



**Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva**

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The Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and is pleased to communicate that with reference to the Joint Communication from Special Procedures (OL HUN 1/2021) dated 22 March 2021, as well as the request for clarification contained therein, the Government of Hungary has prepared its observations.

The Permanent Mission of Hungary hereby submits the above-mentioned observations, and expresses its intention to uphold a constructive dialogue with the Special Procedures of the United Nations Human Rights Council.

The Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Annex: 1 document**

- *Observations of the Government of Hungary concerning Joint Communication OL HUN 1/2021*

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## **Observations of the Government of Hungary concerning Joint Communication OL HUN 1/2021**

*Act CXXVII of 2020 (hereinafter: the Act) integrated the Equal Treatment Authority hereinafter: ETA) to the Office of the Commissioner for Fundamental Rights. Due to the integration, the protection of fundamental rights will be even more effective since cases of violations of equal treatment are heard by an institution that is primarily concerned with the protection of fundamental rights. The Commissioner for Fundamental Rights, unlike ETA, is a constitutional institution. The Commissioner for Fundamental Rights is elected for six years with the votes of two-thirds of the Members of the National Assembly and shall give an account annually to the National Assembly of his or her activities. [Fundamental Law of Hungary Article 30 (3)-(4)]. In this annual report the Commissioner gives information on his or her fundamental rights protection activities, on the reception and outcomes of his or her initiatives and recommendations, and evaluates the situation of fundamental rights on the basis of statistics compiled on the infringements related to fundamental rights. It is guaranteed at constitutional level that the Commissioner's proceedings may be requested by anyone. The power is thus transferred to a constitutional body that, unlike ETA, has the right to initiate ex-post norm control of the Constitutional Court.*

*In the performance of its duties specified in the Act on Equal Treatment, the Office of the Commissioner for Fundamental Rights acts as an administrative authority in line with the relevant procedural rules. Claimants can turn to the Commissioner for Fundamental Rights in these matters in the usual ways.*

*The preamble of the Act highlights that with the integration of the tasks of ETA, the Office of the Commissioner for Fundamental Rights has a widest ever mandate in investigation and in taking measures to protect fundamental rights, especially to promote the principle of equal treatment. It is worth mentioning that within the Office there is a separate unit headed by the director responsible for equal treatment that helps the Commissioner for Fundamental Rights in carrying out these tasks.*

*In the case of civil servants and employees of the ETA, the transitional provisions of the Act applied succession in the person of the employer. With the integration of ETA, the smooth management of ongoing cases before the ETA and the courts was also guaranteed, as the administrative procedures and the administrative court cases pending at the time of entry into force of the Act were suspended for 30 days.*

*Article 13 of EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (hereinafter: Directive) obliged all EU Member States to set up or designate an organisation or organisations to promote equal treatment and assist victims of racial discrimination (national equality bodies). These bodies may form part of agencies charged at national level with the defence of human rights or the safeguarding of individuals' rights. The new Hungarian model is fully in line with the relevant provisions of EU law. Moreover, it provides for more extensive powers than foreseen in the EU legislation. Therefore, complaints about equal treatment will be dealt with by an institution surrounded by stronger constitutional guarantees than before.*

*In a number of European countries an ombudsperson/institution is designated to fulfil the task of a national equality body as specified in the Directive.*