making and enforcement procedures and the shaping of legal institutions. He may use these tools in cooperation with scientific, professional, governmental or civil society organisations, performing comprehensive professional analyses and shedding light on specific systemic-level problems: he may submit legislative

proposals, and publish general opinions, public statements and communiques. Moreover, he can elaborate on his position when commenting on draft legislation, can propose the launching of ex officio inquiries to the Commissioner, or turning to the Constitutional Court or the Curia (Supreme Court). The diversity of the Deputy Commissioner's activities is presented in the table below.

Topic	Number of cases
A. Participating in the inquiries of the Commissioner for Fundamental Rights and the drafting of joint reports:	240
B. Joint reports issued by the Commissioner and the Deputy Commissioner:	11
C. Preparing and conducting comprehensive ex officio inquiries:	6
D. Giving opinion on legislation, proposals for the amendment of legislation and independent legislative proposals:	22
E. Issuing public statements in priority matters related to the interests of future generations:	9
F. Ex officio monitoring of cases concerning future generations:	67
G. Expert consultations with external partners:	53
H. Fieldwork, on-site meetings, public forums:	9
I. Organising professional and scientific events, or giving a presentation at an external event:	19
J. Attending professional and scientific events:	22
K. Participating in the meetings of the Parliament's committees/National Council for Sustainable Development/National Environmental Council:	12
L. International networking, answering queries, collecting and providing information:	13
M. Providing secretarial services to the Network of Institutions for Future Generations:	ongoing
N. Media appearances (statements, interviews, publications):	29
O. News shared on the official Facebook page of the Ombudsman for Future Generations:	271

Distribution of the tasks performed by the Ombudsman's Secretariat in numbers, according to types in 2020

The **public statements** issued by the Ombudsman during the year on specific **priority topics**, as well as his **independent legislative proposals** published in addition to the contents of the joint reports are summarised in the table below.

Date	Topic
2 April	Public Statement of the Ombudsman for Future Generations on the protection of the right to clean air during the state of danger
11 August	Public Statement of the Ombudsman for Future Generations concerning the follow-up to the Constitutional Court's decision on the protection of the biodiversity and natural values of forests
13 November	Public Statement of the Ombudsman for Future Generations concerning the requirements of the protection of biodiversity as stipulated by the Fundamental Law
19 November	Public Statement of the Ombudsman for Future Generations regarding the constitutional concerns related to the relaxation of the groundwater well authorization regime
27 November	Legislative proposal of the Ombudsman for Future Generations for the protection of groundwater resources
8 December	Public Statement of the Ombudsman for Future Generations for compliant and conflict-free construction
22 December	Public Statement of the Ombudsman for Future Generations on the protection of monuments forming part of the nation's common heritage

Public Statements and legislative proposals published by the Ombudsman in 2020

Gathering on-site experience plays an important role in the Deputy Commissioner's activity, which was significantly hindered by the COVID-19 pandemic in 2020. Consultation on the professional activities of national parks is an integral part of the comprehensive work to ensure that the common heritage of the nation is preserved for future generations, as required

by the Fundamental Law. In August, the Commissioner and his Deputy made an on-site visit at the Upper Balaton National Park, discussing – among others – the park's diverse activities in connection with ecotourism and environmental education.



The Commissioner and the Deputy Commissioner visit the Directorate of Upper Balaton National Park and Fekete István Memorial Room (Kis-Balaton, Diás Island)

Despite the difficulties caused by the pandemic, the Deputy Commissioner and his staff members delivered presentations at numerous conferences and other events related to sustainability and future generations.

Date	Event	Organiser
24 January	<i>Crisis and Paradigm Shift – The Questions of Resilience Before and After the Approaching Crisis – What Do (Could/Should) the Law and the State Mean by Resilience? – Conference presentation</i>	Nádasdy Foundation – Pázmány Péter Catholic University, Department of Environmental and Competition Law
4 February	<i>"Canticle of the Sun" Workshop – Our Responsibility for Future Generations – Keynote speech</i>	"Canticle of the Sun" Association for Creation Protection
4 February	<i>Export Financing and Environmental Sustainability – Working group discussion</i>	OCFR – Federation of Hungarian Conservationists (MTVSZ)
14 February	<i>The Planned Reform of Agricultural and Environmental Law, as well as of the Fundamental Law – Sustainable Development, Environment, and the Fundamental Law – Conference presentation</i>	Faculty of Law and Political Sciences of Miskolc University, CEDR – Hungarian Agricultural Law Association, HAS MAB Legal Working Group on Natural Resources and Rural Development, Bar Association of Borsod-Abaúj-Zemplén County
19 February	<i>Environmental Law in Practice – Environmental Protection in the Ombudsman's Practice – Presentation</i>	Pázmány Péter Catholic University, Department of Environmental and Competition Law
21 February	<i>Modification of the Official Instruments of Public Intervention – Panel discussion</i>	OCFR – Public Law Subcommittee of the Hungarian Academy of Sciences
7 July	<i>The Local Treatment of Green Waste (Fallen Leaves and Garden Waste) – Information presentation at a workshop</i>	National Federation of Local Governments (TÖOSZ)
3–7 August	<i>Minority Protection in Europe – The Connections Between Sustainable Development and the Situation of Indigenous National Minorities – Lecture at an online summer university</i>	Foundation for the Protection of Minority Rights

Date	Event	Organiser
12 August	<i>Current Questions of the Administrative Sanctioning of Waste Management Infractions</i> – The Experience of the Current Waste Management Sanctioning Scheme – Online conference presentation	Ministry for Innovation and Technology
26 August	<i>The Questions of the State Control System of Waste Management</i> – The Experience of the Hungarian Waste Management Infractions and the Evaluation of the Package of Proposals from the Perspective of the Commissioner for Fundamental Rights – Online conference presentation	Ministry for Innovation and Technology
27 August	<i>11th National Chimney Conference</i> – Our Responsibility for Clean Air Under the Fundamental Law – Conference presentation	National Chimney Federation (KÉOSZ)
7 September	<i>Administrative Authorities in the Grip of Property Protection and Environmental Protection, Especially Regarding the Protection of the Air</i> – Municipal Environmental Protection – Presentation at a workshop	Hungarian Federation for Property Protection (MABIV), Environmental Management and Law Association (EMLA)
23 September	<i>Budapest Sustainability Exchange SDG Corner</i> – The Right to a Sustainable Future – Conference presentation	V4SDG – Visegrad for Sustainability
26 September	Award ceremony of Chapter 6 of the EnergyCommunities competition – Words of greeting	GreenDependent – E.ON
6 November	<i>Company Liquidation and Environmental Burdens – Brownfield Redevelopment</i> – Environmental Responsibility (Liability) – Online conference presentation	Federation of Environmental Protection Service Providers and Manufacturers (KSZGYSZ)
27 November	<i>From Externalities to Sustainability</i> (Hungarian Science Festival) – The Role of the State and the Legal Institutional Framework in the Transition to Sustainability – Online conference presentation	Budapest University of Technology and Economics, Department of Environmental Economics
7 December	Development of the Rights to Remedy, Training No. 6 on Remedy – Environmental Law and Participation – Online keynote speech	EMLA, Justice and Environment, EU Life project

Events organised by the Ombudsman's Secretariat, and presentations and talks delivered by the Ombudsman and his staff at external events

8.2. SOME PRIORITY FOCUS AREAS

The pursuit of the long-term sustainable management and preservation of the natural and cultural resources constituting the common heritage of the nation together with their fundamental rights implications, as well as shaping the necessary legislative and judicial practices permeate the daily work of the Deputy Commissioner. The protection of the interests of future generations is inseparable from the rights to a healthy environment and to physical and mental health. In the following, we will present some examples that were particularly prominent in 2020.

The protection of clean air

In the context of the epidemiological situation, the Ombudsman highlighted the importance of access to clean air on several forums and in various forms, stressing its human rights significance. Access to air, which is a prerequisite for life and health, is guaranteed only when air quality does not endanger or harm human health. According to the statistical data, the household burning of poor-quality fuels and waste plays an increasing role in the deterioration of air quality. Therefore, the Ombudsman issued a public statement to ensure access to clean air. He asked the Government to inform the population about the harmful effects of improper heating habits, to remind citizens of the prohibition of burning waste, to take action against violators, but not to leave anyone in unheated housing and to help the needy.

The constitutional criticism of the Forest Act

During the year, the landmark decision No. 14/2020 (VII. 6.) of the Constitutional Court concerning the amendment of the Forest Act was a major success in nature conservation. In cooperation with the Deputy Commissioner, the Commissioner voiced constitutional concerns in relation to the Forest Act in his petition submitted earlier. Upholding a significant part of the Commissioner's concerns, the Constitutional Court annulled most of the problematic provisions amending the Forest Act. The Constitutional Court once again recognised and underlined the importance of preserving biodiversity as a value belonging to the nation's common heritage, and it emphasised the duty of the State to act as a sort of public trust, and manage the natural and cultural treasures constituting the shared heritage of the nation for future generations as beneficiaries. This common interest cannot be overridden by any current economic interest of the present generations. Following the Constitutional Court's landmark decision, the Ombudsman issued a public statement for those concerned, taking stock of the tasks which – in consequence of the annulment – were delegated to forestry and nature conservation authorities, administrative and public asset managing bodies, local governments, forest owners and forest managers.

The protection of water resources

One of the most important steps taken by the Ombudsman with a view to protecting the quantity and quality of ground-water resources concerned a draft law amending the rules on the establishment of wells for agricultural irrigation and the maintenance of wells without a permit or diverging from the permit. The Ombudsman formulated his constitutional concerns about the bill in a public statement, which was also sent to the parliamentary committees discussing the bill. In this statement, he indicated that the bill sought to change the licensing system in a way that the Constitutional Court had already explicitly ruled to be contrary to the Fundamental Law in a previous decision. The Ombudsman stressed that the Fundamental Law explicitly provides for the protection, conservation and preservation of water resources, which are part of the common heritage of the nation, for future generations. Moreover, the Ombudsman made a legislative proposal, which was taken into account when the Parliament adopted a significantly amended version of the bill.

The protection of cultural heritage

In addition to protecting the natural conditions of human life, the Fundamental Law also defines cultural heritage as a treasure. The Constitutional Court explicitly confirmed that cultural heritage as part of the built environment falls within the scope of protection of the fundamental right to a healthy environment. In view of the growing interest of developers and investors in the protected elements of our built environment, the Ombudsman for Future Generations issued a public statement at the end of the year summarising the relevant fundamental legal framework for the protection of monuments that form part of the common heritage of the nation. Similarly to the processes guided by the laws of nature, the process of depreciation is irreversible, i.e. the deterioration, destruction or annihilation of cultural assets is a final and irreparable loss. Within the existing constitutional framework, in accordance with the principles of prevention and precaution, the State cannot even allow the risk of such scenarios.

8.3. INTERNATIONAL ENGAGEMENT

At international level, the need to represent the interests of future generations has been gaining significance. This representation can take various legal forms, among these, the ombudsman-type institutionalised legal protection is still unique and exemplary.

We regularly receive questionnaires to assist the work of the UN and other international organisations, and in our response to these questionnaires we utilise both the experience gathered from the complaints received from citizens, and the Deputy Commissioner's experience related to interpretation of the case-law, legislative actions and enforcement. In 2020, the

Ombudsman gave a detailed reply to the following questionnaires for the UN:

- *Healthy Ecosystems and Human Rights: Sustaining the Foundations of Life*
- *Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights*

Regarding the right to water and sanitation, the Ombudsman's Secretariat has a long-standing cooperation with the international expert group "Human Right 2 Water". In 2020, at their initiative, we prepared an updated summary of our experience and recommendations on the right to water, which will be used for the second edition of the *"National Human Rights Institutions and Water Governance Compilation of Good Practices"*.

In the course of 2020, the Deputy Commissioner received a number of inquiries in relation to his special mandate as Ombudsman for Future Generations. The UN Special Rapporteur and GANHRI (Global Alliance of National Human Rights Institutions) made an interview with the Ombudsman and some of his closest staff members in the framework of the project titled *"Project on the right to a healthy environment and the role of National Human Rights Institutions"*. In addition, experts mandated by GANHRI sought to develop new guidance for NHRIs to engage with Voluntary National SDG Reviews in the framework of an independent project. In this effort, they considered the earlier SDG general opinion issued by the Deputy Commissioner and the related case study as a useful best practice. **The Ombudsman's activity, general opinions, and public statements have become an integral part of the reports and publications presenting international best practices.**

Other international activities of the Ombudsman include the publication of the Hungarian translation of a FAO publication for children (*"Do Good: Save Food!"*) to encourage the reduction of food waste, and an accompanying document to support its adaptation to the Hungarian context. The Ombudsman commented on the draft country strategy for Hungary for the period 2021–2025 of the European Bank for Reconstruction and Development (EBRD), stating that it is necessary to take into account environmental aspects when assessing competitiveness and that the current, mostly quantitative methodology should be complemented by qualitative aspects. The Ombudsman also proposed a concrete methodology and stressed the need to carefully assess the given country's regulatory environment, as the elimination of administrative "burdens" often leads to a relaxation of environmental standards.

As a follow-up to the 2013 report of the UN Secretary General on *"Intergenerational Solidarity and the Needs of Future Generations"*, an international collaboration has been established between national institutions with a specific focus on the protection of the interests of future generations. Within the Network of Institutions for Future Generations (NIFG), best practices are being shared between national institutions, which was exemplified in 2020 by the valuable exchange of experience on the practices of natural capital valuation with the staff members of the Commissioner of the Environment and Sustainable Development within the Office of the Auditor General of Canada.

9. LEGISLATIVE PROPOSALS MAINTAINED BY THE COMMISSIONER AND THE DEPUTY COMMISSIONERS

The CFR Act entitles the Commissioner for Fundamental Rights that if the authority subject to inquiry or its supervisory organ fails to form a position on the merits and take the appropriate measure, or the Commissioner for Fundamental Rights does not agree with the position statement or the measure taken, **he shall submit the case to Parliament within the framework of his annual report.** Exercising this right, **of those legislative proposals formulated by him over the previous years that were not admitted by the ministry concerned, the Ombudsman hereby submits the following proposals to Parliament in this annual report.**

In 2018, the Commissioner made a legislative proposal **related to the seizure of the motor vehicle of a debtor qualifying as a person with impaired mobility, in the framework of a foreclosure procedure.** The vehicles of debtors with impaired mobility are qualified as assets that are exempt from foreclosure by the Act on Judicial Execution. However, the practical enforcement of this exemption is jeopardised by the fact that it is not compulsory for the bailiff to request specific data from the parking card registry about the persons with impaired mobility during the foreclosure process. In his response, the Minister of Justice agreed with the necessity of reviewing the regulation, and he wished to extend the solution of the problem to a wider scope of beneficiaries; however, no relevant legislation was adopted.

In 2018, the Commissioner **proposed that the regulation of the criteria of the operation of summer children's camps and daycare services by the players of the private sector be**

reviewed in its complexity, in order to ensure the conditions that guarantee the safety of children, predictability, clarity, as well as the procedure that serves the best interests of children more efficiently. The Minister of Human Capacities informed the Commissioner on the formation of a working group for the preparation of the relevant law; however, no relevant legislation was adopted.

The Ombudsman for Future Generations contacted the competent ministry in early 2019 **with an independent legislative proposal concerning the use of fireworks on New Year's Eve.** He called attention to the dangers related to the storage, distribution and utilisation of pyrotechnic devices, as well as their environmental impacts such as air pollution and noise burden, moreover, to the animal protection aspects, which had not received adequate attention earlier. The Deputy Commissioner proposed that, by keeping graduality in mind, a regulation with a higher level of differentiation should be introduced for the devices in the different hazard categories, that their purchase by minors should not be permitted, and the free utilisation of the devices in higher hazard categories should be more limited than at present. In addition to the civil society organizations, this initiative was supported by the Minister of Health as well; however, no relevant legislation was adopted.

The Commissioner continues to maintain the above recommendations that have been formulated over the previous years, and he has asked the Parliament to facilitate the law-making required for their implementation.

10. THE DIRECTORATE OF POLICE COMPLAINTS – A NEW ORGANISATIONAL UNIT OF THE OFFICE

The rights protection responsibilities of the Independent Police Complaints Board have been taken over by the Commissioner for Fundamental Rights since 27 February 2020. This means that during the Ombudsman's activities, inquiring into complaints concerning police measures based on the Police Act as the strongest coercive activity of the state has received special emphasis. It was possible to conduct Ombudsman's inquiries into police measures earlier as well, but it is a major novelty that the Commissioner may now conduct inquiries even prior to the final decision adopted in the official police procedure. It is thus ensured that the increased protection of the constitutional fundamental rights receive

more emphasis as early as in the official legal remedy phase. A new organisational unit was established within the Office for the performance of these new tasks, the Directorate of Police Complaints which is headed by a Director. In addition to the tasks related to police complaints procedures, the Directorate of Police Complaints conducts inquiries into all petitions submitted on issues related to criminal proceedings and law enforcement. This means that it is the Directorate of Police Complaints that ensures the uniform Ombudsman's control of the official activities that represent the exercising of police and penal authority.

11. DATA RELATED TO THE OPERATION OF THE OFFICE

In 2020, citizens filed **7,190 submissions** with the Commissioner for Fundamental Rights. Of these, **the Office completed 3245 cases**. Thus, at the end of the year, there were as many as 3,945 registered cases in progress.

Cases received	
Cases received	7190
Completed cases	3245
Cases in progress at closure of the year	3945

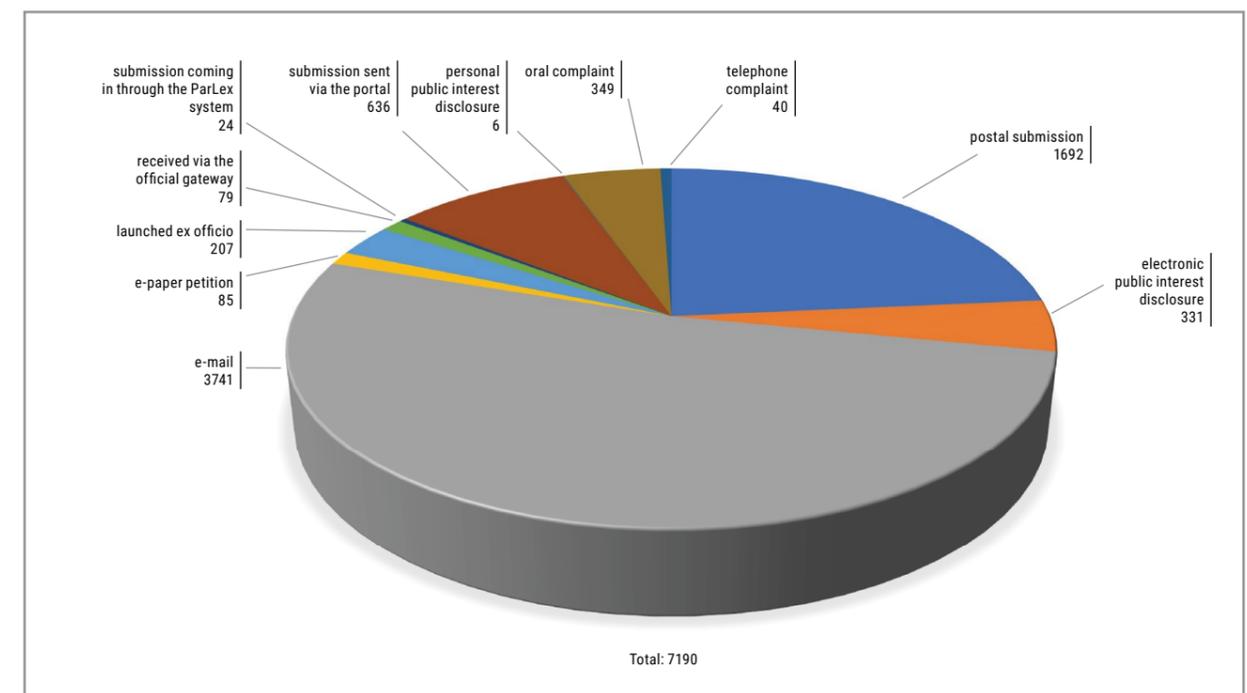
In order to ensure the right understanding of the data, we should draw attention to the fact that the citizens are not forced to use a predefined channel of communication when they contact the Ombudsman, with the exception of a few cases, which means that the petitions arrive in the most diverse forms.

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. A petition may generate one or more cases of complaints.

A petition of complaint basically raises the suspicion of a fundamental rights-related impropriety, 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. Also, the number of reports and the number of cases completed by reports should be distinguished.

In line with the trends of the previous 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 2020, as many as **5,000 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. With regard to the situation of danger ordered because of the pandemic and the Office's move to new premises, the Complaints Office ensured the option of filing petitions on the phone, to replace personal interviews. 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. This happened in a total of 40 cases in 2020.



*Mode of the generation of cases**
**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	
Bács-Kiskun County	121
Baranya County	87
Békés County	135
Borsod-Abaúj-Zemplén County	149
Budapest	1080
Csongrád-Csanád County	101
Fejér County	142
Győr-Moson-Sopron County	94
Hajdú-Bihar County	144
Heves County	104
Jász-Nagykun-Szolnok County	78
Komárom-Esztergom County	79
Nógrád County	40
Pest County	462
Somogy County	71
Szabolcs-Szatmár-Bereg County	144
Tolna County	36
Vas County	65
Veszprém County	94
Zala County	61
The place cannot be specified (e-mail).	3903
Total	7190

The **3,326 cases completed in 2020** had to be classified in **94 case types**, but these can be grouped as follows for the sake of transparency. It is possible to classify the petitions in the right group of cases and to select the appropriate category in the entire course of the procedure, this is why it is only possible to prepare an accurate and detailed statistical analysis about the completed cases. However, all this does not mean that some special procedural conditions regarding the cases cannot be defined by the staff members already when the submissions are received. The table below shows the complaints completed in the individual case types.

The significant majority of cases, i.e. 679 cases were civil law types of cases, including complaints on contractual pension and health insurance cases, as well as judicial and foreclosure complaints. The second place in the list (451 cases) was taken by complaints concerning the Ministry of Human Capacities on social, labour, educational and health issues.

The types of completed cases classified in groups	
civil law case, pension and health insurance, foreclosure	679
social, labour, health care and educational cases	451
public interest disclosures	367
police-related and OPCAT cases	333
municipality- and other authority-related cases	317
child rights and family law cases, guardianship and public guardianship office	287
other cases	244
cases of nationality rights	225
environmental cases	148
comments on laws, constitutional criticism of laws	105
cases related to public utility providers	87
cases related to financial institutions, taxes and duties	83
total	3326

The next large group comprised the cases related to public interest disclosures with as many as 367 cases. There is a total of 333 cases managed by the Directorate of Police Complaints, which handles the petitions concerning criminal proceedings, law enforcement and police procedures, and the OPCAT NPM Department responsible for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. As usual, the cases related to municipalities and other authorities generated many complaints (317), including complaints on housing, parking, transport and regional development.

The Commissioner for Fundamental Rights places a special focus on complaints regarding children's rights. He investigated into 287 submissions on these subjects. The number of cases initiated in relation to the rights of national minorities and completed in 2020 was 225, while a total of 148 complainants turned to the Ombudsman for Future Generations regarding environmental issues. In as many as 105 cases, the Commissioner was invited to provide comments on laws, or to evaluate critical remarks on laws from a constitutional aspect. 87 complainants turned to the Commissioner with complaints on public services. Cases related to financial institutions, taxes or duties were brought before the Commissioner on 83 occasions. 244 cases that could not be classified under these case types were put in the category of other cases.

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

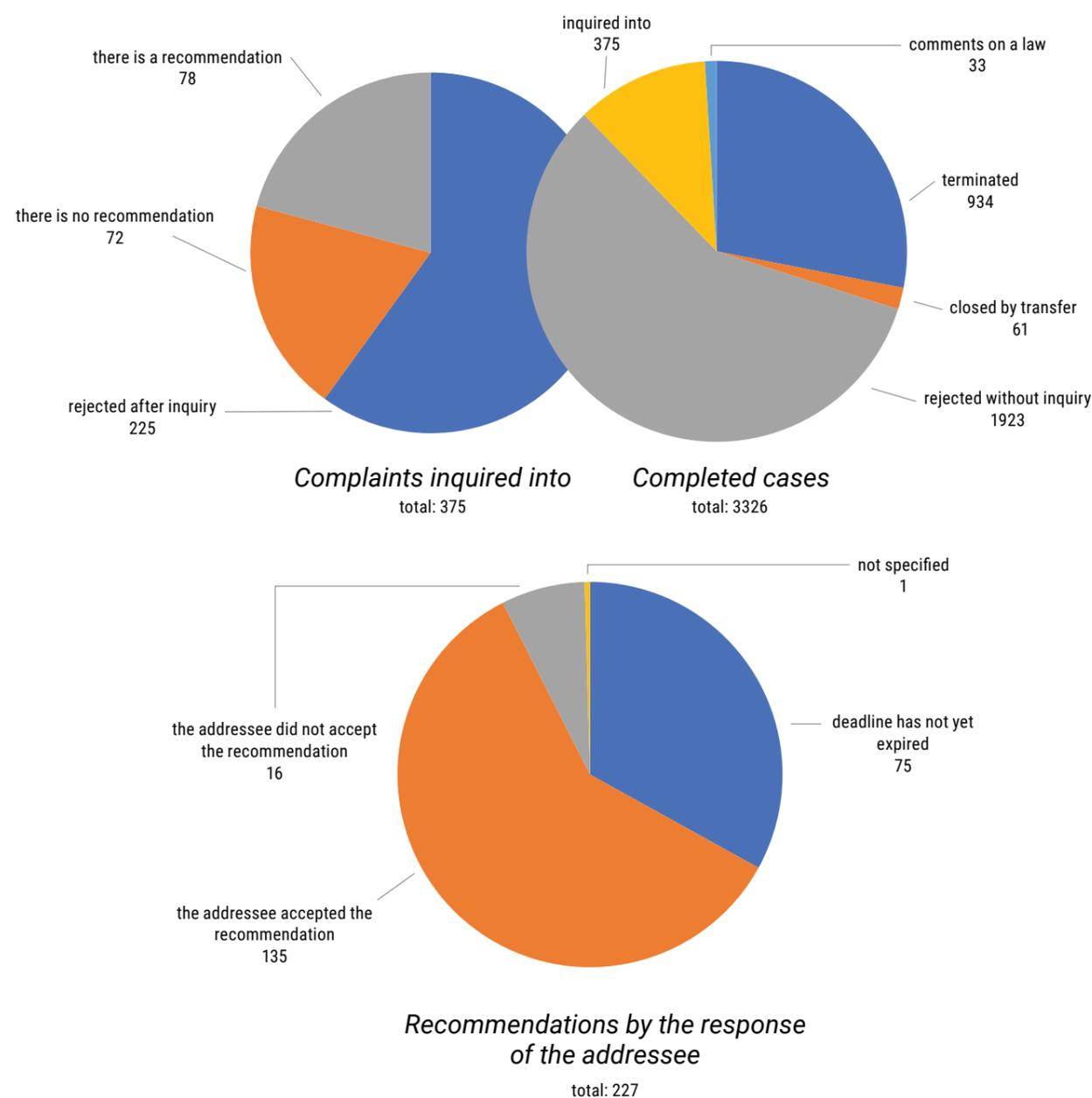
Method of completion			
	Number of cases	Total	
1	a case older than 23 October 1989	5	
	the report does not qualify as a public interest disclosure	78	
	the violation affects no constitutional right, or is obviously unfounded	434	
	repeated petition with no new data	50	
	more than one year has elapsed since taking effect	25	
	missed legal remedy (prohibition of encroachment of power)	543	
	judicial proceedings launched	184	
	not an authority, complaint against a procedure conducted in this quality	520	
	petition from a non-eligible entity	43	
	unsuccessful identification	41	
total		1923	
2	transfer to the competent organ, in lack of competence	47	
	forwarding of a petition for the consideration of a procedure	2	
	forwarding of a petition by calling attention	2	
	KBV (Department of Public Interest Disclosures) transfer	10	
total		61	
3	rejection of the instigation of a Constitutional Court motion	7	
	by adding a policy statement	50	
	complaint resolved during the proceedings	79	
	rejection of an application for the review of a legal rule	10	
	KBV (Department of Public Interest Disclosures) with sending the response of the acting body	243	
	implications of a completed case if no new case is generated	12	
	a petition that cannot be assessed (angry submissions, open letters)	71	
	anonymous petition (incl. via e-mail)	36	
	at the complainant's request (missing documents are not submitted)	113	
	at the complainant's request by adding written information	126	
	following the oral information provided to the complainant (at the Complaints Office)	39	
	information on the decision adopted by the Constitutional Court	2	
	complaint repeated several times despite providing information	10	
technical closing (merging or closing of cases)	136		
total		934	
4	establishment of the lack of a constitutional impropriety	66	
	due to minor significance	7	
	closed by a report on another case	38	
	rejection after the start of an inquiry	114	
total		225	
5	report on the resolved complaint, without a recommendation	3	
	report with calling attention	18	
	report without a recommendation, due to the inability to remedy	1	
	report without establishing an impropriety (in the case of a post-inquiry)	50	
	report with a measure or a recommendation	78	
total		150	
6	comments on the law – we made no meaningful comments	5	
	comments on the law – we made a meaningful comment	28	
total		33	
Grand total		3326	

Most of the complaints (1,926 petitions) had to be rejected (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: 520 complainants did not complain of the procedure conducted by one of the authorities, 543 clients did not exhaust the available legal remedies, while in the case of 434 complaints, in addition to the potential further options of legal remedies, we informed the complainants that the problem that they had indicated did not affect any constitutional rights. In 184 cases, the court proceedings that were launched excluded the possibility of an inquiry by the Ombudsman.

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 61 cases in 2020. Completion category 3 contained 934 terminated petitions. In petitions belonging to category 4, the organs contacted were able to clarify the suspicion of a fundamental rights-related impropriety. We rejected the complaint in 114 cases with regard to competence issues that were disclosed from the responses received, and in cases where it could not be established from the complaint before the inquiry that the process of legal remedy was still in progress.

It is important to note that a report may also be prepared by merging several cases. In 22 cases that were closed by a report, we finished the inquiry without making a recommendation. We disclosed no improprieties in 50 cases, but **in 78 cases, the report was closed by measures or recommendations.** The Commissioner for Fundamental Rights was requested **to make comments on as many as 33 laws** in 2020.



102 reports were prepared in the case of the 150 independent submissions completed with a report, in which we made a total of **227 recommendations**. Of these, our proposals were accepted by the addressees of the recommendations in 135 cases, while they were rejected in 16 cases. When the editing of this report came to an end, there was an ongoing professional coordination or exchange of opinions in 51 cases.

Recommendations by the response of the addressee			
Type of recommendation	Response given by addressee	Total	
recommendation to the supervisory organ	deadline has not yet expired	22	
	recommendation accepted by the addressee	25	
	the addressee did not accept the recommendation	3	
	total		50
recommendation to the supervisory organ	deadline has not yet expired	29	
	recommendation accepted by the addressee	80	
	the addressee did not accept the recommendation	5	
	total		114
instigation of the remedy of the impropriety with the organ concerned	recommendation accepted by the addressee	2	
	total		2
proposal for the elaboration of a government decree	recommendation accepted by the addressee	1	
	total		1
proposal for the amendment of a government decree	deadline has not yet expired	1	
	recommendation accepted by the addressee	3	
	total		4
proposal for the modification of the public law instruments for the regulation of organisations	recommendation accepted by the addressee	1	
	total		1
proposal for the elaboration of a ministerial decree	the addressee did not accept the recommendation	1	
	total		1
proposal for the elaboration of a ministerial decree	deadline has not yet expired	4	
	the addressee did not accept the recommendation	2	
	not specified	1	
	total		7
proposal for the elaboration of a municipality decree	deadline has not yet expired	1	
	total		1
proposal for the modification of a municipality decree	the addressee did not accept the recommendation	2	
	recommendation accepted by the addressee	1	
	total		3
proposal for the elaboration of a law	deadline has not yet expired	1	
	total		1
proposal for the amendment of a law	deadline has not yet expired	9	
	recommendation accepted by the addressee	9	
	the addressee did not accept the recommendation	1	
	total		19
initiative for the right legal interpretation and legal practice in the future	deadline has not yet expired	8	
	recommendation accepted by the addressee	12	
	the addressee did not accept the recommendation	2	
	total		22
instigation of public prosecutor's protest	recommendation accepted by the addressee	1	
	total		1
grand total			227

Client service statistics

The Office accepted as many as **7,701** citizens' inquiries in 2020, while at the Complaints Office, those clients who requested personal interviews regarding their specific complaints were heard at **857** appointments.

Phone		Personal				Total
Request for appointment or information	Submission-related	Interview at the Complaints Office	Submission-related	Submission of documents, review of documents	Request for appointment or information	
3634	4067	530	88	68	171	8558
Further inquiries into cases related to the Directorate of Police Complaints						
272	143	23	0	0	0	438
Total number of inquiries to Client Service						8996
From all the inquiries: related to the rights of national minorities						97
From all the inquiries: related to the right to a healthy environment						86
From all the inquiries: related to data protection						202

* From March 2020, 438 client service inquiries concerning police activities were managed within the Complaints Board cases that had been transferred to our Office.



“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)