

**Directive 3/2014 (November 11) of the Commissioner for Fundamental Rights  
on the establishment and rules of procedure of the Civil Consultative Body  
assisting the National Preventive Mechanism in carrying out its duties**

The Commissioner for Fundamental Rights, acting as National Preventive Mechanism designated in accordance with Article 3 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, promulgated by Act CXLIII of 2011, hereby establishes a Civil Consultative Body (hereinafter referred to as “CCB”) in order to utilize the outstanding practical and/or high-level theoretical knowledge of various organizations registered and operating in Hungary relative to the treatment of persons deprived of their liberty. The CCB shall assist the activities of the National Preventive Mechanism with its suggestions and comments.

**Section 1**

(1) The CCB shall comprise member organizations either invited, or selected as a result of a public call for application. Member organizations of the CCB shall be selected by the Commissioner for Fundamental Rights as a token of recognition of their outstanding professional knowledge relative to the treatment of persons deprived of their liberty.

(2) The invited member organizations of the CCB are the following:

- a) Hungarian Medical Chamber,
- b) Hungarian Psychiatric Association,
- c) Hungarian Dietetic Association,
- d) Hungarian Bar Association.

(3) CCB members selected as a result of a public call for application (hereinafter referred to as “public call”) shall include at least four civil society organizations registered and operating in Hungary whose activities during the last five years preceding the publication of the public call have been aimed at protecting the rights and interests of persons deprived of their liberty and monitoring the treatment of persons held in places of detention within Hungary.

(4) The Commissioner for Fundamental Rights shall issue the public call for application and publish it on the website of the Office of the Commissioner for Fundamental Rights 60 days prior to the establishment of the CCB.

(5) The applications received shall be evaluated by a committee comprising at least three members; the members of the committee shall be designated by the Commissioner. The committee shall adopt its decision and make its recommendation with consensus or, if consensus cannot be reached, with the consent of the majority of members. The final decision on the winners of the public call shall be made by the Commissioner based on the committee’s recommendation.

(6) The CCB’s mandate shall be three years from the date of its first session.

## **Section 2**

(1) Membership in the CCB shall be established upon accepting the written invitation of the Commissioner for Fundamental Rights.

(2) Member organizations shall inform the Commissioner for Fundamental Rights of the persons representing them simultaneously with confirming the acceptance of the invitation.

## **Section 3**

Membership in the CCB shall be terminated

- a) upon completion of a member's mandate (three years),
- b) as a result of a member's resignation or
- c) if membership is suspended for more than one year.

## **Section 4**

(1) The CCB is not a legal entity.

(2) The Commissioner shall publish the roster of the CCB on the homepage of the Office of the Commissioner for Fundamental Rights and in the annual report of the National Preventive Mechanism.

(3) The member organizations shall bear no responsibility for any statements made by the Commissioner for Fundamental Rights or the contents of the annual report of the National Preventive Mechanism.

## **Section 5**

The seat of the CCB shall be the Office of the Commissioner for Fundamental Rights (1051 Budapest, Nádor utca 22.).

## **Section 6**

The CCB shall operate as a body whose members may

- a) make suggestions relative to the contents of the annual schedule of visits of the National Preventive Mechanism and concerning inspection priorities;
- b) initiate visits to certain places of detention;
- c) recommend, on account of the particularities of the places of detention, the involvement of an expert with special knowledge who may be affiliated with the organization they represent;
- d) comment on the working methods, reports, information materials and other publications of the National Preventive Mechanism;
- e) discuss the training plan designed to develop the skills of staff members authorized to carry out the duties of the National Preventive Mechanism;

- f) participate, when possible, in conferences, workshops, exhibitions and other events organized by the National Preventive Mechanism.

## **Section 7**

- (1) The Commissioner for Fundamental Rights shall provide for the appropriate conditions for the CCB's operation. Members of the CCB shall not be entitled to any remuneration.
- (2) Should an expert recommended by the members of the CCB engage in carrying out the duties of the National Preventive Mechanism, and provided that the given expert is not a staff member of the Office of the Commissioner for Fundamental Rights, the Commissioner for Fundamental Rights shall conclude an engagement contract with the given expert.

## **Section 8**

- (1) The sessions of the CCB shall be convened by the Commissioner for Fundamental Rights as necessary, but at least twice annually, indicating the venue, the time and the agenda of the meeting. Invitations shall be sent out to members not later than eight days before the date of the meeting. The sessions may be convened via e-mail. The Commissioner for Fundamental Rights and the members of the CCB may request the inclusion of an additional item in the agenda in writing not later than the third day before the meeting, and orally during the meeting itself.
- (2) Any member may request the Commissioner for Fundamental Rights to convene a session of the CCB in writing, indicating the reason and purpose thereof.
- (3) A session of the CCB shall have quorum if it was duly convened and its agenda was duly communicated, and if it is attended by at least one invited member and one member selected as a result of a public call.

## **Section 9**

- (1) The meetings of the CCB shall not be open to the public; they may be attended only by the members and those invited by the Commissioner for Fundamental Rights.
- (2) The meetings of the CCB shall be chaired by the Commissioner for Fundamental Rights.
- (3) The CCB shall take its decisions by a majority of the votes cast. Each member shall have one vote; in the event of a tie, the vote of the chair shall decide.
- (4) The minutes of a session shall be kept by a person requested by the Commissioner for Fundamental Rights. The minutes shall indicate the time and venue of the meeting, the names of the participants, the summary of oral contributions, the decisions taken and, if necessary, the reasons prompting their adoption and their serial numbers adjusted to the corresponding item on the agenda. The minutes shall be signed by the keeper and approved by the Commissioner for Fundamental Rights.

(5) The minutes of the sessions of the CCB shall be open to the public; the Commissioner for Fundamental Rights shall publish them on the homepage of the National Preventive Mechanism and may also publish them in any other publication.

**Section 10.**

(1) The present directive shall be published by the Secretary General of the Office of the Commission for Fundamental Rights on the institution's homepage within eight days after its execution.

(2) The present directive shall take effect on the first day of the month following its execution.

Dated in Budapest on this 11<sup>th</sup> day of September 2014.

László SZÉKELY