

# **DEED of FOUNDATION**

## **of the Office of the Commissioner for Fundamental Rights**

taking into consideration the provisions of Act XXXVIII of 1992 on Public Finances and Government Decree 292/2009 (XII.19.) on the operational rules of public finances, I establish the

### DEED of FOUNDATION

of the Office of the Commissioner for Fundamental Rights that was founded by Art. 30 (5) of the Basic Law and is operating according to Act CXI of 2011 on the Commissioner for Fundamental Rights (furthermore: Act on CFR) as follows:

#### **1. Name of the budgetary institution:**

Name: Alapvető Jogok Biztosa Hivatala  
English name: Office of the Commissioner for Fundamental Rights  
German name: Büro des Beauftragten für Grundrechte  
French name: Bureau du Commissaire aux Droits Fondamentaux  
Abbreviated name: AJBH/OCFR

#### **2. Official Seat:**

1051 Budapest, Nádor u. 22.  
Postal address: 1387 Budapest, Pf. 40.

#### **3. Founding organisation:**

National Assembly/Parliament of the Republic of Hungary  
Official seat of founding organisation: 1055 Budapest, Kossuth tér 1-3.  
Date of foundation: 1 January 2012.

#### **4. Supervisory body:**

Office of the Commissioner for Fundamental Rights  
Official seat of supervisory body: 1051 Budapest, Nádor u. 22.

#### **5. No. of Act governing the foundation:**

Act CXI of 2011 on the Commissioner for Fundamental Rights

#### **6. Competence, scope of activity:**

National

#### **7. Classification according to financial management:**

OCFR is an individually operating budgetary institution with its own budget and independent authority and responsibility for financial management. Within the framework of its individually performed basic activities, the OCFR shall attend tasks of technical assistance with its own financial management and accounting unit. The OCFR is a separate budget authority under the provisions of Chapter IV. of Act CLXXXVIII of 2011 on the general

budget of Hungary. The Secretary General of the Office exercises the rights of the organ managing the chapter.

### **8. Predecessor of the Office of the Commissioner for Fundamental Rights:**

Name of predecessor institution: Office of the Parliamentary Commissioner

Official Seat: 1051 Budapest, Nádor u. 22.

Date of termination of operation: 31 December 2011.

### **9. Public task:**

As public task, the OCFR shall ensure the effective, coherent and most comprehensive protection of fundamental rights in accordance with provisions of the respective laws.

### **10. Basic activities:**

Within the framework of its basic activities, while fulfilling its public task, the OCFR shall attend the following tasks:

The commissioner for fundamental rights shall – in addition to his or her tasks and competences specified in the Fundamental Law – perform the tasks and exercise the competences laid down in the Act on CFR:

In the course of his or her activities the Commissioner for Fundamental Rights shall pay special attention, especially by conducting proceedings *ex officio*, to the protection of

- a)* the rights of children,
- b)* the values determined in Article P of the Fundamental Law (hereinafter referred to as ‘the interests of future generations’),
- c)* the rights determined in Article XXIX of the Fundamental Law (hereinafter referred to as ‘the rights of nationalities living in Hungary’), and
- d)* the rights of the most vulnerable social groups.

In the course of his or her activities the Commissioner for Fundamental Rights shall – especially by conducting proceedings *ex officio* – pay special attention to assisting, protecting and supervising the implementation of the Convention on the Rights of Persons with Disabilities, promulgated by Act XCII of 2007.

The Commissioner for Fundamental Rights shall survey and analyse the situation of fundamental rights in Hungary, and shall prepare statistics on those infringements of rights in Hungary which are related to fundamental rights. At the request of the Commissioner for Fundamental Rights the public administration organ monitoring the enforcement of the requirement of equal treatment, the National Authority for Data Protection and Freedom of Information, the Independent Police Complaints Body and the Commissioner for Educational Rights shall supply aggregate data not containing personal data for the purpose of statistical reports.

The Commissioner for Fundamental Rights shall give an opinion on the draft rules of law affecting his or her tasks and competences, on long term development and spatial planning plans and concepts, and on plans and concepts otherwise directly affecting the quality of life of future generations, and may make proposals for the amendment or making of rules of law affecting fundamental rights and/or the expression of consent to be bound by an international treaty.

The Commissioner for Fundamental Rights may initiate at the Constitutional Court the review of rules of law as to their conformity with the Fundamental Law.

The Commissioner for Fundamental Rights shall participate in the preparation of national reports based on international treaties relating to his or her tasks and competences, and shall monitor and evaluate the enforcement of these treaties under Hungarian jurisdiction.

The Deputy Commissioner for Fundamental Rights responsible for the protection of the interests of future generations shall monitor the enforcement of the interests of future generations, and

- a)* shall regularly inform the Commissioner for Fundamental Rights of his or her experience regarding the enforcement of the interests of future generations,
- b)* shall draw the attention of the Commissioner for Fundamental Rights to the danger of infringement of the rights affecting a larger group of natural persons,
- c)* may propose that the Commissioner for Fundamental Rights institute proceedings *ex officio*,
- d)* shall participate in the inquiries of the Commissioner for Fundamental Rights, and
- e)* may propose that the Commissioner for Fundamental Rights turn to the Constitutional Court.

The Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary shall monitor the enforcement of the rights of nationalities living in Hungary, and

- a)* shall regularly inform the Commissioner for Fundamental Rights of his or her experience regarding the enforcement of the rights of nationalities living in Hungary,
- b)* shall draw the attention of the Commissioner for Fundamental Rights to the danger of infringement rights affecting a larger group of natural persons,
- c)* may propose that the Commissioner for Fundamental Rights institute proceedings *ex officio*,
- d)* shall participate in the inquiries of the Commissioner for Fundamental Rights, and
- e)* may propose that the Commissioner for Fundamental Rights turn to the Constitutional Court.

The administration and preparation related to the tasks of the Commissioner for Fundamental Rights shall be performed by the OCFR.

The sectoral classification of the OCFR within the State Budget: 841101 Activities of the organs of the State

Number and designation of professional task: 841113 Activities of the organs of the State and of autonomous organs

## **11. Procedure to appoint the Head of the Office:**

The Office is directed by the Commissioner for Fundamental Rights and it is managed by the Secretary General.

The National Assembly elects the Commissioner for Fundamental Rights for a six-year term with the votes of two-thirds of all Members of Parliament at the proposal of the President of the Republic. The Commissioner for Fundamental Rights may be re-elected for a second term.

The National Assembly elects the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the interests of future generations and the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary for a six-year term with the votes of two-thirds of all Members of Parliament at the proposal of the Commissioner for Fundamental Rights.

The employer's rights regarding the Deputies of the Commissioner for Fundamental Rights – with the exception of the establishment and the termination of the mandate – are exercised by the Commissioner for Fundamental Rights.

The Secretary General is appointed by the Commissioner for Fundamental Rights. The employer's rights over the Secretary General are exercised by the Commissioner for Fundamental Rights.

## **12. Employment status of the employees of the OCFR:**

Issues related to the employment status of the OCFR's employees are governed by the provisions of Act XXIII of 1992 on the Legal Status of Civil Servants and by the provisions of Act XXII of 1992 on the Labor Code. Civil servants employed by the OCFR are appointed and dismissed by the Commissioner for Fundamental Rights (with the exception of civil servants appointed and dismissed by the Deputies of the Commissioner for Fundamental Rights as referred to in the Organizational and Operational Rules). In other respects the employer's rights over these civil servants are exercised by the Secretary General.

## **13. Organizational and Operational Rules**

The Organizational and Operational Rules of the OCFR are established by the Commissioner for Fundamental Rights. The authorized number of status of civil servants placed under the direction of the Deputy Commissioners for Fundamental Rights shall be determined in the Organizational and Operational Rules.

The Organizational and Operational Rules shall govern the forms of representation, issuance of official copies and order of substitution.

## **14. Final provisions**

This Deed of Foundation shall enter into force on 1 January 2012.

The present Deed of Foundation has been signed and issued in compliance with the obligations arising from the provisions of Art. 88 (2), Art. 96. (4) and Art. 96 (7) of Act XXXVIII of 1992 on Public Finance and the provisions of Art. 11 (1) of Government Decree 292/2009. (XII. 19.) on the execution of Act XXXVIII of 1992 on Public Finance, taking into consideration Art. 45 (1)-(2) and (4) of Act CXI of 2011 on the Commissioner for Fundamental Rights in order to ensure that the Office of the Commissioner for Fundamental Rights shall start to perform its duties from 1 January 2012 in accordance with the provisions of the Act on the CFR as legal successor to the Office of the Parliamentary Commissioner terminated by law on 31 December 2011.

13 December 2011, Budapest

Dr. Máté Szabó  
Commissioner for Fundamental Rights