

# Equal Treatment Authority – Hungary

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## Brief profile

### Contact details

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### Overview

The Hungarian Equal Treatment Authority is an independent administrative body which safeguards the values embraced by the so called equality directives. Although it has parallel jurisdiction with other specialized administrative bodies (e.g. National Employment Service), it is in fact the equality body which was set up pursuant to the equality directives. As of its inception, it has heavily relied on its broad statutory powers conferred upon it to fight discrimination. While the authority often uses its power to impose a fine, it also places great emphasis on settling legal disputes. This latter role has become even more important in the aftermath of this economic downturn which has an adverse impact on the liquidity of the law breakers as well. While this consideration cannot dominate its decision-making process, the authority seeks to strike a delicate balance between liquidity and prevention. Finally, the Hungarian equality body increasingly focuses on awareness raising, both by publishing its relevant decisions (web page, monthly newsletter, press conferences) and holding equality trainings throughout the country. The latter activity is supported by the European Social Fund.

### Type of equality body

The *Equal Treatment Authority* is a predominantly quasi-judicial body<sup>1</sup>.

Grounds and fields of discrimination covered		
Grounds	Fields	
	Employment	Beyond employment (education, goods & services, housing, etc.)
Gender	◆	◆
Race and ethnic origin	◆	◆
Age	◆	◆
Disability	◆	◆
Sexual orientation	◆	◆
Religion and belief	◆	◆
Other *	◆	◆

<sup>1</sup> According to a [European Commission study on Equality Bodies](#), predominantly quasi-judicial bodies are "impartial institutions which spend the bulk of their time and resources hearing, investigating and deciding on individual instances of discrimination brought before them" (page 43).

*While Equinet makes every effort possible to ensure that the profiles of its members are as up to date and complete as possible, we decline all responsibility for any loss or disadvantages resulting from the lack of completeness, accuracy or reliability of the data provided. Should you require a verification of this data, we kindly ask you to contact the Equinet member in question*

\* Colour, nationality, national origin, mother tongue, health status, ideological conviction, family status, motherhood or fatherhood, social origin, sexual identity, financial status, part-time nature of definite term of the employment relationship or other relationship aimed at work, membership in an organisation representing employees' interests, and any other attribute.

## Detailed profile

### Brief history

- **Date of establishment:** February 2005
- **Mode of establishment:**
  - By Act CXXV of 2003 on equal treatment and the promotion of equal opportunities;
  - By the Government Decree No 362/2004 (XII.26.) on the Equal Treatment Authority and the detailed regulation of its procedure.
- **Status:** independent (autonomous) administrative organization, which was set up to receive and deal with individual and public complaints on unequal treatment and to implement the principles of equality and non discrimination.

### Mandate

- **Powers:** the *Equal Treatment Authority* is a predominantly quasi-judicial equality body;
- **Main mandate (set out in Articles 15 and 16 of Act CXXV of 2003):**
  - A violation of the principle of equal treatment within the scope of this Act shall be investigated by the Authority or another public administrative body that has been granted authority under a separate act for assessing violations of the principle of equal treatment, depending on which body is selected by the offended party.
  - If the Authority has established that the provisions ensuring the principle of equal treatment laid down in the Act have been violated, they may order that a situation constituting a violation of law be eliminated, prohibit the further continuation of the conduct constituting a violation of law, publish its decisions establishing the violation of law, and impose fines.
- **Litigation powers:**
  - Representing in front of courts;
  - Bringing proceedings in own name;
  - Intervening before the court;
  - Formally deciding on complaints (decision or recommendation) – *legally binding*;
- **The Authority also:**
  - Gives legal advice to complainants;
  - Seeks to achieve a settlement of the matter in individual cases by giving an opinion which can form the basis of an agreement between the parties. The opinion is binding on the parties and failure to follow it can result in the imposition of a sanction by the Authority if one of the parties reports the non-compliance with the agreement to the Authority;
  - Conducts independent investigations in individual cases;
  - Initiates *ex-officio* proceedings (i.e. the Authority shall take action on behalf of the complainant/victim in cases where the principle of equal treatment is violated by the Hungarian State, local and minority governments and all bodies thereof, organisations exercising powers as authorities, the armed forces and policing bodies);
  - Has a legal standing to intervene in judicial review cases concerning claims of discriminatory behaviour against public authorities. To assist one of the parties, but

only if the other party is a public administrative body. For example, if the Employment Office or the Consumer Protection Agency establishes a violation of equal treatment and the respondent turns to the court with a request to change the decision, the Authority has the right to help in order to strengthen the argument of the Employment Office or the Agency before the courts.

Grounds and fields of discrimination covered					
Grounds	Fields				
	Employment	Education	Housing	Social protection	Goods and Services
Gender	♦	♦	♦	♦	♦
Race and ethnic origin	♦	♦	♦	♦	♦
Age	♦	♦	♦	♦	♦
Disability	♦	♦	♦	♦	♦
Sexual orientation	♦	♦	♦	♦	♦
Religion and belief	♦	♦	♦	♦	♦
Other*	♦	♦	♦	♦	♦

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## Activities

- Promotional activities aimed at duty bearers (by way of trainings, guidance material, etc.);
- Promotional activities aimed at potential victims (trainings, awareness raising, etc.);
- Communication activities;
- Publications and research projects (these are produced regularly and appear on the organisation's website and in the monthly newsletter sent out to the NGOs, other authorities, trade unions, lawyers, etc.);
- The Authority keeps the provisions of the Equal Treatment Act under review and makes recommendations to the Government for its amendment, regularly informs the public and the Government about the situation concerning the enforcement of equal treatment and co-operates with social organisations, organisations representing civil society and relevant state bodies such as ministries, employment offices, consumer protection agencies and tribunals.
- Number of inquiries / complaints lodged and cases handled per year: approx. **1000**

## Structure

### 1. Management structure

- Type: single headed equality body (led by director or ombudsman/commissioner);
- Details: The Authority is led by its President, who is appointed by the President of the Republic for 9 years.

## **2. Institutional structure**

- Type: the organisation is a standalone dedicated national equality body;
- Details: the Authority is an independent (autonomous) administrative organisation.

## **3. Nomination of senior staff and board:**

The Vice-president and the staff members are appointed and withdrawn by the President of the Authority for an unlimited period of time, in accordance with the relevant provisions of the Act on Public Officials.

## **4. Number of staff:** 15 persons, including 7 lawyers

### **Operating budget (for the parts of the organization dealing with equality issues)**

100 million HUF (approx. 340.000 EUR)

### **Accountability (reporting to)**

The Authority is required to report every 6 months to the State Treasury (budgetary report).

### **Contact details (address, key contact person, website)**

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