



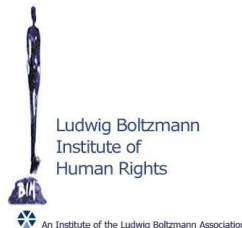
ASSESSMENT REPORT INTO THE CARRYING OUT OF THE HUNGARIAN EQUAL TREATMENT AUTHORITY'S STATUTORY MANDATE

Activity 1.1

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Twinning Light project HU2004/IB/SO01-TL

Enforcement of equal opportunity policies and
the effective implementation of the anti-discrimination law



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INDEX

1. Introduction	Page 3
2. Methodology	Page 3
3. Legal and institutional context	Page 5
4. Investigating complaints	Page 7
5. External communication	Page 12
6. External relations	Page 14
7. Conclusion	Page 17
8. Appendices	Page 21 - 52

1. Introduction

The purpose of this report is to assess the work of the Equal Treatment Authority (the ETA) as a first step in assisting the ETA in the development of an overall strategy for its work and for the enforcement of equal opportunity policies and the effective implementation of the anti-discrimination law in Hungary.

The assessment report was requested by the BC as the first activity in the Twinning Project, the overall aim of which is to strengthen the capacity of the Authority, help it develop clear and consistent strategies and improve its co-ordination and partnerships with relevant bodies in Hungary.

The report concentrates on the current tasks and activities of the ETA. It attempts to summarise the operations of the Authority and its links with external stakeholders and the public in order to identify issues for consideration by the ETA in relation to developing and strengthening its ability to carry out its statutory mandate as effectively as possible. This assessment is intended to provide a baseline for the next elements of the twinning project including the development of strategies and provision of relevant training.

This report refers to the law only as it relates to the role and functions of the ETA but will not otherwise elaborate on the legal situation in Hungary as expert legal reports already exist which the authors did not want to duplicate. The expert reports will be referred to and identified where relevant.

2. Methodology

2.1. Time frame

The report was drafted in February and March 2007. The questionnaires and interviews were conducted in February and March and the report gives a snapshot on the activities of the Equal Treatment Authority at that time.

2.2. Documents analysed

The assessment report relies upon the Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities as amended ('the Act') and the governmental decree No 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure (the 'Decree') which frame the powers and duties of the Authority. Furthermore, the report draws on the Annual Report 2005 of the ETA, the working plan of the ETA for the 1st half of 2007, the working plan of the Advisory Board for the 1st half of 2007, 4 opinions issued by the Advisory Board, and takes into account the 2005 Report of the European Network of Independent Legal Expert in the non-discrimination field on Hungary written by András Kádár and Lilla Farkas. Statistics on the cases and workload (encompassing the years 2005 and 2006) of the ETA were also analysed for the purpose of this report. The legal documents, working plans, advisory board opinions, statistics and its annual report were provided by the ETA.

2.3. Interviews

In order to obtain a more thorough and detailed picture of the activities and tasks the ETA has been performing since its creation as well as to capture the perspective of the Authority's staff, interviews were conducted with 10 officers of the ETA. The interviews focused on the ETA's internal procedures, the roles and division of tasks among the staff, the processes for dealing with complaints and other issues. In addition, one member of the Advisory Board was interviewed and a meeting was held with three more members of the Advisory Board. The list of people interviewed and the questions asked is found at Appendix 2.

Interviews were also conducted with representatives of three NGOs based in Budapest including the Hungarian Helsinki Committee, NEKKI – Legal Defence Bureau for National and Ethnic Minorities and MEOSZ – National Alliance of Associations of Disabled People.

2.4. Questionnaires

The “outside perspective” of the role and effectiveness of the ETA in fulfilling its tasks was assessed through questionnaires which were sent to a number of stakeholders including NGOs, the Houses of Equal Chances, public authorities and trade unions. The stakeholders were identified by the MS experts together with the BC experts. The questionnaires were intended to gain the stakeholders' views of the strengths and the weaknesses of the ETA in its communication and relationships with external stakeholders and the public. The names of the NGOs, trade unions, the Houses of Equal Chances in each county and the relevant public authorities were made available by the ETA.

The following table shows the numbers of questionnaires sent out and the numbers of completed questionnaires.

	Sent by e-mail	e-mail delivery failed	Sent by post	Total sent	Completed questionnaires	Return in %
Public Authorities	19	2	2	19	6	~ 31,6 %
Houses of Equal Chances	16	1	1	16	5	~ 31,3 %
NGOs	48	8	5	45	11 (incl. 3 interviews)	~ 24,4 %
Trade Unions	18	1	0	17	5	~ 29,4 %

For the questionnaires and the names of the organisations or institutions contacted, see Appendix 3.

3. Legal and institutional context

Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities ('the Act') as amended by Act LXXXIII of 2005 and Act CIV of 2006 which entered into force on 27 January 2004 makes discrimination unlawful on 19 enumerated grounds as well as on the grounds of any other status, attribute or characteristic.

The Equal Treatment Authority (the 'Authority') was established by the Act and is governed by government decree No 362/2004 on the Equal Treatment Authority and the Detailed Rules of its Procedure (the 'Decree'). It commenced its work on February 1st, 2005.

The Authority is the main body with responsibility for supervising compliance with the obligations of equal treatment in Hungary. The Authority has power to act on all the grounds of discrimination in each of the protected areas.

3.1. Status of the Authority

The Authority is independent in relation to the conduct of its duties under the Act. The Authority is overseen by the Minister for Social Affairs and Labour and is led by the President Dr. Judit Demeter who is appointed and may be dismissed by the Prime Minister on the joint recommendation of the Minister of Social Affairs and Labour and the Ministry of Justice and Law Enforcement. The appointment is for an indefinite period of time in accordance with the relevant provisions of the Act on Public Officials, Act XXIII, 1992. The President controls the operation of the Authority and acts on its behalf.

3.2. Advisory Board

The Act required the establishment of an advisory body to assist the Authority. The Board currently consists of 6 anti-discrimination law experts who were appointed after a consultation with the NGO sector; they do not act as representatives of any sectoral bodies. In March 2007, the members of the Advisory Board included Dr. Lilla Farkas (President), Dr. Tamás Gyulavári, Dr. Mária Herczog, Dr. Erno Kallai, Dr. József Kárpáti and Dr. György Szigeti. The Advisory Board meets once a month. The President and senior staff of the Authority are invited to attend the Board's meetings.

The role of the Board is to assist the Authority to perform its duties by offering non-binding interpretations of the law; it acts as a consultative body but has no supervisory role; the members provide opinions on interpretation of the principles of the law. They may make proposals to Parliament on the development of the law.

The Board has produced position papers on a range of topics including the operation of the burden of proof, the impact of the Act on credit institutions, the extent of the obligation to provide disabled access. The agreed position

papers are published on the website. The position paper on the burden of proof was used in a judge training event.

The Board's work plan for the first 6 months of 2007 includes discussions on direct and indirect discrimination, the segregation of Roma school children, same sex partnerships, victimisation and harassment etc.

3.3. Duties of the Authority

The duties of the Authority are set out in Article 14(1) of the Act, namely:

- a) The Authority **shall**, at request or in cases defined herein, conduct *ex officio* investigations to establish whether the obligations of equal treatment have been violated, and shall also conduct investigations at request to establish whether the employers obliged to do so have approved an equal treatment plan, and shall finally make decisions on the basis of the investigations;
- b) pursuant to the right of *actio popularis*, **may** initiate a lawsuit with a view to protecting the rights of persons and groups whose rights have been violated;
- c) shall comment on drafts of legal acts, other legal instruments of public administration, as well as reports concerning equal treatment;
- d) shall make proposals concerning governmental decisions and legislation pertaining to equal treatment;
- e) shall regularly inform the public and the Government about the situation concerning the enforcement of equal treatment;
- f) in the course of performing its duties, shall co-operate with the NGOs and interest representation organisations and the relevant government agencies;
- g) shall continually provide information to those concerned and provide assistance in acting against the violation of equal treatment;
- h) shall assist in the preparation of governmental reports to international organisations, particularly to the Council of Europe concerning the principle of equal treatment;
- i) shall assist in the preparation of the reports for the Commission of the European Union concerning the harmonisation of directives on equal treatment;
- j) shall report to the Government annually on the activities of the Authority and its experiences obtained in the course of the application of this Act.

3.4. Staff

The Authority has a staff team of 15 overseen by the President and the Vice-President; there are 3 departments composed of the Secretariat, the Legal Department and the Finance Department. The legal department consists of the Head of the Legal Department and 5 lawyers; the finance department consists of the Financial Manager and 3 administrative staff; the secretariat consists of the Executive Senior Counsellor and the secretary plus a driver. The President exercises the employer's rights over the Vice President and all Authority officials.

A diagram of the ETA staff structured was prepared and discussed at the presentation of the draft report on March 29, 2007. A copy of this diagram is found at Appendix 5.

3.5. Staff responsibilities

The President role includes, among other things, representing the Authority at national and international level, setting the agenda and managing the policy and direction of the Authority. The President also conducts investigations into discrimination complaints.

The main focus of the work of the legal staff is dealing with and investigating complaints. The other duties of the Authority are divided among the legal officers; for example, one officer attends parliamentary committees on equal treatment issues in order to report to the President and he also takes responsibility for providing the answers to Parliamentary questions; one officer takes responsibility for writing reports to international bodies or for international conferences or projects; two officers are the contact point for international networks, for example Equinet. While the main responsibility for court appearances is assigned to the three more experienced lawyers, this task is also allocated to the less experienced staff. One officer is responsible for maintaining relationships with the Houses of Equal Chances and another for external communication through, for example, the newsletter. In addition, staff provide opinions on draft legislation as required and all of the legal staff are involved in media relations.

The Secretariat provides the administrative support to the Authority including record keeping, filing, sending out documents, preparing statistics, organising trips, conferences and events, administering the Advisory Board meetings etc. The Secretariat also manages communication and relationships with the NGOs.

Staff emphasised how their responsibilities overlapped with their main investigation tasks and stressed the need for flexibility to respond to urgent demands as they arose.

4. Investigating complaints of discrimination

The President explained that the main focus of the Authority in 2007 is the investigation of complaints and the promotion of publicity to inform the public about the Authority and non-discrimination in Hungary.

Investigating individual complaints of discrimination is the main priority for the legal staff who are involved with the cases from receipt of initial complaints until the case is closed. Under Article 9 of the Decree, the Authority is obliged to conduct trials in all cases reported to it unless:

1. the application has no grounds;
2. the factual and legal judgement of the case is straightforward and the documents provide firm grounds for making a decision;

3. conducting a trial would cause unreasonable difficulties, particularly with regard to the requirement to conduct the trial in the territory of the applicant;
4. to do so would infringe the interests of the applicant; or
5. the applicant clearly requests the Authority not to investigate.

4.1. Number of Complaints received

According to the Authority's website, 491 complaints were received between February 1st, 2005 and December 31, 2005; the majority of them were about ethnic discrimination. Discrimination in employment was the biggest source of complaints. The Authority made a finding of discrimination in 9 cases; there were 9 agreements; fines were imposed in 3 cases; no discrimination was established in 125 cases, and in 24 cases the Authority dissolved the proceedings.

Between January 2006 and December 31, 2006 the ETA received 911 complaints, the majority of which referred to ethnic discrimination cases. Again, the biggest source of complaints was in the field of employment. The Authority made a finding of discrimination in 27 cases; there were 13 agreements; fines were imposed in 10 cases; in 200 cases either no discrimination was established or the Authority dissolved the proceedings. In the remaining cases the Authority gave written advice to the clients via e-mail or post.

The authors were provided with statistics on the decisions, orders and agreements by the ETA in 2005 and 2006. The information included the reference number, date of decision, the county in which the case took place, the type of discrimination and the outcome of the case. Unfortunately, inconsistent information was provided under 'grounds of discrimination' where information varied between the grounds of the discrimination, the area of complaint (employment, education etc.) and the type (e.g. direct, indirect, victimisation or harassment) of discrimination suffered.

4.2. Recording complaints

All complaints received by letter or email are read by the President who identifies the type and grounds of the discrimination involved and she assigns the case to an officer. The admin staff allocate a reference number to the case in accordance with the President's categorisation. A paper file is opened in each case.

Cases which in the opinion of the President do not appear to raise a discrimination issue or are outside the scope of the ETA are referred to a legal officer who sends an information letter to the complainant.

Computerised records consisting of word document folders exist on each case which record the complainant's gender, name and address, the respondent's name, address and category of institution (private, local government, commercial etc), the grounds of the case (race, gender etc), the type of discrimination (direct, indirect etc), the area of discrimination (employment, education etc) and the outcome. The complainant's race, dis/ability, marital

status, age etc are not recorded unless this is central to their complaint. The complainant's method of contacting the ETA is not recorded although this is usually obvious from the file.

When the case is closed, the outcome is recorded and any appropriate changes may be made to the categorisation as recommended by the officer in charge of the case.

Statistical reports are compiled from these records by an administrative officer in word documents or spread sheets. There are no database or case management database systems to easily report on progress or on the nature of complaints.

4.3. Methodology in dealing with complaints

4.3.a. Contact

The Authority advertises on its website that complaints can be sent by post, fax, e-mail or brought personally into the Office. The website advises that a client service is provided by appointment between 2 and 5pm every Monday at the ETA office. In practice, 3 or 4 clients attend the offices each Monday and are seen by staff on a rota basis. Staff advise on whether the complaint is within the jurisdiction of the Authority and if so, draw up a memo on the case which is sent to the President who allocates the case to one of the legal officers.

If the case is outside the scope of the Authority, the complainant is referred to other relevant bodies which can help with the matter. Advice may be given by staff on matters outside the scope of the Authority, e.g. on breach of employment contract, in an effort to assist the individual.

Clients who contact the Authority outside the client service hours either by telephone or in person are advised by whatever officers are available. The officer will take details of the complaint, inform the caller about the procedure, and ask about documents and witnesses. They are advised to make an appointment to come into the Authority or, if they live at a distance from the office, are asked to submit a written statement.

In addition to complaints coming directly from individuals, cases are referred by other institutions such as the Minority Ombudsman. The majority of complaints to the Authority come via letters and emails.

4.3.b Receipt of complaints

All written complaints are received by the President who reads them and allocates them to the staff team in accordance with their work load and areas of experience or expertise. All the complaints are read by the Vice President and Edit Gyarmati, Head of the Legal Department, who jointly supervise the conduct of the case. The Vice President and Head of the Legal Department may re-assign the case if they consider it appropriate and they inform the President.

The officer assigned to the case meets on a one-to-one basis every Monday with the Vice President and the Head of the Legal Department to discuss and agree the strategy and timetable for the case. The officer creates the timetable for the investigation in line with the statutory time limit for dealing with cases as set out in the Act, the Decree and the Act CXL of 2004 on the General Rules of Administrative Proceedings and Services 'the CXL Act'.

In simple cases, where the provision of information will answer the complaint, a letter of information is drafted. All correspondence is checked by the Vice-President before being posted.

A diagram of the method of allocating and dealing with complaints was prepared and discussed at the presentation of the draft report on March 29, 2007. A copy of this diagram is found at Appendix 5.

4.3.c Time limits for bringing a complaint

There are no time limits within which a complaint must be lodged with the Authority and a complaint may be made to the ETA at any time after the date the Act came into force, i.e. January 27, 2004.

4.3.d Time limits for investigation

Decisions must normally be made within 75 days from the receipt of the complaint; in cases involving minors and other particular types of cases the time limit is 45 days. Under the CXL Act there is scope for one extension of up to 30 days.

Staff indicated that the time limits present a challenge in relation to the investigation of the cases. In complex cases, e.g. education cases or cases with more than one complainant, this is insufficient time to properly investigate the case and this puts the officers under pressure to conduct an investigation to a professional standard.

In addition the ETA is obliged to inform the respondent/defendant within 5 days of receipt of a complaint of its intention to initiate an investigation of the complaint against it. Staff indicated that it would be preferable for the Authority to have time to obtain supplementary information on the complaint before deciding to take action, but this is not possible within 5 days.

4.3.e Requirement to conduct hearing the complainant's locality

The requirement to conduct the hearing in local government area of the complainant imposes burdens on the staff in terms of travelling to other counties to collect information and conduct the hearings.

4.3.f The Hearing

The hearing of the complaint takes place in public although they are not publicised. An increasing number of complainants are represented by lawyers at the hearings.

The conduct of the hearings is governed by the CXL Act. Normally 2 legal officers will attend the hearing; one is the officer in charge of the case; the

second attends to take contemporaneous minutes on a laptop computer. The questions and a summary of the answers are recorded in the minutes which are agreed and signed by the parties before the conclusion of the hearing. The outcome of the hearing is a recommendation by the officer in charge. All decisions are confirmed and signed by the President of the ETA, or the Vice President in her absence. Although not specified in the Act, this procedure is in line with the Civil Code and the CXL Act and was agreed internally and approved by the Minister of Social Affairs and Labour.

Hearings are only organised by the Authority if the complainant has met the first step in establishing the case, i.e. that they have demonstrated that it is likely that they have suffered a disadvantage and possess a protected characteristic. If this is not demonstrated to the satisfaction of the officer in charge, the case will be terminated.

4.3.g Cases which are weak or outside the ETA's scope

As mentioned above, Article 9 of the Decree provides that the ETA may reject a complaint if, among other things, the application has no grounds or the factual and legal judgement of the case is straightforward and the documents provide firm grounds for making a decision.

Staff indicated that a large number of complaints are rejected because they are weak or outside the scope of the Authority. Although the number (but not the grounds) of these is recorded, this information was not available to the authors. If the complaint is in writing, the decision on whether the case is weak or outside the scope is taken by the President; if the complaint is received by the officers when they receive telephone complaints or receive complainants in person at the Monday client service, they decide if it is weak or outside the Authority's scope.

The Authority has also recently introduced a case filtering system completed by complainants on the Authority's website 'antidiszko.hu', see below page 12.

Where the complainant disagrees with the ETA's rejection of their complaint, the President may make an order that the case is outside the Authority's competence. There were 2 such orders made in 2006.

4.3.h Decisions

Case recommendations are written up by the officer and all decisions are checked in turn by the Head of the Legal Department, the Vice-President and finally by the President who signs the decision. Where there is any disagreement, this is resolved by discussion and persuasive argument reaching a final consensus.

4.3.i Team meetings

The President, legal team and the finance director meet together for an hour every Monday to agree the week's schedule and the President and the legal staff meet for 2 -3 hours every Friday to talk over the work, EU legal decisions and issues arising in the cases. The President sets the agenda but staff can

make suggestions and will discuss their cases if relevant. While peer support is well developed and valued within the team, a view was expressed that meetings could be better planned to enable more time to discuss case law issues.

4.3.j Conflict between the ETA's roles of investigation, adjudication, and assisting victims

The staff at the ETA deal with all aspects of the Authority's mandate and there is no separation between different roles, for example, working to support good practice with employers, conducting independent investigations into complaints or supporting victims to bring complaints. All of the legal staff stressed that dealing with complaints and investigations is their first priority.

The ETA fulfils its mandate under Article 14(g) to provide assistance "to act against the violation of equal treatment" and informing the public about equal treatment through the organisation of 2 conferences every 6 months with employers and NGOs and through the provision of training and its media work. Staff report that on a case by case basis, they will advise the respondent employer or service provider about their responsibilities under the law and how to avoid discrimination in the future.

At the hearing, the officer in charge of the case will inform the complainant about their role to act as an independent investigator. It was reported nevertheless that victims have enquired whether the legal officer is representing them or whether they are independent of the parties. This can create tension between maintaining an independent investigation and assisting victims and this tension is handled differently by individual staff.

The perception is that the ETA is managing its different roles at the moment but that this may be a source of tension as the work increases.

5. External Communication

5.1. Media relations

The results of casework inform the ETA's work with the media which it uses to publicise its successful decisions. Staff are in regular contact with the media and get good publicity for their cases. There have been 270 articles about the ETA in the media since 2005 (172 of them in 2006). The Authority currently contributes to 3 regular radio programmes on human rights to speak about its work and decisions. It participates in occasional phone-in programmes to answer questions from the public.

5.2. Website

The Authority has a well developed website providing information on the Authority, on legal documents and on the Advisory Board. Anonymous summaries of the most striking decisions are published on the website. Where the penalty of publication is applied in a case, the full decision identifying the parties is published, normally for 30 days although it can be longer. The

information is presented in Hungarian; some parts including basic information on the Authority, the summaries of selected cases and the annual report are also available in English. The information on decisions on the website has been used by the legal staff to refer complainants to for advice on the law and good practice applicable to their complaint.

In February 2007, a new website was launched (antidiszko.hu) which is accessible through a link on the main website of the ETA. This website offers simple information for readers and potential complainants and explains various types of discrimination in simple terms supported by cartoons. The website also contains a questionnaire for complainants to complete to find out whether his/her case falls within the scope of the Authority before forwarding the complaint to the ETA. If the complainant successfully completes the answers to the questions which are designed to indicate whether the case appears to be within the scope, s/he is invited to submit by email a short summary of the complaint for the ETA to investigate. A list of the 9 topics upon which the questions are based is set out at Appendix 4.

Results of the 27 completed questionnaires from NGOs, Houses of Equal Chances and public authorities show that the Authority's website is perceived to be a good and valuable source of information and that it is easy to navigate. Nevertheless, some respondents stated that some information was missing; this included:

- more information on all cases rather than a selection of cases
- Statistics which are broken down into the discrimination grounds
- Statistics and information on cases occurring in each county
- A list of the lawyers working at the Authority
- A downloadable application form for complainants
- Information which is easy to understand (*these last two suggestions may already be met with the recently launched website mentioned above*)

5.3. Newsletter

In February 2007, the ETA produced its first monthly newsletter which was emailed to 4000 readers including MPs, NGOs, trade unions, local and central government departments and other networks. The first newsletter provided an overview of the ETA, information about the staff, the advisory board and the Authority's work programmes plus information about how complaints and decisions are made.

5.4. Using the casework to inform the work

The results of casework inform the ETA's work with the media which it uses to publicise its successful decisions. The information on decisions on the website has been used to refer complainants to as a source of advice on the law and good practice applicable to their complaint.

6. EXTERNAL RELATIONSHIPS

6.1. Houses of Equal Chances ('HoEC')

In 2004, the network of Houses of Equal Chances in each county in Hungary was set up following an initiative of the government with the Ministry of Youth, Family, Social Affairs and Equal Opportunities.

By March 2007, Houses of Equal Chances – Coordination Offices were operating in 18 of the 20 Hungarian counties. The mandate and activities of the HoECs are based upon an agreement between the Department of Equal Opportunities of the Ministry of Social Affairs and Labour and the governments of the county towns. Hence, the HoEC are either set up within the local governments or are non-governmental organisations authorised by the local governments to fulfil the tasks assigned to the HoEC. These include the co-ordination of every aspect of equal opportunities in the county, legal and social support for disadvantaged groups (especially women, children, Roma, older people and disabled people), providing information, conducting various equal opportunities programmes, training, networking with relevant governmental as well as non-governmental bodies and awareness raising among the public.

In order to improve accessibility for people outside Budapest with discrimination complaints, the Authority finalised a formal agreement with the HoEC in November 2006. Under the agreement the Authority will provide the HoEC's staff with legal and practical training to enable complainants to be referred to the ETA. The HoEC will provide complainants with a customer service once a week, publicise the service and the opportunity for people to seek redress through them. The intention is that they will provide complainants with legal advice and make referrals to the Authority. The Houses also provide rooms for the conduct of the hearings.

Dr Annamaria Gombos is the ETA contact person for the Houses. The Authority completed 3 training sessions with HoECs in different counties plus one training event attended by all the Houses. As the service started in January 2007, this is in an early stage of its development. The need for formal monthly reports to the ETA about their activities has been identified. Some of the HoECs have already referred cases to the Authority. In this respect, staff report that written complaints from HoECs are often forwarded in a poor form and it is not clear whether discrimination has occurred.

As a result, the Authority plans to develop training for the HoECs to enable them to decide whether to refer a potential complainant to it. It would be useful if such training included the development of criteria for the staff to sift complaints, advise on whether the complaint is within the scope of the Act and advise on its chances of succeeding. A template for the formulation of complaints would also be useful so that the ETA has all relevant details from the beginning of the process. This need is mirrored by the completed questionnaires received from 5 HoECs which indicate that it would be useful if such training included the development of criteria for the staff to sift

complaints and advise on whether the complaint is within the scope of the ETAs competence and whether it has any chance of succeeding.

Despite the formal agreement and random co-operation, some ETA staff members as well as responding HoECs expressed the view that the co-operation has to be further developed and strengthened. One of the HoEC even pointed out that it is not familiar enough with the work of the ETA to be able to judge the effectiveness of the ETA.

Suggestions from the 5 responding HoECs (16 HoECs were contacted) to improve the relationship included:

- Appropriate co-ordination of the co-operation
- More information on the work of the ETA
- Information leaflets on the ETA for distribution to clients or complainants because they simply lack information
- The need for standard forms and documentation to make the work of HoEC more professional. (ETA staff report that written complaints from HoEC are often forwarded in a poor form and it is not clear whether discrimination has occurred. This puts an unnecessary burden on the ETA officer to travel to the complainant and to collect facts in order to decide whether to begin the procedure.)
- An application form or template prepared by the ETA which incorporates all relevant information and details of the complaint to be completed by the complainant. Such a form would facilitate the work of the staff of the HoECs and the ETA. Firstly because they are able to take into account all important aspects of a complaint and because the form will have all the necessary details from the beginning of the process.
- Organising joint programmes
- Increased presence of ETA staff members in the HoECs in order to increase the trust of clients in the work of the ETA. One HoEC pointed out that the HoECs should serve as a contact point between potential victims and the ETA.

As the 5 completed questionnaires show, the majority (3) of the responding HoECs indicated that the ETA acts as a source of information, challenges discrimination and supports victims of discrimination. However, only 2 HoECs found the ETA to be a partner for organising events. It was also mentioned by 2 HoECs that they have not been informed of the outcome of the cases they referred to the Authority.

It should be noted that although all the Houses should have the same tasks as they have identical mandates, each respondent HoEC stated that they perform different tasks.

6.2. Non-governmental organisations

Dr Maria Hajdu is responsible for maintaining relationships with the NGOs. Good relationships exist with NGOs at different levels within the organisation, with some staff reporting different views on these. Some staff felt that the NGOs were not sufficiently interested in the work of the Authority (the failure

of 42 invited NGOs to attend a conference or the failure to nominate a candidate for the Advisory Board were cited as examples), while others pointed out good relationships with certain NGOs. The ETA organises conferences for NGOs every six months.

From 48 questionnaires sent to NGOs, the authors received 8 completed questionnaires and conducted 3 interviews with NGO representatives. Those NGOs who completed the questionnaires or were interviewed confirmed the good relationship with the ETA. All of them (except one) reported that they were contacted by the ETA for the purpose of inviting them to events, providing training for ETA staff, providing testers or obtaining information. Also, most of the NGOs had contacted the ETA in order to refer a case to them, obtain information or invite them to events. Some NGOs noted that they were not informed on the outcome of the cases they referred to the ETA. (The staff pointed out that there are some legal difficulties about sharing this information once the complainant has been referred to the Authority.)

8 NGOs perceive the ETA as a partner for exchanging information and organising events. Moreover, they see the ETA as an institution supporting victims of discrimination. Most of them underlined the effectiveness and the important role of the ETA by referring to its case workload and the positive appearance in the media.

The broadening of information was most often mentioned as a suggested way to improve relationships with the ETA. The newsletter might serve as an extended information tool.

6.3. Governmental Bodies (Public Authorities)

Good relationships also exist with governmental authorities at different levels within the organisation, with some staff reporting different views on these. Some ETA staff highlighted the good relationships with the Minority Ombudsman or the Educational Mediation Service but expressed concerns about their relationships with other public authorities such as the Labour or the Consumer Protection Inspectorates. It was noted that these bodies would not fulfil their duties under the equal treatment legislation but instead refer these cases to the ETA.

The 6 completed questionnaires of governmental authorities (19 were contacted) show that they appreciate the work of the ETA and have a good relationship with the Authority. However, it was expressed that a forum should be developed where the authorities could meet, exchange information and discuss important issues concerning equal opportunities and equal treatment on a continuous basis. According to their field of activities different authorities expressed different ideas of how the effectiveness of the relationship could be improved. The Ombudsman for National and Ethnic Minorities, for example, suggested a regular exchange of investigation materials in cases where discrimination was established. The Educational Mediation Service would welcome the launch of joint actions and projects in order to promote and strengthen the use of mediation in resolving discrimination complaints.

3 respondents noted that they were not informed of the outcome of the cases they referred to the Authority.

6.4. Trade Unions

The ETA has a conference with employers and employees every 6 months to provide them with information about the law and work of the Authority.

3 of 5 responding trade unions (18 were contacted altogether) indicated that they were invited to conferences organised by the ETA. None of the responding trade unions ever referred a case to the ETA. In this respect, one employer organisation pointed out that they represent the interests of employers therefore there is no need to refer cases to the ETA. An employee organisation highlighted that the persons concerned did not want to make their problems public because of fear of losing the jobs and/or retaliation.

Only one trade union (employee organisation) indicated that it contacted the ETA for requesting information and for inviting it to a conference.

2 trade unions perceive the ETA as a source of information and 3 as a partner for organising events.

Suggestions for the improvement of the relationship included:

- More information on the ETA's tasks and activities
- More information on the website of the ETA
- Joint projects or events for employees on the prevention of discrimination
- Newsletter
- Publications of results of investigations

One employee organisation pointed out that the ETA cannot combat discrimination alone. The government should do more to compel employers to handle anti-discrimination issues seriously.

6.5 Networks

The Ministry of Justice provides funding to support the Roma Anti-discrimination Network. This consists of 1-2 lawyers in each of the 20 counties who provide 4-5 hours legal advice per week to Roma clients on anti-discrimination issues. It is reported by NEKKI that this service offers a mixed level of quality of service. ETA staff reported that good personal contacts exist with this network of lawyers; it provides a referral resource in respect of cases outside the Authority's scope and a source of relevant local information as requested by the staff.

The Authority has a joint annual meeting with the Network lawyers and other governmental bodies to evaluate discrimination against Roma.

The network of Anti-Discrimination Signalling System created by the Ministry of Education has not forwarded an education case to the Authority so does not operate in practice.

The Authority's intention is to develop the existing networks in order to achieve its stated objective to have a comprehensive programme of anti-discrimination measures.

7. CONCLUSION

Since the Authority took up its activities in February 2005 the profile of the ETA has increased and continuously developed. A remarkable rise in the number of cases before the ETA can be observed. The case workload almost doubled from 491 complaints received in 2005 to 911 complaints received in 2006. This rise can probably be traced back to the increasing public profile of the ETA and the fact that the existence and the activities of the ETA are more widely known in the Hungarian public.

The staff of the ETA are enthusiastic about and committed to the work at the Authority. Training and extensive support is provided for the staff. It was repeatedly expressed by the legal staff that they can rely upon the good team work and upon the support of their colleagues and the senior staff – personally as well as professionally.

Although the staff have to cope with a number of tasks which are prescribed by the Equal Treatment Act and specified by their bi-annual working-plans they manage these tasks quite well. But all of them noted that the workload is increasing and that they are getting overwhelmed by complaints. One result is that there have been only four *ex officio* investigations up to now and no use of the *actio popularis* powers.

The ETA's different roles under Article 14 of the Act and in particular the role of supporting victims as envisaged by the Race Directive, do not currently create a conflict for the legal staff because they mainly perform one role, namely investigating and deciding on cases.

Positive conclusions can be drawn from the interviews and questionnaires about the Authority's relationships with external stakeholders. In this respect, some staff of the Authority as well as several organisations, institutions or public authorities and departments gave some constructive suggestions for improvement of the relationships. Against this background the authors identified some key issues and opportunities for development:

Key issues and opportunities for development:

Staff and resources:

Council Directive 2000/43/EC and the Act envisage an authority with a broad scope and a mandate to support the effective implementation of the equal treatment law in Hungary. The Authority itself wishes to widen its present scope of activity. In the Twinning fiche the Authority states that *"it will have a comprehensive programme of anti-discrimination measures that goes beyond tackling individual instances of discrimination, to create a framework to challenge persistent patterns of discrimination and promote equal treatment policies. It will be actively involved in advocacy for change, ranging from raising public awareness to specific policy or legislative change, in advising on governmental strategies pertaining to equal treatment in different sectors, strengthening anti-discrimination policies and safeguarding that all administrative procedures are in line with principle of equal treatment,*

conducting independent surveys concerning discrimination, publishing independent reports as well as promoting equal treatment and tolerance in the society.” This cannot be achieved without sufficient resources.

The number of cases is increasing as information about the ETA and its work develops throughout Hungary. The number of cases in its second year of existence has almost doubled compared to the first year.

Issues which arose from the staff interviews and the questionnaires in connection with using existing resources more efficiently include:

- Development of standard forms within the ETA and Houses of Equal Chances
- Consider development of a database which manages cases and reports on them
- Develop self monitoring of types of cases and issues coming to the ETA (and those cases which do not appear) in order to get an overview of issues coming forward and focus resources on strategic areas
- Consider the overlap of staff involvement in the case allocation/supervision process e.g. how necessary is it for the President, Vice President and the Head of Legal Department to be involved in every case and decisions, often on more than one occasion? Is there an overlap between the role of the Vice President and the Head of Legal Department? The ETA staff expressed the view that the system of multiple checking is critical in light of the newness of the equal treatment legislation and the institution, and the importance of making good decisions which stand up to judicial scrutiny and which shape the law and public opinion in Hungary. The Authority needs to consider how to most effectively use its resources and expertise in the face of increasing complaints and consequent demands on its time.
- Could there be a better filtering out of weak complaints? Several filtering points already exist within the structure and the Authority should consider reviewing and rationalising these to ensure that consistent decisions are being made and that staff resources are used most effectively.
- Are there opportunities to develop training and specialisation in certain areas e.g. health care, employment etc.?
- Opportunities to exchange good practice with other equality/anti-discrimination organisations could be explored further
- Develop self monitoring of outcomes of cases to analyse reasons for high numbers of dismissals

Other

- Consider whether the public authorities with a discrimination remit could take on more of a role in handling/deciding cases
- Is there conflict/tension in role/identity of ETA in eyes of victims?
- Develop the advice giving work of the Houses of Equal Chances in terms of advising complainants on whether they have an unlawful discrimination case which is within the scope of the ETA

- Develop ways to give feedback to HoEC on cases referred by them to ETA in order to promote their better understanding of the law and remedies available to complainants
- Consider whether feedback to all agencies who refer cases can be given as several replies to the questionnaire reported that there was no feedback on the conclusion of the cases they had referred on to the ETA
- Develop outreach in the countryside through NGOs/Houses of Equal Chances
- Develop mediation options; formalise procedure and train staff
- Consider media relations e.g. would a press officer to co-ordinate activities be useful as all staff appear to deal with the media?
- Some suggestions were made at interviews or through the questionnaires which would involve legal amendments; these include:
 - Power to award compensation to victims
 - Extend responsibility for discrimination to 3rd party, e.g. harasser in workplace
 - Formal powers to mediate a solution
 - Stricter sanctions
 - Amendments to time limits to limit the time within which complainants can bring complaints, and extension of the time limit within which complaints must be investigated
 - Develop testing options: both HoECs and NGOs pointed out that ETA contacted them for the purpose of conducting testings or providing testers for them.

Appendix 1

Cases brought to the Hungarian Equal Treatment Authority in 2005 and 2006:

Numbers	February 2005 – December 2005	January 2006 – December 2006
Cases filed	491	911
Cases transferred to another agency	45	49
Letter of information provided (no investigation)	212	306
Cases closed with decision on merits	144	202
Findings of discrimination	9	27
Agreements	6	13
Cases dismissed	103	64
Proceedings terminated without decision	26	6

Appendix 2 – Interviews

Interviews were conducted with following ETA staff members and Advisory Board members:

ETA staff	Advisory Board members
Dr. Judit Demeter	Dr. Lilla Farkas
Dr. Imre Furmann	Dr. Tamás Gyulavári
Dr. Edit Gyarmati	Dr. Mária Herczog
Dr. Mária Hajdú	Dr. József Kárpáti
Dr. Gregor Katalin	
Dr. Gombos Annamária	
Dr. Krisztina Kovács	
Dr. Szathmári Réka	
Dr. Tamás Kádár	
Dr. Adrián Szász	

ETA staff interview questions

Name:

Position:

Describe your role:

What are your tasks?

How are they allocated to you?

Who decides how they are allocated? Is it according to each staff members' specialism?

How do you prioritise your tasks?

Process

How do victims of discrimination contact you and what happens when they do?

When do you take an ex officio initiative?

At what stage does the case come to you?

Do you work within time limits?

Do you have enough time to investigate?

Do you decide on your own?

How well does the process work?

What things frustrate you?

Strategy

Do you use the results of casework to inform the other work of the ETA? Eg awareness raising, media/radio slots, scrutiny of the law etc

How do the results of casework influence the work of the ETA?

The ETA has 3 separate roles: investigation of complaints and adjudication, bringing cases on its own initiative and supporting victims. Do you do one of these roles?

What ETA staff work on these roles? How are the tasks divided between staff?

Have you identified any conflict or other issues in relation to these roles? Can you give examples?

Stakeholders

How well do you think the public authorities work with the ETA? Can you give examples?

How well do you think the ETA works with the ngos? Can you give examples?

What do you like best about working here?

What does not work well?

Can you suggest 3 things which would make the ETA more effective?

Appendix 3 – Questionnaires

Appendix 3.1. List of Houses of Equal Chances, NGOs, public authorities and trade unions contacted:

Houses of Equal Chances in following counties

1	Bács-Kiskun
2	Baranya
3	Borsod-Abaúj-Zemplén
4	Budapest
5	Csongrád
6	Fejér
7	Hajdú-Bihar
8	Heves
9	Jász-Nagykun-Szolnok
10	Komárom-Esztergom
11	Nógrád
12	Somogy
13	Szabolcs-Szatmár-Bereg
14	Tolna
15	Vas
16	Zala

NGOs

1	"For Our Future" Public Benefit Organisation representing the disabled people
2	"For Gender Equality" Foundation
3	Burattino School Foundation for Helping the Disadvantaged
4	National Association of Roma Organisations (CSZOSZ)
5	CISZOK Independent Association of Women in Győr
6	Civil Aids Forum
7	Civil International civil rights league
8	Association of the "fullhearted" (Successor of the Down Association)
9	Democratic Roma Organisation
10	Human Rights Information and Documentation Center
11	Representation Advisory Service Association (ÉTOSZ)
12	National Representation Association of People with Mental Disabilities and their Helpers (ÉFEOSZ)
13	People with Mental Disabilities and their Families Rights Protection Association
14	White Cross Foundation for the Protection of Children
15	Council of the Association of People with Disabilities
16	Háttér (Background) Association for the LGBT People
17	Kézenfogva (Holding the Hands) Foundation
18	Hungarian Helsinki Committee
19	Association of the Hungarian Women
20	Hungarian Women's Union
21	National Association of the Hungarian Pensioners's Organisations
22	Representation Association of the Hungarian Prostitutes
23	Hungarian Blinds and Visually Disabled - Bács-Kiskun County Association

24	Hungarian Nurses Association
25	Hungarian Roma Parliament
26	National Alliance of Associations of Disabled People
27	M.Sz.R.E.K.Sz. Nonprofit Organisation for the Poor and Roma People
28	NANE Woman for Woman against violence
29	Legal Defence Bureau for National and Ethnic Minorities
30	Association of Nonprofit Human Services of Hungary
31	Foundation for Woman for the Tomorrow
32	Woman for Woman against Violation Nonprofit Association
33	National Representation of retired Persons
34	National Civil Association for Representation of Interest
35	National Association for the Protection of Consumer Rights
36	National Association for the Protection of Women rights
37	National Roma Public Association for the protection of Roma Woman
38	Raoul Wallenberg Association
39	Roma Civil Law Foundation
40	Roma Press Center
41	National Association of Deaf and Hard Hearing
42	"Szigony" Foundation for the Public Psychiatry
43	"Szószóló" Foundation for Patients'Rights
44	National Federation of the Social Associations
45	National Council of the Community Negotiation
46	Social Union, National Federation of Civil Association
47	Association for the Rights of Freedom

48	Protect the Children's Rights Foundation
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Public Authorities

1	Ministry of Education and Culture (4 different departments)
2	National Development Agency
3	National Police Authority
4	National Council of the Disabled
5	Ministry of Social Affairs and Labour
6	Hungarian Labour Inspectorate
7	Public Employment Service
8	National Public Education Evaluation and Examining Center
9	Hungarian Public Service Institution
10	Ministry of Local Government and Regional Development
11	Consumer Protection Inspectorate
12	Educational Mediation Service
13	Ombudsman for Data Protection
14	Ombudsman for Civil Rights
15	Ombudsman for National and Ethnic Minorities
16	Office of Parliamentary Commissioners

Trade Unions

Employer trade unions	
1	Union of Agrarian Employers □
2	National Federation of General Consumer Co-operatives and Trade Associations (CO-OP HUNGARY)
3	Hungarian Association of Craftsmen's Corporations
4	National Federation of Traders and Caterers
5	Hungarian Industrial Association
6	National Federation of Agricultural Co Operators and Producers
7	Confederation of Hungarian Employers and Industrialists
8	National Association of Strategic and Public Utility Companies
9	National Association of Entrepreneurs and Employers
10	Secretary of the Employer Side
Employee trade unions	
11	Association of autonomous trade unions
12	White-collar trade union association
13	Leage trade union
14	National Association of Hungarian Trade Unions
15	National Association of Workers' Councils
16	Cooperative Forum of Trade Unions
17	Secretariat of the National Interest Conciliation
18	"Vasas" Association of Trade Union, Woman Commission

Appendix 3.2. Questionnaires on the Role and Effectiveness of the Equal Treatment Authority

Houses of Equal Chances Questionnaire:

Name of your organisation/institution:

What is the mandate / are the tasks of your organisation/institution?

Did you refer any case or complaint to the ETA in 2006?

No Yes

If not, why not?

If yes, how many cases?

According to your opinion, were your clients satisfied with the outcome?

No Yes

If not, why not?

Have you assisted victims of discrimination in ways other than referring them to the ETA?

No Yes

Have you ever contacted the ETA for other purposes than referring a complaint?

No Yes

If yes, please describe why you contacted the ETA?

How did you contact the ETA?

Did you have any problems contacting the ETA?

No Yes

If yes, please describe what they were:

Have you used the website of the ETA?

No Yes

If no, why not:

If yes, how do you rate the website (please tick the appropriate)

very poor poor ok good excellent

Did it have the information you needed?

No Yes

If no, what was missing?

Did you find it easy to navigate?

No Yes

Have you co-operated with the ETA in any other way than referring cases to them?

No Yes

Has the ETA ever contacted you?

No Yes

If yes, for what purpose?

Do you perceive the ETA as a partner for
(please tick if applicable)

- Source of information
- Challenging discrimination
- Encouraging good practice
- Organising events (awareness raising events, conferences on the law, etc.)
- Supporting victims of discrimination

How could the ETA improve its relationship with you?

How effective has the ETA been in fighting discrimination since its establishment in 2005?

- very poor poor ok good excellent

Please explain:

Any other comments:

Contact person:

e-mail:

Telephone:

Public Authorities Questionnaire:

Name of your authority/institution/department:

What is the mandate / are the tasks of your authority/institution/department?

Have you ever referred a case or complaint to the ETA?

- No Yes

If not, why not?

If yes, what was the outcome of the procedure?

Were you satisfied with the outcome?

- No Yes

If no, why not?

If yes, why?

Have you assisted victims of discrimination in ways other than referring them to the ETA?

- No Yes

Have you ever contacted the ETA for other purposes than referring a complaint?

No Yes

If yes, please describe why you contacted the ETA?

Have you used the website of the ETA?

No Yes

If no, why not:

If yes, how do you rate the website (please tick the appropriate)

very poor poor ok good excellent

Did it have the information you needed?

No Yes

If no, what was missing?

In what other way have you obtained information on the operation of the ETA?

Have you co-operated with the ETA?

No Yes

Have you ever encountered any problem in your co-operation with the ETA

No Yes

If yes, please describe:

Has the ETA ever contacted you in order to seek advice or support?

No Yes

Has the ETA ever contacted you in connection with any investigation?

No Yes

Do you perceive the ETA as a partner for
(please tick if applicable)

- Source of information
- Challenging discrimination
- Encouraging good practice
- Organising events (awareness raising events, conferences on the law, etc.)

How could the ETA improve its relationship with you?

How effective has the ETA been in fighting discrimination since its establishment in 2005?

very poor poor ok good excellent

Please explain:

Any other comments:

Contact person:

e-mail:

Telephone:

NGOs and Trade Unions Questionnaire:

Name of your organisation:

What is the mandate / are the tasks of your organisation?

How did you hear of the Equal Treatment Authority (ETA)?

Do you know what the ETA does?

No Yes

Have you ever referred a case or complaint to the ETA?

No Yes

If no, why not?

If yes, what was the outcome of the procedure?

Were you satisfied with the outcome?

No Yes

If yes, why?

If no, why not?

Have you assisted victims of discrimination in ways other than referring them to the ETA?

No Yes

Have you ever contacted the ETA for other purposes than referring a complaint?

No Yes

If yes, please describe why you contacted the ETA?

How did you contact the ETA?

Did you have any problems contacting the ETA?

No Yes

If yes, please describe what they were:

Have you used the website of the ETA?

No Yes

If no, why not:

If yes, how do you rate the website (please tick the appropriate)

very poor poor ok good excellent

Did it have the information you needed?

No Yes

If no, what was missing?

Did you find it easy to navigate?

No Yes

Have you co-operated with the ETA?

No Yes

Has the ETA ever contacted you?

No Yes

If yes, for what purpose:

Do you perceive the ETA as a partner for
(please tick if applicable)

- Source of information
- Challenging discrimination
- Encouraging good practice
- Organising events (awareness raising events, conferences on the law, etc.)
- Supporting victims of discrimination

How could the ETA improve its relationship with you?

How effective has the ETA been in fighting discrimination since its establishment in 2005?

very poor poor ok good excellent

Please explain:

Any other comments:

Contact person:

e-mail:

Telephone:

Appendix 3.3. – Results of completed questionnaires

Results of Completed questionnaires from the Houses of Equal Chances

	Sent by e-mail	e-mail delivery failed	Sent by post	Total sent	Completed questionnaires	Return in %
Houses of Equal Chances	16	1	1	16	5	~ 31,3 %

QUESTIONS	YES	NO	No answer	$\Sigma=5$	COMMENTS / REASONS / ADDITIONAL INFORMATION
Mandate / Tasks (one organisation could list more tasks)					<ul style="list-style-type: none"> Support and assistance to disadvantaged groups pursuant to the Act (1)¹ Representing women's interests (1) Coordination of every aspect of equal opportunities within the county (1) Organising seminars, presentations, conferences (1) Producing and distributing information leaflets, publications, newsletters (1) Responsible for Integration Programmes (1)
Have you referred a case or complaint to the ETA in 2006?	3	2	-	5	
If no, why not?					<ul style="list-style-type: none"> Did not receive relevant request or cases so far (1) Clients did not want to turn to the ETA (1)
If yes, how many?					<ul style="list-style-type: none"> Forwarded 2 cases to the ETA (2)
If yes, what was the outcome of the procedure?					<ul style="list-style-type: none"> No information on the outcome of the procedure (2)
Were you satisfied with the outcome?	1	-	4	5	
If no, why not?	-	-	-	-	
Have you assisted victims of discrimination in ways other than referring them to the ETA?	3	1	1	5	
Have you ever contacted the ETA for other purposes than referring a complaint?	3	2	-	5	
If yes, for what purposes?					<ul style="list-style-type: none"> Request for information about activities and procedure before the ETA (1) Exchange of opinions and information about the 2 cases the organisation referred to them in order to present them in the media (1) Invitation of a member of the ETA to an event (1)
How did you contact the ETA?					<ul style="list-style-type: none"> Phone (2) E-mail (2) Personal contact (1)

¹ The numbers in brackets indicate the number of organisations giving the same answer.

QUESTIONS	YES	NO	No answer	$\Sigma=5$	COMMENTS / REASONS / ADDITIONAL INFORMATION
Did you have any problems contacting the ETA?	1	2	2	5	
If yes, please say what they were					-
Have you used the website of the ETA?	5	-	-	5	
How do you rate the website?					<ul style="list-style-type: none"> • Good (5) • OK (-) • Excellent (-) • Very poor (-) • Poor (-)
Did it have the information you needed?	5	1	-	5	One organisation noted YES and NO
If not, what information did it lack?					<ul style="list-style-type: none"> • Summary of cases occurring in each county (1) • An application form to download for complainants would be helpful for victims as well as organisations (1)
Did you find it easy to navigate?	4	-	1	5	
Have you co-operated with the ETA?	4	1	-	5	
Has the ETA ever contacted you?	4	1	-	5	
If yes, for what purpose?					<ul style="list-style-type: none"> • Participation in a testing situation to gather evidence (1) • Requested suggestions concerning testers (1) • Invitation to a meeting (1) • For co-operation (1)
Do you perceive the ETA as a partner for (respondents could mark more points)					<ul style="list-style-type: none"> • Source of information (3) • Challenging discrimination (3) • Supporting victims of discrimination (3) • Organising events (awareness raising events, conferences on the law, etc.) (2) • Encouraging good practice (-)
How could the ETA improve its relationship with you?					<ul style="list-style-type: none"> • There is no appropriate co-ordination and real co-operation between the ETA and the Houses of Equal Chances (1) • Discussion of cases (1) • More information leaflets for distribution because clients do not have that information (1) • Organising joint programmes (1) • Better co-operation and more presence of ETA staff members in the county to increase the confidence of clients (1)
How effective has the ETA been in fighting discrimination since its establishment in 2005?					<ul style="list-style-type: none"> • Excellent (1) • Good (1) • OK (1) • Very poor (-) • Poor (-)

QUESTIONS	YES	NO	No answer	$\Sigma=5$	COMMENTS / REASONS / ADDITIONAL INFORMATION
Please give reasons					<ul style="list-style-type: none"> • They are effective in investigating cases but there needs to be more co-ordination between the ministries because they do not take into account the principle of equal treatment when developing policies • ETA brings cases to the surface • Contributes to change in public awareness • Increasing number of decisions by the ETA might reduce number of violations • One HOC stated that its not familiar enough with the work of the ETA and therefore cannot judge its effectiveness
Any other comments:					<ul style="list-style-type: none"> • If people trust the ETA they also trust the HOCs • The objective should be to handle the cases locally • One HOEC pointed out that they see themselves as a contact point between the victim and the ETA • One HOEC is going to hold an event in March to promote the work of the ETA

Results of Completed questionnaires from the Public Authorities

	Sent by e-mail	e-mail delivery failed	Sent by post	Total sent	Completed questionnaires	Return in %
Public Authorities	19	2	2	19	6	~ 31,6 %

QUESTIONS	YES	NO	No answer	Σ=6	COMMENTS / REASONS / ADDITIONAL INFORMATION
Authorities (tasks)					<ul style="list-style-type: none"> Ministry of Local Government and Regional Development; Department of Public Relations and Equal Chances (Promoting public relations concerning issues of equal chances) Ombudsman for Data Protection (enforcement of the rights for the protection of personal data; commenting on draft legislation; conducting investigations) Hungarian Labour Inspectorate (Responsible for employment and labour safety) Educational Mediation Service (Mediation, conciliation, counselling disputes in education matters) Ombudsman for National and Ethnic Minorities (Protection of minority rights in Hungary) Office of Parliamentary Commissioners (Administrative and preparatory work in connection with the tasks of the parliamentary ombudsmen)
Have you referred a case or complaint to the ETA in 2006?	5	1	-	6	
If no, why not?					<ul style="list-style-type: none"> No relevant cases
If yes, what was the outcome of the procedure?					<ul style="list-style-type: none"> No information received from the ETA (3) Rejection (1) in some cases discrimination was established, in some cases ETA rejected the requests as they did not find them well grounded (1)
Were you satisfied with the outcome?	2	-	4	6	
If no, why not?					-
Have you assisted victims of discrimination in ways other than referring them to the ETA?	5	1	-	6	
Have you ever contacted the ETA for other purposes than referring a complaint?	5	1	-	6	
If yes, for what purposes?					<ul style="list-style-type: none"> Request for information (1) Development of professional co-operation (1) Exchange of experiences regarding case work (1) Discussion of possible joint projects (1) Discussion of amendment of the ETA (1) Invitation of ETA staff to events (1)
Have you used the website of	5	1	-	6	

QUESTIONS	YES	NO	No answer	Σ=6	COMMENTS / REASONS / ADDITIONAL INFORMATION
the ETA?					
If not, why not					<ul style="list-style-type: none"> No need
How do you rate the website?					<ul style="list-style-type: none"> Good (4) OK (1) Excellent (-) Very poor (-) Poor (-)
Did it have the information you needed?	5	1	-	6	
If not, what information did it lack?					<ul style="list-style-type: none"> List of lawyers employed at the ETA (1)
In what other ways have you gained information about the work of the ETA?					<ul style="list-style-type: none"> Consultation procedure of the draft law on equal treatment (1) Law (4) Regulations (4) Press (3) Personal Contacts (2) Meetings and Conferences (2)
Have you co-operated with the ETA?	5	1	-	6	
Did you encounter any problems when you co-operated with the ETA?	-	6	-	6	
Has the ETA ever contacted you for advice and support?	5	1	-	6	
Has the ETA ever contacted you in the course of investigation?	3	3	-	6	
Do you perceive the ETA as a partner for (respondents could mark more points)					<ul style="list-style-type: none"> Challenging discrimination (5) Encouraging good practice (4) Source of information (3) Organising events (awareness raising events, conferences on the law, etc.) (3)
How could the ETA improve its relationship with you?					<ul style="list-style-type: none"> Organising fora to meet (1) Information about cases (2) Joint actions and projects especially concerning mediation (1) Exchange of investigation materials (1) Continuous consultation (1)
How effective has the ETA been in fighting discrimination since its establishment in 2005?					<ul style="list-style-type: none"> Good (3) OK (2) Very poor (-) Poor (-) Excellent (-)

QUESTIONS	YES	NO	No answer	$\Sigma=6$	COMMENTS / REASONS / ADDITIONAL INFORMATION
Please give reasons					<ul style="list-style-type: none"> • Decisions of the ETA contribute to a change of attitudes in Hungarian society • Recommendations would help to change legislative actions which may violate the principal of equal treatment • ETA calls peoples' attention to wrong practices of local governments • Controls local governments • Calls peoples' attention to their rights • It has to get more widely known • ETA staff shows personal commitment and is professionally working • ETA has a position on significant and conceptual questions • ETA created precedents in sanctioning

Results of Completed questionnaires from the NGOs

	Sent by e-mail	e-mail delivery failed	Sent by post	Total sent	Completed questionnaires	Return in %
NGOs	48	8	5	45	11 (incl. 3 interviews)	~ 24,4 %

Responding organisations:

- 1 representing gender
- 2 representing pensioners
- 4 representing Roma
- 1 representing national and ethnic minorities
- 1 representing physically disabled persons
- 1 representing LGBT persons
- 1 safeguarding human rights in general

QUESTIONS	YES	NO	No answer	Σ=11	COMMENTS / REASONS / ADDITIONAL INFORMATION
Mandate / Tasks (one organisation could list more tasks)					<ul style="list-style-type: none"> • Representation of interests / Safeguarding rights (6)² • Legal support (7) • Training (4) • Research (4) • Press (1) • Awareness raising
How did you hear of the Equal Treatment Authority (ETA)?					<ul style="list-style-type: none"> • Involvement in the consultation procedure of the draft law (6) • Directly contacted by ETA (3) • Personal and professional contacts (2)
Do you know what the ETA does?	10	1	-	11	
Have you ever referred a case or complaint to the ETA?	7	4	-	11	
If no, why not?					<ul style="list-style-type: none"> • No relevant requests (2) • Clients did not want to be referred (1) • Engaged with other activities (e.g. training, research) (1) • Lack of information (1)
If yes, what was the outcome of the procedure?					<ul style="list-style-type: none"> • Claim was rejected after investigation (1) • Procedure was not initiated (1) • Withdrawal of complaint (1) • Fine was imposed on the defendant (1) • No results yet (1) • No information on outcome (2)
Were you satisfied with the outcome?	1	3	7	11	
If no, why not?					<ul style="list-style-type: none"> • Rejection was not reasoned in the protocol (1) • More thorough investigation would have been welcomed (1) • Victims were intimidated and withdrew their complaint (1)

² The numbers in brackets indicate the number of organisations giving the same answer.

QUESTIONS	YES	NO	No answer	Σ=11	COMMENTS / REASONS / ADDITIONAL INFORMATION
Have you assisted victims of discrimination in ways other than referring them to the ETA?	9	1	1	11	
Have you ever contacted the ETA for other purposes than referring a complaint?	9	2	-	11	
If yes, for what purposes?					<ul style="list-style-type: none"> • Participation in or organisation of conferences (5) • Requesting information (5) • Application for a project with the support of the ETA (1)
How did you contact the ETA?					<ul style="list-style-type: none"> • Personal Contact (5) • Phone (3) • E-mail (2) • Letters (1)
Did you have any problems contacting the ETA?	-	10	1	11	
If yes, please say what they were					-
Have you used the website of the ETA?	10	1	-	11	<ul style="list-style-type: none"> • One organisation indicated that it did not use the website because of lack of infrastructure
How do you rate the website?					<ul style="list-style-type: none"> • Good (7) • OK (3) • Excellent (-) • Very poor (-) • Poor (-)
Did it have the information you needed?	9	1	1	11	
If not, what information did it lack?					<ul style="list-style-type: none"> • More specific information Other comments: <ul style="list-style-type: none"> • More information on cases (2) • Information which is easy to understand (1) • Statistics which is broken down into the discrimination grounds (1)
Did you find it easy to navigate?	10	-	1	11	
Have you co-operated with the ETA?	10	1	-	11	
Has the ETA ever contacted you?	9	1	1	11	
If yes, for what purpose?					<ul style="list-style-type: none"> • Participation in an event organised by the ETA (7) • Requesting (specific) information (3) • Requesting training (2) • Distribution of information leaflets (1) • Requesting testers (2) • Training of testers (1)

QUESTIONS	YES	NO	No answer	Σ=11	COMMENTS / REASONS / ADDITIONAL INFORMATION
Do you perceive the ETA as a partner for (respondents could mark more points)					<ul style="list-style-type: none"> • Source of information (7) • Organising events (awareness raising events, conferences on the law, etc.) (7) • Challenging discrimination (8) • Supporting victims of discrimination (7) • Encouraging good practice (1)
How could the ETA improve its relationship with you?					<ul style="list-style-type: none"> • Stronger involvement of civil society (2) • Already good relationship (2) • More joint programmes and publications (1) • Regular information on cases (1) • Organising bi-annual meetings (1)
How effective has the ETA been in fighting discrimination since its establishment in 2005?					<ul style="list-style-type: none"> • Good (7) • OK (3) • Very poor (-) • Poor (-) • Excellent (-)
Please give reasons					<ul style="list-style-type: none"> • Effectiveness is mirrored by the numbers of cases referred to it (4) • Positive appearance in the media (3) • There are a lot more cases of discrimination occurring in Hungary (2) • Cannot fight discrimination alone (1) • Findings and sanctions prevent companies and other perpetrators from committing similar violations (1) • Are open to best practices from other EU countries (1) • Give their best (2)
Any other comments:					<ul style="list-style-type: none"> • More appearance in the media and the public (3) • More deterrent sanctions (1) • More distribution of information (2) • Get closer to potential victims and victim groups and build confidence (2) • Introduce regional offices (1) • The possibility to appeal against the decisions of the ETA before the courts makes the procedures lengthier. Clients tend to turn directly to the courts; also because they can claim for compensation. But the procedure in front of the ETA is easier for the victims; they do not necessarily need a lawyer (1) • ETA should be more self-initiative (e.g. use the possibility of <i>actio popularis</i> or make recommendations to the government) (2)

Results of Completed questionnaires from the Trade Unions

	Sent by e-mail	e-mail delivery failed	Sent by post	Total sent	Completed questionnaires	Return in %
Trade Unions	18 ³	1	0	17	5	~ 29,4 %

QUESTIONS	YES	NO	No answer	Σ=5	COMMENTS / REASONS / ADDITIONAL INFORMATION
Mandate / Tasks (one organisation could list more tasks)					<ul style="list-style-type: none"> Representing employers' interests (3)⁴ Representing female employees' interests (2)
How did you hear of the Equal Treatment Authority (ETA)?					<ul style="list-style-type: none"> Invitation to a consultation (2) Involvement in the consultation procedure of the draft law (2)
Do you know what the ETA does?	5	-	-	5	-
Have you ever referred a case or complaint to the ETA?	-	5	-	5	-
If no, why not?					<ul style="list-style-type: none"> There was no need to refer a case to the ETA (1) The persons concerned did not want to make their problems public because of fear of losing the jobs and/or retaliation (1)
If yes, what was the outcome of the procedure?					-
Were you satisfied with the outcome?	-	-	5	5	-
If no, why not?	-	-	5	5	-
Have you assisted victims of discrimination in ways other than referring them to the ETA?	2	3	-	5	-
Have you ever contacted the ETA for other purposes than referring a complaint?	1	4	-	5	-
If yes, for what purposes?					<ul style="list-style-type: none"> Provision of information Participation in a conference
How did you contact the ETA?	-	-	5	5	-
Did you have any problems	-	1	4	5	-

³ Thereof 10 to employer organisations and 8 to employee organisations

⁴ The numbers in brackets indicate the number of organisations giving the same answer.

QUESTIONS	YES	NO	No answer	$\Sigma=5$	COMMENTS / REASONS / ADDITIONAL INFORMATION
contacting the ETA?					
If yes, please say what they were	-	-	5	5	-
Have you used the website of the ETA?	4	1	-	5	-
How do you rate the website?					<ul style="list-style-type: none"> • Good (1) • OK (2) • Excellent (1) • Very poor (-) • Poor (-)
Did it have the information you needed?	4	-	1	5	-
If not, what information did it lack?	-	-	5	5	-
Did you find it easy to navigate?	4	-	1	5	-
Have you co-operated with the ETA?	4	1	-	5	-
Has the ETA ever contacted you?	3	2	-	5	-
If yes, for what purpose?					<ul style="list-style-type: none"> • To organise an event together (1) • Invitation to conferences and events organised by the ETA (2)
Do you perceive the ETA as a partner for (respondents could mark more points)					<ul style="list-style-type: none"> • Source of information (2) • Organising events (awareness raising events, conferences on the law, etc.) (3) • Challenging discrimination (1) • Supporting victims of discrimination (1) • Encouraging good practice (1)
How could the ETA improve its relationship with you?					<ul style="list-style-type: none"> • More information on the ETA's tasks and activities (1) • More information on the website of the ETA (1) • Joint projects or events for employers on the prevention of discrimination (2) • Newsletter (1) • Publications of results of investigations (1)
How effective has the ETA been in fighting discrimination since its establishment in 2005?					<ul style="list-style-type: none"> • Good (2) • OK (-) • Very poor (-) • Poor (1) • Excellent (-)
Please give reasons					<ul style="list-style-type: none"> • ETA cannot combat discrimination alone; government should oblige employers to take anti-discrimination issues seriously (1) • ETA is on the right way to achieve a high level of effectiveness
Any other comments:					-

Appendix 4

Website Questionnaire

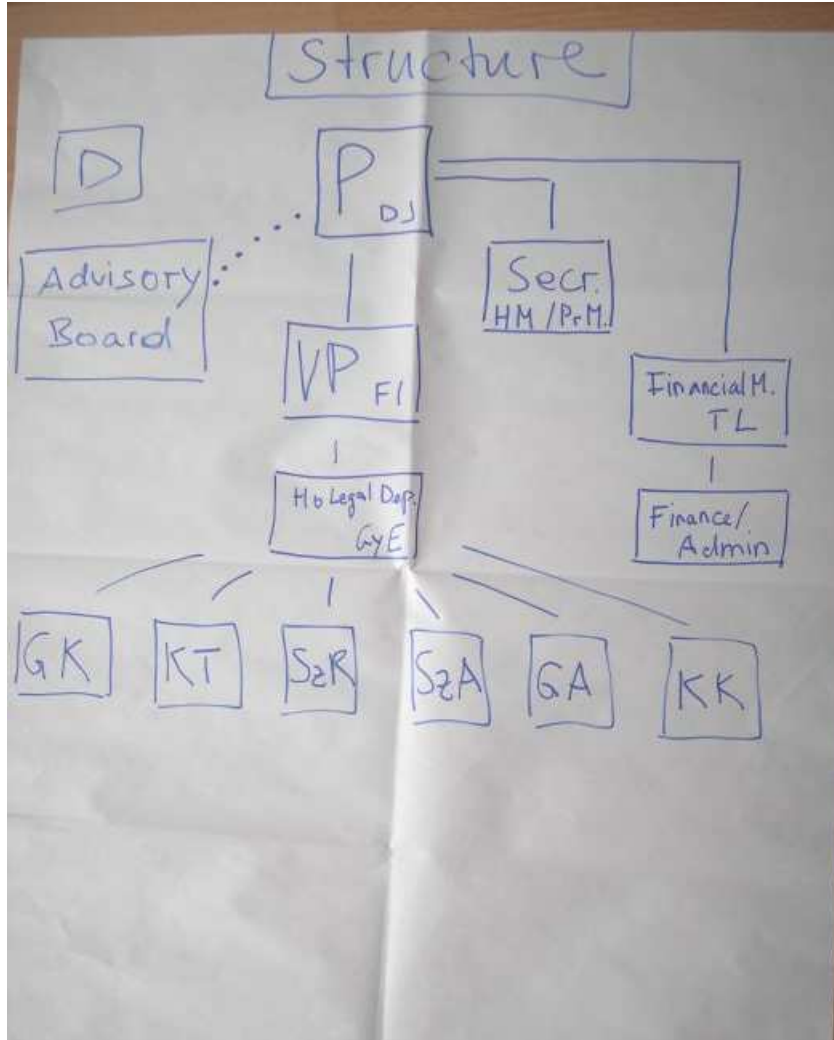
The questions are focused on the following 9 topics:

1. Date of the act of discrimination
2. Actual disadvantage suffered
3. Existence of evidence (documentary or witnesses)
4. Existence of one of 20 protected grounds (with examples)
5. Connection between the protected ground and the treatment
6. The relationship with the perpetrator
7. Whether the matter is within the scope of another institution
8. Whether the conduct is exempted by statute
9. Whether a procedure has been started already before another investigatory body.

Appendix 5

Diagrams produced for the presentation of the draft report on March 20, 2007

5.1 Structure of the ETA



5.2 Processing of cases within the ETA

