

## Equal Treatment Authority

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### The Hungarian national equality body



EGYENLOBANASMOD

[www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

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## About us

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- The Equal Treatment Authority (ETA) was established by the Act CXXV of 2003 on Equal Treatment and the Promotion of the Equal Opportunities, and started its operation on the **1st February 2005**.
- The ETA is an „*all-grounds*” *body* (19+1 ground) „other status” as a protected ground: guidelines for determination in a position paper of the Advisory Board
- **Fields covered by the ETA:**
  - Employment
  - Goods and services
  - Housing
  - Education
  - Health
  - Every legal relationship of the public sector

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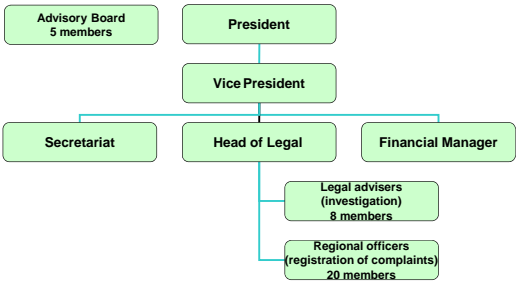
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## Organisational Structure

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graph TD; President[President] --> VicePresident[Vice President]; VicePresident --> Secretariat[Secretariat]; VicePresident --> HeadOfLegal[Head of Legal]; VicePresident --> FinancialManager[Financial Manager]; HeadOfLegal --> LegalAdvisers[Legal advisers (investigation) 8 members]; HeadOfLegal --> RegionalOfficers[Regional officers (registration of complaints) 20 members];
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## Functions and responsibilities

- **Hear and consider complaints**  
Investigation powers:
  - Hold hearings, hear witnesses
  - Involve experts,
  - Spot checking
  - Situational testing
- **Comment on drafts of legal acts concerning equal treatment**
- **Co-operate with and support NGOs and interest representation organisations**
- **Provide aid and legal assistance to victims**
- **Assist in the preparation of governmental reports to international organisations**
- **Inform the public and the Government about the situation concerning the enforcement of equal treatment**

## About us

**Work load:** increasing number of complaints

- **2005: 491**
- 2006: 592
- 2007: 756
- 2008: 1153
- 2009: 1087
- **2010: 1167**

**Complainants:** natural and legal persons

**Actio Popularis** since 2007: NGOs and trade unions may instigate a procedure before the ETA if the violation of the principle of equal treatment or a direct threat of the violation was based on such a characteristic that is an essential feature of the individual, and the violation of law or a direct threat of the violation affects a larger group of persons that cannot be determined accurately.

**Number of actio popularis per year:**

- **2007: 3**
- 2008: 11
- 2009: 10
- **2010: 16**

## About us

**Measures:**

- order that the situation constituting the violation of law should be eliminated,
- prohibit the continuation of the violation of law
- publish the decision
- impose a fine from 1750 EUR to 20000 EUR

**Damages may only be awarded by courts**

## Tribunal-type body

### Dorsch-case (C-54/96)

National court or tribunal within the meaning of the Treaty (Art. 267 TFEU)

- Established by law
- Permanent
- Compulsory jurisdiction
- Inter partes procedure
- Applies rules of law
- Independent

Consequence → tribunal type equality bodies may submit questions to the ECJ for a preliminary ruling

## Tribunal-type body

- The ETA is to be regarded as a **tribunal**, however it has never been involved in proceedings before the ECJ
- **Independence**: compliance with the principles of the ECRI Recommendation No 2.
  - Decisions can only be appealed before the court, no supervision of decisions by the Ministry of Public Administration and Justice
  - Independent annual report on the activity
  - Funding is subject annually to the approval of parliament

## EU funding for the promotion of equality

- In May 2009 the Authority signed a contract for a 51 month program named TAMOP 5.5.5. „**Social Renewal Operational Programme/ 'Combating discrimination – shaping social approach and strengthening'**

Within this project:

- **Awareness-raising** and attitude-shaping education and training for NGOs, local governments, trade unions and public administration authorities.
- Development of **customer services: we trained 20 lawyers who practice in discrimination across the country (pre-screen complaints and provide professional advice)**. They assist in drafting complaints and referring applicants to the proper authority when we lack jurisdiction. 19 lawyers on the county and micro-regional level registering complaints and providing legal aid,
- Increased **media** presence

## Challenges

Some **challenges** experienced by the ETA as a new equality body :

- 30% of the complaints are not even related to discrimination → **Lack of knowledge of remedies and the competence of the ETA**
- Budapest is the most significant source of complaints where the prevalence of discrimination is the lowest across the country → there is a **need for a more effective channeling of complaints (geographically)**
- **Absence of national case-law** on discrimination and lack of examples of the shifted burden of proof in the national legal system
- **Lack of Roma experts in situational testing**

## Strategy for 2011-2013

### Goals:

- 1. developing investigation practices and facilitating the settlement of disputes
- 2. awareness raising (communication strategy)
- 3. developing international relations

### Developing investigation practices

- Creating and maintaining a database of trained testers and elaborate a methodology for professional testing
- Conducting one overarching ex officio inspection in a disadvantageous area

### Facilitating the settlement of disputes

- Training on Mediation of the legal advisers
- Increasing the number of settlements

2005: 6  
2006: 13  
2007: 3  
2008: 23  
2010: 33

## Contact

**Thank You!**

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