

**NEWS REPORT**

<b>Date:</b>	4 January 2010
<b>Expert:</b>	Kádár, András
<b>Title:</b>	UN Human Rights Committee expresses concerns over the Equal Treatment Authorities' independence
<b>Country:</b>	Hungary
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Warning from important international human rights forum concerning the structural independence of the Equal Treatment Authority
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	Miscellaneous
<b>Field:</b>	All fields
<b>Legislative provisions:</b>	Article 2 of Government Decree 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure (ETAD)

**Content**

**Political development:** In October 2010, the UN Human Rights Committee (HRC) examined the 5<sup>th</sup> Hungarian Country Report under the International Covenant for Civil and Political Rights at its 100<sup>th</sup> session. In its shadow report the Hungarian Helsinki Committee (HHC) drew the HRC's attention to the insufficient human and material resources of the Equal Treatment Authority and also pointed out that the fact that the Authority's president can be removed by the Prime Minister at any time without any justification, severely compromises the Authority's independence. The HHC quoted as an example that not long after the new Government of Hungary was formed in May 2010, the first President of the Authority (appointed in 2005) was dismissed as of 15 September 2010 without any justification, and a new President was appointed, although no professional criticism was formulated with regard to the first President's activities.

In its concluding observations, the HRC declared: "the Committee is concerned at the inadequate human and material resource allocation to this body [the Equal Treatment Authority], considering the exponential increase

in its workload since its establishment. The Committee is further concerned at the lack of security of tenure of the Office of the President of the Equal Treatment Authority following Government Decree No. 362/2004 (XII.26), which gives power to the Prime Minister to relieve the President of his duties without justification (Article 2).” The HRC recommended that “the State party should ensure that the financial and human resource allocation to the Equal Treatment Authority is adequate to enable it to effectively discharge its mandate. The State party should take all necessary steps to ensure the security of tenure of the Office of the President of the Equal Treatment Authority in order to guarantee its independence.”

**Internet link source and additional information:** Both the HRC’s concluding observations and the HHC’s shadow report can be found at <http://www2.ohchr.org/english/bodies/hrc/hracs100.htm>