

**REPORT ON THE ACTIVITIES
OF THE COMMISSIONER
FOR FUNDAMENTAL RIGHTS OF
HUNGARY AND HIS DEPUTIES – 2023**

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PREFACE BY THE COMMISSIONER

2023 was a unique year in the history of ombudsman's rights protection, abundant in challenges and joyful moments. If we were to briefly describe our activities in the year of the report by using only two expressions, one would definitely (and consistently) be "on the move", while the other one would be "building bridges".

I do not even think that the first expression requires explanation here and now, since it is a recurring element in the preface of each annual report in some form or another. It is not a coincidence: it is only the active, continuous and emphatically personal ombudsman's presence, the visits, site inspections, on-site inquiries, meetings and encounters, as well as getting familiar with everyday realities that can create a genuine, authentic protection of fundamental rights. It especially holds true for the rights of vulnerable groups in need, the circumstances of children in state care, the lives of, and perspectives for persons with disabilities, or the care services provided to mental patients. I am convinced that the high level of social trust vested in the Office can only be maintained if we "go" as close to the citizens as possible, get familiar with their problems, or make it possible, through the Regional Offices or through smooth online accessibility, that the complaints, concerns and questions reach us as easily as possible. The focal points of the ombudsman's interpretation of his own role may vary but it is a permanent element that our Office is an institution that responds to the citizens' complaints and petitions to the best of its knowledge and possibilities.

The Commissioner for Fundamental Rights as a constitutional institution for the protection of fundamental rights has always, inadvertently and inevitably, played the role of a bridge, in many senses of the word, as it would become unable to operate without cooperating with the state bodies and the civil and professional sector, based on mutual respect. Filling the role of the bridge of fundamental rights protection both in Hungary and on the international scene, however, means more than a formal and fair cooperation, as it assumes the finding of common solutions and the establishment of common platforms with the above-mentioned stakeholders, i.e. civil society and professional organisations, public and municipal institutions, law enforcement bodies, as well as international organisations, in response to the key fundamental rights-related challenges of the present day. In our report, you can read about many initiatives, institutionalised forums and consultations which were meant for this purpose and started operating in the year of the report, be it the Civil Consultative Body with well-established traditions, the newly established Disability Advisory Board, or the visits paid by international delegations.

It seems like no year can pass without a new important task or responsibility being assigned to our Office. This was so in 2023 as well when as a result of the preparatory work of several years, our rights protection activities were supplemented by the responsibilities related to the operation of the UN CRPD Independent Monitoring Mechanism. The monitoring of the implementation of CRPD, as well as the protection of the rights of persons with disabilities have always been in the focus of the ombudsman's portfolio and practices. The role of the national monitoring institution will ensure an independent organisation with strong authorisations, compliant with the international requirements, as well as more concentrated professional resources for this activity in the future. We set up a separate organisational unit, i.e. the Directorate-General for Disability for performing this task, which operates from a site in Debrecen, with national competence, as a continuation of the decentralisation process, whose first step was the establishment of Regional Offices.

The right to human dignity, which is equally due to everyone, is the standard that permeates every activity and every task of the ombudsman's rights protection activities, and there are no cases of "minor significance" from this aspect: the problem described, the question asked by the complainant who honours us is personally highly important and of great significance for them.

In a certain sense, the Commissioner for Fundamental Rights is in a privileged and fortunate situation in the Hungarian system of fundamental rights protection: we have a broad space for manoeuvre to give constructive, supportive proposals, as well as to initiate a constitutional dialogue before the broader social and the narrower professional public. The purpose of our work is always to raise the issues and to define the directions and the proposed solutions, to initiate a dialogue.

While the ombudsman institution is represented by the Commissioner for Fundamental Rights, as well as the deputy commissioners, to the public, I have to repeat over and over again that the Office can only be made efficient through those who work with us. This is why I would like to thank my colleagues again, in this form as well, for the committed professional work of steadily high quality that they performed in this year full of tasks and challenges.

Budapest, February 2024

Dr. Ákos Kozma
Commissioner for Fundamental Rights of Hungary

1. 2023 FOCAL POINTS OF THE OMBUDSMAN'S RIGHTS PROTECTION ACTIVITIES

As compared to the previous years, it is more difficult to clearly define one single key focus in the activity of the Commissioner for Fundamental Rights in the year under review. In 2020-2021, such a focal point was the health emergency caused by the COVID-19 pandemic, in 2022, it was the humanitarian emergency caused by the mass influx of families and children fleeing to Hungary from the Russian invasion of Ukraine, as well as the related extraordinary economic situation, and the radical increase in energy costs and inflation. Although the number of refugees coming to Hungary had significantly decreased, in Hungary, the legal order of the state of danger is still in effect as a result of the continued war, and in relation to this, so is the possibility of rule by decree. The Government was authorised by the National Assembly to rule by decree in May 2023 for the first time in the year under review, then in November 2023, with effect of 24 May 2024 the latest. In the justification of the amendment of the law on authorisation given for taking quick and efficient measures, it is said that the armed conflict and humanitarian disaster in the territory of Ukraine, as well as the consequence of these in Hungary, with special regard to the refugees, the economy and the energy sector, have not changed in the recent period.

In accordance with this situation, the Commissioner for Fundamental Rights actively continued to help the persons, families and children fleeing to Hungary, with the resources available to him, especially in the first half of 2023, at the temporary field offices and information points near the Hungarian-Ukrainian border section, in Beregsurány, and later, at the BOK Sports Hall open reception centre (continuously until its operation is terminated). The ombudsman showed these support mechanisms, combined with border on-site inspections, to several international delegations, officers and ombudsmen visiting Hungary. The Office helped those interested to find out about the situation by disclosing regularly updated information on its homepage. The Commissioner for Fundamental Rights treated it as a high priority to discuss the achievements gained from performing these tasks and the related cooperation at Hungarian and international meetings, conferences and coordination talks as well.

In the practice of the Commissioner for Fundamental Rights, based on the inspections conducted, and experience gained in the year under review, the economic and energy-related, as well as the closely related livelihood and operational difficulties related to the war exerted a considerable effect from the autumn of 2022 onwards,

whether seen from the perspective of the complainants turning to the ombudsman, or from that of the institutional system under review.

The Commissioner for Fundamental Rights was faced with these questions, especially the problems of the manageability of the increased energy costs during the visits and inquiries into the institutions, proceeding in his general or special ombudsman's competence (such as OPCAT NPM, or CRPD Independent Monitoring Mechanism). It is difficult for an ombudsman to draw general conclusions on the social impact of this process merely based on the number and contents of the complaints that he receives but it can be stated with certainty that this situation has enhanced the vulnerability of the members of marginalised groups. The difficulties of livelihood indirectly present themselves in the individual child protection, social and health care institutions that have been visited and inspected, as this process has exerted an adverse effect on the already high staff turnover, and the scarce number of competent and experienced human resources has decreased further. It was obvious in many cases that it is not the intention of the managers or perhaps sponsors of the institution in question to solve the problems and take care of the staff shortages that is missing but it is the current circumstances that prevent these endeavours.

It should also be pointed out that in the report on the year under review, such reports and findings from inquiries are also included that go back to the measures taken in the 2020-22 pandemic period and the individual consequences thereof. This means that while the pandemic situation in the word's public health sense has ended, its effect exerted on the legal system, the individual institutions, and especially on the health care system is by no means negligible. At the same time, it should also be pointed out that the pandemic period has also had some favourable after-effects which are well visible, such as the availability of the electronic communication system for the detainees in penitentiary institutions.

One of the most powerful elements and constant focal points of the ombudsman's mandate is ensuring personal presence, i.e. ensuring that the Commissioner for Fundamental Rights and his colleagues get familiar with reality on the site, directly, that they get a first-hand experience on the potential problems, concerns, as well as good initiatives and practices. Continuous movement and active task performance are independent from the type of the state of danger that is in effect, as the protection of

fundamental rights is a key task even in such a period, and the strong engagement of the ombudsman is even more important in such periods. In the centre of such presence is the protection of the rights of the most vulnerable and needy groups, be they children, persons with disabilities, mental patients, or the inhabitants of a small settlement on the border, speaking and standing up for their rights has weight. It is a common element of the impressive operational experience of the Regional Offices established in 2022, the personal meetings, exchanges of ideas, and the above-mentioned series of visits that we can earn the trust vested in the Office by being as close to the citizens as possible.

One of the key elements of the 2023 activity of the ombudsman was the “building of bridges”, i.e. the fulfilment of the role of the bridge in the protection of fundamental rights both in Hungarian and international cooperation. The Commissioner for Fundamental Rights, in joint efforts with the deputy commissioners, committed himself to finding common solutions with the individual stakeholders, i.e. civil society and professional organisations, public and municipal institutions, law enforcement bodies, as well as international organisations to the key fundamental rights-related challenges of the present day, and to finding the focal points during and beyond the crisis situation.

2. INTERNATIONAL ENGAGEMENT OF THE OMBUDSMAN

The Commissioner for Fundamental Rights encouraged international cooperation and mutual support in 2023 as well. The humanitarian emergency caused by the war that broke out in Ukraine on 24 February 2022 directly affected the whole of Europe, including Hungary. To provide care and support to the persons fleeing Ukraine as soon as possible has become a priority issue, with regard to which the Commissioner for Fundamental Rights kept even closer contact with all the institutions involved in the area of international human rights protection during his 2023 activities as well.

The position taken by the Ombudsman has been clear since the outbreak of the war in Ukraine, as the Office has responded to the traumatic and shocking events with commitment and in an active way, in protection of human rights, in order to ensure humanitarian support to those affected. As a part of his **active engagement** in providing support to the persons fleeing the war and coming to Hungary, the Commissioner for Fundamental Rights personally followed the situation and he and his staff members continuously worked on providing direct legal and humanitarian support to those fleeing Ukraine.

The Office helped those fleeing from Ukraine to Hungary by disclosing regularly updated **information** on its official homepage, which was **also available in Ukrainian**. It was a priority task of the Commissioner for Fundamental Rights and his staff to provide updated information on the enforcement of fundamental rights, including the individual social rights, especially the regulation of the right to different social benefits, aids, health care services, housing, education and employment in 2023 as well. In addition to this, the Commissioner for Fundamental Rights personally delivered donations raised by the staff members of his Office to those in need. These donations included non-perishable food products, personal hygiene products and clothes vital for everyday needs.

The Commissioner for Fundamental Rights performs continuous monitoring activities for the uninterrupted and efficient support of those fleeing the war. It is his goal to ensure that supporting the integration of those affected, their temporary or longer-term residence in Hungary should happen by taking their fundamental rights and social needs into account. In the practice of the Commissioner for Fundamental Rights, the promotion and support of employment, helping to enter the labour market, integration into the Hungarian educational system, as well as making everyday life easier for the refugees were priority areas in 2023 as well.

The Commissioner for Fundamental Rights visited the border crossing points with several key international partners

in 2023 as well, in order to show the representatives of the foreign national human rights institutions the current refugee situation and his work on the border.

In 2023, the ombudspersons and representatives of Türkiye, Uzbekistan, Azerbaijan and Kazakhstan, the Polish Ombudsman and his colleagues, and the Special Representative on Migration and Refugees of the Council of Europe Secretary General paid a visit to the Ukrainian-Hungarian border accompanied by the Commissioner for Fundamental Rights. The Commissioner for Fundamental Rights also finds it very important to maintain lively and practical dialogue with the international partners, in which the exchange of good practices receives special attention with a view to meeting similar challenges.

Furthermore, in 2023, **the Commissioner for Fundamental Rights also reported on his activity performed since the outbreak of the Ukrainian-Russian war to the Ukrainian Ombudsman**. At the bilateral meeting, the Ombudsman gave an account of the direct legal and humanitarian support provided to the Ukrainian refugees by the Office. The Commissioner for Fundamental Rights informed the Ukrainian ombudsman of the operation and experience gained to date of the information points established by the Office at the Záhony railway station, in Beregsurány and at the Budapest-based BOK Sports Hall.

The Ombudsman regularly helped the work of the international human rights institutions, networks and organisations that contacted his Office with his position statements, professional documents and if necessary, by holding consultations. The summary of the Ombudsman's 2023 international relations activities first deals with the relations, as well as the forms and instances of cooperation with the UN institutions and bodies, then the institutions of the Council of Europe and last, those of the European Union, following the structure of the international organisations involved in the protection of human rights.

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

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

regional organisation of the network, i.e. the European Network of National Human Rights Institutions (ENNHRI), which was established in 2013.

ENNHRI prepared its report on the status of the rule of law in Europe in May 2023 as well, based on which ENNHRI's member institutions are provided an opportunity for reviewing the different aspects of the rule of law in their own countries on the basis of a common methodology, including, for example, the operation of checks and balances, the situation of human rights defenders and the civil sector, media pluralism, and corruption, and to send their conclusions to the Institution. The Ombudsman joined these efforts in 2023 again and he examined the developments related to the rule of law in Hungary, furthermore, he provided information on the fundamental rights-related work in the year under review.

During his activity, the Commissioner for Fundamental Rights pays special attention to supporting, protecting and controlling **the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)**. Hungary ratified CRPD in 2007, according to which the states parties have a **periodic reporting obligation**. The Ombudsman helped the work of the **UN Special Rapporteur** on the rights of persons living with disabilities with a mandate prolonged by resolution No. 35/6 of the United Nations Human Rights Council by sending them professional materials several times. Furthermore, he supported the work of the committees and rapporteurs that wished to gather information under the aegis of **CRPD** as well.

It is a key development in the year of the report that **since 1 January 2023, the Commissioner for Fundamental Rights has acted as a CRPD Independent Monitoring Mechanism**, i.e. he supports, protects and monitors the national implementation of the Convention with regard to persons with disabilities. With a view to the more efficient fulfilment of his mandate under CRPD, the Commissioner for Fundamental Rights **has set up a Disability Advisory Board for the establishment of close cooperation with civil society organisations and the performance of his tasks related to the independent disability mechanism**, consisting of experts with outstanding theoretical knowledge or practical experience on the rights of persons with disabilities, the delegates of organisations representing persons with disabilities, which is meant to represent civil society. The staff members of the new, separate organisational unit of the Office, i.e. those of the Directorate General for Disability participated in several Hungarian and international conferences and events in 2023, they gave talks, shared their experience with all the stakeholders of disability matters (see in more detail in Chapter 5.3.).

The Commissioner for Fundamental Rights took part in and gave a speech at the conference entitled *“Interaction in the Field of the Reliable Protection of Human Rights and Freedoms”* held in Uzbekistan on 23 February 2023. Disability, the protection of children and the role of national preventive mechanisms

were some of the key topics of the **international conference co-organised by the Uzbek Ombudsman, the Organization for Security and Co-operation in Europe (OSCE), as well as the specialized organs of the UN. In his presentation, the Ombudsman explained the activity of the independent mechanism supporting, protecting and controlling CRPD.** In his speech, the Ombudsman stressed that *“Not even in hard times, at the time of economic, social or humanitarian crises can one forget that the state has fundamental and active obligations in ensuring the rights of persons with disabilities. Real opportunities are created in a slow process of small achievements through robust efforts, and this is how “rights to all” are gradually ensured.”* During the conference, the Commissioner for Fundamental Rights of Hungary held bilateral talks with the Uzbek Ombudsman Ms. Feruza Eshmatova. As part of the bilateral talks, the ombudspersons exchanged their views on the bilateral professional relations between their institutions, the development and strengthening thereof, as well as the possible ways for cooperation.

According to the CFR, since 1 January 2015, the Commissioner for Fundamental Rights has acted as the National Preventive Mechanism (NPM) in person or through his staff members. In the context of the operation of the NPM, the Ombudsman visits penitentiary institutions, police detention rooms, as well as homes for persons with disabilities, children’s homes and nursing homes for the elderly. On 9 February 2023, in Geneva, the Commissioner for Fundamental Rights attended the UN conference organised for the 20th anniversary of the declaration of OPCAT, i.e. the Optional Protocol to the UN Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the 15th anniversary of the establishment of SPT, i.e. the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Commissioner for Fundamental Rights of Hungary successfully applied for the tender invited by ENNHRI, in the framework of which he began an exemplary cooperation and an exchange of legal practices with European national human rights institutions. The tender entitled *“Cooperation and Exchange Program with Other ENNHRI Members and Internal Capacity Building”* was applied for in order to achieve that the Commissioner for Fundamental Rights pursue active cooperation with other European institutions. From 31 October to 1 November 2023, the staff members of the Office took part in a professional study trip at the Polish ombudsman institution, the goal of which was the exchange of experience between the national human rights institutions.

On 1 December 2023, the Office *organised an international conference* on the questions of the protection of human rights entitled *“Let Us Build Bridges”*, to which university students and lecturers were also invited, in addition to the civil partners

of the Civil Consultative Body and Disability Advisory Board set up at the initiative of the Commissioner for Fundamental Rights. The foreign speakers included Serbian Ombudsman Mr. Zoran Pašalić, Romanian Deputy People's Advocate Mr. Zsolt Molnár and Senior Consultant of the Polish Ombudsman Mr. Janusz Roszkiewicz. The Rights Protection Commissioner of the Integrated Legal Services Office, the President of Maria Kopp Institute for Demography and Families and the Senior Counsellor of the Constitutional Court also held talks at the event. On behalf of the Office of the Commissioner for Fundamental Rights of Hungary, the Deputy Commissioner for Fundamental Rights, Ombudsman for the Rights of National Minorities, the Secretary-General and the Deputy Secretary-General of the Office, as well as the heads of the Equal Treatment Department and the OPCAT NPM Department held talks. In all the talks, the image of the bridge, i.e. a connecting link, appeared as a metaphor, thus deepening the message of the conference for the participants.

The Commissioner for Fundamental Rights intends to continue this endeavour aimed at strengthening rights awareness and presenting and exchanging good practices with ENNHRI in 2024 as well.

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.

The CEDAW Convention was approved in New York on 18 December 1979 and the signatories undertook an obligation to harmonise the legal environments of their respective countries with the spirit of the Convention. The Convention was incorporated into the Hungarian legal system by Act X of 1982 on the Promulgation of the Convention on the Elimination of All Forms of Discrimination against Women approved in New York on 18 December 1979. The Commissioner for Fundamental Rights of Hungary contributed to the 84th session of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in Geneva on 6 February 2023. The CEDAW Committee is an international expert body established for monitoring the implementation of the CEDAW Convention on the Elimination of All Forms of Discrimination against Women.

On 9-10 October 2023, the Office was represented by the Secretary-General of the Office at the conference organised on the 10th anniversary of the establishment of ENNHRI. The anniversary international conference was a milestone in the promotion and protection of human rights and at the same time, it also incorporated the annual general assembly of the organisation. During 2023, the Office, represented by

its expert staff members, took part **in several sessions of the UN's NGO Committee on Ageing**, the main topic of which was the protection of the elderly, especially elderly women. During the reporting year, the Office regularly supplied data to the UN, ENNHRI, GANHRI and the OHCHR.

The Universal Declaration of Human Rights is a declaration accepted by the UN, which summarises the position taken by the global organisation on the fundamental rights that each person is entitled to. The declaration was inspired by the horrors of the Second World War and it was approved on 10 December 1948. The Universal Declaration of Human Rights serves as a global standard for the promotion and protection of fundamental human freedoms and dignity, irrespective of nationality, ethnicity and religion. It provides a framework for the global enforcement of justice, equality and human rights.

On 4 December 2023, on the occasion of the 75th anniversary of the adoption of the Universal Declaration of Human Rights, the Commissioner for Fundamental Rights of Hungary presented Justitia Regnorum Fundamentum awards and ombudsman's acknowledgements at the award ceremony held at the Office of the Commissioner for Fundamental Rights.

Cooperation with the Council of Europe

The Council of Europe (CE) 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 the Deputy Ombudsman for the Rights of National Minorities to become a permanent member of the Advisory Committee on the Framework Convention for the Protection of National Minorities: her mandate was for four years from 1 June 2016, then she was elected an alternate member until the next active mandate.

The Office regularly cooperates with the main bodies, committees and rapporteurs of the Council of Europe,

among others, with the Congress of European Municipalities and Regions, the Commissioner for Human Rights, and the Venice Commission.

On 3 March 2023, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe paid a visit to the Office. The delegation was received by the Secretary-General of the Office and he gave a professional presentation. The Secretary-General of the Office gave a comprehensive insight into the matters concerning the endeavours of GRETA, emphasising the initiatives taken on the Ukrainian border and the coordinated efforts taken for the fight against trafficking in human beings, with regard to handling the challenges posed by the 2022 influx of refugees.

Accompanied by the Commissioner for Fundamental Rights, Special Representative of the Secretary General of the Council of Europe for Migration and Refugees Ms. Leyla Kayacik visited the Ukrainian-Hungarian border section on 22 March 2023.



Leyla Kayacik, Special Representative of the Secretary General of the Council of Europe on Migration and Asylum, visited the Hungarian-Ukrainian border on 22 March 2023.

Ms. Leyla Kayacik, accompanied by the Commissioner for Fundamental Rights, the Minister of State for Security Policy of the Ministry of Foreign Affairs and Trade, the Secretary General of the Office of the Commissioner for Fundamental Rights (AJBH) and AJBH's Director General for Police Complaints, found out about the direct legal and humanitarian support provided by the Ombudsman's Office in Beregsurány, among others, to the persons fleeing the war in Ukraine. First, the delegation paid a visit to the Szabolcs-Szatmár-Bereg County Police Headquarters, where the work performed by the law enforcement agencies on the Hungarian-Ukrainian border section was presented to the Special Representative of the Secretary General of the Council of Europe on Migration and Refugees by the Police Superintendent in charge of Criminal Matters. The meeting was also attended by the Head of the Szabolcs-Szatmár-Bereg County Disaster Management Directorate and the representative of the Hajdú-Bihar County Police Headquarters, who provided information on the efforts taken on the Hungarian-Romanian border section. Early

afternoon, the Ombudsman's delegation visited the public road border-crossing point between Beregsurány and Astei, where they heard about the current situation at this border section, the conditions of receiving the persons fleeing from Ukraine to Hungary through Beregsurány, the measures taken to help them, among others, for facilitating a faster border crossing, furthermore, the work of the law enforcement staff serving there. Then Ms. Leyla Kayacik paid a visit to the Beregsurány collection point, where she inspected AJBH's temporary field office, where she was also briefed by the Commissioner for Fundamental Rights of Hungary on the work and experience of regional ombudsman's offices and information points set up on the border to provide direct legal and humanitarian support to the refugees from Ukraine.

On 4 April 2023, General Rapporteur of the Council of Europe Mr. Christophe Lacroix visited the Office of the Commissioner for Fundamental Rights of Hungary to discuss the enforcement of the fundamental rights of LGBTQ+ persons. During the meeting, the General Rapporteur received information, presenting individual cases, on that the Office proceeded with great care and thoroughness in each case that was submitted to the Commissioner for Fundamental Rights, carefully investigating into the matters discussed in the complaints.

CPT, i.e. the European Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CPT) is a body established by the Council of Europe, whose aim is to prevent torture and other cruel, inhuman or degrading treatment or punishment at places of detention. The members of the Committee pay regular visits to the places of detention of the individual members states, including prisons, police stations and psychiatric wards, with a view to assessing the treatment of detainees and the circumstances of detention. The reports and recommendations of CPT play a key role in identifying the areas to be improved and ensuring the observation of international human rights standards.

The international delegation of the European Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CPT) visited Hungary for the seventh time between 16 and 26 May 2023. **The Commissioner for Fundamental Rights hosted the delegation of CPT in his Office before this, on 24 May 2023.** At the meeting, the delegation found out how the recommendations formulated in the report on the 6th periodic visit to Hungary in 2018 were implemented and what achievements the National Preventive Mechanism has made and what challenges it has faced in the past five years. The Ombudsman informed the CPT delegation of the operation of the National Preventive Mechanism and the key experience, challenges and achievements since the last visit paid by CPT. The CPT delegation prepared a report on its experience gained from its visits. The CPT delegation was received by the Minister of the Interior at the end of its visit.

At the closing meeting held at the Ministry of Interior, the Commissioner for Fundamental Rights performing the tasks of the National Preventive Mechanism was also present.

The Council of Europe organised a workshop and roundtable discussion of the media regulators, equality and free discrimination regarding the Roma community. At the event that was held in a webinar form, the Commissioner for Fundamental Rights was represented by his expert staff member on 7-8 November 2023.

The European Court of Human Rights is an international court set up in 1959 for the monitoring of compliance with the European Convention on Human Rights, which is one of the most important conventions on the protection of human rights and fundamental freedoms adopted by the Council of Europe, and it has been operating since 1998 on a permanent basis. The President of the European Court of Human Rights is elected for three years by the body at a plenary session. The current President of the Court is Ms. Siofra O’Leary, who has been filling this position since 1 November 2022. ECRI is the human rights body of the Council of Europe. The goal of the organisation that was established in 1994 is to fight against racism, racial discrimination and intolerance in the states of the Council of Europe.

The speakers of the conference organised by the European Commission against Racism and Intolerance (ECRI) discussed the challenges, the applied practices and the achievements of the inquiries into equal treatment as priority issues at the conference entitled “Enhancing Independence and Effectiveness” in Strasbourg, France on 27 October 2023, which was also attended by the Commissioner for Fundamental Rights.

The organisations of the European Union and European networks

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

In the reporting year, the Office supported the work of FRA by contributions and comments again, the 2023 questionnaire-based consultation was, among others, aimed at selecting the topics to be treated as priorities in the future, and the Office made a comment on this.

It was a significant milestone that the Office, in cooperation with the National University of Public Service (Hungarian

acronym: NKE) won at the FRANET data supply competition announced by FRA. This achievement underlines the close cooperation between the Office and FRA, in the context of which regular reports and comments are prepared on the situation of fundamental rights and the rule of law in Hungary. Fulfilling the request made by FRA, the Office consistently supports the organisation’s endeavours in the framework of this competition as well, as it regularly provides data on human rights-related issues. In 2023, the Office, represented by the Secretary General, took part in the **European Union fundamental rights experts meeting of the FRA**, and he also made a contribution to this session, explaining the Hungarian practices.

On 11 April 2023, **two representatives of the European Commission paid a visit to the Office, the central topics of which discussion were migration and refugee-related issues.** The Secretary General of the Office provided information on the Ombudsman’s commitments, with special regards to the obligations undertaken and the initiatives taken on the Ukrainian border.

The Office joined the Network of European Integrity and Whistleblowing Authorities (NEIWA) in 2019, which is a newly established international anti-corruption and whistleblower protection network. The Office was represented by the Commissioner for Fundamental Rights and the Secretary General at the annual assembly of NEIWA in Rome on 23 March 2023.

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

EQUINET organised its **annual general meeting** in Brussels on 11 October 2023, in which the Secretary General of the Office took part. At the general meeting, the members discussed the 2024 work plan and summarised the annual activity of EQUINET as well. On 22 November 2023, the Office was represented by an expert colleague **at the meeting of EQUINET’s Working Group for Gender Equality** in Brussels, at which it became possible to conduct a dialogue with the representatives of the European Commission and among others, the draft directive on pay transparency and the activities of the working group for violence against women were discussed. The staff members of the Office attended **several webinars of EQUINET** in 2023

as well, the Office regularly provided data on the questions discussed.

The European Network of Ombudsmen, i.e. ENO was established in 1996. The informal network of ombudspersons and similar bodies is responsible for exchanging information on European Union law and policies and for sharing best practices. It is the European Ombudsman that is responsible for coordinating the organisation, whose members include the national and regional ombudspersons of EU member states, EU candidate states, and EEA states, as well as the European Ombudsman and the European Parliament Committee on Petitions.

In 2023, the Commissioner for Fundamental Rights of Hungary joined the weekly newsletter established by the organisation for ombudspersons and he regularly informs his international colleagues of his latest activities. During the reporting year, the Office contributed data to all their inquiries.

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.

ENOC held its **annual general assembly and its conference on children's rights** in Brussels, Belgium on 27 July 2023. The Office was represented at the events by the Commissioner for Fundamental Rights and the Secretary General. The Office regularly informed ENOC on the requested topics during the year,

Eurochild, which is an umbrella organisation founded in 2004 as a successor organisation of the European Forum for Child Welfare, i.e. EFCW and which comprises some 200 children's rights member organisations of 35 European countries, assigns a key role to action against child starvation and the ill-treatment of children.

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 civil society organisations, NGOs by giving policy statements, providing professional materials, participating in conferences, seminars, webinars and workshops, by holding consultation and training sessions if necessary.

At the request of the cooperating partners, the staff members of the Office regularly help the organisations contacting the Commissioner for Fundamental Rights with their professional contributions, in the form of written responses or professional questionnaires. The extension of **the scope of bilateral and multilateral cooperation** with other ombudsman institutions

and international organisations involves the reception of the heads and representatives of these organisations at our Office, participation in the conferences organised by them, as well as the joining of the Office in the implementation of the projects launched by these organisations.

Among the data supplied by the Office, in 2023, the questionnaires examining the fundamental rights aspects of the measures taken in response to the challenges affecting fundamental rights and the refugee crisis evolving in the wake of the war in Ukraine were typical, along with the questionnaires aimed at facilitating the provision of information to, and the mapping of best practices for our key umbrella organisations (such as data collections for EQUINET, GANHRI, ENOC) and the main partners of the Office (Office of the UNHCR for Human Rights, special rapporteurs), with which we supported the work of these organisations.

On 12 January 2023, the Commissioner for Fundamental Rights attended and gave a talk at the international conference entitled "The Future of Human Rights in the 21st Century" in Türkiye. At the conference held in Ankara, the Hungarian Ombudsman gave a detailed presentation of the operation of the regional offices of the Office, as well as the activities performed by the Office on the Ukrainian-Hungarian border. In his talk, the Commissioner for Fundamental Rights emphasised that the Hungarian ombudsman institution was ready to share its experience gained in this area and was open to cooperation with other human rights institutions. At the time of the conference, the Commissioner for Fundamental Rights held a bilateral meeting with the Chief Ombudsman of Türkiye. He informed the Chief Ombudsman of Türkiye of the Office's recent work. Then the Chief Ombudsman of Türkiye paid a visit to Hungary in March 2023, at the invitation of the Commissioner for Fundamental Rights of Hungary, to get first-hand information on the measures taken to help the refugees from Ukraine on the Hungarian-Ukrainian border section.

The dialogues with the ombudspersons were of key importance for the Commissioner for Fundamental Rights in 2023 as well. During the regular coordination talks and bilateral meetings, the parties shared their good practices in handling the challenge of the past one year with each other.

One of the key **international conferences** of the year on the topic of **fundamental rights protection** was organised in the wake of an invitation by the Commissioner for Fundamental Rights, which was attended by the **representatives of the Turkic states, including the heads of the ombudsman offices of the Republic of Türkiye, Azerbaijan, Uzbekistan and Kazakhstan.** In the framework of the first TÜRKOMB conference held in Hungary, in Beregsurány, the ombudspersons of the Republic of Türkiye, Azerbaijan, Uzbekistan and Kazakhstan got first-hand information on the direct legal and humanitarian support that is provided by the Office to the persons fleeing the war in Ukraine. During the several-day visit, the members of the Turkic delegation were

provided information on the operation of the Regional Offices of AJBH (the Office of the Commissioner for Fundamental Rights of Hungary) in Debrecen and they held coordination talks, among others, with the President of the Constitutional Court, the State Secretary for Security Policy and Energy Security of the Ministry of Foreign Affairs and Trade, as well as the heads of police and prison services.

As part of the first TÜRKOMB meeting in Hungary, Chief Ombudsman of Türkiye Mr. **Şeref Malkoç**, Ombudsman for Regional Administration of Türkiye Mr. **Sadettin Kalkan**, Azeri Ombudsperson Ms. **Sabina Aliyeva**, Ombudsperson of Uzbekistan Ms. **Feruzha Eshmatova**, as well as Office Director of the Kazakh Ombudsman institution Ms. **Alua Nadirkulova** arrived in Hungary.



Members of the TÜRKOMB delegation and Dr. Ákos Kozma, the Commissioner for Fundamental Rights of Hungary, planted a memorial tree on the territory of Szombathelyi Erdészeti Zrt. (Forestry Company) on 18 May 2023.

The delegation of the association comprising the ombudspersons of Turkic states, accompanied by the Commissioner for Fundamental Rights of Hungary, held professional discussions with the Director General of the Hungarian Prison Service Headquarters, as well as the Chief of the Szabolcs-Szatmár-Bereg County Police Headquarters. The international delegation paid a visit to the Debrecen Regional Office of the Commissioner for Fundamental Rights and at the Hungarian-Ukrainian border section, at the Beregsurány border-crossing point, help point and temporary office of the Ombudsman. The Commissioner for Fundamental Rights provided information to the delegation on the circumstances of receiving the persons fleeing the war in Ukraine and the measures taken in order to help them, as well as the work and experience of the Ombudsman information desks established for providing direct legal and humanitarian support to them, along with the operation of and the Debrecen Regional Office.

The members of the TÜRKOMB delegation and the Commissioner for Fundamental Rights of Hungary planted memorial trees in the territory of Szombathelyi Erdészeti Zrt on the occasion of the first meeting of the organisation in Hungary, and they paid a visit to the Veszprém County Remand Prison. The several-day programme was concluded by the International Conference of the Association of Ombudspersons of Turkic States in Budapest. Before the international conference, the Commissioner for Fundamental Rights received extraordinary and plenipotentiary Ambassador of the Republic of Türkiye to Hungary Ms. **C. Gülşen Karanis**

Ekşioğlut, First Secretary of the Embassy of Uzbekistan to Hungary Mr. **Sherzod Narzullaev**, extraordinary and plenipotentiary Ambassador of the Republic of Kazakhstan to Hungary Mr. **Abdrasov Zsanibek**, as well as extraordinary and plenipotentiary Ambassador of Azerbaijan to Hungary Mr. **Tahir Taghizadeh** in his Office.

The Visegrád Group (V4) is a cultural alliance that consists of the Czech Republic, Hungary, Poland and Slovakia. Its significance lies in that these Central European countries cooperate in various regional issues, among others, in the areas of economic development, security issues and cultural exchange programmes. Cooperation in the Visegrád Group is important for the promotion of regional stability, the strengthening of diplomatic relations, as well as amplifying the common voice of the member states in the European Union and in the international space.



The Commissioner for Fundamental Rights of Hungary attended a summit of ombudsmen from the V4 countries in Wroclaw, Poland, 18-20 October 2023.

Polish ombudsman Mr. Marcin Wiącek arrived in Hungary on 24 May 2023, at the invitation of the Commissioner for Fundamental Rights of Hungary. During the visit, Mr. Marcin Wiącek gained first-hand information on the direct legal and humanitarian support provided to the persons fleeing the war in Ukraine by the Office, among others, at the Beregsurány information points. Furthermore, the Polish Ombudsman was informed on the operation of the regional offices of AJBH and held coordination talks with the Police Chief of Hajdú-Bihar County and the regional heads of the National Directorate-General for Aliens Policing and the National Directorate-General for Disaster Management. As part of the professional visit, the Polish ombudsman inspected the Disability Directorate of the Office of the Commissioner for Fundamental Rights of Hungary, as well as its Debrecen Field Office.

The Commissioner for Fundamental Rights of Hungary and the President of the Hungarian Competition Authority awarded prizes to the winners of the international student competition entitled “V4 Competition Law and Fundamental Rights Challenge” at the headquarters of the Hungarian Competition Authority on 4 October 2023. The

study contest was invited in cooperation between the Office of the Commissioner for Fundamental Rights and the Hungarian Competition Authority to the law students and doctoral students of the V4 countries. In the application, the students could choose from eight topics from the field of competition law and fundamental rights, respectively. The entries were assessed by an international professional jury.

The Commissioner for Fundamental Rights took part in the summit meeting of the ombudspersons of the Visegrád Group countries entitled “Contemporary Challenges of the Ombuds’ Offices” **organised by the Polish ombudsman** in Wroclaw, Poland on 18-20 October 2023. The panel discussions of the conference focused on the questions of justice, the experience gained in the implementation of OPCAT, i.e. the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the topics of equal treatment. At the end of the three-day meeting, the ombudspersons signed a joint declaration in which they expressed their commitment to the protection of human and civil rights and freedoms. The Commissioner for Fundamental Rights of Hungary invited all the ombudspersons of the Visegrád Group countries to take part in the international conference entitled “Let Us Build Bridges” organised by the Office on 1 December 2023. The Senior Advisor of the Polish Ombudsman Office also gave a talk at the conference.

The Commissioner for Fundamental Rights of Hungary held a presentation at the National Coordination Meeting of the ombudspersons of Italian regions and autonomous provinces in Rome on 9 June 2023. He gave a detailed presentation of the operation of the regional offices of the Office, its work performed on the Ukrainian-Hungarian border, as well as the activities and responsibilities of the independent mechanism for disability supporting, protecting and controlling the implementation of CRPD. During the meeting, the Commissioner for Fundamental Rights held bilateral talks with the President of the Association of Italian Regional and Provincial Ombudspersons Mr. Marino Fardelli about the further opportunities for cooperation between their institutions.

The Secretary General of the Office participated and held a presentation at the conference entitled “Protection and Promotion of Human Rights in the Context of New Challenges Existing in Modern Societies” in Moldova on 27-28 September 2023. In the context of the international conference, the Moldova Office of the People’s Advocate celebrated its 25th anniversary, whose topic was the protection and promotion of human rights in the context of new challenges existing in modern societies, with expert contributions and talks. In his presentation, the Secretary General explained the solution of the currently emerging social tensions, as well as the new mechanisms of promoting equality and social cohesion with regard to Hungary. The Secretary General emphasised the need for solidarity amidst the war in Europe, especially in helping

the refugees and the victims. He also stressed Hungary’s family protection strategy, educational initiatives and commitment to gender equality as the country’s method of handling social challenges. In his presentation, he mentioned that these issues required a many-sided approach. Education, economic equality, digital integration, cultural knowledge, empathy, conflict management, community building and the promotion of human rights are critical elements of this endeavour. During the conference, the Secretary General conducted bilateral meetings with the Moldovan ombudsman.

As part of strengthening rights awareness, the Deputy Secretary General of the Office held a comprehensive presentation on the operation of the Office **to 12 German legal interns** at the Frankfurt am Main Higher Regional Court on 26 October 2023. In addition to this, two university students had their academic practice at the Office, as part of the Office’s continuous commitment to the education of the experts of the future,

The International Ombudsman Institute, i.e. IOI is a network established in 1978, which is one of the most important forums of consultation and cooperation for the ombudsman institutions. IOI comprises over 200 independent national and regional ombudsman institutions of more than 100 countries.

The Commissioner for Fundamental Rights paid an official visit to Vienna on 30 October 2023, where he conducted a work meeting with **the head of the Austrian Ombudsman Board, the Secretary General of the International Ombudsman Institute (IOI)** on the bilateral work relations between the two institutions, the development and strengthening of these relations, the possible ways of future cooperation, as well as on the problem of closing of the road section between Somfalva (Schattendorf) and Ágfalova (Agendorf), along with the possible solutions to this problem, among others. At the work meeting, the IOI Secretary General informed the Commissioner for Fundamental Rights on the current status of the inquiry into the closing of the road section between Somfalva (Schattendorf) and Ágfalova (Agendorf). The Hungarian ombudsman asked the contribution of his Austrian colleague to finding a reassuring solution to the problem for the citizens of both countries. Furthermore, the Commissioner for Fundamental Rights expressed the Hungarian ombudsman institution’s intention to continue playing an active role in the work of IOI in the future too.

In 2023, **the Commissioner for Fundamental Rights won the tender entitled “Regional Subsidies” invited by IOI (International Ombudsman Institution) as well.** In the framework of this tender, the Commissioner for Fundamental Rights held a rights-awareness raising lecture to the civil society organisations and partners in Debrecen in November 2023, where among others, he put special emphasis on his responsibilities as the CRPD Independent Monitoring Mechanism. The representatives of civil society organisations

had the chance to personally visit the fully barrier-free office, they could meet the staff members working there and could share their ideas with the Commissioner for Fundamental Rights.

The European Federation of National Organisations Working with the Homeless, i.e. FEANTSA, established in 1989, is the only European civil society organisation that solely focuses on combating homelessness. Its ultimate goal is to end homelessness in Europe. The federation has more than 120 member organisations from 30 countries, including 27 EU member states. The Office has been working in close cooperation with this organisation since 2008.

In the focus of the activities of DCAF, i.e. the Democratic Control of Armed Forces, one can find democratic control

based on the rule of law, the protection of human rights, local involvement, as well as impartiality, i.e. the promotion of democracy without taking a stand on political issues. Since its foundation in 2000, DCAF has supported projects in more than eighty countries and has provided consultancy services to national and international partners alike. It is an organisation with its headquarters in Switzerland, which Hungary joined in 2000.

The Commissioner for Fundamental Rights and his staff members actively participated in a high number of conferences in 2023 as well, thus promoting the building of the Office's international relations, the authentic presentation of the situation of the protection of fundamental rights in Hungary, as well as the exchanges of ideas on these topics.

3. FLAGSHIP CASES, INQUIRIES AND REPORTS

In conformity with the provisions of the CFR Act, the Commissioner for Fundamental Rights **paid particular attention to** the protection of the rights of **the vulnerable**, children, the elderly, the sick, the homeless in 2023 as well. In 2023, several comprehensive reports were prepared that were expressly related to this **fundamental rights protection focus** and that received a great deal of attention.

The year under review saw the issuance of several reports focusing on **the protection of the rights of children**. Thus, a comprehensive ombudsman inspection was completed in 2023, in which the Commissioner reviewed **the services provided to children in state and foster care**. The comprehensive inquiry based on wide-ranging data supply, analyses and on-site interviews identified quite a number of deficiencies, systemic problems and measures to be taken, and to remedy the improprieties exposed based on all these, the Commissioner for Fundamental Rights turned to the Minister of the Interior in charge of this area, as well as the director of the National Child Protection Service (Hungarian acronym: OGYSZ) with a complex, detailed recommendation package. In the wake of the ombudsman's measures, the technical preparation of an action package aimed at correcting the situation that has emerged, as well as that of the necessary amendments of the law, more precisely, the elaboration of a uniform set of professional criteria for the selection of foster parents began.

In the year under review, in parallel to the continuous series of visits, as many as five priority ombudsman inquiries into the operation of child protection institutions based on site inspections were concluded by the issuance of reports. These inquiry reports concerned several problems besides the appropriateness of personal and physical conditions, such as the fulfilment of the compulsory education requirement of the children in state care, the prevention of peer-on-peer abuse, the reduction of the smoking of children, as well as the provision of catering of the quality and quantity that suits the children's age groups.

In 2023 again, an ombudsman's report was issued on the deficiencies of the meaningful examination and handling of parents' complaints by the schools and the operators of the schools, as well as the disregarding of statutory guarantees **in the area of public education**, from individual omissions to systemic regulatory problems. Among others, the ombudsman examined the anomalies of a procedure related to the disciplinary sanction of the expulsion of a school age child from school, as well as the omissions committed by the

education district in the investigation of the complaint in this case. The Commissioner for Fundamental Rights issued several reports in the year under review in which he drew attention to the protection of the rights of students and children with special needs or disabilities, and he put special emphasis on the obligation to transport these children to school, while in another report, he identified the necessary measures to be taken with regard to ensuring dietary public catering in nursery schools.

In 2023, there were several such cases in which, as a response to a petition by a complainant, the ombudsman investigated into the protracted procedures of some of the **public guardianship offices**, the contributing factors, correlations and background thereof, while in relation to a high number of cases, more comprehensive, systemic problems were also disclosed. In his reports, the Commissioner for Fundamental Rights investigated into the omissions committed by the public guardianship office, the mistaken legal interpretation of such office concerning the contact between the parent and the child, taking children in state care and the compulsory review thereof, or the immediate change of the place of care, while in one of his reports, he established an impropriety related to a family support procedure.

In the area of the **protection of the rights of the most vulnerable social groups**, the Commissioner for Fundamental Rights repeatedly investigated into **the situation and problems of homelessness services in the capital city** *ex officio* **in the 2022–23 winter crisis period**, the circumstances of which were considerably affected by the energy crisis, the energy exposure related to the geopolitical position of Hungary, as well as the extra needs emerging as the immediate consequence of price changes. The necessary energy cost reduction techniques were the same in the case of almost each respondent, which ensured sustainability by taking the budgetary potentials of the sector into account, however, providing follow-up care and ensuring the possibility for leaving homelessness behind are a less and less frequently used programme element of the care mechanism. In addition to these, in 2023, the Commissioner for Fundamental Rights concluded the investigation into two such cases with a report in which he exposed improprieties and problems related to the prevention and management of serious bedbug infections that took place in residential social care institutions.

The ombudsman completed such an inquiry in 2023 as well which concerned **the institutional care provided to elderly persons, as well as the operation of the individual care**

homes, or some aspects thereof. The inquiry whose basis was a complaint made by a relative is to be highlighted, in which the conditions of care were complained of, in relation to the passing of the complainant's father, related to the operation of the old-age home. In the individual case, the investigation of the Commissioner for Fundamental Rights did not expose any omissions related to the care provided to the resident in question but it became obvious that at the home for older persons with dementia, no specific regulations were compiled for the order of the application of restraining measures. Due to the infringements of rights related to documentation and restraining measures, the ombudsman established an impropriety related to the right to human dignity and health-related self-determination.

In 2023, the Commissioner for Fundamental Rights **investigated into two cases concerning the issues related to ensuring and protecting the rights of mental patients,** he

examined the institutional practices from a fundamental rights perspective, with special emphasis on the situation of care provided to mental patients without documentation. In one of his reports, he specifically pointed out that the regular keeping of records is thus of key importance both from the perspective of sectoral and service provider's compliance and that of risk management, as well as for the ability to examine the human rights and responsibility aspects of care subsequently. He also suggested that the patients' complaints on ill treatment should be examined with appropriate thoroughness, which is vital in the prevention of similar situations. On the other hand, the ombudsman established in the other report, related to the application of restraining measures, that tying patients to the bed for several days has caused an impropriety related to the prohibition of degrading treatment and the right to personal freedom.

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

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

As the coronavirus pandemic abated, the main goal of the inquiries conducted by the NPM was to monitor the daily activities of the detainees and residents, the restart of the personal reception of visitors, as well as the measures taken for further protection against the pandemic, to control the measures promised in the wake of the earlier reports, and to observe the conditions of detention in the summer and the winter. In selecting the places to visit for the inquiries, the NPM took the signals of the Civil Consultative Body (CCB) into account several times, and he also reckoned with the news published in the press, and the complaints and number of complaints received in the general competence of the Commissioner for Fundamental Rights.

In 2023, the NPM visited a total 26 places of detention. In 2023, the NPM issued a total of **19 reports**, of which **12** were prepared on visits to **penitentiary institutions**. The ombudsman acting in the competence of the NPM issued two reports which inquired into the operation of **child protection institutions** (special children's home and reformatory) and two other reports in which he recorded the experience gained from visiting **residential social care institutions**. The difference between the number of the visited places and the reports partially comes from the fact that the findings of the on-site inspections of several sites are contained by the same report, and partially from that, similarly to the previous years, the processing of the experience was not concluded in the year of the visits in the case of certain visits.

On 1-2 June 2023, a **conference of the South-East Europe NPM Network** entitled "Monitoring Mental Health Units in Correctional Facilities" was held in Thessaloniki, Greece, where the NPM was represented by the Secretary General. In his talk at the conference, the Secretary General gave a detailed presentation of the experience in this area in Hungary, also discussing the experience gained from his visit to the Forensic Psychiatric and Mental Institution (FPMI) and the Berettyóújfalu hospital.

In 2022, the NPM repeatedly applied for **aid from the OPCAT Special Fund**, which is a fund established on the basis of OPCAT. The primary basis for the application was made up by the recommendations formulated in the report to the NPM on the experience of the SPT on its 2017 visit to Hungary, the goal is to enhance the visibility of the NPM's work.

The **NPM training day** held for university students was also organised in the framework of a tender on 16 October 2023, where the country rapporteur of the SPT for Hungary as a foreign presenter gave a talk on the relations between the NPMs and the SPT, as well as on the work done by the SPT. On 9-10 November 2023, the **Sixth Regional Meeting of NPMs and Civil Society Organisations**, which was organised by APT, ODIHR and the Danish Ombudsman Office took place, where the Deputy Secretary General represented the NPM. The international conference entitled "Let Us Build Bridges - Acting Together for the Protection and Promotion of Human Rights amidst Challenges" was held on 1 December 2023. At the conference, the Romanian Deputy Ombudsman, the Serbian Ombudsman and the representatives of the Hungarian NPM gave detailed accounts of the work of their own national NPMs.

5. THE OMBUDSMAN'S ACTIVITIES AS CRPD INDEPENDENT MONITORING MECHANISM

For the national-level monitoring of the enforcement of the rights specified in the CRPD, pursuant to the requirements set out in Article 33 of the CRPD, States Parties shall designate an independent national mechanism as appropriate, to promote, protect and monitor implementation of the Convention, and to carry out system-level inquiries into the government measures and the efficiency thereof in order to ensure the enforcement of the rights of persons with disabilities. In order to fulfil this requirement, the wide-ranging human rights protection activity of the Commissioner for Fundamental Rights was supplemented by the responsibilities related to the operation of the framework of the **independent mechanism** under Section 2, Article 33 of CRPD on 1 January 2023.

The Commissioner for Fundamental Rights paid special attention to the monitoring of the enforcement of CRPD earlier as well, based on the Ombudsman Act, however, these provisions did not yet fully ensure the complete fulfilment of the international requirements concerning the operation of the independent mechanism specified in the CRPD.

As regards its content, the setting up of the independent mechanism meant a robust change as compared to the earlier function of protecting fundamental rights. Laying down the guarantee rules that serve as the basis for independence on the level of the law now ensures an independent organisation with strong authorisations compliant with the international requirements and more concentrated professional resources for a national institution helping and monitoring the implementation of the CRPD.

This compliance is guaranteed, among others, by the statutory regulation of institutional operation, the provision of adequate funds, as well as requiring relevant professional experience in disability matters for the staff members working in the area. Last but not least, such compliance is guaranteed by declaring that it is the **Disability Advisory Board**, which represents a broader spectrum of civil society, and possessing significant experience, knowledge and authenticity with regard to the rights of persons with disabilities, that supports the national level monitoring and the process of control of the implementation of the CRPD. The 28-member Advisory Board, which consists of the delegates of Hungarian civil society organisations, foundations, academic workshops and other civil society organisations representing persons with disabilities and selected through a tender, held its inaugural session in Budapest on 3 October 2023.

On 1 January 2023, the Commissioner for Fundamental Rights set up a separate organisational unit within the Office

for performing the tasks of the CRPD Independent Monitoring Mechanism. The **Directorate General for Disability** performs its tasks from a Debrecen site but with national competence in the spirit of the decentralisation, which was started by the establishment of regional field offices. In order to fulfil the requirements of the CRPD with regard to employment, the Commissioner paid special attention to the equal opportunities of persons with disabilities applying for positions.

In the focus of the efforts taken by the CRPD Independent Monitoring Mechanism is not only the monitoring of the activities, circumstances and decisions of authorities that are discussed in the individual complaints but also, conducting broader, comprehensive, ex officio inquiries.

In this respect, the new competence of the Commissioner for Fundamental Rights is of special importance. This means that the enforcement of the rights of persons with disabilities in compliance with the CRPD can be examined in lack of a petition and an exposed impropriety as well. In order to terminate an impropriety related to the fundamental right of a natural person, the ombudsman may conduct an inquiry ex officio as well if the person with a disability is not able to enforce their rights, or submitting a petition would impose disproportionate difficulties on them. In the framework of the mechanism supporting and monitoring the implementation of the CRPD, the Commissioner for Fundamental Rights makes proposals to the Government, the National Assembly, the municipalities and any other competent body. If need be, he also proposes that new legislation be elaborated, or the effective laws or normative administrative provisions be amended with a view to ensuring compliance with the CRPD.

The focus of investigations launched in 2023 included quite a number of significant topics that fundamentally affect the lives of persons with disabilities. What should be highlighted here are the monitoring of equal access to services, the operation of inpatient and residential social care institutions, and other institutions providing services to persons with disabilities, as well as the life conditions of the patients and residents therein, the exposure of the circumstances of groups with multiple disadvantages such as women and children, as well as the follow-up of the implementation of the proposed measures concerning a larger group of persons with disabilities that were made in the earlier reports. The Commissioner for Fundamental Rights gives account of the performance of the tasks of the CRPD Independent Monitoring Mechanism to the National Assembly in a comprehensive report to be disclosed on the Office's homepage every year.

A staff member of the Disability Department took part in the **CRPD Working Group session of the European Network of National Human Rights Institutions, i.e. ENNHRI** on 6 September 2023. At the meeting, it was mentioned that the inquiry conducted by the Latvian ombudsman office in relation to equal access to banking services has brought up quite a number of questions that are also current issues in Hungary. In its decision, the CRPD Committee addressed some recommendations to Hungary regarding the broadest possible access to banking services. The CRPD Independent Monitoring Mechanism launched an inquiry into the central measures that have been taken since the related, 2014 ombudsman's report. In view of the findings of the follow-up investigation, the examination of the full accessibility of banking services should be considered, in the form of a more detailed examination into a topic that brings up the violation of a right, in the framework of a collaboration between the advocacy organisations of

the persons with disabilities concerned, the professional organisations of financial service providers and the ministries in charge.

A staff member of the Disability Department took part in the meeting of the ENNHRI CRPD Working Group **on 20 September 2023**. It was mentioned at the session that the guidelines of the European Union Agency for Fundamental Rights, i.e. FRA are available, which provide guidance for the elaboration of the national frameworks of independent monitoring. These guidelines are aimed at supporting the individual countries in the elaboration and improvement of the indicators supporting the progress of the national level implementation of the CRPD. The FRA Guidelines are built on truthful data and practical experience, they may provide meaningful input for the establishment and operation of the Hungarian CRPD Independent Monitoring Mechanism.

6. THE OMBUDSMAN'S COMPETENCE IN POLICE COMPLAINTS INQUIRIES

The Police Complaints Directorate, established as a separate organisational unit in 2020, assumes responsibility for investigating into complaints lodged specifically against the actions of the Police, the Counter Terrorism Centre, the National Protective Service, and the National Directorate-General for Aliens Policing, as well as the actions of bodies involved in handling misdemeanors, criminal procedures and prison establishments. As a result of the amendment effective from 1 January 2023, the former Police Complaints Directorate of the Office retains its autonomy as a separate organizational unit, with the oversight of a Director General of Police Complaints, replacing the title of Director and from now on, acting as a Directorate General.

In the complaint procedure under the Police Act, legal remedies can be taken against police acts that are expressly designated as measures (e.g. stop and search, arrest and detention, escorting a person to the police station) and the use of coercive means (e.g. physical force, handcuffs). Legal remedies may be sought for possible breaches of the fundamental principles and obligations governing police activity (e.g. the duty to take action, the principle of proportionality, the duty to provide assistance). However, other procedural acts related to police measures (e.g. infringement, criminal, foreclosure proceedings) are not covered: their regulatory framework and the procedures for appeal are different. The Commissioner's role in the police complaints procedure is specific: the Police Act supplements the police's own administrative procedure with the possibility of an ombudsman inquiry. In his basic competence, the ombudsman's inquiry is, in principle, conditional on the applicant having exhausted the administrative remedies available to him, whereas in the case of police complaints procedures, the ombudsman's inquiry precedes the decision in the administrative complaint procedure, with a direct impact on the police's law enforcement practice. The ombudsman's impact may be particularly significant in the light of the fact that the reports are specifically addressed to the highest police authorities, such as the National Chief of Police, who are required to take a final administrative decision on the complainant's case in response to the findings of the report. The ombudsman's investigation is not automatic, and the complainant must always have the choice of going directly to the police body which took the action, or requesting that his complaint be dealt with by the chief constable of the examined police body, following the ombudsman's investigation. The possibility of a parallel decision is therefore excluded.

In 2023, the Commissioner for Fundamental Rights of Hungary issued 32 reports on complaints against police action. Based on the reports, the National Chief of Police conducted the administrative procedure, taking into account the findings of the Commissioner for Fundamental Rights of Hungary. In 27 cases, the decision of the National Chief of Police was in full agreement with the Commissioner's decision, in 2 cases, it was contrary to the Commissioner's position, while in 3 cases, it was in partial agreement with the Commissioner's decision. Based on reviewing the cases that were investigated in substance, it can be established that among the police measures complained of, there is an outstanding number of complaints and objections about the police force's obligation to proceed in harmony with the statutory provisions, their obligations to provide help and information, as well as the tone used by the police officers.

To maintain effective professional cooperation, in 2023, the Police Complaints Directorate General continued to hold regular formal consultations with the senior management of the National Police Headquarters, the heads of the Police Control Service, the County Police Headquarters, the National Directorate-General for Aliens Policing, the National Protective Service, the Counter Terrorism Centre, the National Headquarters of the Hungarian Prison Service, as well as the heads of the police organs concerned. In addition to all this, in 2023, the Commissioner and the Director General of Police Complaints visited county police headquarters and police stations. During the visits, they were given detailed information on the functioning and main tasks of the police stations, the public security and crime situation in the counties, complaints against police actions and the work of the school guards, who were established and are on duty in the counties. Continuous cooperation between the police organs and the authorities concerned is of key importance for maintaining an efficient dialogue.

International relations, conferences and visits

Accompanied by the Commissioner for Fundamental Rights of Hungary, Special Representative of the Secretary General of the Council of Europe for Migration and Refugees Ms. Leyla Kayacik visited the Ukrainian-Hungarian border section on 22 March 2023. Ms. Leyla Kayacik, accompanied by the Commissioner for Fundamental Rights, the Minister of State for Security Policy of the Ministry of Foreign Affairs and Trade, the Secretary General of the Office of the Commissioner for Fundamental Rights (AJBH) and AJBH's Police Complaint

Director General, found out about the direct legal and humanitarian support provided by the Office in Beregsurány, among others, to the persons fleeing the war in Ukraine.

The 15th international conference of the Ombuds Institutions for the Armed Forces (15ICOAF) was organised in Vienna, Austria from 18 to 20 June 2023, and was entitled “Handling the Effects of Climate Change - Ombudsman Institutions and Armed Forces”. At the conference, the Office was represented by the Commissioner for Fundamental Rights and the Director General for Police Complaints.

The Commissioner for Fundamental Rights, accompanied by the Director General for Police Complaints, paid a visit to the Czech Republic from 26 to 28 June 2023. On the first day, the National Headquarters of the Czech Prison Service presented the operations and responsibilities of the partner organisation, which was followed by a roundtable discussion, then on the next day, the Ombudsman and the Director General for Police

Complaints visited the Liberec Remand Prison. On 28 June 2023, they met with the Ombudsman of the Czech Republic, at which meeting the activities and operations of the Hungarian and Czech ombudsman offices were discussed. Then the Brno Penitentiary Institution was inspected, which event was also followed by a roundtable discussion.

The Commissioner for Fundamental Rights and the Director General for Police Complaints took part in the summit meeting of the ombudspersons of the Visegrád Group countries entitled “Contemporary Challenges of the Ombuds Offices” organised by the Polish Ombudsman in Wroclaw, Poland on 18-20 October 2023. The panel discussions of the conference focused on the questions of justice, the experience gained in the implementation of OPCAT, i.e. the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the topics of equal treatment.

7. FOCAL POINTS OF THE ACTIVITIES OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR THE RIGHTS OF NATIONAL MINORITIES

Introduction



*Dr. Elisabeth Sándor-Szalay
University Professor, Deputy Ombudsman*

I started my mandate as Deputy Commissioner for the Rights of National Minorities in 2013, which means that 2023 was my tenth complete year in this position after my re-election in the meantime. In the past ten years, we handled several thousand petitions with my colleagues, we took part in several thousand professional events, and as always, in 2023, we also performed our job in the spirit of dialogue and cooperation. This report serves to present the data, professional materials and events of a period even more intensive than usual, and in my view, we have selected the topics with the intention of highlighting meaningful elements that have consequences both for the operation of the legal area concerning national minorities and for the affected communities and their members.

Although the isolation that used to characterise the previous years as consequence of the pandemic did not prevent personal meetings any more, I still had the feeling that the distances remained in the figurative sense of the word. They may actually have even deepened. The war, the crises, the growing social and international tensions all signal that nothing is more important than to talk to each other and besides expressing our own professional standpoints, to inform and at the same time, listen to and understand the other party.

In 2023, there were weighty topics in the focus of my activities again: questions that concerned the individuals affected, and through them, their close communities, and ultimately, the mutual relationships of the broader groups of society as well. Unfortunately, our vulnerable fellow-citizens are directly or indirectly affected by the effects of the political, economic and environmental crises and the devastating wars even more strongly. Diminishing solidarity for each other and the atmosphere of general mistrust exert an especially adverse effect on those who are disadvantaged anyway, so

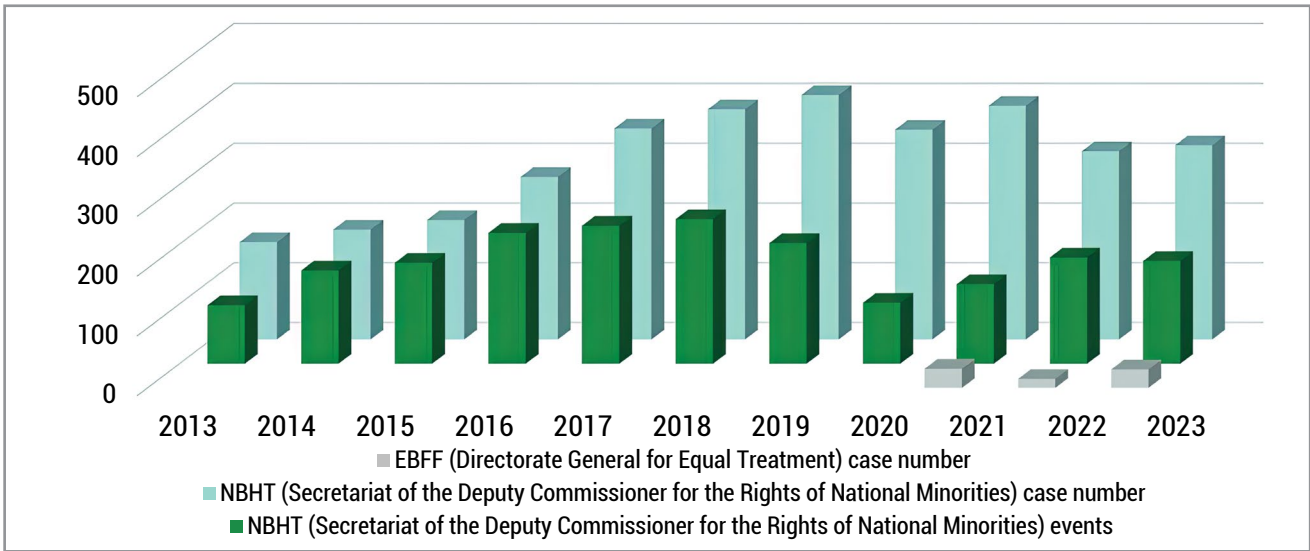
I was trying to handle their cases with utmost empathy and professionalism. In 2023, in addition to the examination of the individual petitions, I put special emphasis on three large areas: mapping the national minority-related contents of the cultural institutions, the current status of school segregation and the tendencies of hate crimes. All the three topics required a high level of resources and continuous professional cooperation.

The lessons learned from the Act on the Rights of Nationalities, which is already thirty years old in 2023 and is unrivalled even in international comparison, suggest that supporting national minority communities, the maintenance and operation of the infrastructural system of the cultural autonomy of national minorities are a key interest of the majority society as well. The idea of an inclusive society practising solidarity, the recognition of multiple identities, the preservation of cultural diversity are the basis of, and the guarantee for the economic and social success of the society of the present and the future.

General tendencies

In the legal area of the rights of national minorities, 2023 saw intense professional activities and the restructuring of cases: besides the 5% increase in the number of cases, the internal proportion of petitions filed by Roma complainants grew by nearly 20% as compared to the previous years. The primary reason for such shift was the severe **economic, social and housing crisis**, which affected Hungary in 2023 as well. The pandemic, the ensuing economic problems and inflationary environment, as well as the impact of the two local wars which exert severe global effects have already caused damage that can be measured on the level of society. The aggravation of the **social crisis situation**, coupled with **the structural problems of the state and municipality care system** have affected each stratum of the society, however, **the most adversely affected social group** was that of the inhabitants in disadvantaged situations, including **a high proportion of Roma citizens**.

In 2023, **the number of national minority-related cases** of the Secretariat of the Deputy Commissioner for the Rights of National Minorities was 325, which includes **complaints and improprieties detected ex officio**, which means a slight increase as compared to the data of previous years. The number of cases received by the Directorate General for Equal Treatment also rose, increasing back to the 2021 basis year level by 31 petitions.

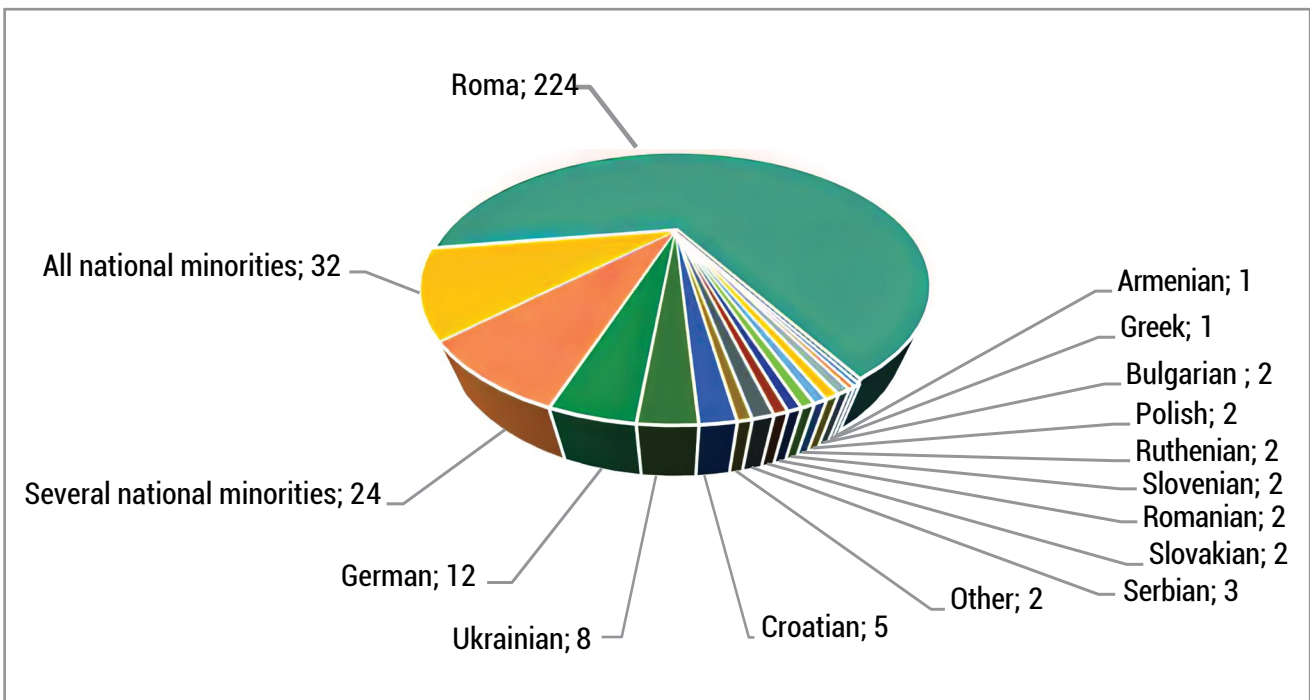


Case numbers of the Secretariat of the Deputy Commissioner for the Rights of National Minorities and the Directorate General for Equal Treatment, as well as the number of the events of the Deputy Commissioner between 2013–2023

As part of the **circulation of letters**, as many as 1,762 paper-based or electronic documents were managed by the staff members of the Secretariat of the Deputy Commissioner for the Rights of National Minorities, of which 734 were incoming (petitions, responses from the contacted authorities, expert documents) and 1,028 outgoing (inquiries, professional position statements, case closing documents).

The Deputy Commissioner continued to pursue intensive **communication activities targeted at the local communities**: with her colleagues, she participated in 172 professional events and coordination talks on 251 work days of the year, i.e. she held professional meetings with her partners or joined the cultural events of the national minority communities every one and a half days.

Just like in the previous years, 2023 also saw the highest number of cases affecting citizens of Roma ethnicity: the Deputy Commissioner handled **the complaints of the members of the Roma community in 224 cases**, which made up nearly **69%** of the total number of cases last year. For the reasons explained in the introduction, the proportion of cases concerning several or all national minority groups indicating **comprehensive improprieties related to national minority rights** rose to **17%** (56 petitions), while the classical **individual complaints** related to national minority rights coming from individual persons, municipalities, institutions and advocacy organisations made up **14%** (45 petitions).



Distribution of cases by national minorities

The terrible consequences of the economic crisis, the effects of the high inflation rates, as well as the local wars can be seen in the complaints of last year as well, **the submissions are basically the reflections of the social phenomena and problems of the year under review.** The petitions belonged to the following case groups, according to their topics.

1.	Past, present and future of the legal regulations concerning national minorities
2.	The national minority aspects of the 2022 census
3.	Rights of national minority self-governments
4.	The enforcement of children's rights in the area of national minority education and child protection
5.	Cultural and linguistic rights
6.	Hate speech and hate crimes
7.	Social conditions, employment, housing
8.	Health care
9.	Criminal, infringement and police cases
10.	Law enforcement

Based on the examination of the petitions, fourteen professional documents establishing a constitutional impropriety, or the danger thereof were issued: **three joint reports and four policy statements**, while **in five cases**, the Deputy Commissioner issued **a closing letter containing a proposal for legal practice.**

The summary, full text and the related professional background documents can be found in the following QR code, with regard to the constraints on the length of the text.

Priority case groups by petitions

In 2023, the Deputy Commissioner for the Rights of National Minorities paid special attention to several topics that exerted a significant effect on the national minority communities in Hungary. A part of this meant the collection and system-level analysis of the individual improprieties appearing in the petitions. Unlike in previous years, however, only a part of these topics could be planned in advance, the majority of them were **immediate and inevitable professional responses to the current social processes and structural problems.** Key professional topics of 2023:

Joint reports	
1.	Joint report No.AJB-899/2023 on the inquiry into the ex officio registration of national minority surnames and first names in birth certificates
2.	Joint report No.AJB-1627/2023 on exercising the right of approval of the national minority self-government required for the mandate for heading a national minority institution of public education
3.	Joint report No. 1698/2023 on the difficulties in the cooperation between the municipality of the settlement and the German national minority self-government of the community
Policy statements	
1.	Policy statement No. 1/2023 on the inspections carried out by the field guards and public area supervisors in Miskolc
2.	Policy statement No. 2/2023 on the options and constraints of legal practice in action against the use of prohibited totalitarian symbols
3.	Policy statement No. 3/2023 on the correlations of putting children into classes by their abilities and the school segregation of Roma children, as well as the need for educational inclusion
4.	Policy statement No. 4/2023 on the first 30 years of the comprehensive legal regulation of the rights of national minorities
Closing letters containing proposals for legal practice	
1.	Case No. AJB-78/2023 - the legal practices concerning the interpretation of the procedural actions interrupting the limitation period during the regulatory offence proceedings
2.	Case No. AJB-583/2023 - proceeding concerning the termination of the mandate of a member of a national minority self-government
3.	Case No. AJB-770/2023 - criminal proceedings launched as a result of the signal given by the Deputy Commissioner for the suspicion of the crime of violence against a member of a community
4.	Case No. AJB-981/2023 criminal and regulatory offence proceedings launched after a school conflict, due to an act committed against a minor
5.	Case No. AJB-3116/2023 - complaint against removal from work and the conditions of detention at a penitentiary institution

the situation of Ukrainian and Roma persons fleeing Ukraine;

the exercising of the rights of comment and approval of the national minority self-governments;

segregation tendencies in the Hungarian system of public education;

possibilities and constraints of action against hate speech and hate crimes;

regulatory and operational conditions of national minority cultural institutions;

results and consequences of the 2022 census,

education of the coming generations of lawyers.

From among these topics, the Deputy Commissioner examined the current phenomena of long-existing, several-decade problems, however, some of these expressly concerned the year under review. Without being exhaustive, the following of the latter phenomena should be mentioned:

Past, present and future of the legal regulations concerning national minorities

2023 was a **special period** from the aspect of legal environment, as it marked the 30th anniversary of the Hungarian law that regulated national minority rights comprehensively for the first time ever, extending to all areas of cultural autonomy. The year under review saw a high number of **professional forums and cultural events**, at which the first fundamental policy questions of the creation of the law were discussed, along with the current, complex challenges related to the field of law concerning national minorities, not primarily on the basis of legal aspects but rather, based on policy criteria and subjective recollections. Besides the national minority act adopted in 1993, there were two other significant international anniversaries related to national minorities in 2023. The **European Convention on Human Rights** took effect 70 years ago, while the **Framework Convention for the Protection of National Minorities (FCNM)** took effect 25 years ago. All the three anniversary legal documents seem to exist independently from each other both in time and space but all three can only achieve the legal effect intended by their creators **with regard to one another** and can only ensure the general human and special minority rights for the communities and the members of the communities that are under their effect if they supplement one another. On the other hand, the bridge between them can only be built by respecting common values and the good-faith practice of the law.

In her **policy statement No. 4/2023**, the Deputy Commissioner for the Rights of National Minorities wished to commemorate the framework of ideologies and principles, as well as the complex process that contributed to the creation of the 1993 national minority act and the effective national minority act adopted in 2012, which took over a considerable part of the 1993 regulation. In addition to this, she also **conveyed several messages** with a view to promoting the further development of the Hungarian system of national minorities in her policy statement.



Advocacy Meeting on a Draft Treaty on International Minority Rights – workshop – Budapest

The national minority rights aspects of the 2022 census

The data of the census **are of key priority** for the national minority communities living in Hungary: the authentic, informed and professional, official **statistical data** obtained from the census **help** the experts and the policymakers, as well as politicians **to obtain a better understanding and assessment of the social phenomena and processes that affect the national minorities living in Hungary**. The statistical data form a basis **for preparing** the social, economic and public policy **decisions**. These data are also of key significance because the act on the rights of national minorities ties **the exercise of language use rights and the initiation of national minority self-government elections** to the proportion and number of the members of national minorities registered during the census.

In her **policy statement No. 2/2020**, the Deputy Commissioner **presented the complex nationality rights-related aspects related to the preparation and execution of the census in detail**, and she supported the preparation of this process with her expert proposals. In the eighteen months preceding the 2022 census, the Deputy Commissioner, in close cooperation with the Central Statistical Office (KSH) and the national self-governments of the nationalities, joined the series of professional consultation sessions that started and then were regularly held, and she commented on and contributed to the definition of the content of the government decree on the tasks related to the execution of the census, in addition to which she participated in the campaign called “Let Us Become a Community”, encouraging the citizens to profess their national identities.

As witnessed by the published aggregated data related to the national minority communities, while **the total number of the members of six communities decreased**, in varying degrees, **the number of the members of seven communities increased** as compared to the data of the 2011 census. The changes in the number of the members and the sociological composition of the individual communities can be explained by a high number of internal processes that vary by each group, as well as some external impacts exerted on these communities. However, the actual headcount of the individual national minority communities in Hungary, also due to the voluntary nature of data provision, **may divert from the official data of the 2022 census**. The evaluation of the findings will be a key responsibility of the members and leaders of the individual communities, the researchers and experts of the academic professional communities in the upcoming years, in which effort the Deputy Commissioner for the Rights of National Minorities will continue to participate as a partner.

	2001	2011	2022
Bulgarian	2 316	6 272	6 109
Greek	6 619	4 642	6 178
Croatian	25 730	26 774	21 824
Polish	5 144	7 001	7 398
German	120 344	185 696	142 551
Armenian	1 165	3 571	4 199
Romani	205 720	315 583	209 909
Romanian	14 781	35 641	27 554
Rusyn	2 079	3 882	7 111
Serbian	7 350	10 038	11 622
Slovak	39.266	35 208	29 881
Slovenian	4 832	2 820	3 965
Ukrainian	7 393	7 396	24 615
	442 739	644 524	502 916

*National minority-related data
of the latest censuses and the changes thereof*

National minority education

2023 saw **the receipt of a higher number of complaints from the members of the Roma community expressly complaining of segregation and segregated education**. These cases were characterised by the fact that the segregation of the children did not take place on an expressly nationality-related basis but the children were divided into different classes on the basis of setting up different, **seemingly neutral** criteria. An example for this was when in one of the schools, “weaker” and “stronger” classes were created on the basis of the children’s **abilities** but there were also schools where **classes of different compositions** were set up as a result of organising **special school “faculties”**. Although the operator

of the institution firmly denied in each and every case that there was an intention to segregate the Roma pupils by the way that the classes were set up, after comparing the rosters of the classes, the statuses indicating the disadvantaged situation of a pupil, as well as the year-end grade point averages, it could be shown in each case that in the schools concerned, one (or several) such class(es) was (were) created in which **all or most pupils were Roma**, mostly in the disadvantaged or multiply disadvantaged **status**. It was also provable in all cases that **the academic performance** of these classes **was significantly poorer** than that of the parallel classes specialising in English, sports, etc. Due to the frequency and weight of the problem, in her policy statement No. 3/2023, the Deputy Commissioner made a stand for **the necessity of inclusive education** and drew attention to the risks of the students’ **separation based on abilities** that also threaten the principle of equal treatment.

Hate speech and hate crimes

2023 saw the receipt of **26 cases** by the Deputy Commissioner, which was 60 percent higher than in the previous year. The professional documents dealt with the public speech of deteriorating quality and generating prejudice, racist and antisemitic hate speech in both the online and offline space, the use of prohibited totalitarian symbols and the cases about the damaging of places of reverence and monuments related to the affected communities as well. Unfortunately, the topic has not lost any of its significance: this is indicated by that the most important common feature of these cases was **interdisciplinary complexity**, which means that besides emphasising the probability of the violation of rights, the complainant presented or illustrated the consequences pointing beyond rights in each case as well, with special regard to the social environment and adverse effects of the impropriety in question.

In 2023, several events worthy of high professional attention were organised by the Deputy Commissioner and her partners. In July, the exclusive professional workshop entitled **“Victim-centred and intersectional approaches in the response to hate crimes”** organised jointly with the Working Group Against Hate Crimes in the framework of the Counter-Hate Project was held, then in the course of the year, as part of this project, the Deputy Commissioner also joined **the compilation and testing of online materials** supporting the training of the authorities and the law enforcement agencies. In September, she participated in the organisation and implementation of a professional conference and roundtable discussion related to the **Countering Hate Speech and Hurtful Speech against Diversity (CHAD) Project** sponsored by the European Union, while in December, the participants discussed the accompanying phenomena at the international conference entitled **Equal Opportunities in the Court Room: Access to**

Justice for Vulnerable Social Groups, which was organised in joint efforts with the Res Iudocata - Judges for Social Awareness Association.

In 2023, the Deputy Commissioner began **the preparation of three policy statements**, which deal with the forms of hate-based manifestation of the social tensions that are also targeted against the national minority communities. She published the first **policy statement No. 2/2023** on the options and constraints of legal practice in the action against the use of prohibited totalitarian symbols in December, while in 2024, the preparation and publication of the materials related to the **current tendencies of demonstrations of extremist groups** with the purpose and result of **generating fear**, as well as the **hate crimes** committed by them will follow. These documents wish to show the different forms of the manifestation of the same social phenomenon in a close unity, built on each other, along with the possible means to combat them.



*Equal Opportunities in the Court Room
– international conference – Budapest*

Examination of the situation of the cultural institutions of national minorities

The role of cultural institutions is of outstanding importance in the enforcement of the cultural rights of national minority communities in Hungary. The situation is that these institutions represent and communicate the social phenomena, events, material mementos of the different historical periods in a systemic form, analysed by professional criteria, thus also ensuring broad and equal access to the cultural assets both to the individual groups of national minorities and to the members of the majority society. It is not only the so-called national minority base institutions and village museums that are involved in the collection of the material assets of the national minorities living in Hungary, as well as the preservation and presentation of their values and traditions but also, some other city museums with a national or county competence, or cultural institutions maintained by the individual municipalities.

With regard to the outstanding importance of the topic, 2010 saw the completion of a comprehensive inquiry into the enforcement of minority cultural rights by the Parliamentary Commissioner for Ethnic and National Minority Rights, which

covered almost all the areas of the cultural life of the minorities, thus performing a long-needed task. Also using the above report as a basis, in 2023, the Deputy Commissioner began to examine the regulatory background and practical operation of cultural institutions in the context of a targeted review, also extending to the obligation of the state and the municipalities to protect these institutions. As part of this inquiry, she contacted nearly one hundred institutions in a written form and she has personally visited, or will visit in the near future, nearly twenty institutions. The completion of the complex investigation is planned for 2024.



Looking at Romanian cultural values in Békés County – Kétegyháza

Professional relations

In 2023 as well, the Deputy Commissioner **kept continuous professional relations with the representatives of Hungarian and international research institutions, civil society and church organisations** working for the enforcement of the cultural autonomy of national minority communities and for ensuring their rights to equal treatment and equal opportunities. In addition to this, **as a key partner**, she held regular coordination sessions **with the elected bodies** of the national minorities living in Hungary, with other **organisations protecting fundamental rights, governmental and public administration organs**, as well as with **conciliation bodies** specifically involved in examining the enforcement of national minority rights. The Deputy Commissioner built a close working relationship with the national minority MPs, the nationality advocates, as well as the presidents of the national self-governments of the nationalities, which greatly contributed to the efficiency of her activity in the protection of fundamental rights.



Congress 67 of the Federal Union of European Nationalities (FUEN), Pécs

Online communication forums

The Deputy Commissioner ensures the wide and continuous accessibility of the professional materials on two online platforms. At www.nemzetisegijogok.hu, one can find a knowledge base that presents the national minority field of law and the professional materials of the Deputy Commissioner in detail, one that is regularly updated, while at www.facebook.com/ombudsmanhelyettes, one can primarily find the current issues and events, the statements and messages, as well as the newly published professional documents. **INFO.lapok** contains brief educational and professional information materials in a digital form, which present the structure, permanent regulatory elements and guarantee institutions of the national minority rights protection system in an easy-to-understand way. These materials provide general information

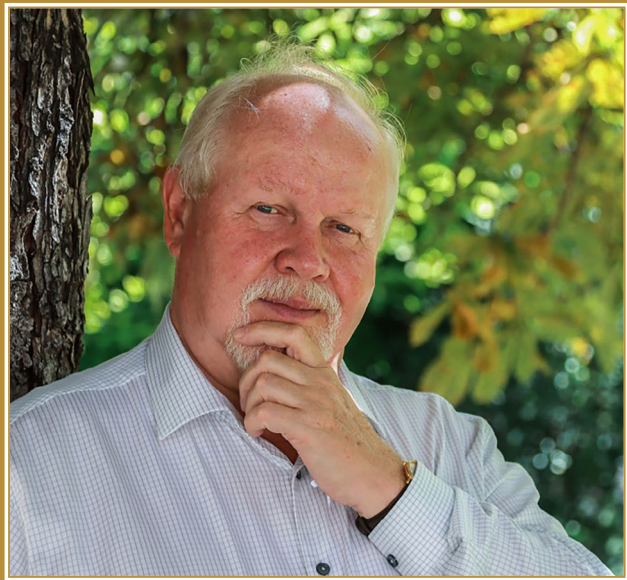
and at the same time, they may mean the first step for those more seriously interested in national minority rights in getting to know this area more in-depth. Through the quarterly, digitally published **Newsletter (Hírlevél)**, the Deputy Commissioner gives a regular insight into her activity in the given period, to the professional events in Hungary and on the international scene, the tendencies in caseload, furthermore, she presents the findings of her closed comprehensive inquiries. The part called “Case Law Mosaic” of the publication shows concrete, anonymous complaints and situations that deserve more professional attention.

The documents indicated before are accessible by using the following QR code:



Reports and Policy
Statements

8. FOCAL POINTS OF THE ACTIVITIES OF THE DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS, OMBUDSMAN FOR FUTURE GENERATIONS



Gyula Bándi, Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations - Photo: Dóra Réti

Although in May 2023, the World Health Organisation (WHO) of the United Nations announced that they did not deem the Covid 19 pandemic an emergency any more, after the epidemic had abated, new social and economic challenges were faced in the course of the year. With the escalation and protraction of the Russo-Ukrainian war, the tackling of the energy crisis and the economic recession came to the focus of attention, this is why emergency legislation became almost continuous and general.

The Deputy Commissioner drew attention to this in several warnings, of which **the summary on the harmonizability of emergency legislation through decrees and the protection of the interests of future generations** stands out. The Deputy Commissioner examined, in view of the Fundamental Law of Hungary and the decisions of the Constitutional Court, to what extent the adoption of decrees in an emergency situation may restrict the enforcement of the rights of the future generations, in a broader sense, that of sustainable development and the protection of ecological bases, furthermore, he discussed the criteria governing the harmonization of interests, such as the non-derogation principle, the question of the principle of necessity and proportionality, as well as the principle of prevention and precaution.

With a repeated reference to the state of danger, the Government **adopted a government decree on the environmental authority contract as well. The Deputy**

Commissioner also issued a warning on the criteria of the application of such contract. In this document, he raised his concerns on that the decree provides an extraordinarily broad space for entering into administrative contracts, i.e. to any type of environmental authority, in any environmental case, by omitting the content elements required by the higher level laws, which is contrary to the original purpose of the administrative contract. Thus, in his opinion, the above-mentioned decree is not suitable for creating an unambiguous and fair legal situation, so it does not serve the interests of either legal certainty or environmental protection.

As part of the series of crises, global warming, and in a broader sense, the gradual change of climate has become a part of our everyday lives. This is why it was of outstanding importance in 2023 that **the Deputy Commissioner gave a detailed explanation, in his amicus curiae motion**, on what the correlation between the constitutional rights enshrined in Articles XX, XXI and P of the Fundamental Law of Hungary and the state's activities aimed at protecting institutions and the climate, as well as the practices of the Constitutional Court to date is, in the procedure aimed at establishing that **the Act on Climate Protection** is in conflict with the Fundamental Law of Hungary, as well as with international treaties and that it should be annulled. In this motion, he also mentioned the resolution of the United Nations General Assembly of 28 July 2022, which, after a long time, at last officially launched the process of the recognition of the right to a clean, healthy and sustainable environment as a human right. **The Secretariat of the Deputy Commissioner organised several conferences on the topic of climate change during the year, in joint efforts with some partner organisations.**



The Deputy Commissioner gives a talk at the conference entitled "Before the Climate Summit" (Photo: MTVSZ, i.e. the Association of Hungarian Nature Defenders)

In relation to the situation of the protection of the interests of future generations in 2023, it should also be pointed out that while natural resources as the common heritage of the nation are granted special protection by the Fundamental Law of Hungary, the condition of such resources is deteriorating. This is why the Deputy Commissioner found it important to take an active part in the elaboration of documents dealing with the protection of resources and sustainability, including **the comments made on the fifth progress report of the National Framework Strategy on Sustainable Development (Hungarian acronym: NFFS), as well as in the planning process of the second NFFS to take effect in 2025.**

The condition of the surrounding environment and biodiversity are a key area of the protection of the interests of future generations, this is why the Deputy Commissioner regularly indicated, in his statements on this topic, that **we need system-level and deep changes for halting the negative tendencies. The protection of wildlife, biodiversity, natural values requires long-term thinking and regulations overarching government terms and sectors alike.**



Source of the picture: <https://www.cbd.int/biodiversity-day/logo>

The work and role of the national park directorates are more and more highly appreciated at the time of the occurrence of the above-mentioned problems like the threatening climate crisis and the dramatic reduction of biodiversity. **In 2023, the Deputy Commissioner prepared a fundamental rights report on their special role in nature protection and value preservation, as well as the safeguarding of values that belong to the common heritage of the nation through national parks.** In this report, he called attention to the need to create appropriate substantive and procedural law safeguards for supporting the activities of these directorates, and as part of the fulfilment of its constitutional obligations, the state should ensure the funding of the nature preservation institutions, as well as an adequate level of the condition of their organisation and staff.

In relation to ensuring the protection of animal and plant species native in Hungary, it came up at several conferences

that the current monetary value of protected species can be regarded as very low in the financial and economic conditions of our days. Due to the above, in 2023, **the Deputy Commissioner submitted a legislative proposal for increasing the monetary value of protected species.**

2023 saw **a legislative wave concerning construction and the cultural heritage, in which the Deputy Commissioner again strove to support the activity of the legislator with his fundamental rights-related comments.** Related to **the draft law on the order of state construction investments,** he shared his fundamental rights-related views concerning the protection of the interests of future generations, among others, his concerns about the ever broader application of the exception from the general rules. E

Early spring saw **the publication of the concept on the new act on Hungarian construction, while in the autumn, the specific contents of the regulations** were also made accessible. In harmony with his general comments and warnings issued earlier, the Deputy Commissioner expressed his detailed opinion and made a proposal on how the obligations set out in Articles P) and B) of the Fundamental Law of Hungary could be enforced in the interests of the protection of natural and cultural values in these areas of regulations.

The Deputy Commissioner dealt with the question of public participation in environmental cases several times during the year, from different directions and aspects. **On this topic, in a general awareness-raising document,** he discussed the key environmental and fundamental rights requirements of involving the public, the recent changes in and the possible consequences of the legal background of public hearings, as well as the circumstances affecting the enforcement of public participation regarding special settlement design and settlement planning cases during priority investments, in addition to other groups of cases.

In his warning, the Deputy Commissioner indicated that in the case of applying public hearing as the basic legal institution serving the enforcement of social dialogue, **such safeguard elements as the common (collective) participation of the public, or the dialogue and exchange of information between the parties should be ensured.** In relation to the new regulation of public hearing “without personal presence”, the Deputy Commissioner also pointed out that this is a scenario that cannot ensure the most important requirement, namely the common, collective exercising of rights by the public concerned.

As regards the quantitative and qualitative protection of groundwaters, the fight between the preservation of the integrity of natural resources and the endeavours to make the permissions of well-boring easier has been going on for several years. Although in 2018, the Constitutional Court adopted a detailed decision in which it highlighted the anti-constitutionality of certain points of the regulation concerning the future generations and annulling the provisions concerned,

and also, the Deputy Commissioner sent his warning to all the stakeholders in 2020, the modification of the rules of the creation of wells, the preservation of the wells created without permission, or in a different way than permitted came up in 2023 again. In relation to the draft amendment of the law, the Deputy Commissioner made detailed comments, as the quantitative and qualitative condition of groundwaters in Hungary is of key significance for the health of the present and future generations alike. The advocate warned that the bill wished to change the permission system with a method whose anti-constitutionality had expressly been established in an earlier decision of the Constitutional Court.



Source of the picture: www.freepik.com/free-vector/hand-drawn-world-water-day_12371652.htm

Environmental complaints and inquiries

In 2023, the Deputy Commissioner received approximately 400 cases of the merit. The complaints received by the Deputy Commissioner in 2023 mainly concerned the topics of noise and vibration protection, air quality protection, waste management, nature conservation, land use, built

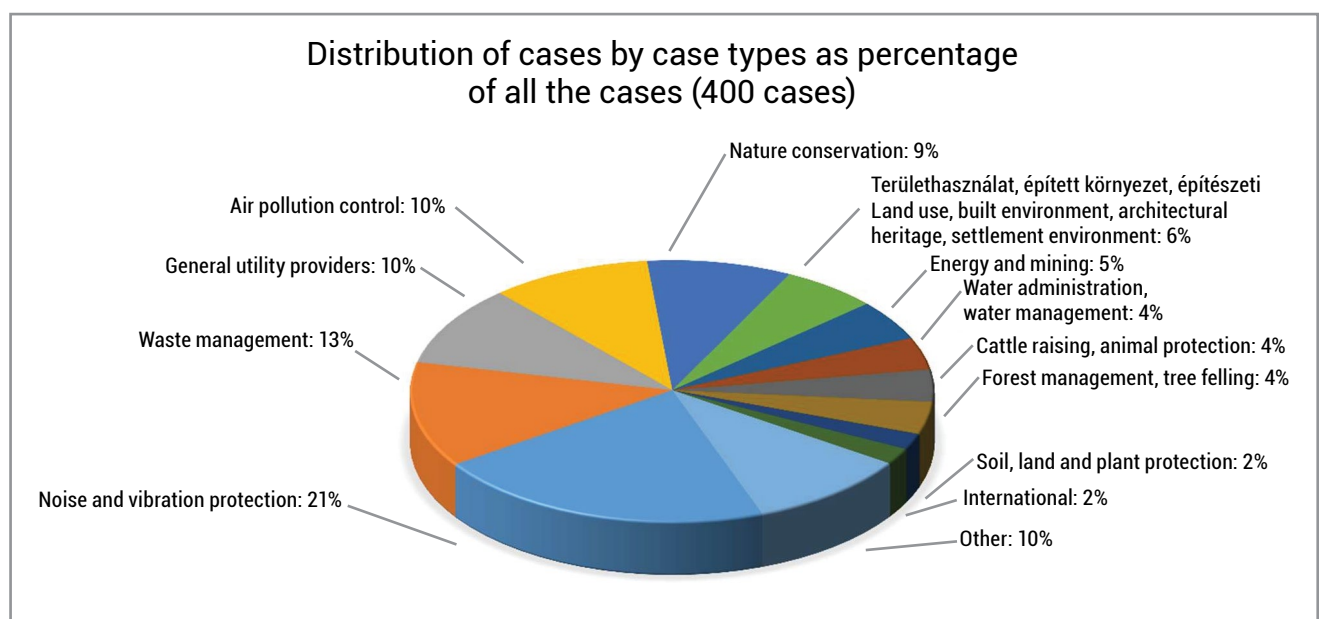
environment, built heritage, local environment, water affairs and water management. The proportion and distribution of these is illustrated in the following diagram.

The cases completed by a report moved in a wide spectrum. The Commissioner and the Deputy Commissioner issued joint reports on the following topics in 2023:

- Investigation into a complaint filed by a sole trader on waste management public service fee payment
- Protracted investigation into a noise complaint
- Complaint related to the demolition of construction material with asbestos content
- Investigation into a complaint on the procedure setting the noise emission limit value of a shooting ground

The international focal points of the activity of the Deputy Commissioner, cooperation with UN bodies

In line with the practice of the previous years, we participated in the completion of several thematic questionnaires coordinated by the national human rights institutions of the UN this year as well. As a response to the inquiry made by **the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change**, we submitted a technical document on the topics of legislation on climate change, the enforcement of rights in a legal form, as well as intergenerational justice. **The UN Special Rapporteur on the human rights to safe drinking water and sanitation** also sent us a thematic questionnaire. In our response, we showed them the professional experience gained in environmental remediation, as well as the relevant practice of the Constitutional Court. **The UN Special Rapporteur on cultural rights** was provided information on the obligation to



protect and maintain, and to preserve for future generations the cultural values that are part of the common heritage of the nation set out in Article P) of the Fundamental Law of Hungary, as well as the professional activity of the Deputy Commissioner related to this topic.

In March, the UN General Assembly adopted a resolution in which they requested an advisory opinion from the Hague-based International Court of Justice (ICJ) **on the obligations and responsibilities of the states related to climate change (Vanuatu case)**. The resolution, which is worthy of having been called a milestone and one of precedent value in international law, was supported by Hungary as a co-author, the Deputy Commissioner sent his material explaining his professional support to the Ministry of Foreign Affairs during the preparatory phase, emphasising the importance of intergenerational equity in this question.

In 2023, the UN High Commissioner for Human Rights put up a **comment on the Convention on the Right of the Child on the topic of children's rights and a healthy environment, as well as climate change** for opinions. It was the Deputy Commissioner who prepared the professional opinion submitted by the Commissioner, in which we welcomed the points of connection, the synergies between the general objectives of the Convention

on the Right of the Child, its individual provisions, as well as the right to a healthy environment and climate protection.

The **European Network of National Human Rights Institutions, i.e. ENNHRI** coordinates the fundamental rights protection activities of the individual national institutions in several working groups. The **working group on human rights and climate change** is led by the international law expert of the Deputy Commissioner. This working group earlier took part in four climate change litigations before the European Court of Human Rights.

The **Network of Institutions for Future Generations, i.e. NIFG** is an international forum of cooperation, initiated by the previous Deputy Commissioner, which was inspired by the report of the UN General Secretary issued in 2013. The UN report entitled *"Intergenerational solidarity and the needs of future generations"* highlighted eight national human rights institutions of the world, including the Hungarian one, whose primary goal is to represent the interests of future generations. The Network serves the flow of information and exchange of experience between the national institutions whose primary goal is to represent the interests of future generations.

9. DATA RELATED TO THE OPERATION OF THE OFFICE

In 2023, the number of cases handled by the Office was 5742, based on the submissions filed by the complainants and those launched ex officio. From the previous year, 1676 cases were carried over to 2023. This year, the Office completed 4772 cases, so at the end of the year, 970 cases in progress were registered.

Case statistics	
Cases filed	5742
Completed cases	4772
Cases in progress at closure of the year	970

With regard to turning to the Ombudsman, **there is no formal requirement whatsoever** for the petitioners, except for the activities of the equal treatment authority and public interest disclosures. A submission may consist of one complaint - one case, or several complaints and several cases. 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, the number of cases completed with reports, as well as the number of recommendations formulated therein should be distinguished from each other.

In line with the trends of the earlier years, **the use of electronic communications channels** is still popular amongst our complainants. The statistical data below contain the information on the initial petition of the case. In 2023, **as many as 3425 petitions** were submitted in an e-mail format, on our portal, via the system established for the reception of public interest disclosures, via e-Paper, via the electronic system of the Parliament, or by using the Office Gateway.

Mode of the generation of cases*	
Postal submission	802
Electronic public interest disclosure	545
E-mail	1735
E-paper petition	249
Launched ex officio	286
Received via the Office Gateway	275
Cases coming in through the ParLex system	9
Submission sent via the portal	612
Oral complaint	901
Telephone complaint	328
Total	5742

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

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

Territorial distribution of cases	
Budapest	1186
Bács-Kiskun County	196
Baranya County	170
Békés County	71
Borsod-Abaúj-Zemplén County	259
Csongrád-Csanád County	230
Fejér County	177
Győr-Moson-Sopron County	252
Hajdú-Bihar County	219
Heves County	113
Jász-Nagykun-Szolnok County	84
Komárom-Esztergom County	98
Nógrád County	66
Pest County	541
Somogy County	95
Szabolcs-Szatmár-Bereg County	138
Tolna County	82
Vas County	91
Veszprém County	113
Zala County	76
The place cannot be specified	1485
Total	5742

The submissions **are classified in** the appropriate **case groups** when they are received but it is also possible to select the suitable type of case during the procedure, or also, to reclassify them on the basis of the incoming new information. The statistics below were made of the classification of the already completed cases into individual case types.

Completed cases by types	
Police-related and OPCAT cases	582
Public interest disclosures	575
Civil law cases, pension and health insurance, foreclosure	542
Municipality- and other authority-related cases	523
Social, labour, health care and educational cases	508
Environmental cases	329
Equal Treatment Authority cases	406
Child, family law cases, guardianship and public guardianship office	301
Cases of nationality rights	240
Comments on laws, constitutional criticism of laws	187
Cases related to public utility providers	110
Cases related to financial institutions, taxes and duties	105
Cases of the Directorate General for Disability	33
Other cases	331
Total	4772

In the year under review, **582** cases were handled by the **Police Complaints Directorate General**, which manages cases concerning criminal procedures, law enforcement and police procedures, as well as the **OPCAT NMM Department**, which is aimed at the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The second largest group by number was made up by **575 cases** related to public interest disclosures in 2023. In addition to these, the Office also completed **542 civil law types of cases**, which included contractual pension and health insurances cases, as well as judicial and foreclosure-related complaints. As part of the total **523 municipality- and other authority-related cases**, the Office basically handled complaints concerning municipality procedures and other authority-related administration. The number of **complaints related to social issues, education and health care was 508** in the year under review, while **the Equal Treatment Directorate General** closed as many as **406 cases**. The Office closed investigations into **301 submissions related to children's rights, family rights and guardianship complaints**. There were **187 cases** closed that were related to constitutional criticism of laws and comments on a law. The Office completed **investigations into complaints related to public services** in 110 cases, while **complaints related to financial institutions, as well as taxes and duties** were brought before the Commissioner in 105 cases. The UN Convention on the Rights of Persons with Disabilities and the related Optional Protocol became a part of the Hungarian legal system through the promulgation of Act XCII of 2007. Since 1 January 2023, the Commissioner for Fundamental Rights has been performing the tasks of the independent mechanism of the UN Convention on the Rights of Persons with Disabilities (CRPD), which is meant to support the actual fulfilment of the principles and commitments of CRPD and to monitor the national-level implementation of the Convention. This is done through the Directorate General for Disability, and thus the international requirements guaranteeing the independence of the monitoring mechanism are fulfilled. **The Directorate General for Disability completed 33 cases last year.**

The Ombudsman for Future Generations and his colleagues proceeded **in 329 environmental cases**, while **the Deputy Commissioner for the Rights of National Minorities acted in as many as 240 cases**, of which you can find detailed information in Chapters 6 and 7 of this report. 331 cases that could not be classified under the main 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.

Group of completion code / Completion code / Year of receipt		Total
1	no "exceptional inquiry" is justified	16
	the report does not qualify as a public interest disclosure	152
	the violation affects no constitutional right, or is obviously unfounded	445
	repeated petition with no new data	111
	more than one year has elapsed since taking effect	50
	missed legal remedy (prohibition of encroachment of power)	823
	judicial proceedings launched	235
	not an authority, complaint against a procedure conducted in this quality	661
	petition from a non-eligible entity	40
	R the complaint cannot be investigated into in the procedure pursuant to Section 92 of the Police Act	6
	R a final official decision has already been adopted on the subject of the complaint (in a procedure pursuant to Section 92 of the Police Act)	1
	R the complainant did not confirm the complaint with their signature (in a procedure pursuant to Section 92 of the Police Act)	16
	R submission from a party other than the entitled party (in a procedure pursuant to Section 92 of the Police Act)	3
	unsuccessful identification	36
	Total	2595
2	transfer to the competent organ, in lack of competence	63
	forwarding of a petition for the consideration of a procedure	4
	forwarding of a petition by calling attention	2
	Total	69
3	rejection of the instigation of a Constitutional Court motion	2
	by adding a policy statement	82
	complaint resolved during the proceedings	84
	rejection of an application for the conclusion of the anti-constitutionality of a legal rule	9
	KBV (Department of Public Interest Disclosures) with sending the response of the acting body	335
	implications of a completed case if no new case is generated	12
	submission cannot be assessed (MC type cases, indignant petitions, open letters)	90
	anonymous petition (in the case of an e-mail, also the lack of full name or postal address)	29
	at the complainant's request (missing documents are not submitted, request related to confidential data handling)	133
	at the complainant's request by adding written information	120
	after oral information provided to the complainant (at the Complaints Office, on the phone or by direct e-mail)	82
	R the complainant has withdrawn his complaint (in a procedure pursuant to Section 92 of the Police Act)	6
	R the objectionable police measure cannot be identified (in a procedure pursuant to Section 92 of the Police Act)	3
	information on the decision adopted by the Constitutional Court	7
	complaint repeated several times despite providing information	10
technical closing (e.g. merging of cases, closing of a case launched ex officio)	226	
Total	1230	

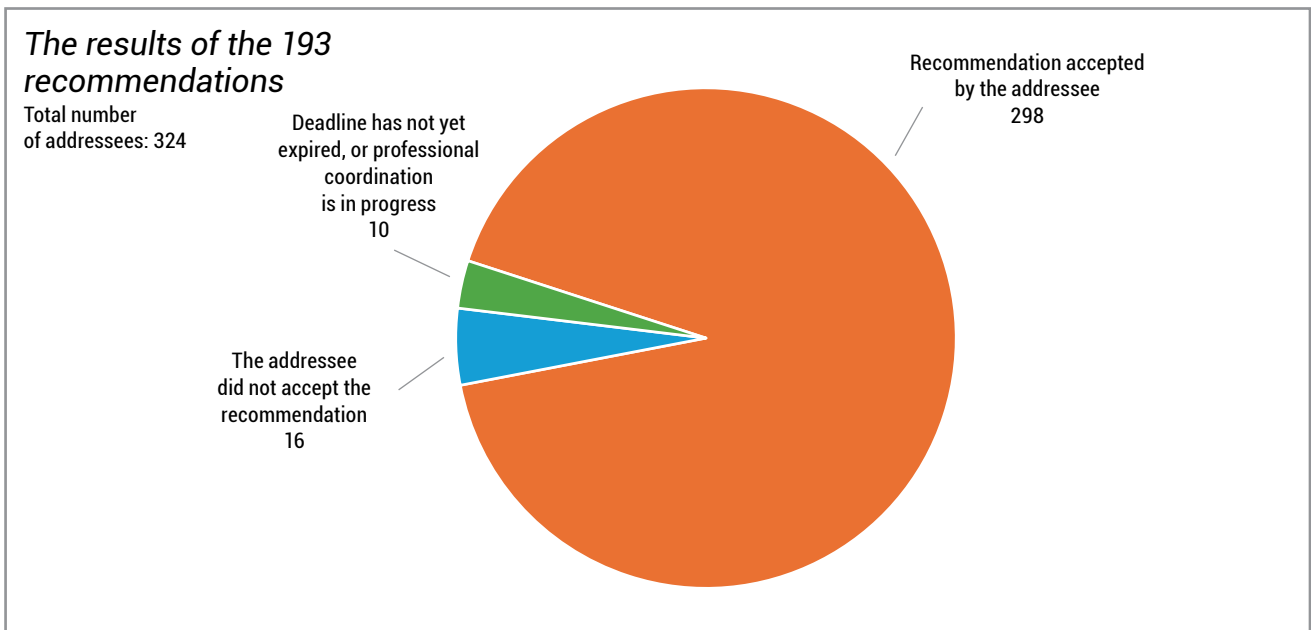
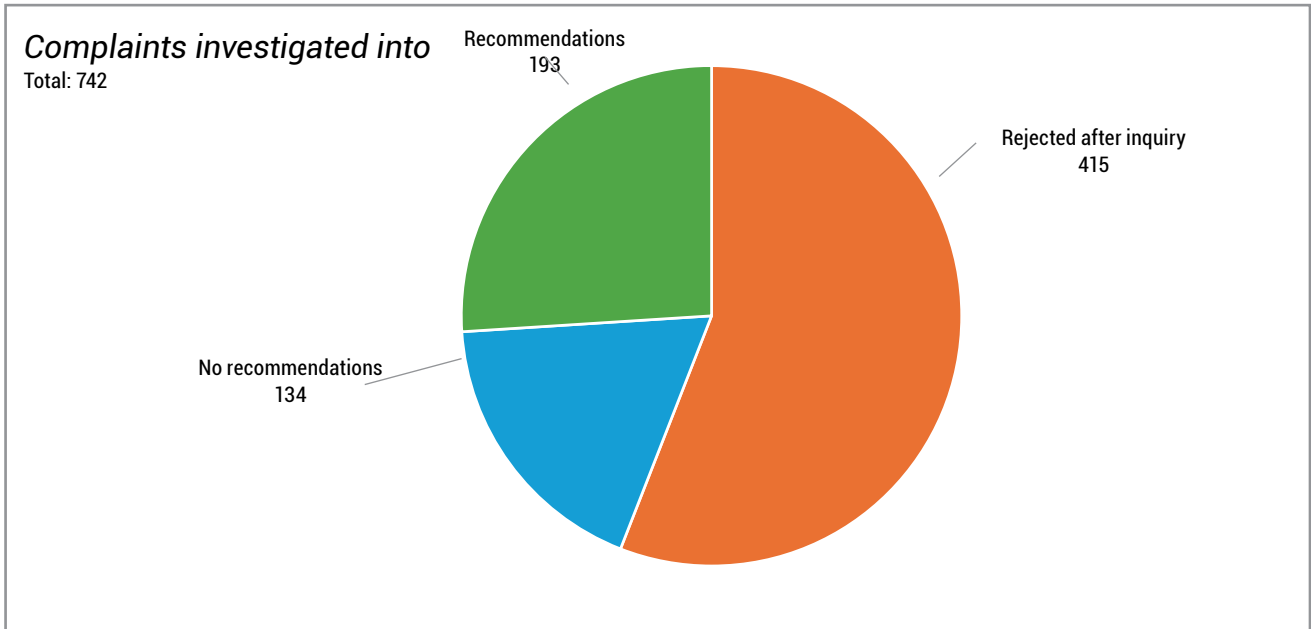
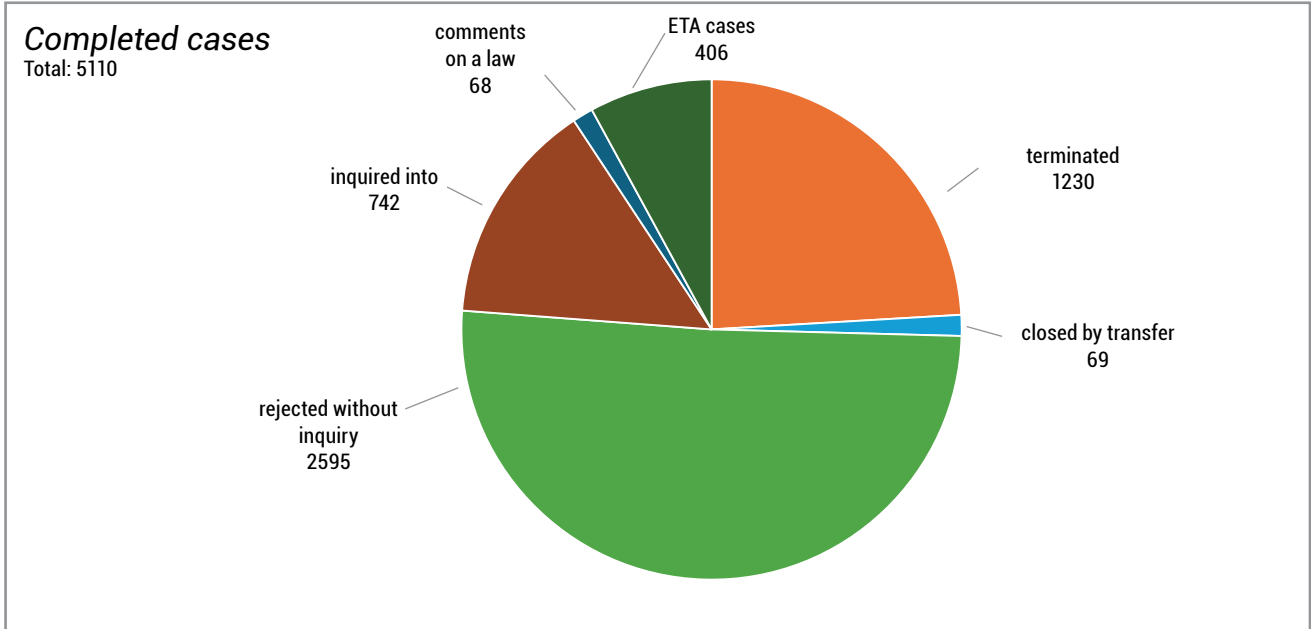
4	establishment of the lack of a constitutional impropriety	175
	due to minor significance	9
	with regard to initiating settlement between the parties	1
	closed by a report on another case	50
	rejection after the start of an inquiry (based on the response from the organ contacted)	180
	Total	415
5	initiating a Curia investigation (review of a municipality decree)	2
	report on the resolved complaint, without a recommendation, with regard to the measure taken	3
	report with calling attention	17
	report without a recommendation, due to the inability to remedy	1
	report without establishing an impropriety (e.g. in the case of an follow-up investigation)	5
	report with a measure or a recommendation	193
	R meaningful rejection (in a procedure pursuant to Section 92 of the Police Act)	92
	R report with a measure (in a procedure pursuant to Section 92 of the Police Act)	11
	R report without establishing an impropriety, with calling attention (in a procedure pursuant to Section 92 of the Police Act)	3
Total	327	
6	comments on the law – we made no meaningful comments	44
	comments on the law – we made a meaningful comment	22
	we agreed with the comments on a law	2
	Total	68
7	ETA cases*	317
	Total	317
Grand total		5021

Most of the complaints, **2595 petitions had to be rejected by the Commissioner for Fundamental Rights** (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: 823 clients did not exhaust the available legal remedies, while 661 complainants did not complain of the procedure of one of the authorities. In the case of 445 complaints, in addition to the possible further options of legal remedy, the Commissioner informed the client that the problem indicated did not affect any fundamental constitutional rights. In 235 cases, the court proceedings that were launched excluded the possibility of an inquiry by a court.

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 69 cases in 2023. Completion category 3 contained 1230 terminated petitions.

There were 415 submissions in category 4 completions, in the case of which the Commissioner rejected the complaints after the investigation, e.g. because the responses given by the organs that had been contacted clarified the suspicion of an impropriety. The Office concluded 327 cases with 187 reports, of which 193 were completed with a measure or a recommendation, and there were a further 11 cases that were closed with a measure in a procedure under the Police Act. A report may also be prepared by merging several cases. The Commissioner for Fundamental Rights was requested **to make comments on as many as 68 laws** in 2023.

In the 187 reports issued on 327 cases, the Ombudsman formulated a total of **193 recommendations**, to several addressees in some cases. Of these, our proposals were accepted by the addressees of the recommendations in 298 cases, while they were rejected in 16 cases. When the data of this report were closed, there was an ongoing professional coordination or exchange of opinions in 10 cases.



Recommendations by the response of the addressee		Total
Recommendation to the supervisory organ	the addressee was given a respite for giving a response, or a meaningful debate is in progress	1
	deadline has not yet expired	2
	recommendation accepted by the addressee by the deadline	65
	the addressee did not accept the recommendation in time, or did not give a meaningful response	3
	the addressee accepted the recommendation with delay	5
	the addressee did not accept the recommendation with delay, or did not give a meaningful response	1
	the addressee partially accepted the recommendation, or partially implemented it	3
	Total	80
Recommendation to the organ investigated into	the deadline has not yet expired yet	1
	the addressee accepted the recommendation in time	163
	the addressee did not accept the recommendation in time, or did not give a meaningful response	3
	the addressee accepted the recommendation with delay	10
	the addressee did not accept the recommendation with delay, or did not give a meaningful response	1
	the addressee partially accepted the recommendation, or partially implemented it	6
	Total	184
Initiating the remedy for a constitutional impropriety with the organ concerned	the addressee accepted the recommendation in time	1
	Total	1
Proposal for the modification of a municipality decree	the deadline has not yet expired yet	1
	the addressee accepted the recommendation in time	4
	the addressee did not accept the recommendation in time, or did not give a meaningful response	1
	the addressee partially accepted the recommendation, or partially implemented it	1
	Total	7
Proposal for the modification of the public law organisational regulatory instruments	the addressee accepted the recommendation in time	1
	the addressee did not accept the recommendation in time, or did not give a meaningful response	1
	Total	2
Proposal for the elaboration of a ministerial decree	the addressee partially accepted the recommendation, or partially implemented it	1
	Total	1
Proposal for the amendment of a ministerial decree	the deadline has not yet expired yet	1
	the addressee accepted the recommendation in time	2
	the addressee did not accept the recommendation in time, or did not give a meaningful response	1
	the addressee accepted the recommendation with delay	2
	Total	6
Proposal for the modification of a municipality decree	the addressee accepted the recommendation in time	1
	the addressee did not accept the recommendation in time, or did not give a meaningful response	1
	Total	2

Ajánlások a címzett válasza szerint (folytatás)		Total
Proposal for the amendment of a law	the addressee accepted the recommendation in time	5
	the addressee did not accept the recommendation in time, or did not give a meaningful response	2
	the addressee accepted the recommendation with delay	2
	the addressee partially accepted the recommendation, or partially implemented it	3
	Total	12
Initiative for the right legal interpretation and legal practice in the future	the addressee was given a respite for giving a response, or a meaningful debate is in progress	2
	the deadline has not yet expired yet	2
	the addressee accepted the recommendation in time	17
	the addressee did not accept the recommendation in time, or did not give a meaningful response	2
	the addressee accepted the recommendation with delay	4
	the addressee partially accepted the recommendation, or partially implemented it	2
	Total	29
Grand total	324	

Statistics of the Client Service and the Regional Offices

In performing the customer service tasks of the Office, the Regional Offices operating in the regional centres also take part besides the Budapest-based Information Service and Complaints Office. **The customer service units of the Office received as many as 14,183 citizens' inquiries in 2023.** The citizens turned to the Complaints Office and the Regional Offices **in person on 1504 occasions** and **they requested information and help on the phone on a total of 6088 occasions.** The customer service staff of the Office also took part in providing

support for the rights protection of the refugees fleeing Ukraine at the ombudsman information point set up at the Beregsurány collection point, as well as the humanitarian transit point set up at the Budapest-based BOK Sports Hall.

Client Service statistics

The Office accepted as many as **10,680 citizens' inquiries in 2023**, while at the Complaints Office, those clients who requested personal interviews regarding their specific complaints were heard at **862 appointments.**

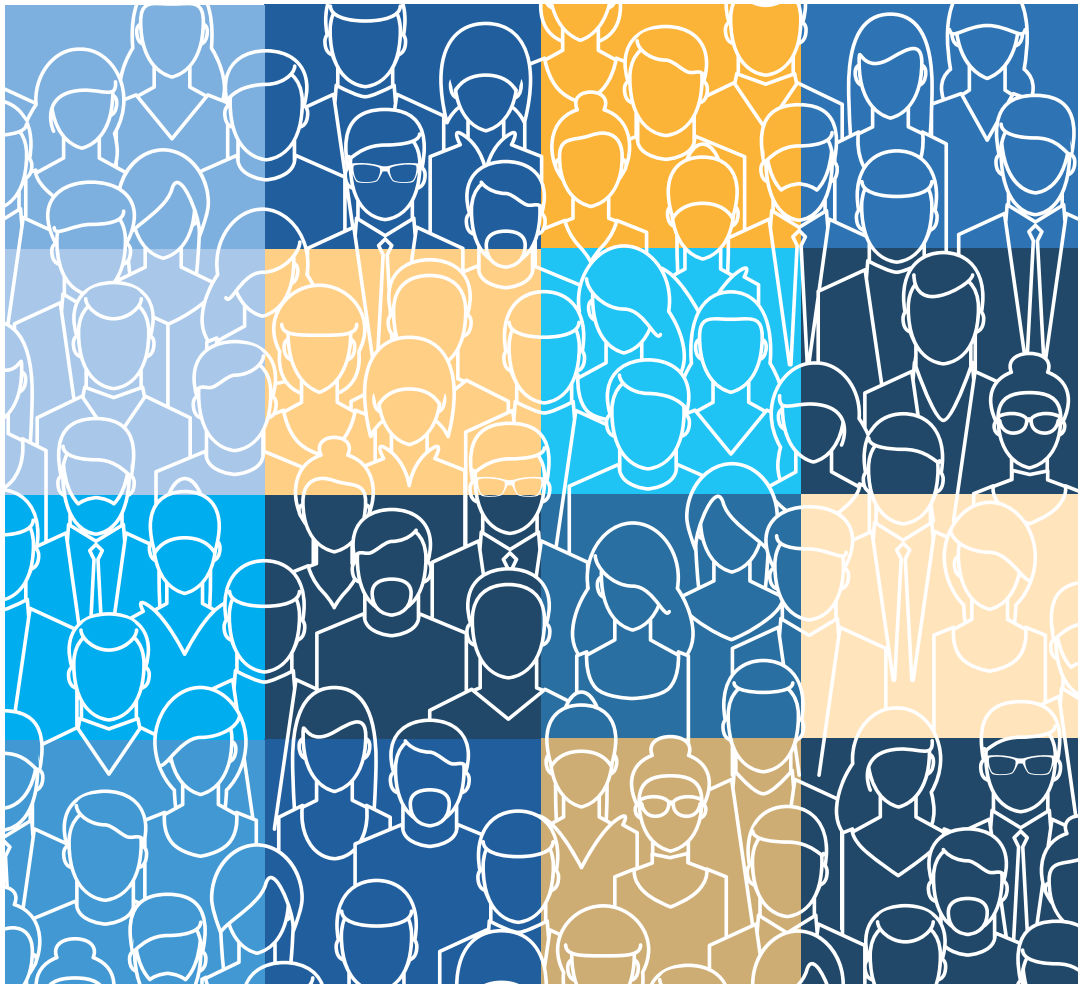
On the phone			In person				Total
Making an appointment or requesting information	Related to petition	Taking records on the phone	Personal recording	Related to petition	Access to the file, submitting a file	Making an appointment or requesting information	
General complaints related to fundamental rights							
4257	3928	279	473	227	128	217	9509
Complaints related to national minority rights							
53	14	13	23	8	3	2	116
Complaints related to the right to a healthy environment							
35	7	6	17	1	2	0	68
Police complaints							
235	369	18	65	17	9	5	718
ETA petition							
93	201	12	22	5	0	1	334
Public interest disclosure							
47	63	0	1	3	0	1	115

Statistics of the Regional Offices

The citizens show an especially **great interest** in the Regional Offices, which is also indicated by the fact that in 2023, **the clients turned to the Office on 3323 occasions**. In the

Regional Offices, the clients **requested personal interviews in as many as 642 cases** in specific complaints on the basis of appointments.

On the phone			In person				Total
Making an appointment or requesting information	Related to petition	Taking records on the phone	Personal recording	Related to petition	Access to the file, submitting a file	Making an appointment or requesting information	
General complaints related to fundamental rights							
1112	692	152	443	17	67	55	2538
Complaints related to national minority rights							
24	19	4	15	1	3	0	66
Complaints related to the right to a healthy environment							
18	26	2	9	0	2	2	59
Police complaints							
133	151	46	86	2	9	2	429
ETA petition							
60	40	9	31	0	2	1	143
Public interest disclosure							
21	27	0	38	0	0	2	88



“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)