## Tribunais nacionais e outros organismos não judiciais

Tribunais nacionais e outros organismos não judiciais

Na União Europeia, a proteção dos direitos fundamentais é garantida tanto a nível nacional, pelos sistemas constitucionais dos Estados-Membros, como a nível da UE, pela Carta dos Direitos Fundamentais da União Europeia.

O Tribunal Europeu dos Direitos do Homem, com sede em Estrasburgo, que não é uma instituição da União Europeia mas um órgão do Conselho da Europa, proporciona um nível adicional de proteção em caso de alegadas violações dos direitos consagrados na Convenção Europeia dos Direitos do Homem.

A Carta dos Direitos Fundamentais da UE consagra um conjunto de direitos e liberdades individuais. Incorpora os direitos estabelecidos pela jurisprudência do Tribunal de Justiça da UE, reproduzidos na Convenção Europeia dos Direitos do Homem, bem como outros direitos e princípios resultantes das tradições constitucionais dos EstadosMembros da UE e de outros instrumentos internacionais.

Redigida por representantes governamentais e parlamentares de todos os países da UE, a Carta consagra direitos fundamentais como a liberdade de expressão e a liberdade de religião, bem como direitos económicos e sociais que refletem os valores e o património constitucional comuns da Europa. A Carta também inclui direitos mais recentes, designados de «terceira geração», como o direito à proteção de dados e o direito a uma boa administração.

Se considerar que os seus direitos fundamentais foram violados, tem a possibilidade de procurar ajuda junto de diversas instituições ou autoridades nos EstadosMembros ou, em determinadas condições, a nível da UE.

Esta secção fornece informações sobre as instituições a contactar em casos de violação de direitos fundamentais. **Para obter informações pormenorizadas sobre o direito nacional de um país, clique na respetiva bandeira.**

### A nível nacional

A Carta dos Direitos Fundamentais da União Europeia só se aplica aos EstadosMembros quando estes aplicam o direito da União Europeia. As autoridades públicas dos EstadosMembros (legislativas, executivas e judiciais) só são obrigadas a respeitar a Carta quando aplicam o direito da União Europeia, nomeadamente quando aplicam regulamentos ou decisões ou quando transpõem diretivas. Sob orientação do Tribunal de Justiça, os juízes dos EstadosMembros só têm competência para assegurar que a Carta seja respeitada pelos EstadosMembros quando aplicam o direito da União.

Se uma situação não apresentar qualquer conexão com o direito da UE, incumbe às autoridades nacionais, e nomeadamente aos tribunais, fazer respeitar os direitos fundamentais. Nos casos em que a Carta não se aplica, os direitos fundamentais continuam a ser garantidos a nível nacional em conformidade com os diversos sistemas constitucionais. Os EstadosMembros possuem uma vasta regulamentação em matéria de direitos fundamentais, cujo respeito é assegurado pelos tribunais nacionais.

Todos os EstadosMembros assumiram compromissos ao abrigo da Convenção Europeia dos Direitos do Homem, independentemente das obrigações que lhes incumbem por força do direito da União Europeia. Por conseguinte, como último recurso e uma vez esgotadas todas as vias de recurso a nível nacional, é possível intentar uma ação junto do Tribunal Europeu dos Direitos do Homem, em Estrasburgo, contra um EstadoMembro, por violação de um direito fundamental garantido pela Convenção Europeia dos Direitos do Homem.

O Tribunal Europeu dos Direitos do Homem elaborou uma lista de verificação da admissibilidade para ajudar os potenciais requerentes a determinar por si próprios se poderão existir obstáculos à apreciação das suas queixas pelo Tribunal.

### A nível da União Europeia

#### O papel da Comissão Europeia

**A Carta dos Direitos Fundamentais da União Europeia** é aplicável a todos os atos das instituições da União Europeia. O papel da Comissão consiste em certificar-se de que as suas propostas legislativas respeitam a Carta. Todas as instituições da União Europeia (e sobretudo o Parlamento Europeu e o Conselho) estão obrigadas a respeitar a Carta ao longo de todo o processo legislativo.

**A Carta só se aplica aos EstadosMembros quando estes aplicam o direito da União Europeia**. Quem considerar que uma autoridade nacional violou a Carta ao aplicar o direito da União Europeia, pode apresentar queixa à Comissão, que tem competência para dar início a um processo de infração contra o EstadoMembro em questão.

**A Comissão não é um órgão judicial nem uma instância de recurso contra as decisões de tribunais nacionais ou internacionais.** Nem aprecia, em princípio, o mérito de casos concretos, salvo se tal for relevante para o cumprimento da sua missão de assegurar a correta aplicação do direito da União Europeia pelos EstadosMembros. Em particular, se detetar um problema de alcance mais vasto, a Comissão pode solicitar às autoridades nacionais que o resolvam e, em última instância, intentar uma ação contra um EstadoMembro junto do Tribunal de Justiça. O objetivo destes procedimentos consiste em garantir a conformidade do direito (ou prática administrativa ou judicial) nacional em causa com os requisitos estabelecidos no direito europeu.

#### Tribunal de Justiça da União Europeia

O Tribunal de Justiça, com sede no Luxemburgo, é a instituição da União Europeia que tem a última palavra no que respeita aos tratados, à Carta e à legislação europeia. Cabelhe garantir a sua interpretação e aplicação uniformes em toda a União e o cumprimento, por parte das instituições da União Europeia e dos EstadosMembros, das obrigações decorrentes do direito da União Europeia.

O cidadão ou empresa que considere que um ato de uma instituição da União Europeia que lhe diz diretamente respeito viola os seus direitos fundamentais pode instaurar uma ação junto do Tribunal de Justiça, que tem o poder de anular esse ato, em certas condições. No entanto, um cidadão não pode instaurar uma ação contra outra pessoa (singular ou coletiva) ou contra um EstadoMembro junto do Tribunal de Justiça.

#### Tribunal Europeu dos Direitos do Homem

Com a entrada em vigor do Tratado de Lisboa, a União Europeia está obrigada a aderir à Convenção Europeia dos Direitos do Homem. Quando esta adesão se concretizar, as pessoas que considerem que os seus direitos humanos foram violados pela União Europeia, uma vez esgotadas todas as vias de recurso a nível nacional, poderão também dirigirse ao Tribunal Europeu dos Direitos do Homem, o que introduzirá um controlo jurisdicional adicional em termos de proteção dos direitos fundamentais na União Europeia.

Última atualização: 18/01/2019

Manutenção da página: Comissão Europeia. As informações constantes desta página não refletem necessariamente a posição oficial da Comissão Europeia. A Comissão declina toda e qualquer responsabilidade relativamente às informações ou dados contidos ou referidos no presente documento.
Quanto às regras de direitos de autor aplicáveis às páginas europeias, queira consultar a «advertência jurídica».

## National courts and other non-judicial bodies - Belgium

Courts
Ombudsmen
Specialised human rights bodies
Other

**Courts**

Disputes of all kinds concerning the exercise or enjoyment of rights, including fundamental rights, may be brought before the Belgian courts. Proceedings may be instituted by individuals or by the authorities.

Which court has jurisdiction will depend on the nature and seriousness of the offence or on the status of the parties (trader, journalist, etc.).

The Constitutional Court (*Cour constitutionnelle/Grondwettelijk Hof*) determines whether legislation complies with the following articles of the Constitution:

Title II, Articles 8 to 32 ('Belgians and their rights');

Articles 170 and 172 (legality and equity of taxes);

Article 191 (protection of foreign nationals).

Information on the way in which the courts are organised and on their jurisdiction is provided on the pages of this portal dealing with:

Judicial systems in Member States - Belgium

Ordinary courts - Belgium

Specialised courts - Belgium (Council of State and Constitutional Court)

**Related links:**

Federal Public Service for Justice (*Service public fédéral de la Justice/Federale overheidsdienst Justitie*)

Portal of the judicial branch (addresses and case-law of courts)

Belgian State portal

**Ombudsmen**

Ombudsmen are independent watchdogs set up by the parliaments of the federation and the component states of Belgium to examine complaints lodged by members of the public concerning action taken by administrative authorities or the way in which these authorities operate. Within this general framework, they may be required to examine complaints that relate directly or indirectly to human rights. Ombudsmen check that administrative authorities are acting in accordance with the rules protecting human rights and standards of good administrative behaviour.

These ombudsmen should not be confused with bodies engaged in private mediation within the framework of civil or criminal proceedings.

Ombudsmen may be contacted by anyone wishing to make a complaint against an administrative authority. They act free of charge, and they have wide-ranging investigative powers.

Ombudsmen attempt to resolve complaints in cooperation with the administrative authority concerned; they make recommendations to the authority to address any problems found. They publish regular reports on their activities.

Which ombudsman has jurisdiction depends on the administrative authority concerned.

For federal matters, the Federal Ombudsman (*Médiateur fédéral/federale Ombudsman*) should be contacted.

The following services can be contacted for matters relating to the Regions and Communities:

Walloon Region Ombudsman (*Service du médiateur de la Région wallonne*)

French Community Ombudsman (*Service du médiateur de la Communauté française*)

Flemish Ombudsman's Department (*Vlaamse Ombudsdienst*)

German-speaking Community Ombudsman (*Ombudsman für die Deutschsprachige Gemeinschaft*)

There are also specialised ombudsmen for children:

General Delegate for Children's Rights of the French Community (*Délégué général aux droits de l'enfant de la Communauté française*)

Office of the Flemish Children's Rights Commissioner (*Vlaamse Kinderrechtenkommissariat*)

**Specialised human rights bodies**

**Equality bodies**

**Centre for Equal Opportunities and against Racism**

The tasks of the Centre for Equal Opportunities and against Racism (*Centre pour l'égalité des chances et la lutte contre le racisme/Centrum voor gelijkheid van kansen en voor racismebestrijding*) include promoting equal opportunities and combating all forms of differentiation, exclusion, restriction or preference based on: nationality, so-called race, skin colour, descent, national or ethnic origin, sexual orientation, marital status, birth, wealth, age, religious or philosophical beliefs, current or future state of health, disability, political beliefs, physical or genetic characteristics, or social background.

The Centre can be contacted by:

anyone who has questions about, or wishes to obtain an opinion on, discrimination, racism, residence or the fundamental rights of foreign nationals;

anyone who has been a victim of, or who has witnessed, discrimination or racism.

The Centre's frontline service provides an initial answer and, if necessary, collects additional information for the purpose of further action.

If a more in-depth analysis or investigation is required or if third parties have to be contacted in order to process a request, the file will be forwarded to a specialist in the Centre's secondline service.

If it transpires from the analysis that the matter is outside the Centre's competence, the person concerned will be informed and, if possible, redirected to another service or another person able to deal with the request (administrative authority, private or public service specialising in frontline or secondline assistance, police or lawyer).

The Centre can be contacted direct. The Centre's website also provides the addresses of various associations or institutions that have specialist knowledge or are active at local level with which the Centre has signed a cooperation agreement and which can also be contacted for help with discrimination-related issues.

*Centre pour l'égalité des chances et la lutte contre le racisme/*
*Centrum voor gelijkheid van kansen en voor racismebestrijding*
*Rue Royale/Koningsstraat 138*
*1000 Brussels*
*Tel.: (+32) 800 12 800 – (information freephone)*
*(+32) 2 212 30 00*

**Related link:**

Centre for Equal Opportunities and against Racism

**Institute for the Equality of Women and Men**

The Institute for the Equality of Women and Men (*Institut pour l'égalité des femmes et des hommes/Instituut voor de Gelijkheid van Vrouwen en Mannen*) is an independent public body that promotes equality between women and men and combats discrimination on gender grounds.
The Institute can provide legal assistance and bring legal proceedings in cases involving discrimination between men and women or discrimination against transsexuals.
The Institute can be contacted using an online form or via the following contact details:
*Institut pour l'égalité des femmes et des hommes/*
*Instituut voor de Gelijkheid van Vrouwen en Mannen*
*Rue Ernest Blerot/Ernest Blerotstraat 1*
*1070 Brussels*
*Tel.: (+32) 800 12 800 – (information freephone)*
*(+32) 2 233 42 65*
*Fax: (+32) 2 233 40 32*
*E-mail: egalite.hommesfemmes@iefh.belgique.be*
**Related link:**
Institute for the Equality of Women and Men

**Privacy Commission**

The Privacy Commission (*Commission de la protection de la vie privée/Commisie voor de bescherming van de persoonlijke levenssfeer*) is an independent commission set up under the auspices of the House of Representatives, following approval of the Privacy Law of 8 December 1992. Thus it is not answerable to the Minister for Justice.
The Privacy Commission is an independent supervisory authority responsible for ensuring that privacy is respected when personal data are processed.
The Commission's various tasks are divided into five main areas of activity: assistance, information, complaint handling, opinions and recommendations, and, finally, enforcement.
- Assistance: this area of activity is closely linked to the information function. The Privacy Commission provides assistance to anyone: authorities, the private sector, members of the public, or data controllers (whether natural or legal persons).
The Commission's tasks in this area comprise: providing information to anyone on request, regardless of whether they are data subjects or controllers; exercising the rights of access and rectification; processing notifications; updating the public register; providing information as part of its complaint handling; providing information requested by individuals or data controllers; reporting to Parliament annually.
The Commission assists both public bodies and controllers by organising preliminary informal consultations, on request, to ensure that privacy requirements are taken into account during the development of projects. The Commission also assists data subjects to exercise their rights, in particular by informing them of their rights and the procedure to be followed. In the context of international data exchanges, the Commission provides assistance to organisations involved in cross-border activities. Just like at national level, the Commission assists any data subjects affected by cross-border data flows.
- Information: the Privacy Commission provides information to both authorities and data subjects and controllers.
This area of activity includes: reporting to Parliament annually and producing a management plan; internal rules of procedure; keeping a public register; and generally informing the public (website, conferences, customer-targeted responses, awareness-raising, etc.). It should also be noted that, within these various areas of activity, the Commission is not necessarily confined to the domestic level, but is also often active at international level, where it has a key role of providing information and raising awareness.
- Complaint handling: when a data subject submits a complaint, the Privacy Commission acts as mediator.
If controllers do not respect the rights of data subjects, the Commission acts, at the data subject's request, to enforce those rights (rights of opposition, rectification, indirect access, etc.). The Commission uses all available means for this purpose (report to the public prosecutor, action before the civil courts, etc.). In the case of cross-border data protection offences, the Commission cooperates with international investigations requiring the involvement of all competent data protection authorities in order to find practical solutions.
- Opinions: the Privacy Commission issues opinions on regulations and standards.
The Commission's activities in this area mainly involve authorities and other responsible bodies: it issues opinions and recommendations on draft laws containing privacy aspects. Through its involvement in national and international working groups (e.g. the Article 29 Working Party, the Berlin Group, the Conference of Data Protection and Privacy Commissioners, other supervisory authorities for privacy protection, etc.), and through its contacts with similar organisations abroad, it participates in decision-making in the area of privacy protection.
- Enforcement: the Privacy Commission ensures that data protection legislation is observed.
The Commission is responsible for authorising organisations from any given sector, as controllers, to receive, process and communicate personal data. The Commission also supervises and inspects these controllers, issues recommendations, and assesses the security measures that they have adopted.
Any requests for information or assistance and any complaints can be made directly to the Privacy Commission by post, telephone or email, using the following contact details:
*Commission de la protection de la vie privée/*
*Commissie voor de bescherming van de persoonlijke levenssfeer*
*Rue de la Presse/Drukpersstraat 35*
*1000 Brussels*
*Tel.: (+32) 2 274 48 00*
*Fax: (+32) 2 274 48 35*
*commission@privacycommission.be*
The Privacy Commission's offices are open to members of the public during office hours, but by appointment only. For frontline assistance, please telephone +32 2 274 48 79 or complete the Online contact form.
**Related link:**
Privacy Commission

**Other equality bodies**

**Prison monitoring committees**

Prison monitoring committees (*commissions de surveillance des établissements pénitentiaires/commissies van toezicht op het gevangeniswezen*) ensure external oversight of the treatment of prisoners. They pass on prisoners' complaints to the prison authorities or the Minister for Justice with a view to finding solutions.

Each prison has a monitoring committee. Each committee comprises members of the public, representing civil society, plus at least one doctor and one lawyer, and is chaired by a judge. The Central Monitoring Council (*Conseil central de surveillance pénitentiaire/Centrale toezichtsraad voor de gevangeniswezen*) coordinates the work of the local committees and provides the Minister for Justice with opinions on the treatment of prisoners, either at his or her request or on its own initiative.

**Related links:**

Federal Public Service for Justice portal

Contact details for prisons

**Complaints Commission (with responsibility for foreign nationals held in detention centres, accommodation facilities or holding centres).**

The Complaints Commission (*Commission des plaintes/Klachtencommissie*) deals with individual complaints lodged by foreign nationals held in detention centres, accommodation facilities or holding centres in relation to their holding conditions and, in particular, circumstances arising inside these centres and accommodation facilities that involve the rights and obligations laid down in the Royal Decrees of 2 August 2002 (detention centres), 8 June 2009 (holding centres) and 14 May 2009 (accommodation facilities).

The individuals held in these facilities may be illegal immigrants, rejected asylum seekers or foreign nationals who do not meet entry or residence requirements.

Complainants wishing to contest a decision may bring a challenge before the Council of State.

The Commission can be contacted at the following address:

*Secrétariat permanent de la Commission des plaintes/Permanent secretariaat van de Klachtencommissie*
*Service Public Fédéral Intérieur/Federale Overheidsdienst Binnenlandse Zaken*
*Rue de Louvain/Leuvenseweg 1*
*1000 Brussels*

**Related link:**

Federal Public Service for the Interior

**Standing Police Monitoring Committee**

The Standing Police Monitoring Committee (*Comité permanent de contrôle des services de police/Vast Comité van Toezicht op de politiediensten – 'Comité P'*) is an external oversight body for the police which reports to Parliament. The Committee's oversight focuses on protection of the rights conferred on individuals by the Constitution and the law and on the coordination and effectiveness of police forces.

**Any member of the public** affected by police action may lodge a complaint, report a matter or submit any other information to the Committee.

**Any member of the police forces** may also lodge a complaint or report a matter to the Committee without first asking their superiors' permission and without being penalised for doing so.

Complaints can be lodged using an electronic form.

The Committee can be contacted via the following contact details:

*Comité permanent de contrôle des services de police/Vast Comité van Toezicht op de politiediensten*
*Rue de la Presse/Drukpersstraat 35/1*
*1000 Brussels*
*Tel.: (+32) 2 286 28 11*
*Fax: +32 2 286 28 99*
*E-mail: info@comitep.be*

**Related link:**

Standing Police Monitoring Committee

**Other**

**Frontline citizens advice services**

Frontline citizens advice (*accueil social de première ligne/sociale eerstelijnswerking*) involves providing information to members of the public with questions about or problems with the justice system in very specific areas.

Civil law: separation, divorce, general information on parental authority, children's principal, secondary or alternate place of residence, contact rights.

Criminal law: mediation in criminal cases, alternatives to pre-trial detention, probation, community service, parole, provisional release from detention in a mental institution for the protection of the public, rehabilitation, pardon, electronic surveillance, prison leave, suspended sentence, limited detention, interim release with a view to expulsion or extradition, interim release on medical grounds, substitution of a custodial sentence by community service.

Information for victims of crime: rights of civil parties/injured parties.

General information on proceedings in the civil and criminal courts.

The address book of the Federal Public Service for Justice includes a list of community justice centres (*maisons de justice/justitiehuizen*) and their contact details.

**Related link:**

Publication of the Federal Public Service for Justice on access to justice in Belgium

**Frontline and secondline legal assistance and legal aid**

Frontline legal assistance (*aide juridique de première ligne/eerstelijnsbijstand*) involves practical or legal information or an initial legal opinion being given in the course of a brief consultation. Frontline legal assistance is provided by members of the legal profession, usually lawyers.

Secondline legal assistance involves a lawyer being appointed, subject to certain conditions, who will work for nothing or for a reduced fee. Procedural costs (bailiffs, experts, copies, etc.) are not waived, either in whole or in part, but may be covered under legal aid arrangements.

Members of the public benefiting from legal aid are exempt, in whole or in part, from paying judicial or extra-judicial procedural costs if they do not have sufficient income to do so.

For further information, see the page of the e-Justice Portal on procedural costs in Belgium.

**Related link:**

Publication of the Federal Public Service for Justice on access to justice in Belgium

Association of French-speaking and German-speaking Bars of Belgium (OBFG)

Association of Flemish Bars (OVB)

**Committee for financial assistance for victims of intentional acts of violence and persons who assist them**

The law makes provision for state financial assistance for victims of intentional acts of violence and persons who assist them, and, in some cases, for their relatives.

The Committee can be contacted direct, but applications can also be submitted via a lawyer or a victim hotline run by a social welfare service; a list of these is available on the website of the Federal Public Service for Justice (see Index, Justice from A to Z, financial assistance for victims).
The Committee can be contacted at the following address:
*Service public fédéral de la Justice/Federale overheidsdienst Justitie*
*Commission pour l'aide financière aux victimes d'actes intentionnels de violence et aux sauveteurs occasionnels/Commissie voor Financiële Hulp aan Slachtoffers van Opzettelijke Gewelddaden en aan de Occasionele Redders*
*Boulevard de Waterloo/Waterlose Steenweg 115*
*Tel.: (+32) 2 542 72 07*
*(+32) 2 542 72 08*
*commission.victimes@just.fgov.be*
For further information, see the page of the e-Justice Portal on victims' rights.
**Related link:**
Federal Public Service for Justice
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## National courts and other non-judicial bodies - Bulgaria

National courts
National institutions for fundamental rights
Ombudsman
Specialised human rights bodies
Other

### National courts

Any Bulgarian judge can hear cases as the judge of first instance for EU fundamental rights law, since the Charter of Fundamental Rights is part of primary European legislation (it applies to the same extent as the Lisbon Treaty). Therefore, Bulgarian citizens can petition the Provincial Court ('Окръжен съд') and invoke the Charter if they consider that they have been denied their fundamental rights. Bulgarian courts have the same powers with regard to fundamental rights, which are enshrined in the Bulgarian Constitution, and in relation to all international treaties to which Bulgaria is a party.
Complaints against individual administrative decisions can be submitted to the administrative courts and the Supreme Administrative Court ('Върховен административен съд').
Every court in Bulgaria has its own website showing how it is organised and what it does. The website of the Supreme Judicial Council (Висшия съдебен съвет) provides a detailed list of Bulgaria's courts, with their addresses and websites (in Bulgarian only).

### National institutions for fundamental rights

Please refer to the 'Ombudsman' section below.

### Ombudsman

**Ombudsman of the Republic of Bulgaria (Омбудсман на Република България)**
**address:**
*Ul. George Washington No 22*
*Sofia 1202, Bulgaria*
*Tel. +359 2 810 69 55*
*Email: priemna@ombudsman.bg*
*Website: http://www.ombudsman.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**
The Ombudsman employs the means provided for by law to investigate where through action or omission citizens' rights and freedoms are affected or violated by state and municipal authorities and their administrations, and by persons entrusted with the provision of public services. The Ombudsman's mandate is broad, covering all political, economic, civil, social, cultural and other rights of citizens. It is the body that safeguards the rights of all citizens, including children, the disabled, minorities, foreign nationals, etc.

**Short description of applications/complaints/claims processed by the institution;**
Complaints can be submitted to the Ombudsman by post, in person, by e-mail or even orally, and are officially registered by an official. They are handled by the reception department ('priemna') and the registry ('delovodstvo'). The reception department, which has been in place since 5 January 2006, is open every day. There department experts deal with members of the public in person or by phone. The Ombudsman also sees members of the public personally, by prior appointment, every Thursday between 9.00 and 12.30.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**
Any member of the public, irrespective of citizenship, gender, political persuasion or religion, may submit complaints or tip-offs the Ombudsman. Anonymous complaints or tip-offs relating to events dating back more than two years are not examined. The Ombudsman may launch own-initiative investigations if deemed to be in the public interest.
Complaints are recorded in a register, after which the head of the Ombudsman's office forwards them to the appropriate department according to the nature of the complaint. The head of the department assigns the case to a case-handler, who has one month to investigate. For cases that require more thorough investigation, this time-limit is extended to three months. The case-handler may ask the complainant for additional information or require a competent administrative authority to take certain steps or provide certain information. National and municipal authorities and their administrations, legal entities and members of the public must voluntarily provide information entrusted to them and cooperate with the Ombudsman in connection with the complaints sent to the body. If the complaint concerns a matter that may be referred to a higher administrative body or other specialised institution (committee or agency), the Ombudsman may advise the complainant to contact the institution concerned, unless the matter is one that also requires examination by the Ombudsman. Where a case does not fall within the Ombudsman's remit, instead of examining it the Ombudsman will notify the complainant accordingly and advise him or her to contact the proper authority. If the complainant agrees, the Ombudsman may forward the complaint to that authority.
The Ombudsman can, at any time, offer to mediate with the aim of reaching an amicable solution, by sending a mediation offer to the complainant and the body or person against whom the complaint has been made. If both accept, the Ombudsman will assist in every way possible to settle the dispute, for example by establishing contact or assisting in negotiations between the parties.

**Short description of the possible results of the procedure/proceedings.**

Depending on the findings reached in the course of the investigation, in addition to the complainant's reply, recommendations may be given to the competent authority on measures it can take to eliminate the reasons or practices that led to the person's rights being infringed. The Ombudsman frequently issues opinions on particular issues, which are then published on the website and forwarded to the competent authority and the media. If the problem is found to lie with the existing legal framework, the Ombudsman may issue recommendations to the National Assembly and the Council of Ministers to make the appropriate legislative amendments. If laws are found to be in breach of the Constitution and violate civil rights and liberties, the Ombudsman is empowered to refer the matter to the Constitutional Court to establish whether this is indeed the case. Moreover, if contradictions in case law are found, the Ombudsman is empowered to bring the matter before the Supreme Court of Cassation or the Supreme Administrative Court for an interpretative ruling.

**Specialised human rights bodies**

**The National Equality Authority (Орган по въпросите на равенството)**

**1. Anti-Discrimination Commission (Комисия за защита от дискриминация)**

**address:**

*Bul. Dragan Tsankov No 35*
*Sofia 1125, Bulgaria*
*Tel.: + 359 2 807 30 30*
*Fax: + 359 2 807 30 58*
*E-mail: kzd@kzd.bg*
*Website: http://www.kzd-nondiscrimination.com/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Anti-Discrimination Commission (Комисия за защита от дискриминация)

**Short description of applications/complaints/claims processed by the institution;**

Cases can be brought before the Anti-Discrimination Commission:
on the basis of a written complaint from the affected person or persons;
at the Anti-Discrimination Commission's own initiative;
on the basis of information received from natural or legal persons, or state or public bodies.
The complaint or tip-off must be filed with the Anti-Discrimination Commission within three years of the offence being committed. If three years have elapsed, the complaint will not be examined or, if an investigation is already ongoing, the case will be closed. If the matter has already been taken to court, the Commission will not initiate proceedings. If the complaint or tip-off is withdrawn or if the complainant does not correct a mistake within the time-limit set by the Commission, the case will be closed.
The complaint must include:
the name of the complainant;
the complainant's contact address or registered address;
a description of the circumstances on which the complaint is based: in the case of actions committed in a personal capacity, what acts or omissions were committed and when, where and by whom, or in the case of employees of the defendant, what acts or omissions arising from their statutory or contractual obligations and related to their activities make the defendant liable for the discrimination committed);
specific details of the remedy sought. This must be within the powers of the Anti-Discrimination Commission, which are laid down in the Act on Protection against Discrimination. Complainants must provide evidence, for example written documents or other specific evidence they feel should be examined by the Anti-Discrimination Commission (indicating, for example, persons they would like to see questioned as witnesses and the location of written evidence in the possession of third parties not participating in the proceedings).
the date and the signature of the complainant or his/her representative.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The chairperson of the Discrimination Commission allocates the file to a panel specialised in the type of discrimination at hand. The panel appoints a chairperson and a reporter from amongst its members. The reporter collects the written evidence needed to document the facts. The investigation must be completed within 30 days. For complex cases, the Discrimination Commission's chairperson may extend this deadline by another 30 days. When the investigation is completed, the reporter presents their findings to the panel's chairperson. The chairperson sets a date for a public hearing and invites the parties to attend.
The Anti-Discrimination Commission is empowered to:
request documents and other information related to the investigation;
request clarification from those under investigation;
question witnesses.
All individuals and state and local authorities are required to cooperate with the Anti-Discrimination Commission by supplying information and documentation and providing clarification in writing when asked to do so. Refusal will result in a fine.

**Short description of the possible results of the procedure/proceedings.**

At the first meeting, the chairperson of the panel invites the parties to resolve their dispute amicably. If they do, the resulting agreement is approved by a decision and the case is closed. If the parties come to a partial resolution, the proceedings will continue for the part for which no agreement has been reached. The agreement is enforceable and compliance with it is overseen by the Commission.
If no agreement can be reached, the Anti-Discrimination Commission judges the case on its merits within 14 days following the public hearing.
In its ruling, the Anti-Discrimination Commission may:
establish whether or not a violation has been committed;
establish who committed the offence and who is the victim;
impose a penalty and/or binding administrative measures, if it finds that an offence has been committed;
The Anti-Discrimination Commission can take the following binding administrative measures:
it can give employers and public officials binding instructions to correct infringements of anti-discrimination legislation;
it can suspend unlawful decisions or rules issued by employers that result or could result in discrimination.
The Anti-Discrimination Commission enforces compliance with its decisions, in accordance with the law.
The decisions of the Anti-Discrimination Commission are subject to appeal before the Sofia City Administrative Court within 14 days.

**2. National Council for Gender Equality (Националния съвет по равнопоставеността на жените и мъжете към Министерския съвет)**

**address:**

*Council of Ministers*
*bul. Dondukov No 1*
*Sofia 1594, Bulgaria*
*Website: https://saveti.government.bg/web/cc_19/1*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

National Council for Gender Equality within the Council of Ministers (Националния съвет по равнопоставеността на жените и мъжете към Министерския съвет)

**Short description of applications/complaints/claims processed by the institution;**

The National Council for Gender Equality ensures that government bodies and non-governmental organisations work together in developing and carrying out the national gender equality policy by facilitating consultations, cooperation and coordination.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The National Council for Gender Equality:
advises the Council of Ministers;
examines draft legislative and other acts relating to gender equality and issues opinions on them;
examines draft decisions drawn up by the Council of Ministers and issues an opinion on whether or not they are consistent with gender equality policy;
coordinates the actions of state bodies and non-governmental organisations in the implementation of national gender equality policy and of international obligations by Bulgaria in this area;
proposes national gender policy measures, either independently or jointly with the Discrimination Commission;
maintains contacts with its counterparts abroad and international organisations entrusted with similar tasks and operating in similar fields;
helps social partners and non-governmental organisations implement national and regional projects in the field of gender equality and the reconciliation of family/parental responsibilities with professional activities, and monitors the results;
organises research on issues affecting its activities.

**Short description of the possible results of the procedure/proceedings.**

Development and implementation of national policy on gender equality.

**Data Protection Body**

**1. Commission for Personal Data Protection (Комисията за защита на личните данни)**

**address:**

*Bul. Prof. Tsvetan Lazarov No 2*
*Sofia 1592, Bulgaria*
*Tel. + 359 2 91 53 518*
*Fax: + 359 2 91 53 525*
*Email: kzld@cpdp.bg*
*Website: http://www.cpdp.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Commission for Personal Data Protection (Комисията за защита на личните данни)

**Short description of applications/complaints/claims processed by the institution;**

The Commission for Personal Data Protection assists the government in implementing its personal data protection policy.
It has the power to investigate complaints seeking the protection of violated rights under the Personal Data Protection Act.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

Anyone has the right to report violations of their rights under the Personal Data Protection Act to the Commission for Personal Data Protection, within one year after they are discovered and no later than five years after they occur. Once a complaint is submitted to the Commission, it is allocated to the Legal Procedures and Supervision Directorate, which gives its opinion to the Commission on the classification and admissibility of the complaint. The Commission then meets behind closed doors to decide whether the complaint is admissible and what procedure should be followed. It may launch an enquiry, collect evidence or seek the opinions of third parties. If the complaint is found to be admissible, the parties involved are duly informed and a date is set for a public hearing. The parties are invited to attend together with any other stakeholders. The Commission gives a decision within 30 days of the complaint being received. A copy of the decision is sent to the parties concerned and any other stakeholders. The Commission may issue binding instructions to the offending party, impose a deadline by which the cause of the violation must be removed or impose an administrative penalty. The decision is subject to appeal before the Supreme Administrative Court within 14 days following receipt.

**Short description of the possible results of the procedure/proceedings.**

Members of the public, legal entities or government bodies can ask the Commission to give its opinion about draft legislation relating to the Personal Data Protection Act.
The Commission can issue binding instructions to personal data administrators
and impose temporary bans on the processing of personal data where personal data protection standards have been breached.

**Other specialised authorities**

**1. National Council for Ethnic Minorities and Integration ('Националния съвет по етническите и интеграционните въпроси към Министерски съвет')**

**address:**

*Council of Ministers*
*bul. Dondukov No 1*
*Sofia 1594, Bulgaria*
*Tel. +359 2 940 36 22*
*Fax: +359 2 940 21 18*
*E-mail: Rositsa.Ivanova@government.bg - secretary of the NSSIEV*
*Website: http://www.nccedi.government.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

National Council for Ethnic Minorities and Integration of the Ministerial Council ('Националния съвет по етническите и интеграционните въпроси към Министерски съвет')

**Short description of applications/complaints/claims processed by the institution;**

All ethnicity-related issues are dealt with by this body and its secretariat.

Although the secretariat has no specific department for dealing with complaints or requests, its experts handle them when the need arises.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The National Council for Ethnic Minorities and Integration is a consultative and coordinating body assisting the Council of Ministers with the development and implementation of policy on ethnic minorities and their integration.

It facilitates cooperation between state bodies and non-governmental organisations defending the interests of ethnic minorities and promoting inter-ethnic relations.

Furthermore, it coordinates and oversees the implementation of the National Action Plan for the Decade of Roma Inclusion 2005-2015 and of the commitments undertaken by all state bodies in accordance with their operational jurisdiction with regard to the Decade of Roma Inclusion.

Every province has its own council for ethnic minorities and integration that works with the provincial governor. They are consultative and coordinating bodies that support the implementation of policy on ethnic and integration issues at district level.

Municipal councils may set up their own local councils for ethnic minorities and integration.

**Short description of the possible results of the procedure/proceedings.**

In addition to its extensive administrative duties, the Secretariat of the National Council for Ethnic Minorities and Integration is responsible for maintaining operational links and providing methodological assistance to the provincial and local councils for cooperation on ethnic and integration issues.

**2. Agency for the People with Disabilities (Агенция за хора с увреждания)**

**address:**

*Ul. Sofroni Vrachanski No 104-106*
*Sofia 1233, Bulgaria*
*Tel. +359 2 940 80 95; 832 90 73*
*Fax: +359 2 832 41 62*
*E-mail: ahu@mlsp.government.bg*
*Website: https://ahu.mlsp.government.bg*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Agency for the People with Disabilities (Агенция за хора с увреждания)

**Short description of applications/complaints/claims processed by the institution;**

The Agency mainly handles applications for inclusion on the register of suppliers of medical aids and devices and the register of specialised companies run by and for the disabled addressing the rights of people with disabilities. It also manages projects for various programmes financed by the Agency.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

Applications are registered in the ‘Dokman’ automated information system, after which the executive director forwards them to the head of the Agency’s office and to its directors, who allocate them to the appropriate case-handlers.

**Short description of the possible results of the procedure/proceedings.**

The application is processed or a reply is sent.

**3. State Agency for Child Protection (Държавната агенция за закрила на детето)**

**address:**

*Ul. Triaditsa No 2*
*Sofia 1051, Bulgaria*
*Tel. +359 2 933 90 10, +359 2 933 90 16*
*Fax: +359 2 980 24 15*
*E-mail: sacp@sacp.government.bg*
*Website: http://sacp.government.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

State Agency for Child Protection (Държавната агенция за закрила на детето)

**Short description of applications/complaints/claims processed by the institution;**

Children’s rights as laid down in the UN Convention on the Rights of the Child are guaranteed in Bulgaria under the Child Protection Act, adopted in 2000, and by the State Agency for Child Protection, created in 2001. Thus, Bulgaria is committed to providing suitable assistance to parents and guardians and creating an infrastructure of child-care institutions and services.

**Child protection in Bulgaria is the responsibility of:**

the Chairperson of the State Agency for Child Protection (Държавната агенция за закрила на детето), which assists him in exercising his powers;
Social Services branch offices;
the Ministers for: Labour and Social Policy; the Interior; Education, Youth and Science; Justice; Foreign Affairs; Culture; Health; and the local mayors.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The Child Protection Act affords special protection to children at risk and governs the right of all children to be protected against violence, which includes being coerced to engage in activities harmful to their physical, mental, moral or educational development; being exposed to child-rearing methods harmful to their sense of dignity, or to physical, mental or other forms of violence and influence contrary to their interests; being used for begging, prostitution, the spreading of pornography, collecting unlawful income or being exposed to sexual abuse. .

The following child-protection measures are in place in Bulgaria:

within the family environment: advice, assistance, legal aid, psychological counselling and social services. These measures are undertaken by the Social Services Agency at the request of the child’s parents, guardians, care-givers or the child itself, or at the Social Services Agency’s own initiative. Services are supplied by the Social Services Agency or other providers;

outside the family environment: placement of the child in a family of relatives or close friends or in a foster family, and social services provided at the child’s residence or at a specialised institution. Measures of this kind are ordered by the court. The Social Services Agency arranges for temporary lodging until the court has handed down its order;

only when all attempts to place the child in a family environment have failed is it placed in a specialised institution.

**Short description of the possible results of the procedure/proceedings.**

The State Agency for Child Protection enforces children’s rights by:

carrying out inspections to ensure that children’s rights are protected in all public and private schools, nursery schools and childcare centres or their service departments, medical facilities, Social Services branch offices, providers of social services for children and non-profit organisations active in the field of child protection;

supervising centres offering specialised care for children;
enforcing minimum standards in social services. For all of the above, the Agency issues binding instructions for remedying violations. Failure to comply with a binding instruction is punishable by a fine or financial penalty, the imposition of which is preceded by a long process. If an investigation reveals that a child's rights have been violated, the Agency first issues a binding instruction (an individual administrative act), which can be appealed before the court within a legal deadline of 14 days. If this does not occur, the binding instruction takes effect. Once the instruction has expired, the offending party must inform the Agency that it has complied.

**4. State Agency for Refugees (Държавна агенция за бежанците при Министерския съвет)**

**address:**

*Bul. Knyaginya Maria Luiza No 114 B*
*Serdika*
*1233 Sofia; Bulgaria*
*Tel.: +359 2 80 80 901 - chairperson*
*Fax: +359 2 295 59 905*
*E-mail:* *sar@saref.government.bg*
*Website:* *http://www.aref.government.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

State Agency for Refugees (Държавна агенция за бежанците)

**Short description of applications/complaints/claims processed by the institution;**

Applications for asylum and family reunification are examined in accordance with the Asylum and Refugee Act (Article 34 governs family reunification). All decisions about asylum and family reunification are subject to appeal under this Act. All other applications are governed by the Agency's internal rules of procedure for granting protection.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The main law governing the rights of asylum seekers, refugees and persons seeking humanitarian status (subsidiary protection) in Bulgaria is the Asylum and Refugee Act . This Act, together with the Code of Administrative Procedure and the Foreign Nationals in Bulgaria Act, forms the legal framework for the Bulgarian asylum system.
Under the Asylum and Refugee Act, there are four types of special protection:
asylum: this is granted by the President of Bulgaria to foreign nationals who have been persecuted because of their beliefs or actions in support of internationally recognised rights and freedoms;
refugee status;
humanitarian status (which is equivalent to the subsidiary protection described in Article 15 of the Qualification Directive – 2004/83/EC);
temporary protection: granted under certain conditions in times of a massive refugee influx;
The State Agency for Refugees is responsible for examining applications for refugee or humanitarian status. Its chairperson is the only official who can grant refugee or humanitarian status in Bulgaria.
Currently, all applications for refugee status are processed at the refugee centres of Sofia and the village of Banya, near Nova Zagora.
Asylum seekers must appear in person at the Agency. Applications made at the border or with any other authority must be promptly forwarded to the Agency. Asylum seekers are registered on the day their application is lodged with the Agency.
The Agency must give asylum seekers information about the procedure, their rights and obligations, and the organisations providing legal and social assistance. This information must be presented in a language they can understand and will be read to them by an interpreter just before their application is registered. They will be given a copy in that language. They must complete a form, in which they note only their biological traits. The application is then handled in accordance with the Dublin procedure. The asylum seeker's fingerprints are taken for entry into the Eurodac system, and a number of standard questions are asked about their journey.
If Bulgaria is responsible for processing the application, it is handled under a fast-track procedure, under which the department that screened the applicant (chairperson's delegate) is responsible for taking the decision. That department may refuse asylum if the case does not meet the criteria set out in the Asylum and Refugee Act, close the case, or forward the file for further processing under the standard procedure.
If no decision is taken within three days, the application will automatically be dealt with under the standard procedure. The decision of the screening department must be approved by the competent officials. Where necessary, the file may be returned for further investigation. Once the decision has been approved, it is officially drawn up in writing, approved by the methodology department, signed by a certain number of officials and submitted to the Agency's chairperson for signing.
Short description of the possible results of the procedure/proceedings.
Granting of refugee status, humanitarian status or rejection of the asylum application.

**5. Permanent Commission for Human Rights and Police Ethics (Постоянна комисия по правата на човека и полицейската етика)**

**address:**

*Ministry of the Interior*
*Ul 6 Septemvri No 29*
*Sofia 1000, Bulgaria*
*Tel.: + 359 2 982 50 00 – (switchboard)*
*Website:* *http://www.mvr.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Permanent Commission for Human Rights and Police Ethics (Постоянна комисия по правата на човека и полицейската етика)

**Short description of applications/complaints/claims processed by the institution;**

This Commission serves as a bridge between the Ministry of the Interior and civil society organisations, and as such plays an important role. It has branches within the Ministry's provincial offices.
The Commission examines all materials relating to the protection of human rights that are received by the Ministry's departments.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The work of the Commission involves cooperating actively with civil society organisations, encouraging positive police practices and harmonising with obligations resulting from Bulgaria's membership of the EU. It operates in accordance with a work plan that is updated annually. Its annual work plan includes the following activities:
studying the implementation of relevant legislation and proposing improvements;

encouraging ethical conduct and respect for human rights in everyday police work;
offering human rights training to police officials.

**Short description of the possible results of the procedure/proceedings.**

the rights of suspects in police custody are observed;
the code of ethics is complied with;
checks are carried out to ensure that the law and the Ministry's rules and regulations are observed, including those concerning police ethics and human rights.

**6. Human Rights, Religion, Citizens' Complaints and Petitions Committee of the National Assembly (Комисия по правата на човека, вероизповеданията, жалбите и петициите на гражданите към Народното събрание)**

**address:**

*Pl. Narodno Sabranie No 2 (Hemicycle)*
*Pl. Knyaz Aleksandar I No 1 (Commissions and cabinets of Members of Parliament)*
*Sofia 1169, Bulgaria*
*Switchboard: +359 2 939 39*
*Fax: +359 2 981 31 31*
Email: infocenter@parliament.bg
Email: humanrights@parliament.bg
Website: https://www.parliament.bg

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Human Rights, Religion, Citizens' Complaints and Petitions Committee of the National Assembly (Комисия по правата на човека, вероизповеданията, жалбите и петициите на гражданите към Народното събрание)

**Short description of applications/complaints/claims processed by the institution;**

The activities of the Committee cover **legislation** relating to human rights and religion, and **other matters**, which include issues submitted by citizens, non-governmental organisations, associations and foundations in the form of complaints, requests, tip-offs, petitions, suggestions, etc.
The subject matter is very diverse and covers all aspects of society not dealt with by the courts. Most complaints concern social problems, followed by the judicial system, consumer rights, actions and omissions on the part of authorities within the Ministry of the Interior, general and detailed town planning decisions, illegal construction, and the reinstatement of ownership of agricultural and forest stock land. Cooperation is sought in relation to education and healthcare issues, actions and omissions by local authorities and local government, religious issues, complaints relating to the actions of state authorities, and discrimination, ethnic minority issues, etc.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The Committee is the Bulgarian Parliament's direct link to the country's citizens. Its role is strictly defined. Its rules of procedure lay down in detail how the large number of complaints, applications, petitions and suggestions sent to the Committee by post or e-mail and/or received by the registry of the National Assembly are to be registered, transmitted and archived and how each step in this process is to be recorded. Each document is given a reference number, recorded in a special register and assigned to a case-handler, who examines it and sends a reply or, where appropriate, forwards the file to the proper authority in due time. The Committee is particularly attentive to local and national authorities failing to meet their statutory response deadlines laid down in the Code of Administrative Procedure. The Committee's case handlers also give advice by telephone about procedural rights, and explain in what cases they can provide help.
Anonymous petitions are not examined.

**Short description of the possible results of the procedure/proceedings.**

Citizens are given advice about and help in defending the civil rights guaranteed by the Bulgarian constitution.

**7. Directorate-General for criminal sentence enforcement of the Ministry of Justice (Главна дирекция 'Изпълнение на наказанията')**

**address:**

*Bul. General N. Stoletov No 21*
*Sofia 1309, Bulgaria*
*Tel.: + 359 2 813 91 90*
*Fax: +359 2 931 15 74*
*Email: mailto:gdin_ias@abv.bg; gdin@gdin.bg*
*Website: http://www.gdin.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Directorate-General for criminal sentence enforcement of the Ministry of Justice (Главна дирекция 'Изпълнение на наказанията')

**Short description of applications/complaints/claims processed by the institution;**

Complaints from those in custody mainly concern disciplinary measures, transfer to other facilities, conditions of custody, living conditions, medical care and conduct of the facility's staff.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

Disciplinary measures imposed under Article 101 of the Enforcement of Criminal Sentences and Custody Act are subject to appeal within seven days following notification before the Director-General of criminal sentence enforcement if issued by the director of the prison or other custodial facility, or before the Minister for Justice if issued by the Director-General. Solitary confinement can be appealed before the District Court for the facility within three days from notification.
Solitary confinement longer than two months without the right to participate in group activities (Article 120 of the Act) must be imposed by the Director-General of criminal sentence enforcement and can be appealed before the relevant Provincial Court within 3 days following notification.
Transfers are ordered by the Director-General for criminal sentence enforcement and are subject to appeal before the Minister for Justice within 14 days following their notification.
Decisions to impose stricter conditions of confinement are issued by the Commission for Criminal Sentence Enforcement (Article 74(1) of the Act) and can be appealed before the Provincial Court for the facility within 14 days following notification.
On the basis of Article 1(1) of the Act on the Liability of the State and the Municipalities for Damages incurred to citizens, complaints about living conditions, medical care and the conduct of a facility's staff are heard by the administrative courts in accordance with the Code of Administrative Procedure. Decisions

can be appealed once. Claims under Article 71(1) of the Act on Protection against Discrimination are heard by the district courts or the Anti-Discrimination Commission. This procedure is governed by the Code of Civil Procedure, and decisions can be appealed twice. The Commission's decisions are subject to appeal before the Supreme Administrative Court in accordance with the Code of Administrative Procedure.

**Short description of the possible results of the procedure/proceedings.**

Once they have taken effect, administrative decisions and court rulings are binding and are implemented by the Directorate-General and its regional departments.

**8. National Commission for Combating Trafficking in Human Beings (Национална комисия за борба с трафика на хора към Министерския съвет)**

**address:**

*Blvd G. M. Dimitrov No 52, 1797 Sofia, Bulgaria*
*Tel. + 359 2 807 80 50*
*Fax: + 359 2 807 80 59*
*Email: office@antitraffic.government.bg*
*Website: http://antitraffic.government.bg/*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

National Commission for Combating Trafficking in Human Beings of the Ministerial Council (Национална комисия за борба с трафика на хора към Министерския съвет)

**Short description of applications/complaints/claims processed by the institution;**

Tip-offs about human trafficking can be given to the Commission's secretariat by the victims themselves or by someone acting on their behalf.
The Commission also handles complaints from members of the public about its administrative functioning. The time-limits for handling such complaints are laid down by law.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The Commission forwards tip-offs to the relevant government service for follow-up, investigation and/or clarification. Under Article 20 of the Human Trafficking Act , victims are guaranteed anonymity and their personal data are protected. If the victim is a minor, the Commission must at once alert the State Agency for Child Protection, which takes action as required under the Child Protection Act.
Under Article 4(4) of the Human Trafficking Act, representatives of non-profit legal entities and international organisations with offices in Bulgaria active in the field of human trafficking can attend meetings of the Commission. To do so, under Article 12 of the Commission's Internal Regulations, they must submit a written request and provide certain supporting documents.

**Short description of the possible results of the procedure/proceedings.**

If the documents submitted are incomplete or contain errors, the Commission may ask the applicant to complete or correct them within a certain deadline. Within 30 days following receipt of the application and its supporting documents, the chairperson of Commission or an authorised official gives a decision, which is subject to appeal before the Supreme Administrative Court.

**9. Central Juvenile Delinquency Commission (Централната комисия за борба срещу противообществените прояви на малолетните и непълнолетните към Министерския съвет)**

**address:**

*Bul. Knyaz Dondukov No 9, 4th floor*
*Sofia 1000, Bulgaria*
*Tel.: + 359 2 981 11 33*
*Fax: +359 2 987 40 01*
*Website: http://www.ckbppmn.government.bg/obshti/funktzii.html*

**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**

Central Commission for Combating Juvenile Delinquency (Централната комисия за борба срещу противообществените прояви на малолетните и непълнолетните към Министерския съвет)

**Short description of applications/complaints/claims processed by the institution;**

The work of the Commission comprises:
coordinating the work of government bodies and non-profit legal entities in preventing and combating juvenile delinquency;
managing and overseeing the work of local juvenile delinquency commissions throughout the country;
analysing and collating statistical data, studying trends and producing forecasts;
participating in drafting legislation concerning the problems faced by minors;
raising public awareness of problematic adolescent behaviour;
informing the public about situations likely to provoke delinquent behaviour, the educational measures that can be taken, the state of juvenile delinquency in the country and the direction in which it is evolving.

**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**

The local juvenile delinquency commissions are responsible for organising, managing and supervising efforts at the municipal level to prevent and reduce juvenile anti-social behaviour.
They also have powers to examine cases of juvenile delinquency. The Criminal Code has a chapter entitled 'Special provisions for minors', which corresponds to Article 40 of the UN Convention on the Rights of the Child and to Rule 11 of the Beijing Rules. According to this chapter, precedence is given to educational measures, which are laid down in Article 13 of the Juvenile Delinquency Act . Such measures are taken outside of the criminal justice system and serve a purely educational and social function. They include counselling to address behavioural problems, encouragement of closer parental involvement, and support by professional educators.

**Short description of the possible results of the procedure/proceedings.**

Appropriate measures are taken after the causes of problem behaviour have been analysed. Where neglect is involved, measures may also be taken in respect of the parents.

**10. National Legal Aid Bureau (Национално бюро за правна помощ)**

**address:**

*Ul. Razvigor No 1*
*Sofia 1421, Bulgaria*
*Tel.: +359 2 81 93 200*
*Fax: + 359 2 865 48 12*

*Email:* *nbpp@nbpp.government.bg*
*Website:* *https://mjs.bg*
**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**
National Legal Aid Bureau (Национално бюро за правна помощ)
**Short description of applications/complaints/claims processed by the institution;**
Requests for legal assistance must be submitted to the Bureau's Chairperson.
**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**
To be eligible for legal assistance, applicants must:
be in receipt of or eligible for monthly social benefits;
be placed in a specialised social institution, or
be foster families or relatives or close friends who have been put in charge of a child in accordance with the Child Protection Act.
The applicant must submit one of the following:
an original statement from the director of the local Social Services Agency branch (also known as the social services directorate) certifying that the applicant was, at the time of the application, receiving monthly social benefits in accordance with Article 9 of the Implementing Provisions for the Social Assistance Act; or
an original statement from the director of the local Social Services Agency branch certifying that the applicant qualifies for monthly social benefits.
and
The applicant must also submit a statement detailing his/her family's financial resources.
**Short description of the possible results of the procedure/proceedings.**
The Bureau's chairperson decides whether legal assistance is granted or refused.
Their decision is subject to appeal before the Sofia City Administrative Court in accordance with the Code of Administrative Procedure.
**11. National Council for Assistance and Compensation to Victims of Crime (Национален съвет за подпомагане и компенсация на пострадали от престъпления)**
**address:**
*Ministry of Justice*
*ul. Slavyanska No 1*
*Sofia 1040, Bulgaria*
*Tel.: + 359 2 9 237 359*
*Fax: +359 2 980 62 93*
*Email:* *compensation@justice.government.bg*
*Website:* *https://www.compensation.bg*
**Name of unit/institutional body accepting applications/complaints/claims arising from violations of rights (if applicable);**
National Council for Assistance and Compensation to Victims of Crime (Национален съвет за подпомагане и компенсация на пострадали от престъпления)
**Short description of applications/complaints/claims processed by the institution;**
The Council handles applications for the financial compensation provided for by the Crime Victim Support and Compensation Act . To qualify for compensation, the victim must have sustained a financial loss as a result of acts of terrorism; murder; intentional grievous bodily harm; rape or sexual assault seriously damaging the victim's health; human trafficking; criminal offences committed on behalf of an organised crime ring; and other serious premeditated criminal offences resulting in death or grievous bodily harm (Article 3(3) of the Act). The offence must have been committed after 30 June 2005. The law provides for compensation for the following losses resulting directly from a criminal offence:
1. medical costs other than those reimbursed by the National Health Insurance Fund;
2. lost earnings;
3. legal costs;
4. lost means of subsistence;
5. funeral costs;
6. other material damages.
Supporting documents must be provided.
**Short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed;**
Victims of the criminal offences referred to in Article 3(3) of the Victim Support and Compensation Act can submit claims for financial compensation to the governor of their province or to the Council within two months after a legal act of a judicial authority specifically referred to in Article 12 of the Act takes effect. The Council must examine the claim within three months following receipt.
**Short description of the possible results of the procedure/proceedings.**
The Council meets at least once every three months to decide on compensation claims. Its decisions are taken by a simple majority of those present, must give the grounds for acceptance or refusal and are not subject to appeal.
**Other**
NGO database - http://www.ngobg.info/bg/search/advanced.html
Last update: 20/07/2022
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## National courts and other non-judicial bodies - Czechia

**National Courts**
In discrimination cases, the district court of the defendant (i.e. the person accused of discrimination) generally has jurisdiction at first instance. Once all ordinary appeals have been exhausted, the Constitutional Court may be approached with an individual constitutional complaint.
**Constitutional Court (*Ústavní soud*)**
Joštova 8, 660 83 Brno 2

Tel. (+420) 542162111
Fax: (+420) 542161309, (+420) 542161169
Email: podani@usoud.cz
The Constitutional Court is the judicial body for the protection of constitutionality. Its status and competences are enshrined in the Constitution of the Czech Republic. The Constitutional Court does not form part of the general court system. Its main task is to protect constitutionality and the fundamental rights and freedoms laid down in the Constitution, the Charter of Fundamental Rights and Freedoms and other constitutional laws of the Czech Republic, and to guarantee that State power is exercised in a constitutional manner.
Under Article 87 of the Constitution, the Constitutional Court rules, among other things, on constitutional complaints brought by legal or natural persons against final and enforceable decisions and other interventions by public authorities against the fundamental rights and freedoms guaranteed to them by the Constitution. The decisions of the Constitutional Court are final and are not subject to appeal.
There is a guide to the constitutional complaint procedure on the Court's website, which contains basic information about the procedure (see http://www.usoud.cz/pruvodce-rizenim-o-ustavni-stiznosti).

**National human rights institutions**

The principal national human rights body concerned with violations of fundamental human rights is the Public Defender of Rights (*Veřejný ochránce práv*) (see below).
At government level, human rights fall within the remit of the Minister for Human Rights, Equal Opportunities and Legislation (*Ministr pro lidská práva, rovné příležitosti a legislativu*); other bodies dealing with human rights include the Government Council for Human Rights, the Government Council for Gender Equality, the Government Council for National Minorities and the Government Board for People with Disabilities as advisory bodies to the Government.

**Public Defender of Rights (*Veřejný ochránce práv*)**

Public Defender of Rights
Údolní 39
Brno, 602 00
Telephone: +420 542 542 111
Fax: +420 542 542 112
Email: podatelna@ochrance.cz
The Public Defender of Rights is an autonomous, independent and impartial State body external to the public administration. It is therefore not a public authority. It protects people against the conduct of public authorities and other institutions performing State administration, where such conduct is:
unlawful;
lawful, but otherwise flawed or improper, and therefore inconsistent with the principles of the democratic rule of law and good administration;
where these bodies are inactive.
**The Defender is authorised to deal with complaints** concerning the activities of:
ministries and other administrative authorities whose remit covers the whole of the Czech Republic, and their subordinate administrative authorities;
local and regional authorities (i.e. municipalities and regions), but only when performing acts of State administration, and not when exercising their own powers (self-government);
the Czech National Bank, in its capacity as an administrative authority;
the Council for Radio and Television Broadcasting;
the Police of the Czech Republic, except for investigations involving criminal proceedings;
the Army of the Czech Republic and the Castle Guard;
the Prison Service of the Czech Republic;
facilities used for holding persons in custody and serving custodial sentences, court-ordered or institutional care and court-ordered medical treatment;
health insurance companies;
bodies of the court and the public prosecutor's office exercising State administration (especially where this concerns delays in proceedings, the courts' inactivity and the inappropriate conduct of judges), rather than complaints concerning the actual decision of a court or prosecutor.
Since 2006, the Public Defender of Rights has also supervised the protection of detainees' rights.
The Public Defender of Rights is not entitled to intervene in private-law relations or disputes (including disputes between employees and employers, even where the employer is a State authority). The only exception concerns complaints about discriminatory behaviour – in these cases, the Defender may also intervene in the area of private law.
The Defender may conduct independent investigations, but may not act in place of State administration authorities and may not repeal or amend their decisions. However, if it finds an irregularity it may ask the authorities or institutions to provide a remedy.
If a State administration authority or a facility holding detainees does not fulfil its obligation to cooperate with the Defender or fails to take adequate remedial measures after an irregularity has been found, the Defender may inform the public about the matter in full.
Public disclosure is a sanction available to the Defender by law. In such cases, the Defender may also communicate to the public the full names of specific people who acted on behalf of the authority that committed the error.
A complaint brought before the Public Defender of Rights must be filed by the person seeking the protection of their rights or by their legal representative. If the complaint is brought on behalf of another person, it must be accompanied by a written power of attorney or by another document stating the nature of the authorisation.
**A complaint must always contain**:
the full name, address and telephone number of the complainant; in the case of a legal entity, the name, registered office and person authorised to act on its behalf;
description of the relevant circumstances of the issue, including an indication as to whether the matter has also been referred to another body and the result of that referral;
indication of the authority or authorities against which the complaint is directed;
proof that the complainant has unsuccessfully asked the authority to which the complaint pertains to provide a remedy;
if a decision has been issued regarding the matter, the complainant must submit a copy thereof
and copies of documents relating to the matter and containing important information.
The length of investigations and the processing of complaints varies and will always depend on the circumstances and complexity of the case. The law does not establish any deadlines for the Defender; the Defender attempts to deal with all complaints, within his or her remit, within the shortest possible time.
No legal remedies (appeals) are allowed against the manner in which the Defender has handled and decided on a complaint.

**A complaint may be filed:**
**In writing –** preferably on a printed complaint form sent by post to: Veřejný ochránce práv, Údolní 39, 602 00 Brno. It is also possible to send a letter.
**By email –** (also without electronic signature) sent to podatelna@ochrance.cz describing the substance of the matter or, better still, by filling in the complaint form and sending it by email.
**By data box** – the ID of the Office of the Public Defender of Rights is jz5adky. The data message may contain a completed complaint form or a letter containing important information about the issue.
**Through the interactive** online form of an electronic filing service providing assurance that the complaint contains all the required particulars.
**By personal delivery** to the filing office of the Office of the Public Defender of Rights (Údolní 39, Brno), on weekdays from 8.00 a.m. to 4.00 p.m. It is thereby possible to deliver a complaint with attachments not only in writing (on paper), but also on a data carrier.
**By making a complaint in person on record** – on weekdays from 8.00 a.m. to 4.00 p.m. it is possible to go in person to the Receipt of Complaints office in the building of the Office of the Public Defender of Rights, where the complaint will be discussed with and written down by a lawyer from the Office.
**Specialised human rights bodies**
**Public Defender of Rights and complaints filed by children**
There is no Children's Ombudsman in the Czech Republic; however, the Public Defender of Rights currently deals with complaints filed by children concerning the protection of their rights and interests.
Public Defender of Rights
Údolní 39
Brno, 602 00
Telephone: +420 542 542 888
Fax: +420 542 542 112
Email: deti@ochrance.cz
Children may approach the Public Defender of Rights in different ways, namely **by ordinary letter** mailed or delivered in person to the Public Defender of Rights (*Veřejná ochránkyně práv*), Údolní 39, 602 00 Brno, or **using the interactive form** filled in according to the instructions, **by email** sent to deti@ochrance.cz, or **in person** at the address of the Public Defender of Rights, where a lawyer from the Ombudsman's Office will discuss the problem with the child and write it down.
The complaint should state clearly, in particular:
who or what the child is complaining about (including the name at least of the authority or other institution or person the child has dealt with);
full name, date of birth and address of the child;
description of the problem;
contact details, i.e. phone number, email and postal address.
The Defender **may** help the child, for example:
in the case of malpractice by a social worker;
if court proceedings are taking a long time;
if a judge behaves inappropriately;
if the child is being bullied at school;
if the child was not admitted to a school;
in the case of an uncommonly strict regime, bullying, etc. in a children's home;
if the child's parents have not received their social benefits;
if the pension of the child's grandparents has been calculated incorrectly by the authorities;
if the building authority fails to deal with the poor (structural and technical) condition of a building, or a neighbour is building without a permit;
if the authorities are failing to deal with a landfill on a prohibited site;
if a complaint about a product that did not work has not been dealt with.
**Conversely, the Public Defender of Rights may not**, for example:
amend the decision of a court;
interfere with an investigation of the Police of the Czech Republic (the public prosecutor who oversees police work has certain powers in this regard);
intervene in people's personal disputes (e.g. disputes between neighbours about land, disputes between parents or other family members etc.) – these matters must be referred to a court;
**Institutions providing assistance to victims of discrimination**
**Public Defender of Rights**
Údolní 39
Brno, 602 00
Telephone: +420 542 542 111
Fax: +420 542 542 112
Email: podatelna@ochrance.cz
Under the Public Defender of Rights Act (*zákon o veřejném ochránci práv*), the Defender provides victims of discrimination with **methodological assistance**:
the Defender assesses whether the conduct in question may actually constitute discrimination pursuant to the Anti-Discrimination Act (*antidiskriminační zákon*);
advises victims of discrimination on how to proceed, who to approach and how to file a motion to initiate discrimination proceedings.
When submitting a motion to the Defender to investigate discrimination, the applicant must identify as accurately as possible the alleged discriminatory behaviour and accompany the motion with any evidence that may prove the discrimination.
**The Office for Personal Data Protection (*Úřad pro ochranu osobních údajů*)**
The Office for Personal Data Protection
Pplk. Sochora 27
170 00 Prague 7
Telephone: +420 234 665 111
Fax: +420 234 665 444
Email: posta@uoou.cz
**The Office for Personal Data Protection** is an independent body which:

oversees compliance with statutory obligations in the processing of personal data;
maintains a registry of authorised instances when personal data was processed;
receives citizens' complaints about violations of the law;
provides consultation on the protection of personal data.
The activities of the Office are defined by Act No 101/2000 on the protection of personal data and amending certain acts, and by certain other acts.
The purpose of the Personal Data Protection Act is the right of individuals, as guaranteed by the Charter of Fundamental Rights and Freedoms, to protection against **unauthorised intrusion into their private and personal life** and **the unauthorised collection, publication or other abuse of personal data**.
Anyone who discovers or who has reasonable suspicion that his or her personal data are being processed in violation of the right to the protection of his or her private and personal life and in violation of the Personal Data Protection Act (e.g. if the data being processed are inaccurate or go beyond the purpose for which they were requested) has the right to make a complaint to the Office.
A complaint drawing attention to a suspected violation of the Personal Data Protection Act should include:
identification of the entity suspected of violating the Personal Data Protection Act;
description of the activity involving the processing of personal data which violated the Personal Data Protection Act;
indication of the personal data (or at least of the categories thereof) processed in violation of the Personal Data Protection Act;
documents or other materials (or copies thereof) documenting the relationship between the notifier (the complainant) and the entity that has incorrectly processed his or her personal data;
documents or other materials (or copies thereof) which may establish a violation of the Personal Data Protection Act;
provision of any references to available resources that may testify to the facts described;
contact details of the notifier (complainant).
A complaint may also be filed anonymously to the Office or sent electronically.
The person filing the complaint is not a party to any ensuing administrative proceedings, but may be called as a witness.

**Other specialised authorities**

The principal body to which natural persons may turn in the event of a violation of fundamental human rights is the Public Defender of Rights. Other entities in this area include, for example:

**Refugee Facilities Administration of the Ministry of the Interior (*Správa uprchlických zařízení Ministerstva vnitra*)**

http://www.suz.cz/
Lhotecká 7
143 01 Prague 12
Telephone: +420 974 827 118
Fax: +420 974 827 280
Email: podatelna@suz.cz

The Refugee Facility Administration is a State department reporting to the Deputy Minister of the Interior for Public Order and Security (*náměstek ministra vnitra pro veřejný pořádek a bezpečnost*). It cooperates with governmental and international institutions, local government bodies and non-governmental organisations. It is also in charge of running facilities for the detention of foreign nationals, and since 2009 it has been operating a network of centres supporting the integration of foreign nationals in regional capitals.
The Czech Republic uses the Refugee Facility Administration to provide accommodation and other services to asylum seekers, refugees and detained foreigners under Act No 326/1999 on the residence of foreign nationals in the Czech Republic and Act No 325/1999 on asylum. Its objective is to offer those people appropriate and dignified conditions.

**Czech National Disability Council (*Národní rada osob se zdravotním postižením ČR, z.s.*)**

Partyzánská 7
170 00 Prague 7 - Holešovice
Telephone: 266 753 421
Email: nrzpcr@nrzp.cz

The Czech National Disability Council has been registered since 11 December 2014 as a national association representing the interests of disabled people in their dealings with State and public institutions. The Council's role is to contribute to the integration of disabled people into society and to consistently defend their human rights. It is the main advisory body to the Government Board for People with Disabilities.
Its priorities also include:
coordinating organisations for disabled persons in matters of common interest;
informing the public about disability-related issues;
monitoring cases of discrimination against disabled people;
implementing projects to improve the lives of disabled people;
planning in relation to equal opportunities for disabled people at regional level;
operating a national network of professional social advice centres;
issuing publications, magazines and information materials.

**Other**

There are a number of non-profit organisations in the Czech Republic dealing with human rights issues and assisting people when those rights are violated.

**The Centre for the Integration of Foreigners (*Centrum pro integraci cizinců, o.p.s.*)**

https://www.cicops.cz/en/
Pernerova 32/10, 186 00, Prague 8
Email: info@cicpraha.org

The Centre for the Integration of Foreigners is a civic association established in 2003 to help foreign nationals integrate into Czech society.
It focuses on providing peripatetic and outreach social services and educational programmes to foreigners with long-term or permanent residence in the Czech Republic. The Centre has branches in all Czech regions, but its focus is on Prague and Central Bohemia. The organisation is a registered social services provider under the Social Services Act (*zákon o sociálních službách)* and is accredited under the Voluntary Service Act (*zákon o dobrovolnické službě*).

**The organisation's main activities include:**

providing social advisory services to immigrants: permanent and long-term resident foreign nationals and beneficiaries of international/subsidiary protection;
providing employment advice and developing programmes and activities for immigrants to help them enter the labour market;

organising low-threshold (open) Czech language courses and other specialised Czech language courses for foreigners, which includes developing new and progressive teaching methods;
organising other educational activities (training of Czech language and foreign language teachers, teaching of foreign languages, further training for teachers, tutoring, computer courses, etc.);
volunteer programme – mentoring in the form of individual cooperation between clients and volunteers, and organising leisure and social activities, meetings, discussions, thematic evenings, etc.).
information activities - seminars, information materials.
All programmes are aimed at enabling immigrants in the Czech Republic to lead an independent and dignified life in this country while ensuring that they respect and are aware of local laws and purely interpersonal standards of conduct and behaviour. They promote understanding of, helpfulness towards and respect for each migrant as an individual on the part of the host society.

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## National courts and other non-judicial bodies - Germany

### National Courts

All public authorities are obliged to respect fundamental rights. Any person who feels that their fundamental rights have been violated can seek legal redress. If they consider that a particular legal provision affecting them breaches the German Basic Law (*Grundgesetz*), they can bring the matter to a specialised court. The specialised court, if it upholds their view, will refer the legislative provision in question to the Federal Constitutional Court (*Bundesverfassungsgericht*) for a decision by means of specific judicial review. If the specialised court does not follow the decision, after judicial remedy has been exhausted a constitutional complaint can be brought before the Federal Constitutional Court.
In cases where a contested law or legal provision implements EU law, an individual can take the matter to the specialised court invoking infringement of the Charter of Fundamental Rights. The specialised court is required to refer any question arising in this connection to the Court of Justice of the European Union (Article 267 TFEU). Failure to do so can be challenged before the Federal Constitutional Court by means of a constitutional complaint (*Verfassungsbeschwerde*) on the grounds of infringement of the right to due process laid down in the second sentence of Article 101(1) of the Basic Law. The Federal Constitutional Court uses the Charter of Fundamental Rights as a direct standard of review when examining constitutional complaints concerning matters determined by EU law.
Decisions of the Federal Constitutional Court are not subject to appeal and are binding on all other State organs.

#### German Federal Constitutional Court (*Bundesverfassungsgericht*)

The Federal Constitutional Court is considered to be the guardian of the Basic Law. Its tasks include providing binding interpretations of the Basic Law and ensuring that fundamental rights are upheld. It is a federal court of justice which is autonomous and independent of all other constitutional organs, and is an independent constitutional body.
According to (inter alia) Article 93(1)(4)(a) of the Basic Law, the Federal Constitutional Court rules on constitutional complaints which may be filed by any natural or legal person who alleges infringement, by a German public authority, of one of their fundamental rights (see Articles 1 to 19 of the Basic Law) or rights equivalent to fundamental rights (Article 20(4), Article 33, Article 38, Article 101, Article 104 of the Basic Law).
A constitutional complaint is not an extension of proceedings taken through the specialised lower courts, but an extraordinary remedy in which only the violation of specifically constitutional law is examined. Details are set out in Article 93(1)4a and 4b of the Basic Law and Article 90 *et seq.* of the Act on the Federal Constitutional Court (*Bundesverfassungsgerichtsgesetz*).
Information on the constitutional complaint, in particular the information it should contain, is summarised in an information sheet of the Federal Constitutional Court.
The contact details of the Federal Constitutional Court are as follows:
PO Box 1771
76006 Karlsruhe
Tel.: (+49)(0)721 9101 - 0
Fax: (+49)(0)721 9101 - 382
Website: https://www.bundesverfassungsgericht.de/DE/Homepage/homepage_node.html

### National Human Rights Institutions

#### German Institute for Human Rights (*Deutsche Institut für Menschenrechte*)

The German Institute for Human Rights is Germany's independent National Human Rights Institution (Article 1 DIMR Act). It strives to ensure that Germany respects and promotes human rights domestically and in its international relations. The Institute also supports and monitors the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and has established monitoring mechanisms for these purposes.
The Institute is committed solely to human rights and is politically independent. The 2015 Act on the legal status and mandate of the German Institute for Human Rights (*Gesetz über die Rechtsstellung und Aufgaben des Deutschen Instituts für Menschenrechte*) governs the Institute's legal status, tasks and funding. The Institute is structured as a non-profit association and obtains its funding from the German lower house (Bundestag), along with external source funding for individual projects.
The Institute's tasks do not include dealing with requests from individuals affected by human rights violations. However, it does its best to provide information on appropriate advisory services.
The contact details of the German Institute for Human Rights are as follows:
Zimmerstraße 26/27
10969 Berlin
Tel.: (+49)(0)30 259 359 - 0
Fax (+49)(0)30 259 359 - 59
Email: info@institut-fuer-menschenrechte.de
Website: https://www.institut-fuer-menschenrechte.de/

### Specialised Human Rights Bodies

#### Federal Anti-Discrimination Agency (*Antidiskriminierungsstelle des Bundes*)

The Federal Anti-Discrimination Agency, which has its office at the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, is an independent focal point for people affected by discrimination. Its tasks are laid down in the General Equal Treatment Act (*Allgemeines Gleichbehandlungsgesetz* – AGG). The Anti-Discrimination Agency is a focal point for all people who feel discriminated against on grounds of racial or ethnic origin, gender, religion or belief, disability, age or sexual identity.
The legal tasks of the Anti-Discrimination Agency are:
providing information, advice and, on request, assistance in reaching an amicable settlement between parties, with referrals to local anti-discrimination counselling centres where necessary;
public relations;
measures for the prevention of discrimination;
implementing scientific studies;
submitting reports to the German Bundestag at regular intervals, accompanied by recommendations to abolish and avoid discrimination.
People who feel discriminated against or have questions about the AGG can contact the Anti-Discrimination Agency by telephone, e-mail or post, or via the electronic contact form. Guidance for businesses is available at http://www.antidiskriminierungsstelle.de/, answering basic questions about the implementation of the AGG in companies.
The contact details of the Anti-Discrimination Agency are as follows:
Glinkastraße 24
10117 Berlin
Tel.: (+49)(0)30 18 555 - 1855
Counselling email address: beratung@ads.bund.de
Email for general enquiries: poststelle@ads.bund.de
Website: http://www.antidiskriminierungsstelle.de/

**The Federal Commissioner for Data Protection and Freedom of Information (*Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit – BfDI*)**

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) is an autonomous and independent supervisory authority for data protection at federal level. The tasks of the BfDI are set out in Article 57 of the General Data Protection Regulation (GDPR) and Article 14 of the Federal Data Protection Act (*Bundesdatenschutzgesetz* – BDSG). Its main tasks are:
monitoring and enforcing the GDPR, the BDSG and other provisions relating to data protection;
raising awareness and educating the public concerning the risks, rules, guarantees and rights in connection with the processing of personal data;
providing advice to the German Bundestag and to the upper house (Bundesrat), the Federal Government and other institutions and committees on legislative and administrative data protection measures;
raising awareness and providing advice to data controllers in their area of responsibility concerning their obligations arising from the GDPR, the BDSG and other provisions on data protection;
handling complaints from data subjects or complaints from data protection associations;
cooperating with other supervisory authorities in Germany and Europe, exchanging information and providing mutual assistance;
conducting investigations and controls;
contributing to the work of the European Data Protection Board.
The BfDI can also issue opinions to the German Bundestag or any of its committees, the Bundesrat, the Federal Government, other bodies and agencies, and the public. At the request of the German Bundestag, one of its committees or the Federal Government, the BfDI also examines any information about data protection-related processes within the public authorities of the Federal Government.
According to Article 77 of the GDPR or – within the scope of the Law Enforcement Directive – Article 60 of the BDSG, any person has the right to lodge a complaint with the BfDI if they believe that a body subject to the BfDI's supervision has violated their rights.
The contact details of the Federal Commissioner for Data Protection and Freedom of Information are as follows:
Graurheindorferstraße 153
53117 Bonn
Tel.: (+49)(0)228 997799 - 0
Fax: (+49)(0)228 997799 - 5550
Email: poststelle@bfdi.bund.de
Website: http://www.bfdi.bund.de
Online forms can also be used to contact the BfDI, lodge complaints and report data breaches.
In addition, the contact details of the *Länder*s data protection officers for the public and non-public sphere, broadcasters, churches, and data protection officers in Europe and elsewhere are available on the BFDI website.

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## National courts and other non-judicial bodies - Estonia

### National courts

**County courts, administrative courts, district courts and the Supreme Court**

Court contact details and further information can be found on the Courts' website.
County Courts hear all civil, criminal and misdemeanour cases as a court of first instance. An appeal against a county-court ruling may be lodged with a district court. There are four county courts in Estonia: Harju County Court, Viru County Court, Tartu County Court and Pärnu County Court.
Administrative courts hear administrative cases as a court of first instance. The jurisdiction of the administrative courts, the procedure for bringing an action before an administrative court and the rules for administrative proceedings are laid down in the Code of Administrative Court Procedure. There are two district courts in Estonia: Tallinn Administrative Court and Tartu Administrative Court.
District courts, as a court of second instance, review county-court and district-court rulings on the basis of challenges or appeals lodged against them. Case reviews at district courts are carried out in a collegial manner, i.e. appeals are dealt with by a court division composed of three judges. There are two district courts in Estonia: Tallinn District Court and Tartu District Court.

Estonia's highest court is the Supreme Court. Under the Estonian Constitution, the Supreme Court is a Court of Cassation and a Constitutional Court. The jurisdiction of the Supreme Court is set out in the Courts Act. The Supreme Court is responsible for:
carrying out constitutional review;
reviewing court rulings in cassation;
examining applications for review;
discharging other functions arising from law.
An appeal in cassation may be lodged before the Supreme Court by any party who is dissatisfied with the ruling of a lower court. The Supreme Court admits appeals in cassation where the grounds set out in the appeal suggest that a lower court has misapplied a substantive rule or has seriously infringed a procedural rule, leading potentially to an incorrect ruling.
If an individual considers that a person in public law (such as the State or local government) has violated their rights or restricted their freedoms through an administrative act or process, they may bring the matter before an administrative court. Disputes regarding the ownership reform or land reforms, public services, tax administration, citizenship and migration issues, as well as public procurement, state property, building and planning and State responsibility are heard by the district courts.
Cases involving infringements of rights under civil law, such as contractual disputes, family cases, disputes concerning law of succession and property law, issues concerning the activities and management of businesses and non-profit organisations, as well as intellectual property disputes and bankruptcy cases and questions relating to employment law may be brought before a county court.

### National human rights institutions

Since 1 January 2019, the Chancellor of Justice has being charged with the task of protecting and promoting human rights, in accordance with UN General Assembly Resolution 48/134 of 20 December 1993 entitled 'National institutions for the promotion and protection of human rights' National human rights bodies may apply for formal international accreditation. The Chancellor of Justice has formally requested to begin the accreditation process, but as at 30 September 2020 the process has not been completed.

### Ombudsman

**The role of Ombudsman is performed by the Chancellor of Justice.**

Office of the Chancellor of Justice: *Kohtu 8, 15193 Tallinn, Estonia*
The Chancellor of Justice performs the functions of Ombudsman, guardian of the constitutionality and legality of legislative acts, and Ombudsman for Children.
In his capacity as Ombudsman, the Chancellor of Justice monitors the activities of authorities performing public duties and checks that state authorities observe peoples' fundamental rights and freedoms and good administrative practice. The Chancellor of Justice checks:
the activities of state bodies and authorities;
the activities of local government bodies and authorities;
the activities of the bodies or authorities of legal persons in public law or private entities performing public functions.
Everyone has the right to submit an application to the Chancellor of Justice to check the activities of authorities performing public duties.
If the Chancellor of Justice finds that the activities of an authority performing public functions are unlawful, he sends an opinion to the authority stating how it has infringed the law and, where necessary, recommends it to follow lawful and good administrative practice or makes a proposal to remedy the infringement. In both cases, before issuing an opinion he assesses whether the authority has complied with the law and whether communication with the individual has been in line with good administrative practice. In his opinion the Chancellor of Justice may criticise, voice an opinion or give targeted recommendations for remedying the infringement.

### Chancellor of Justice

Office of the Chancellor of Justice: *Kohtu 8, 15193 Tallinn, Estonia*
Everyone has the right to submit an application to the Chancellor of Justice to check that an Act or other piece of legislation complies with the Constitution and other laws. The Chancellor of Justice checks that legislation issued by the legislative and executive powers and local governments is in compliance with the Constitution and other laws.
The Chancellor of Justice checks:
that Acts comply with the Constitution;
that Government of the Republic regulations comply with the Constitution and other legislation;
that ministerial regulations comply with the Constitution and other legislation;
that regulations of local government councils and of municipal and city governments comply with the Constitution and other legislation;
the legality of legislative acts issued by legal persons in public law.
If the Chancellor of Justice finds that a legislative act is unconstitutional or does not comply with other laws:
they submit a **proposal** to the issuer of the act to bring the act into line with the Constitution or the relevant law within 20 days.
If the proposal is ignored, the Chancellor of Justice submits a request to the Supreme Court to declare the legislative act invalid.
they can submit a **report** to the Supreme Court drawing its attention to the problems in the legislation.

### Specialised human rights bodies

**Ombudsman for Children (function performed by the Chancellor of Justice)**

The Chancellor of Justice performs the duties of protecting and promoting the rights of children pursuant to Article 4 of the Convention on the Rights of the Child.
Office of the Chancellor of Justice: *Kohtu 8, 15193 Tallinn, Estonia*
The duties of the advisers in the Children's and Young People's Rights Department consist mainly in:
dealing with applications concerning children's rights in cases involving constitutional review and the Ombudsman;
preparing and carrying out inspection visits to childcare facilities;
preparing applications and opinions in constitutional review cases;
teaching about children's human rights and raising awareness of the UN Convention on the Rights of the Child, raising awareness of and giving training in children's rights;
carrying out surveys and studies on issues relating to the promotion and protection of children's rights;
organising cooperation between children's and young people's organisations, citizen's associations, NGOs, professional organisations and scientific and state authorities.
In addition to the above, the Chancellor of Justice:
resolves discrimination disputes between private parties on the basis of the Constitution and other laws;

is the national preventive body as set out in Article 3 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
monitors the respect of fundamental rights and freedoms by the authorities of the executing State in organising the collection, processing, use and supervision of personal data and related information in a covert manner;
performs the tasks of promoting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with Article 33 (2) thereof.

**Equality body**

Gender Equality and Equal Treatment Commissioner, *Roosikrantsi 8b, 10119 Tallinn, Estonia*

The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert acting under the Gender Equality Act and the Equal Treatment Act. The Commissioner's role is to monitor compliance with the requirements of both these Acts. The Commissioner advises and assists people in discrimination-related disputes and issues expert opinions on instances of discrimination.
The Gender Equality and Equal Treatment Commissioner:
receives applications from individuals and issues opinions on cases of discrimination;
analyses the impact of legislation on the situation of women and men and people in minority groups in society;
makes proposals to the Government of the Republic and government bodies and to local governments and local government bodies for legislation to be amended;
provides advice and information to the Government of the Republic, government bodies and local government bodies on questions concerning the implementation of the Gender Equality Act and the Equal Treatment Act;
adopts measures to promote the gender equality and equal treatment of women and men.
The Commissioner provides opinions to victims of discrimination and persons with a legitimate interest in monitoring compliance with the requirements concerning equal treatment. The purpose of these opinions is to provide an assessment which, in conjunction with the Gender Equality Act, the Equal Treatment Act and international agreements binding on the Republic of Estonia and other legislation, enables an evaluation to be made of whether the principle of equal treatment has been violated in the legal relationship in question.
In order to receive an opinion, an application must be submitted to the Commissioner containing a description of the facts suggesting that discrimination has taken place. In order to deliver an opinion, the Commissioner has the right to obtain information from all persons who may possess the necessary information to ascertain the facts relating to a case of discrimination, and to demand written explanations concerning the facts relating to alleged discrimination and the submission of documents or copies thereof within the period of time laid down by the Commissioner.

**Data protection body**

Data Protection Inspectorate, *Tatari 39, 10134 Tallinn, Estonia*

**The Data Protection Inspectorate defends the following constitutional rights:**
the right to be informed of the performance of public tasks;
the right to privacy in the protection of personal data;
the right to access one's own data.
If a person's rights are violated in the processing of personal data or by granting access to public information, they may apply to the Data Protection Inspectorate.
The Data Protection Inspectorate must be informed if the requirements for the processing of personal data are breached within the company or body. This is not necessary, however, if the breach is not likely to constitute a threat to the rights and freedoms of natural persons. The Data Protection Inspectorate must also be provided with the contact details of the data protection officer of the company or body in question.
The easiest way to contact the Data Protection Inspectorate is via the website.

**Other specialised bodies**

There are no other specialised bodies.

**Other**

Estonian Bar Association

Estonian Bar Association, *Rävala pst 3, 10143 Tallinn, Estonia*

**The Estonian Bar Association is an association of Estonian advocates, whose main activity is to provide legal advisory services to citizens. The Estonian Bar Association** is a professional association of advocates established on **14 June 1919** which acts on the principles of local government administration and organises the provision of legal services in the private and public interest. The activities of the Estonian Bar Association include organising the professional development of advocates, relations with lawyers, state authorities and numerous local and foreign organisations and actively participating in legislative drafting. The Association also organises performance of the public-private law function – providing defence and representation in civil and administrative matters for a fee payable by the State.
In general, an application must be submitted to obtain state legal aid. Applications for state legal aid are generally submitted to the court. The application for state legal aid is forwarded to the investigating authority or the Prosecutor's Office if the person is a suspect in a criminal case in which the participation of a counsel is not mandatory.
Applications for state legal aid must be submitted in Estonian. The application may also be submitted in English if the applicant for state aid is a natural person who is resident in a different Member State of the European Union or who is a citizen of another EU Member State, or a legal person based in a different EU Member State.
At the request of the investigating authority, the Prosecutor's Office or the court, the Estonian Bar Association appoints an advocate to provide the state legal aid. In general, an individual does not have the right to choose which advocate will provide them state legal aid. However, a person has the right to apply for the state legal aid to be provided by a particular advocate if the advocate has agreed to provide the state legal aid. In that case, the name of the advocate who granted their consent must immediately be indicated in the application for state legal aid.
In proceedings where the participation of a counsel is required by law, a person does not have to do anything to receive state legal aid (unless they have employed an advocate themselves) – the official conducting the proceedings is required to arrange the appointment of an advocate for the person and the person does not have to submit an application.

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## National courts and other non-judicial bodies - Ireland

### National Human Rights Institutions

#### The Irish Human Rights & Equality Commission

Address:
*16-22 Green Street,*
*Rotunda,*
*Dublin 7,*
*D07 CR20*

*Tel: + 353 (0) 1 8589601 - Phone lines are open Monday to Friday 9am-1pm and 2pm-5pm.*
*Fax: + 353 (0) 1 8589609*

*Email:* *info@ihrec.ie*
The Irish Human Rights Commission and the Equality Authority merged in 2013 to form The Irish Human Rights and Equality Commission (IHREC). The IHREC is established as an independent statutory body. Its purpose is to protect and promote human rights and equality and to encourage the development of a culture of respect for human rights, equality and intercultural understanding in Ireland.
The functions of the Commission are;
to protect and promote human rights and equality
to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State,
to promote understanding and awareness of the importance of human rights and equality in the State,
to encourage good practice in inter-cultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person, and
to work towards the elimination of human rights abuses, discrimination and prohibited conduct.
The Commission may also review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality. It may do so of its own volition or on being so requested by a Minister of the Government, to examine any legislative proposal and report its views on any implications for human rights or equality. The commission may also either of its own volition or on being so requested by the Government, make such recommendations to the Government as it deems appropriate in relation to the measures which the Commission considers should be taken to strengthen, protect and uphold human rights and equality in Ireland.
In relation to legal affairs, the Commission's function is to work towards the elimination of human rights abuses, discrimination and prohibited conduct. The IHREC may also request liberty to appear before the High Court or the Supreme Court, as the case may be, as amicus curiae in proceedings before that court that involve, or are concerned with, the human rights or equality rights of any person and to appear as such an amicus curiae on foot of such liberty being granted (which liberty each of the said courts is hereby empowered to grant in its absolute discretion.)
The IHREC also provides practical assistance, including legal assistance, to persons in vindicating their rights as it sees fit in accordance with section 40. Under s.41 or s.19 of the Act of 2003, the IHREC, where it sees fit, may institute proceedings as may be appropriate. The IHREC has the power to conduct inquiries under and in accordance with section 35. The Commission may also prepare and publish, in such manner as it sees fit, reports including reports on any research undertaken, sponsored, commissioned or assisted by it.
The IHREC strives to enable change and may sponsor, undertake, commission or provide financial or other assistance for research and educational activities. The IHREC may provide or assist in the provision of education and training on human rights and equality issues. Either of its own violation or at the request of the Minister, the IHREC may undertake, sponsor or commission, or provide financial or other assistance for programmes of activities and projects for the promotion of integration of migrants and other minorities, equality (including gender equality) and respect for diversity and cultural difference. The IHREC may carry out equality reviews and prepare action plans or to invite others to do so where appropriate.

#### Ombudsman for rights of the child

Address:
*Ombudsman for Children's Office*
*Millennium House*
*52-56 Great Strand Street*
*Dublin 1*
*Ireland*

*Phone 01 865 6800*

*Website:* *https://www.oco.ie*
*E-mail:* *ococomplaint@oco.ie*

**Functions:** The Ombudsman for Children's Office (OCO) is an independent statutory body established in 2004 to promote and safeguard the rights and welfare of children and young people up to 18 years of age in Ireland. It is a national human rights institution within the meaning of the United Nations Paris Principles on national human rights institutions. The OCO is guided in its work by Ireland's international human rights obligations, particularly those set out in the UN Convention on the Rights of the Child.
The Ombudsman for Children is independent in the performance of her functions and is accountable directly to the Oireachtas (Parliament).
The functions of the Ombudsman for Children's Office are set out in the Ombudsman for Children Act, 2002. The principal functions are to:
Provide an independent, impartial and free complaints-handling mechanism to examine complaints made by children and young people, or by adults on their behalf, about public bodies, schools or hospitals;
Advise Government Ministers on law and policy relating to children;
Encourage public bodies to improve their practices and procedures in the interests of children;
Highlight issues that are of concern to children and young people themselves; and
Promote awareness of issues relating to the rights and welfare of children and how these rights can be enforced.

With respect to the Office's complaints-handling function, the 2002 Act sets out standard maladministration grounds for the review of complaints and the conduct of investigations. Preliminary examinations or investigations may be instigated either on foot of a complaint received by the Office or on the Ombudsman for Children's own initiative.
Given that the effect of an action on a child must be the subject of any investigation conducted by the Ombudsman for Children and that children themselves can bring complaints to the Office, the Act sets out specific legislative provisions which take account of the particular vulnerability of children:
Obligation to have regard to best interests of the child
Obligation to give due consideration to the child's wishes.
**Procedures:** Once a complaint is made to the Ombudsman for Children's Office, it will be examined to assess its admissibility and whether the nature of the complaint requires the complaint to be fast-tracked.
The OCO always seeks local resolution to complaints at the earliest possible stage and is obliged to afford the public body complained of the opportunity to address the complainant's grievance in thfe first instance.
If a complaint is admissible, it will proceed to the stage of preliminary examination. If, upon completion of a preliminary examination, it appears to the OCO that an investigation is warranted, it may proceed to investigate the complaint more fully.
Further information on the complaints procedure of the OCO may be found at: https://www.oco.ie/complaints/
**Outcome:** Upon the completion of an investigation, the Ombudsman for Children's Office may make recommendations to the public body, school or hospital in question arising from its findings. These recommendations may relate to ameliorating the situation for the child or children in question and/or making wider systemic changes in the interests of children.
The recommendations are not legally binding; however, one of the statutory powers of the OCO is to submit a special report to the Oireachtas (Parliament) in the event that a public body does not accept the OCO's recommendations.

**Ombudsperson**

Address:
*Office of the Ombudsman,*
*6 Earlsfort Terrace,*
*Dublin 2*

*Website: https://www.ombudsman.ie*
*Email: communications@ombudsman.ie*

*Tel: +353 (0) 1 639 5600*

**Type of requests dealt with**

A person can complain to the Ombudsman about
Government departments,
Local authorities,
The Health Service Executive (HSE),
agencies, such as charities and voluntary bodies, that deliver health and social services on behalf of the HSE,
An Post, and
all public bodies covered by the Disability Act 2005 for the purposes of that Act

**Procedure following the filing of a request**

The public body concerned may be asked to provide a report. If necessary, files and records may be examined and officials questioned. The Office of the Ombudsman will then decide whether:
your complaint is valid, and
you have suffered due to the action or decision of the public body.
In most cases, complaints are handled in an informal way. The Office of the Ombudsman may discuss the problem directly with the public body or examine the relevant files. In more complex cases, they may need to carry out a detailed investigation. There is also an internal appeals process available to complainants who are unhappy with the outcome of their complaint.

**Possible outcomes of the proceedings**

If the Office of the Ombudsman decide that you have suffered as a result of unfair or improper action by the public body, and the public body has not taken steps to put this right, they may recommend that it does so. The Office of the Ombudsman may ask the body, if we consider it appropriate to do so, to:
review what it has done,
change its decision and/or,
offer you:
an explanation,
an apology, and/or
financial compensation.
If the Office of the Ombudsman decides that your complaint cannot be upheld they will explain to you why they have reached this conclusion.

**Specialised human rights bodies**

**Ombudsperson for rights of the child**

See **National Human Rights Institutions above**.

**Data Protection Body**

**Office of the Data Protection Commissioner**

*21 Fitzwilliam Square South,*
*Dublin 2,*
*D02 RD28*

*Website: https://www.dataprotection.ie*
The Office of the Data Protection Commissioner is responsible for upholding the rights of individuals as set out in the Data Protection Acts 1988 and 2003 and for enforcing data protection obligations upon data controllers.

Individuals who feel their rights are being infringed can complain to the Commissioner, who will investigate the matter, and take whatever steps may be necessary to resolve it. Members of the public can write to the Data Protection Commissioner giving details about the incident giving rise to the complaint. They should clearly identify the organisation or individual complained about. They should also outline the steps taken to have their concerns dealt with by the organisation, and what sort of response was received from the organisation. Copies of correspondence with the organisation and supporting evidence should also be provided.  The Office of the Data Protection Commissioner will then take the matter up with the organisation.
Depending on the nature of the complaint, the Data Protection Commissioner may first try to find a solution that all parties can accept. In cases where an amicable resolution cannot be reached, the Data Protection Commissioner will make a full investigation of all the facts before making a formal decision. When the investigation is finished, the Commissioner will write to the parties concerned informing them of his decision. In the case of complaints about breaches of the Electronic Communications Regulations (SI 535 of 2003, as amended by SI 526 of 2008), the Commissioner may decide to prosecute the organisation concerned

**Other Specialised Bodies**

**(i) Anti-Human Trafficking Unit**
***Department of Justice***
*Criminal Justice Policy*
*Human Trafficking Policy*
*Community Safety Policy & Economic, Transnational and Organised Crime Policy*
*51 St Stephen's Green*
*Dublin, D02 HK52*

*Telephone: +353 1 602 8202*

*E-mail:* *info@justice.ie*
**Human Trafficking Investigation and Co-ordination Unit,**
**An Garda Síochána (Ireland National Police Service)**
***Garda National Protective Service Bureau,***
*Harcourt St*
*Saint Kevin's*
*Dublin*

*Telephone: +353 1 666 0000*

*E-mail:* *blueblindfold@garda.ie*
*Website:* *https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb-/human-trafficking*
**short explanation of the type of requests the institution deals with,**
Requests for information on Human Trafficking issues in Ireland.
**(ii) International Protection Appeals Tribunal**
*International Protection Appeals Tribunal,*
*7 Hanover Street East,*
*Dublin 2.*

**Functions:** The International Protection Appeals Tribunal is an independent body which decides asylum appeals against the negative recommendation of the Office of the Refugee Applications Commissioner to grant an applicant refugee status. The International Protection Appeals Tribunal Tribunal also decides appeals with regard to decisions of the Office of the Refugee Applications Commissioner under Dublin Regulation II.
**Procedures:**
An asylum seeker whose application for international protection has been rejected by the International Protection Office may appeal the decision to the International Protection Appeals Tribunal. Your refusal letter will tell you whether you have a right to appeal and the specified time limit within which an appeal must be submitted.

An appeal form will have been given to you along with your refusal letter. If you did not receive an appeal form, you can download one from this page

All appeals received in the International Protection Appeals Tribunal are processed in date order. You will be notified when your appeal has been allocated a hearing date.

Before submitting an appeal you should:
Ensure you complete the correct form for the type of appeal you are making.
Ensure your appeal is submitted within the specified time frame as stated on your refusal letter from the International Protection Office
Ensure all sections of the appeal have been completed and the form signed.
You can submit your appeal form as follows:

By Post to:
The International Protection Appeals Tribunal
6/7 Hanover Street East
Dublin D02 W320
Tel: +353 (0) 1 474 8400

Scanned by Email to: info@protectionappeals.ie
From the date the negative recommendation of the Refugee Applications Commissioner is issued you will have a period of time to appeal your case. However, this period of time is different depending on the findings of the Refugee Applications Commissioner in relation to your case. Thus, you may have

15, 10 or 4 working days to appeal. You will find out about how many days you have to appeal in the letter of the Refugee Application Commissioner informing you that they have recommended not to grant you refugee status.
Once you have completed your Notice of Appeal Form, you should send it to:
*The Chairperson*
*International Protection Appeals Tribunal*
*6/7 Hanover Street East*
*Dublin 2*

*Fax: 00353 1 4748410*
Make sure to keep safe receipt of the form having been sent/faxed.
**Outcome:** If your appeal is set aside this means that the Member of the Tribunal has recommended you to be granted refugee status. You will be notified in writing of this decision. The file will be then forwarded to the Ministerial Decisions Unit, Department of Justice and Equality.
If your appeal is affirmed this means that the Member of the Tribunal has recommended you not to be granted refugee status. You will be notified in writing of this decision. The file will then be forwarded to the Repatriation Unit, Department of Justice & Equality.
**(iii) Garda (Police) Ombudsman**
The Garda Síochána Ombudsman Commission
*150 Abbey Street Upper,*
*Dublin 1,*
*Ireland*

*Website:* *https://www.gardaombudsman.ie*
**Short explanation of the type of requests the institution deals with:**
The organisation can deal with complaints and referrals relating to the conduct of members of the Garda Síochána. The most common allegations included in complaints are allegations of abuse of authority, discourtesy, assault, neglect of duty.
Referrals relate to death or serious harm.
The organisation can accept complaints from members of the public (not serving members of the Garda Síochána) through a public office in person, electronically, by telephone, by mail, through any Garda Station or, in person to a member of the Commission. The organisation can also accept referrals from the Commissioner of the Garda Síochána in relation to any matter that appears to the Garda Commissioner to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. The Commission may commence an investigation, without having received a complaint, if it feels it is in the public interest to so do.
**Short explanation of the procedure following the filling of a request:**
When a complaint is received, it is deemed to be admissible or inadmissible in accordance with the legislation. If it is deemed inadmissible, no investigation follows.
If it is deemed admissible, and if appropriate, attempts can be made, with the consent of the complainant and the member of the Garda Síochána complained of, to achieve an informal resolution. Otherwise, it can be investigated as a potential breach of the Garda Síochána (Discipline) Regulations 2007 or a potential breach of the criminal law. Interested parties are entitled to information on the progress and results of an investigation.
**Short explanation of the possible outcomes of the proceeding:**
A complaint may be deemed inadmissible.
An investigation may be closed at any point if, as a result of information obtained after the complaint was determined to be admissible, the Commission considers that the complaint is frivolous or vexatious; the Commission considers that the complaint was made in the knowledge that it was false or misleading, or having regard to all the circumstances, the Commission considers that further investigation is not necessary or reasonably practicable.
As a result of an investigation, a sanction may be imposed on a Garda.
As a result of an investigation, a disciplinary proceeding may be instituted and a sanction imposed on a garda.
A file may be sent to the Director of Public Prosecutions and a direction to prosecute may issue. In such a case, a trial in court may ensue.
Last update: 13/03/2023
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## National courts and other non-judicial bodies - Greece

### National Courts
There is no special competent court in Greece before which to seek redress in the event of a breach of fundamental rights. Depending on the nature of the violating offence or act, redress may be sought before national civil, criminal or administrative courts.
Whether or not a fundamental right has been violated is determined on the basis of national substantive law. The procedure to be followed before the (civil, criminal or administrative) court with jurisdiction is provided for in national procedural (civil, criminal or administrative) law.
The relevant procedure leads to a judgment, which either rejects the claim or, if final, is directly enforceable.

### Specialised human rights bodies
**Greek National Commission for Human Rights**
*Neofitou Vamva 6*
*10674 Athens, Greece*
The National Commission for Human Rights (NCHR) was recently set up in accordance with United Nations rules and the Paris Principles as an independent body providing advice to the government on matters of human rights. It comprises members designated by thirty-two bodies (independent authorities, university faculties of law and sciences, trade unions, NGOs, political parties and ministries).
The aim of the NCHS is to constantly signal to all government bodies the need for effective protection of the human rights of all persons residing on Greek territory.
According to the law establishing the NCHR (Law No 2667/1998 as amended and currently in force), the NCHR is responsible for the following material tasks: examining questions concerning the protection of human rights raised by the government or the Conference of Presidents of Parliament or proposed by Members of Parliament or NGOs;

submitting recommendations and proposals, preparing studies, and submitting reports and opinions for legislative, administrative or other measures contributing to improved protection for human rights;
developing initiatives to raise public and media awareness of human rights issues;
taking initiatives to foster respect for human rights in the educational system;
maintaining constant contact and cooperation with international organisations, similar bodies in other countries, and national and international NGOs;
providing opinions on national reports to be submitted to international organisations on human rights issues;
publicising NCHR positions by every appropriate means;
preparing an annual report on the protection of human rights;
organising a Human Rights Documentation Centre; and
examining the adaptation of Greek legislation to the provisions of international law on the protection of human rights and providing opinions on the matter to the competent bodies of the state.

**The Ombudsman**

The Ombudsman is an independent authority enshrined in the Constitution. The Ombudsman was established by Law No 2477/97 and became operational on 1 October 1998. The legislative framework for its operation is governed by Law No 3094/03. The Ombudsman's services are free of charge
The Ombudsman examines individual administrative acts or omissions or actions by public service bodies that breach the rights or legitimate interests of natural or legal persons.
Any citizen, before applying to the Ombudsman, must have first contacted the public service involved in the case. Only if such contact has failed to resolve the problem may the citizen submit a complaint to the Ombudsman.
The Ombudsman's mission is to mediate between citizens and public services in order to protect citizens' rights, combat maladministration and uphold the rule of law.
As a mediator, the Ombudsman gives advice and recommendations to public administrative authorities. The Ombudsman does not impose penalties or annul unlawful administrative acts.
*Hadziyanni Mexi 5*
*11528 Athens, Greece*

**Specialised Human Rights Bodies**

**Ombudsman in children's rights cases**

The Ombudsman (see above) also examines act or omissions by public administrative authorities and private individuals in breach of children's rights.
In order to protect children's rights, the Ombudsman is also responsible for issues attributable to private individuals – legal or natural persons – that breach children's rights.

**Bodies having official responsibility for the promotion of promoting the principle of equality**

I. Law No 3304/2005 transposing Directives 2000/43/EC of the Council of 29 June 2000 and 2000/78/EC of the Council of 27 November 2000 designated the Ombudsman, the Equal Treatment Commission and the Labour Inspectorate (SEPE) as the bodies for the promotion of equal treatment and defined each of their responsibilities.
More specifically:
The Ombudsman is responsible for promoting the principle of equality where this principle is being breached by public administrative authorities.
*The term 'public administrative authorities' refers here to the authorities mentioned in Article 3(1) of Law No 3094/2003 (Government Gazette, Series I, No 10), 'Ombudsman and other provisions'.*
The Equal Treatment Commission is responsible for the furtherance promoting the principle of equality where this principle is being breached by natural or legal persons other than those mentioned above, except in the field of employment and labour.
In the field of employment and labour, the Labour Inspectorate (SEPE) is responsible for promoting the principle of equality where this principle is being breached by natural or legal persons other than those mentioned in paragraph 1.
II. Law No 3896/2010 (Government Gazette, Series I, No 207, 8.12.2010) «on Implementation of the principle of equal opportunities and equal treatment of men and women in matters of work and employment – Harmonisation of current legislation with Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 and other relevant provisions» introduces an absolute ban on all forms of direct or indirect gender discrimination.
The purpose of the Law is to ensure implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation as regards:
access to employment, including career development, and to vocational training;
terms and working conditions of employment, including pay; and
occupational social security schemes, as provided for in Directive 2006/54/EC of the European Parliament and of the Council.
The Ombudsman is responsible for monitoring and promoting implementation of the principle of equal opportunities and equal treatment of men and women within the scope of the above Law (Article 25 of Law No 3896/2010).

**Hellenic Data Protection Authority (*Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα*)**

The Hellenic Data Protection Authority (Hellenic DPA) is an independent authority established under Law No 2472/1997 transposing Directive 95/46/EC.
The Hellenic DPA is responsible for protecting the personality and privacy rights of individuals in Greece, as provided for in Laws No 2472/1997 and 3471 /2006.
The primary purpose of the Hellenic DPA is to protect citizens from unlawful processing of personal data and to assist them whenever there has been a breach of their rights in this connection in any operational area.
The purpose of the Hellenic DPA is also to provide support and guidance to data processors in discharging their legal obligations, taking into account the new service needs of Greek society and the penetration of modern digital communications and networks.
The Hellenic Data Protection Authority, acting on its own initiative or following a complaint, conducts administrative checks on of records both the public and the private sector. These checked are performed by officials from the Department of Inspectors (*Τμήματος των Ελεγκτών*) who are assisted in major cases by members of the Hellenic DPA. Those carrying out the checks, as special investigators, have a right of access to all records and no form of confidentiality may be enforced against them.
Checks involve verifying first of all whether the bodies being checking comply with the requirements of Laws No 2472/97 and 3471/2006 (regarding notification, information, other obligations as applicable and evidence). Then a check is carried out on the IT system, which, pursuant to Articles 6 and 10 of Law No 2472/1997, covers the basic characteristics of the system, the nature of the data and the level of security ensured by the organisational and technical measures taken by the data controller to protect the data. On completion of the check a findings report is prepared and submitted to the Hellenic DPA.

The Hellenic DPA also carries out independent supervision of the national section of the Schengen Information System, pursuant to Article 114(1) of the Convention Implementing the Schengen Agreement (Law No 2514/1997, Government Gazette, Series I, No 140); acts as the national supervisory body laid down in Article 23 of the EUROPOL Convention (Law No 2605/1998, Government Gazette I/88) and as the national supervisory authority laid down in Article 17 of the Convention on the Use of Information Technology for Customs Purposes (Law No 2706/1999, Government Gazette I/77); and carries out the supervisory responsibilities arising from any other international agreement.
The Hellenic DPA examines complaints and questions relating to the application of the law and protection of applicants' rights when they are breached by the processing of data, and it issues decisions in this regard. It also imposes administrative penalties on data controllers or their representatives, if any, for breach of their obligation arising from Law No 2472/97 as well as from any other rule concerning the protection of individuals from the processing of personal data. Finally, the Hellenic DPA may report infringements of data protection legislation to the appropriate administrative and judicial authorities.
*Kifissias 1-3*
*11523 Athens, Greece*

**Useful links**

Greek National Commission for Human Rights
Hellenic Data Protection Authority
Greek Ombudsman

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## National courts and other non-judicial bodies - Spain

National judicial bodies
National human rights institutions
Ombudsman
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### National judicial bodies

#### Constitutional Court (Tribunal Constitucional)

Judges and courts are primarily responsible for guaranteeing fundamental human rights and freedoms; however, the Constitution provides for a specific and ultimate system to safeguard these rights: **appeals brought on grounds of violation of Constitutional rights and freedoms**, which can only be heard by the **Constitutional Court**. The Constitutional Court is the supreme interpreter of the Constitution. Thus it is a higher court which protects constitutional guarantees and is the ultimate guarantor of the fundamental rights and freedoms enshrined in the Constitution.
For any queries, there are four ways of contacting the Constitutional Court:
By post:
Tribunal Constitucional
Calle Domenico Scarlatti 6
28003 Madrid
Spain.
By telephone: +34 915508000.
By fax: +34 915444088.
By e-mail: buzon@tribunalconstitucional.es.
For more information please visit: https://www.tribunalconstitucional.es/en and **https://www.poderjudicial.es**

### National human rights institutions

See section on the Ombudsman.

### Ombudsman (Defensor del Pueblo)

The Office of the Ombudsman is the institution which protects and defends the fundamental rights and civil liberties of Spanish citizens. To this end, it may oversee the activity of the authorities and agencies that manage public services in Spain and of Spain's administrative offices abroad that deal with Spanish citizens.
The current ombudsman is **Francisco Fernandez Marugan**.
When the Ombudsman receives complaints relating to the irregular way in which justice has been administered, she sends them to the Public Prosecutor's Office (Ministerio Fiscal) so that it can investigate them and take the necessary measures in accordance with the law or pass them on to the General Council of the Judiciary (Consejo General del Poder Judicial). She can also make recommendations to the Government if legislative changes are needed.
The Ombudsman has the power to lodge appeals on grounds of unconstitutionality and violation of rights and liberties, and to initiate the habeas corpus procedure.
The Ombudsman may NOT intervene in the following situations:
Where there has been no intervention on the part of public authorities.
In the case of conflicts between individuals.
Where more than one year has passed since the individual became aware of the facts relating to the complaint.
In the case of anonymous complaints without specific claims, which are in bad faith or the processing of which may harm the legitimate rights of a third party.
Where there is disagreement about the content of a court decision.
Citizens wishing to contact the Ombudsman need not go through a lawyer or legal representative. **The whole process is free of charge**.
The procedure starts with a complaint. In the letter of complaint, which must be signed, it is necessary to provide your name, surname(s), contact address and an account of the facts relating to the complaint, specifying the authority or authorities concerned.
The letter of complaint should be accompanied by a copy of the most important documents relating to the problem in question. Once the letter has been examined, a document containing the file number assigned to the complaint will be sent to the complainant, should they wish to consult the case file.
A complaint can be filed in any of the following ways:
**Online**: by accessing the electronic register available on the website in the section 'Presenta tu queja' ('lodge your complaint').
**In person**: at the Ombudsman's central office in Calle Zurbano No 42, Madrid. Opening hours are 9:00-14:00 on Mondays to Fridays and 16:00-18:00 on Mondays to Thursdays (the service is closed in the afternoons during August).

**By post**: send a signed letter to:
*Defensor del Pueblo*
*Calle Zurbano, 42*
*28010 Madrid*
*Spain*
**Fax**: send the signed letter to +34 913081158.
If you need information about the Office of the Ombudsman or want to follow the progress of your complaint you can:
Go directly to the central office at No 42 Calle Zurbano, Madrid.
By e-mail: registro@defensordelpueblo.es.
Telephone:
- 900101025 (only within Spain): free phone number for information regarding the Office of the Ombudsman, what it does, how it works and how you can file a complaint.
- +34 914327900: for information on the progress of a complaint.
The normal operating times of this telephone service are:
- 9:00-14:00 and 15:00-18:00, Mondays to Thursdays.
- 9:00-14:00 and 16:00-18:00 on Fridays (the service is closed in the afternoons during August).
For more information please visit: https://www.defensordelpueblo.es.

**Specialised human rights bodies**

**Ombudsman for the protection of children's rights**

The Ombudsman ensures the protection of the rights of all citizens regardless of age. Additionally, several of the Autonomous Communities of Spain have set up institutions for the protection of minors.
Spanish law recognises the right of minors to lodge their complaints with the Ombudsman or with an equivalent Autonomous Community institution.

**Equal treatment bodies**

**Council for the promotion of equal treatment and non-discrimination on racial or ethnic grounds (Consejo para la promoción de la igualdad de trato y no discriminación de las personas por el origen racial y étnico)**

The Council consists of various State, Autonomous Community and local authorities, business and trade union organisations, and non-profit-making bodies working to promote equal treatment and non-discrimination against people on racial or ethnic grounds.
Its purpose is to promote the principle of equal treatment and non-discrimination against people on racial or ethnic grounds in areas such as education, health, entitlement to social security benefits, social services, housing, jobs, training, etc. and in general entitlement to all goods and services.
It thus has **four main functions**:
**To provide independent advice to victims of discrimination** when dealing with their complaints.
**To publish autonomous, independent studies, investigations and reports.**
**To promote measures that contribute to equal treatment** and to the elimination of discrimination, making appropriate recommendations and proposals.
**To draft and approve the annual activities report of the Council and to submit it to the Ministry for Equality (Ministerio de Igualdad).**
Further information can be obtained on https://igualdadynodiscriminacion.igualdad.gob.es and on https://igualdadynodiscriminacion.igualdad.gob.es/contactar/home.htm.

**Data protection body**

**Spanish Data Protection Agency (Agencia Española de Protección de Datos)**

The Spanish Data Protection Agency is the independent supervisory authority in charge of monitoring compliance with legislation on data protection, and guaranteeing and safeguarding fundamental rights in respect of personal data protection.
The Spanish Data Protection Agency deals with requests and complaints from citizens and provides information regarding the rights set out in the Ley Orgánica de Protección de Datos (Organic Law on Data Protection). It also provides assistance and information to bodies dealing with forms which contain personal data (such as businesses, institutions and authorities) to ensure that they comply with the requirements of the Law.
**In relation to those concerned**
It deals with their applications and complaints.
It provides information on the rights set out in the Law.
It promotes media campaigns.
**In relation to those processing data**
It issues the authorisations provided for by the Law.
It orders corrective measures.
In cases of infringement of the law, it demands that data be erased and data processing stopped.
It exercises sanctioning powers.
It seeks assistance and information where necessary.
It authorises international data transfers.
For any questions, clarifications, suggestions or complaints, there are three ways to contact the Spanish Data Protection Agency:
By post:
*Agencia Española de Protección de Datos*
*Calle Jorge Juan 6*
*28001 Madrid*
*Spain*
By telephone: +34 912663517.
By e-mail: ciudadano@agpd.es.
For more information please visit: https://www.agpd.es/.

**Other specialised bodies**

**Spanish Committee of Representatives of People with Disabilities (Comité Español de Representantes de Personas con Discapacidad)**

The Spanish Committee of Representatives of People with Disabilities, better known by the acronym CERMI, is the platform for representation, defence and action on behalf of disabled Spanish citizens. Aware of their status as a disadvantaged social group, over three and a half million people, plus their families, decided to unite under umbrella organisations in order to foster the recognition of their rights and achieve full citizenship with equal rights and opportunities on a par with the rest of society.
For any questions, there are three ways to contact CERMI:
By post:
*Comité Español de Representantes de Personas con Discapacidad*
*Secretaría General*
*Calle Recoletos, 1 Bajo*
*28001 Madrid*
*Spain*
By telephone: +34 913601678.
By fax: +34 914290317.
By e-mail: cermi@cermi.es.
For more information please visit: http://www.cermi.es/.
Or: The Disability State Observatory https://www.observatoriodeladiscapacidad.info.

**Asylum and Refugee Office (Oficina de Asilo y Refugio)**

The Asylum and Refugee Office (OAR) is part of the Ministry of the Interior and is in charge of drawing up proposals to grant authorisation or permits to remain in Spain in accordance with legislation governing the right of asylum.
In addition, the OAR is responsible for:
Investigating and processing files to identify the States responsible for examining applications for asylum in accordance with the international conventions in force.
Examining and deciding on all applications for asylum submitted at border posts in Spain and in Spanish diplomatic missions abroad.
Further information can be obtained as follows:
By post:
*Oficina de Asilo y Refugio*
*Calle Pradillo, 40*
*28002 Madrid*
*Spain*
By telephone: +34 915372170.
For further information, contact la sección correspondiente del Ministerio del Interior ('the relevant department of the Ministry of the Interior').

**Secretariat-General for Prison Institutions (Secretaría General de Instituciones Penitenciarias)**

The penal system is a fundamental part of a country's security policy and social policy. The institution's constitutional purpose and main objective is the monitoring and steering of all activities aimed at the provision of public services which enforce criminal sentences and measures.
Further information can be obtained as follows:
By post:
*Secretaría General de Instituciones Penitenciarias*
*Calle Alcalá 38-40*
*28014 Madrid*
*Spain*
By telephone: +34 913354700.
By fax: +34 913354052.
For further information: http://www.institucionpenitenciaria.es/.

**Other**

**General Council of Spanish Lawyers (Consejo General de la Abogacía Española)**

The General Council of Spanish Lawyers (CGAE) is the representative, co-ordinating and executive body of the Spanish Bar Association and has, to all intents and purposes, the status of a public law entity with its own legal personality and full capacity to attain its objectives.
The CGAE is the body that regulates the professional practice of lawyers and protects the profession's reputation. There are 83 Bar Associations in Spain which currently have a total of 137 447 practising lawyers as members (data from December 2016), as well as 10 Autonomous Community Bar Association Councils (Consejos Autonómicos de Colegios de Abogados).
The right to free legal aid in Spain is very broad with the Bar Associations guaranteeing the right to effective legal protection for all citizens through the legal aid system, prisoner assistance and legal advice services, legal assistance and counsel for immigrants, prison counselling, legal assistance and counsel for women, assistance for victims of domestic violence, and legal assistance and counsel for the elderly.
For any questions, there are three ways to contact the CGAE:
By post:
*Consejo General de la Abogacía Española*
*Paseo Recoletos 13*
*28004 Madrid*
*Spain*
By telephone: +34 915232593.
By e-mail: informacion@cgae.es.
For more information please visit: http://www.cgae.es/ y https://www.abogacia.es/servicios/ciudadanos/servicios-de-orientacion-juridica-gratuita.
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## National courts and other non-judicial bodies - France

## Courts

The fundamental rights and freedoms of individuals are guaranteed in the first instance by administrative and ordinary courts, before which the public may bring cases.

In addition, the Constitutional Council (*Conseil constitutionnel*), which rules on the constitutionality of laws, conducts two types of review:

Review of unenacted laws: institutional laws (*lois organiques*) and the rules of procedure of the parliamentary assemblies must be referred to the Constitutional Council before the former are enacted and the latter enter into force. An international undertaking may also be referred to it before ratification or approval. For ordinary legislation, a law may be referred to the Council before it is enacted.

Review of enacted laws: the constitutional reform of 23 July 2008 introduced into the Constitution Article 61-1, which creates the mechanism of a priority preliminary ruling on constitutionality (*question prioritaire de constitutionnalité*). That reform gives citizens the right to challenge, in the course of legal proceedings, the constitutionality of an enacted law or of a legislative provision of an order made on the basis of Article 38 of the Constitution which infringes the rights and freedoms guaranteed by the Constitution. The court refers the priority question of constitutionality to the Court of Cassation (*Cour de cassation*) or the Council of State (*Conseil d'État*). The Council of State or the Court of Cassation may then refer the matter to the Constitutional Council, which must give a ruling within three months. Thus, since 1 March 2010, the Constitutional Council, following referral by the Council of State or the Court of Cassation, reviews whether a legislative provision already in application infringes the rights and freedoms guaranteed by the Constitution. It may, where appropriate, repeal the provision concerned.

**For more information about the priority preliminary ruling on constitutionality:**

https://www.service-public.fr/particuliers/vosdroits/F21088

http://www.vie-publique.fr/actualite/faq-citoyens/qpc/

Information on the way in which the courts are organised and on jurisdiction is set out on the websites of the Council of State, the Court of Cassation and the Constitutional Council:

https://www.conseil-etat.fr

https://www.courdecassation.fr/

https://www.conseil-constitutionnel.fr

## National Human Rights Institution

**National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme*)**

The National Consultative Commission on Human Rights (CNCDH) is the French national human rights institution. It was established in 1947. Under Law No 2007-292 of 5 March 2007, it is an advisory authority which undertakes its tasks entirely independently. It may not receive or seek instruction from public authorities. It has 'A' accreditation status from the Global Alliance of National Human Rights Institutions. The CNCDH is made up of 64 leading figures and representatives of civil society organisations.

**Tasks**

The CNCDH fosters dialogue between the government, parliament, institutions and civil society in the field of human rights, humanitarian law and action, and combating racism.

It thus helps prepare reports which France submits to international organisations in accordance with its treaty obligations in the field of human rights;

It contributes to human rights education;

It is responsible for drawing up the public annual report on combating racism referred to in Article 2 of the Law of 13 July 1990;

It may, on its own initiative, draw the attention of public authorities to measures that it considers likely to encourage the protection and promotion of human rights. It may raise any issues relating to humanitarian emergencies and instigate exchanges of information on the arrangements for dealing with such situations;

It publishes the opinions and reports that it adopts.

The work carried out by the CNCDH is divided between five sub-commissions: Society, ethics and human rights education; Racism, discrimination and intolerance; Rule of law and freedoms; International and European issues; International humanitarian law and humanitarian action.

Address:

Commission nationale consultative des droits de l'homme

35 Rue Saint-Dominique, 75007

Paris

For more information: https://www.cncdh.fr

## Ombudsman: Defender of Rights (*Défenseur des droits*)

**The Defender of Rights is an independent institution** enshrined in the Constitution since 23 July 2008 and established by Institutional Law No 2011-33 and Institutional Law No 2011-334 of 29 March 2011.

**Tasks**

The role of the Defender of Rights is to:

defend individual rights and freedoms in relations with authorities;

defend and promote the best interests and rights of the child;

combat discrimination prohibited by law and promote equality;

ensure compliance with ethics by persons carrying out security activities;

inform, advise and direct whistleblowers to the competent authorities and defend their rights.

The Defender of Rights was created by merging four pre-existing institutions: the National Ombudsman (*Médiateur de la République*), the Children's Ombudsman (*Défenseur des enfants*), the Equality and Anti-Discrimination Authority (*Haute Autorité de Lutte contre les Discriminations et pour l'Egalité* (HALDE)), and the National Commission on Security Ethics (*Commission Nationale de Déontologie de la sécurité* (CNDS)).

**Powers**

The Defender of Rights is empowered to receive complaints from any natural or legal person, including minors who wish to invoke the protection of their rights. It may also of its own motion deal with a case falling within the scope of its powers, in all circumstances.

In order to carry out these tasks, the Defender of Rights has powers of enquiry and investigation to deal with individual complaints, enabling it to obtain all relevant documents, interview people, and even carry out on-the-spot checks. The Defender of Rights may also propose legislative or regulatory amendments and recommendations to both public and private authorities.

It may also make recommendations to resolve issues or infringements of rights brought before it. The persons or authorities concerned must inform it of the action taken on its recommendations. Failing that, or if it considers that its recommendations have not been acted upon, it may instruct the person or authority concerned to take the necessary action within a specified period. If no action is taken in response to these instructions, it may draw up a special report addressed to the person or authority concerned. This report is made public.
The Defender of Rights can also assist in mediation or propose a settlement, help victims to compile their case and identify the procedures appropriate to their case.
The Defender of Rights may refer cases that come to its attention and appear to warrant a penalty to the authority empowered to initiate disciplinary proceedings. It may also intervene in court proceedings in support of a complainant by submitting written or oral observations.
As regards the protection of whistleblowers, the Defender of Rights is responsible for directing whistleblowers to the competent authorities to receive their report and to ensure their rights and freedoms. The Defender of Rights has been required to inform and advise whistleblowers and defend their rights and freedoms since 2022. It may receive reports directly and, if they fall within its jurisdiction, process them directly. Lastly, it can officially certify that a person is a whistleblower.

**Organisation**

Nearly 250 people work at the headquarters of the Defender of Rights in Paris. In metropolitan France and its overseas territories, around 570 volunteer representatives welcome citizens to support them in defending their rights, receive their complaints and respond to their requests. They are present in various local facilities, such as prefectures, sub-prefectures, community justice centres (*maisons de justice et du droit*), legal information desks (*points d'accès au droit*) and municipal premises. The representatives also maintain standby duty in prison facilities and work in conjunction with the departmental homes for disabled people (*maisons départementales des personnes handicapées*).
The Defender of Rights chairs the boards which help it perform its duties in the field of 'defending and promoting children's rights', 'combating discrimination and promoting equality' and 'ethics in the field of security'.
The Prime Minister appoints the deputies of the Defender of Rights on a proposal from the Defender of Rights, including:
a Children's Ombudsman (*Défenseur des enfants*), who is vice-chair of the board responsible for defending and promoting children's rights;
a deputy who is vice-chair of the board responsible for ethics in the field of security;
a deputy who is vice-chair of the board responsible for combating discrimination and promoting equality;
a deputy responsible for supporting whistleblowers.

**Referral to the Defender of Rights**

Any natural person (individual) or legal person (a company, association, etc.) may refer cases directly and free of charge to the Defender of Rights if they:
believe that they are being discriminated against;
ascertain that a representative of a public law enforcement agency (police, gendarmerie, customs, etc.) or a private law and order body (a security officer, etc.) has not complied with the rules of good conduct;
experience difficulties in their relations with a public service (e.g. *Caisse d'Allocation Familiales* (family allowances fund), *Pôle Emploi* (employment centre), pensions, etc.);
consider that the rights of a child are not respected;
consider that they should be protected as a whistleblower.
Cases may be referred to the Defender of Rights by a child or a minor under the age of 18, members of the child's family or their legal representatives, medical or social services, associations set up to defend the rights of the child, Members of the French Parliament and French Members of the European Parliament, and foreign institutions which have the same functions as the Defender of Rights. The Defender of Rights can intervene on behalf of French and foreign children living in France and French children living abroad in many areas of the protection of children's rights, including child protection, health and disability, criminal justice, adoption, schooling for all and foreign minors.
Citizens can address their complaints directly to the Defender of Rights:
Using the online referral form
By freepost, no stamp required
Address:
Défenseur des droits
Libre réponse 71120
75342 Paris Cedex 07
For more information: https://www.defenseurdesdroits.fr/

**Specialised human rights bodies**

There are other specialised bodies active in the field of rights and freedoms:

**Data protection supervisory authority:**

**National Data Protection Authority (*Commission Nationale de l'Informatique et des Libertés* – (CNIL))**

The CNIL is the French supervisory authority for the protection of personal data. It carries out its tasks in accordance with Law No 78-17 of 6 January 1978, as amended.

**Tasks**

The National Data Protection Authority is an independent administrative authority. In particular, it carries out the following tasks:
It informs all data subjects and controllers of their rights and obligations.
It ensures that personal data is processed in accordance with the provisions of the amended Law of 6 January 1978. Thus, depending on the data concerned, it authorises processing, gives its opinion and receives the data processing statements.
It receives claims, petitions and complaints relating to the processing of personal data and informs their authors of the action taken on them.
It responds to requests for opinions from public authorities and, where appropriate, courts, and advises individuals and bodies that carry out or intend to carry out automated processing of personal data.
It notifies the public prosecutor without delay of any offences of which it is aware, in accordance with Article 40 of the Code of Criminal Procedure (*Code de procédure pénale*), and may submit observations in criminal proceedings.
It may, by specific decision, instruct one or more of its members or its Secretary-General to carry out checks on all processing operations or to have them checked by the staff of its departments and, where appropriate, obtain copies of all documents or information media relevant to its tasks.
It is consulted about any draft law or decree or any provision of a draft law or decree relating to the protection of personal data or the processing of such data.
It may submit observations before any court in a dispute concerning the application of the amended Law of 6 January 1978, other national provisions on the protection of personal data, European Union law and France's international commitments.

The CNIL submits a public report to the President of the Republic and to the Prime Minister on the fulfilment of its tasks.

**Referral to the CNIL**

Anyone may contact the CNIL if they have difficulties exercising their rights. In order to assert their digital rights and freedoms, citizens must first of all contact the bodies which hold their data. In the event of a problem, an unsatisfactory response or failure to respond, an online complaint can be lodged with the CNIL on various issues: internet, commerce, work, telephony, banking and credit.

**Related link:** https://www.cnil.fr/fr/plaintes

Address:
Commission Nationale de l'Informatique et des Libertés
3 Place de Fontenoy - TSA 80715
75334 PARIS CEDEX 07

For more information: https://www.cnil.fr/

**Inspectorate-General of places of deprivation of liberty (*Contrôleur général des lieux de privation de liberté*)**

Following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment adopted by the United Nations General Assembly on 18 December 2002, the French legislature established, by Law No 2007-1545 of 30 October 2007, an Inspectorate-General of places of deprivation of liberty. It is an independent administrative authority.

**Tasks**

The Inspectorate-General ensures that persons deprived of liberty are treated humanely and with respect for the inherent dignity of the human person, and ensures that a fair balance is struck between respect for the fundamental rights of persons deprived of liberty and public order and security considerations. It is responsible for preventing any violation of their fundamental rights.

As part of its tasks, the Inspectorate-General focuses on conditions of imprisonment, detention and hospitalisation, as well as the working conditions of the staff and of the various parties involved, since they necessarily affect the functioning of the establishment and the nature of relations with persons deprived of liberty. The Inspectorate-General is free to choose the establishments it intends to visit and its visits may be either scheduled (in which case the head of the establishment is notified of the visit a few days in advance) or unannounced.

**Powers**

The Inspectorate-General may visit at any time, throughout France, any place where persons are deprived of liberty: prison facilities, health facilities, facilities placed under the joint authority of the Ministry of Health and the Ministry of Justice, police and gendarmerie custody facilities, customs holding facilities, administrative detention centres and facilities for foreign nationals, waiting areas at ports and airports, etc. The Inspectorate-General monitors the physical enforcement of procedures for the removal of foreign nationals until they are surrendered to the authorities of the State of destination.

The authorities concerned may not object to a visit unless there are serious and compelling reasons relating to national defence, public security, natural disasters or serious disturbances in the place visited. The Inspectorate-General may also obtain any information or document relevant to the performance of its tasks from the authorities responsible for the place of deprivation of liberty or any person who can usefully advise it.

The Inspectorate-General sends the Minister(s) concerned a visit report and recommendations which may be made public. It also submits an annual activity report to the President of the Republic and to Parliament, which is made public.

**Referral to the Inspectorate-General of places of deprivation of liberty**

A citizen may refer cases to the Inspectorate-General of places of deprivation of liberty to inform it of a situation which, in their view, infringes their fundamental rights or the fundamental rights of a person deprived of liberty (or who has recently been deprived of liberty) and which is linked to the conditions of imprisonment, police custody, detention or hospitalisation, or to the organisation or operation of a service. Cases can be referred to the Inspectorate-General of places of deprivation of liberty by post only at the following address:

Madame la Contrôleure générale des lieux de privation de liberté
BP 10301
75921 Paris cedex 19

Persons deprived of liberty, their relatives, persons working within the establishment and staff may also request an interview with the Inspectorate-General or one of the inspectors who make up the team directly during visits to the establishments.

Address:
Le Contrôleur général des lieux de privation de liberté16/18 quai de la Loire
BP 10301
75921 Paris Cedex 19

For more information: https://www.cglpl.fr

## Other specialised bodies

**Access to justice: legal information desks (*points d'accès au droit*), community justice centres (*maisons de justice et du droit*) and justice outreach centres (*antennes de justice*)**

To make it easier for the public to access information about their rights, judicial procedures and the judicial system, and to support them in all steps taken to exercise a right, France has set up legal information desks, community justice centres and justice outreach centres, which are local judicial establishments that inform citizens about their rights and in particular offer them certain amicable methods of settling disputes.

Directory of community justice centres, legal information desks and justice outreach centres:
http://www.annuaires.justice.gouv.fr/annuaires-12162

**For more information:**
http://www.vie-publique.fr/decouverte-institutions/justice/fonctionnement/modes-alternatifs/que-sont-maisons-justice-du-droit.html

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# National courts and other non-judicial bodies - Croatia

**National Courts**

The courts established by law have a special role in protecting human rights. Their autonomy and independence is guaranteed by the Constitution. There is a special mechanism to guarantee the exercise of constitutional rights and freedoms: a constitutional complaint, which can be lodged by citizens who consider that the national authorities, the local and the regional self-government bodies and public law entities deciding on their rights and duties, or regarding the

suspicion or the charge of criminal offence, have breached their human rights or fundamental freedoms, as guaranteed by the Constitution. A complaint can be filed only after all other available remedies have been exhausted.

**Constitutional Court of the Republic of Croatia (*Ustavni sud Republike Hrvatske*)**
Trg svetog Marka 4
10000 Zagreb
Tel.: +385 1 6400 251
Fax: +385 1 4551 055
https://www.usud.hr/

**Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*)**
Trg Nikole Šubića Zrinskog 3
10 000 Zagreb
Tel.: +385 1 486 22 22, +385 1 481 00 36
Fax: +385 1 481 00 35
Email: vsrh@vsrh.hr
http://www.vsrh.hr/
County courts (*Županijski sudovi*)
Municipal courts (*Općinski sudovi*)

**High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*)**
Berislavićeva 11, 10 000 Zagreb
Tel.: +385 1 489 68 88
Fax: +385 1 487 23 29
http://www.vtsrh.hr/
Commercial courts (*Trgovački sudovi*) in the Republic of Croatia (192 Kb) hr
Commercial courts

**High Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*)**
Frankopanska 16, 10 000, Zagreb
Tel.: +385 1 480 78 00
Fax: +385 1 480 79 28
http://www.upravnisudrh.hr/
Administrative courts (*Upravni sudovi*)

**High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*)**
Ulica Augusta Šenoe 30, 10 000 Zagreb
Tel.: +385 1 480 75 10
Fax: +385 1 461 12 91
Email: predsjednik@vpsrh.pravosudje.hr
https://sudovi.hr/VPSRH/

**Ombudsman (*Pučki pravobranitelj*)**
Trg hrvatskih velikana 6
10 000 Zagreb
Croatia
Tel.: +385 1 4851 855, +385 1 4851 853
Email: info@ombudsman.hr
Fax: +385 1 6431 628

Pursuant to Article 93 of the Croatian Constitution, the ombudsman is the Croatian Parliament's representative for promoting and protecting human rights and freedoms as they are defined in the Constitution, the laws and the international instruments on human rights and freedoms signed by the Republic of Croatia.

The ombudsman and his/her deputies are elected by the Croatian Parliament for a period of eight years. The ombudsman protects citizens from human rights violations resulting from actions of the state bodies or legal entities vested with public authority. The ombudsman's office is the central body for tackling discrimination and performing the tasks of the National Preventive Mechanism against torture and other cruel, inhuman or degrading treatment or punishment. In performing these tasks, the ombudsman is independent and autonomous.

Competences:

**Protection of human rights**

Citizens have the right to refer a complaint to the ombudsman when they consider that their rights have been breached by public authorities. The ombudsman conducts an investigation in response to a complaint and based on documents received. All state bodies, bodies vested with public authority, and local and regional self-government bodies – i.e. all public law entities – are obliged to provide all the information requested.

Based on the established facts, the ombudsman may issue opinions, recommendations and notifications to the relevant authorities or to the supreme bodies and, if necessary, notify the Croatian Parliament.

In addition, the ombudsman checks the compliance of regulations with the Croatian Constitution and international conventions on the protection of human rights and may call on the Croatian Government to amend or adopt human rights-related regulations. The ombudsman can also call on the Croatian Parliament to harmonise regulations with the Constitution and law and has the right to initiate proceedings before the Croatian Constitutional Court in order to examine compliance of laws and other regulations with the Croatian Constitution.

**Promotion of human rights**

Promoting human rights includes research and analysis, developing and maintaining databases and documentation, informing the public and stakeholders on a timely and regular basis, active initiation and cooperation with civil society, international organisations and academic research institutions, and initiatives to align legislation with the international and the European standards and to apply that legislation.

**Central body for combating discrimination**

The ombudsman accepts complaints from natural and legal persons, provides the requisite information on the rights and duties and the possibilities of judicial and other protection, examines individual applications and takes actions within his/her competence to eliminate discrimination and protect the rights of

discriminated persons (except in the case of ongoing lawsuits), conducts mediation procedures with the possibility of concluding an out-of-court settlement with the consent of both parties, and submits criminal reports related to discrimination to the competent public prosecutor's office.

### National preventive mechanism

The ombudsman performs tasks that come under the National Preventive Mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment everywhere where persons are deprived of their liberty or kept in custody, detained or accommodated in premises under public surveillance where they cannot leave these premises at will.

This means that representatives of the Ombudsman's Office acting in this capacity visit the prisons, penitentiaries, detention units, and various institutions accommodating persons with mental disorders, as a preventive measure to protect persons who are deprived of liberty or whose liberty is restricted.

### National Human Rights Institution (NHRI)

Since 2009, the ombudsman has been the only national institution for the protection and promotion of human rights (NHRI) in the Republic of Croatia with 'A' status according to the UN Paris Principles defining the independence parameters of the national human rights institutions.

This is the highest level of institutional independence, and was again awarded to the Ombudsman's Office in July 2013, after the UN monitored the implementation of its recommendations related to the preservation and promotion of an independent status.

## Specialised Human Rights Bodies

### Ombudsman for children (*Pravobranitelj za djecu*)

Teslina 10
10 000 Zagreb
Croatia
Email: info@dijete.hr
Tel.: 01/4929 669
Fax: 01/4921 277
http://www.dijete.hr

#### Activities

The Ombudsman for children monitors the compliance of laws and other regulations in the Republic of Croatia related to the protection of the rights and interests of children with the Croatian Constitution, the Convention on the Rights of the Child and other international documents relating to the protection of the rights and interests of children. The office monitors violations of individual children's rights and studies the general occurrence and types of violation of the rights and interests of children. It advocates the protection and the promotion of the rights and interests of children with special needs. It proposes measures to build a comprehensive system for the protection and promotion of children's rights, and to prevent harmful acts jeopardising their interests. It informs and advises children on the way to exercise and protect their rights and interests, cooperates with children, encourages them to express their opinion, hears their opinion, initiates and participates in public activities aimed at improving the status of children and proposes measures to increase their role in the society. It has access to, and the right to consult, any data, information and documents relating to the rights and the protection of children irrespective of the confidentiality degree. It is authorised to inspect any institution, state body, legal and natural persons who are legal custodians of children, and religious communities where children stay or are temporarily or permanently accommodated.

If it finds that a child has been exposed to physical or mental violence, sexual harassment, abuse or exploitation, neglect or negligent treatment, it must immediately report this to the competent public prosecutor's office and alert the competent social care centre proposing measures to protect the child's rights and interests. It may seek professional assistance from experts and professional institutions researching the protection, care, development and rights of the children, and it receives such assistance in due time.

### Ombudsperson for gender equality (*Pravobraniteljica za ravnopravnost spolova*)

Preobraženska 4/1
10 000 Zagreb
Tel.: +385 1 48 48 100
Fax: +385 1 48 44 600
Email: ravnopravnost@prs.hr
http://www.prs.hr

#### Activities

The Ombudsperson for gender equality handles complaints about discrimination related to gender, marital or family status and sexual orientation. The office examines breaches of the gender equality principle and cases of discrimination against individuals or groups of individuals committed by the national authorities, units of local and regional self-government bodies and other bodies with public authority, employees in these bodies, and other legal and natural persons.

The ombudsperson's work includes being authorised to notify, propose and make recommendations.

If the ombudsperson finds that the principle of gender equality has been violated, he/she is authorised to submit a request for constitutional review of the law or the review of the constitutionality and legality of other regulations.

### Ombudsman for persons with disabilities (*Pravobraniteljica za osobe s invaliditetom*)

Savska cesta 41/3
10 000 Zagreb
Tel.: +385 1 6102 170
Fax: +385 1 6177 901
Email: ured@posi.hr

#### Activities

The Ombudsman's Office for persons with disabilities is an autonomous national institution whose main role is to monitor and promote the rights of persons with disabilities based on the Constitution of the Republic of Croatia, international treaties and laws. In the event of a violation of the rights of persons with disabilities, the ombudsman is authorised to alert, propose measures, make recommendations, inform and request reports on what actions have been undertaken.

If the ombudsman finds that a legal solution goes to the detriment of persons with disabilities or children with developmental difficulties, deprives them in some way or puts them in a less favourable position with regard to persons without disabilities, the ombudsman will make a proposal to amend such legal solution.

The Ombudsman's Office for persons with disabilities receives individual complaints from persons with disabilities and those working in their interest, considers complaints about the violation of the rights of persons with disabilities, and in contact with the institutions responsible for resolving these issues

tries to obtain the most favourable solution. The Ombudsman for persons with disabilities provides counselling assistance to persons with disabilities on how to exercise and protect their rights and interests.

**Protection of personal data**

**Personal Data Protection Agency (*Agencija za zaštitu osobnih podataka*)**

Martićeva 14
10 000 Zagreb
Tel.: +385 460 90 00
Fax: +385 4609-099
Email: azop@azop.hr
http://www.azop.hr

The Personal Data Protection Agency is a legal person vested with public authority carrying out its activities independently and autonomously within the scope of its tasks and competences. The Agency is responsible for performing administrative and professional tasks related to personal data protection. The Agency, within the scope of its public authority, monitors the protection of personal data, highlights cases of abuse in personal data collecting, produces a list of countries and international organisations with properly regulated data protection, handles applications to examine violations of the rights guaranteed by the Personal Data Protection Act, and keeps the Central Register with personal data files.

**Free legal aid**

**By adopting the Free Legal Aid Act, the Ministry of Justice took over the comprehensive and challenging task of establishing a free legal aid system.**

The system of free legal aid allows socially disadvantaged citizens to engage lawyers and obtain legal aid for specific legal actions and equal access to judicial and administrative procedures.

**Beneficiaries of free legal aid**

Beneficiaries of legal aid within the meaning of the Free Legal Aid Act include:
Croatian citizens
Children who are not Croatian nationals but find themselves in Croatia unaccompanied by an adult responsible by law
Foreigners with temporary residence subject to reciprocity, and foreigners with permanent residence
Foreigners under temporary protection
Foreigners residing illegally and foreigners on a short stay, in the proceedings deciding on expulsion or return
Asylum seekers, persons with asylum status and foreigners with subsidiary protection status and their family members residing legally in Croatia, in the proceedings in which legal assistance is not provided to them under a special law

**Providers of free legal aid**

The following free legal aid providers are covered in the Free Legal Aid Act:
Lawyers
Approved associations
Law clinics
State administration offices in the counties

**Types of free legal aid**

The types of free legal aid are primary legal aid and secondary legal aid.

***Primary legal aid***

The forms of primary legal aid are:
General legal information
Legal advice
Drafting of submissions to bodies governed by public law, the European Court of Human Rights and international organisations under international agreements and the rules on the functioning of those bodies
Representation in proceedings before bodies governed by public law
Legal assistance in the amicable out-of-court settlement of a dispute

**Primary legal aid is provided by state administration offices in the counties, approved associations and law clinics.**

In providing primary legal aid, offices are authorised to offer general legal information and legal advice, and to draft submissions.
Applicants seeking primary legal aid should contact a provider of primary legal aid directly.

***Secondary legal aid***

The forms of secondary legal aid are:
Legal advice
Drafting of submissions in proceedings for the protection of workers' rights before the employer
Drafting of submissions in litigation
Representation in court proceedings
Legal assistance in the amicable settlement of a dispute
Exemption from the costs of court proceedings
Exemption from court fees

**Secondary legal aid** is provided by lawyers.

With regard to the type of proceedings, secondary legal aid may be granted in the following proceedings:
Proceedings concerning rights in rem, except in land-registry proceedings
Proceedings concerning employment relations
Proceedings concerning family relations, except in proceedings regarding divorce by mutual consent if the spouses have no common or adopted underage children or children of age under their parental care
Proceedings concerning enforcement and security proceedings regarding forced collection or securing of claims arising from the proceedings in which legal aid may be granted under the provisions of the Free Legal Aid Act
Amicable settlement of a dispute
By way of exception, in all other administrative and civil judicial proceedings when such need arises from specific life circumstances of the applicants and their household members, in accordance with the fundamental purpose of the Free Legal Aid Act

The procedure for granting secondary legal aid is initiated by applying to the competent administrative body of the county or of the City of Zagreb.

In accordance with the provisions of the Free Legal Aid Act, people wishing to exercise their right to free legal aid must submit a completed standard legal aid application form to the state administration office in their county of residence. The request must be accompanied by the express written consent of the applicant and the adult members of their household to disclose all property-related data and accept material and criminal liability for the veracity of applicant assertions.
The application form can be downloaded from the website of the Ministry of Justice, or obtained from the state administration offices in counties, from the municipal courts or from the social care centres during their regular office hours.
There are no administrative charges for submitting applications, which are submitted in person or by registered mail.
Granting of legal aid implies full or partial coverage of legal aid costs depending on an applicant's financial status. It is envisaged that the costs of the procedure may be shared to a certain percentage depending on the material circumstances of the beneficiary.
When legal aid is granted to a reduced extent, the difference between the total amount awarded and the lawyer's fees is paid by the beneficiary according to the value of the service defined by the Tariff for Lawyers' Fees and Compensation of Costs.
The Ministry of Justice decides on the appeals from legal-aid applicants at second instance, decides at first instance on the entry of associations and law clinics in the Register of primary legal aid providers aid, maintains the Register, and carries out administrative and professional monitoring of the work of the primary legal aid providers.
Information on free legal aid can be found on the website of the Ministry of Justice of the Republic of Croatia or by email to besplatna.pravna.pomoc@pravosudje.hr, and an answer can be expected in the shortest possible time.
Any questions can be put directly to the state administration offices in the counties.

**Cross-border disputes**

A cross-border dispute is one where the party applying for legal aid is domiciled or habitually resident in an EU Member State other than the Member State where the court is sitting or where the decision is to be enforced.
Legal aid in cross-border disputes is provided in civil and commercial matters, mediation proceedings, out-of-court settlements, the enforcement of public instruments and legal advice in such proceedings. The provisions on cross-border disputes do not apply in taxation, customs and other administrative proceedings.
An applicant who is domiciled or habitually resident in the Republic of Croatia and seeks legal aid in a cross-border dispute before the court of another Member State must submit an application to the office of his/her place of residence or domicile. The competent office must forward the application to the Ministry of Justice within eight days of receiving the application. The Ministry of Justice will translate the application and the supporting documents into the official language or one of the official languages of the Member State and the competent receiving authority, and forward them within 15 days of receipt to the competent authority of the Member State where the court is sitting or where the decision is to be enforced (the receiving authority). If legal aid is not granted, the applicant is required to cover the costs of translation.
The applicant may also submit an application directly to the receiving authority in the Member State where the court is sitting or where the decision is to be enforced.
An applicant who is domiciled or habitually resident in another Member State and seeks legal aid in a cross-border dispute before the court of the Republic of Croatia is entitled to legal aid in accordance with the provisions of the Free Legal Aid Act. In the Republic of Croatia, applicants or the competent authority of the Member State in which they are domiciled or habitually resident (transmitting authority) are to submit the application for legal aid to the Ministry of Justice (receiving authority). The forms and the supporting documents must be translated into Croatian, otherwise the application will be rejected.
Applications are submitted on the standard form laid down by Commission Decision 2004/844/EC of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

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Traduções já disponíveis nas seguintes línguas: el.

## National courts and other non-judicial bodies - Cyprus

**National courts**

**Nicosia District Court (*Eparchiakó Dikastírio Lefkosías*)**
Charalampos Mouskou St.
1405 Nicosia
Cyprus

**Limassol District Court (*Eparchiakó Dikastírio Lemesoú*)**
8 Lordou Vyrona Ave.,
3726 Limassol
PO Box 54619
Cyprus

**Larnaca District Court (*Eparchiakó Dikastírio Lárnakas*)**
Artemidos Ave.
6301 Larnaca
PO Box 40107
Cyprus

**Paphos District Court (*Eparchiakó Dikastírio Páfou*)**
Corner of Neophytou St. & Nikolaidi St.
8100 Paphos
PO Box 60007
Cyprus

**Famagusta District Court (*Eparchiakó Dikastírio Ammochóstou*)**
2 Sotiras St.

5286 Paralimni
Cyprus

**Kyrenia District Court (*Eparchiakó Dikastírio Kerýneias*)**
Charalampos Mouskou St.
1405 Nicosia
Cyprus

**National Human Rights Institutions:**

**Commissioner for Administration and Human Rights (Ombudsman)**

The Commissioner for Administration and Human Rights (*Epítropos Dioikíseos kai Anthropínon Dikaiomáton*, also known as the 'Ombudsman') is an independent officer of state who has been operating officially since 1991. The Commissioner is the institution primarily responsible for the extrajudicial control of the administration and the protection of human rights.

The Commissioner aims primarily to ensure legality, promote good governance, protect the rights of individuals, combat maladministration and protect the rights of citizens and human rights in general.

The Commissioner will, normally, start an investigation following submission of a complaint by a citizen who is directly and personally affected by the action complained against. However, the Commissioner may also start an investigation by order of the Council of Ministers or on his or her own initiative on matters of general interest.

The Commissioner's suggestions or recommendations are not binding. But if the parties concerned do not comply with them a question of principle arises. This position has been strengthened by the recent amendment to the relevant Law, which enables the Commissioner to consult with the authority concerned, in an attempt to find a way for the authority to adopt the Commissioner's positions and comply with them at a practical level.

The powers of the Commissioner for Administration are very broad, given that, in addition to carrying out the above functions, he or she also has the following roles:

**An anti-discrimination body**: In this capacity, the Commissioner checks, upon a complaint submitted by an individual or on the Commissioner's own initiative, whether there is a violation of the principle of equal treatment of individuals on grounds of racial, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or any other opinion, in the fields of social protection, social security, social benefits, healthcare, education, participation in associations and trade unions, or access to goods and services, including housing. The Commissioner can act in both the public and private sectors.

**An equality body**: In this capacity, the Commissioner checks, upon a complaint submitted by an individual or on the Commissioner's own initiative, whether there is a violation of the principle of equal treatment of individuals on grounds of gender or gender identity, racial, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or any other opinion, in the fields of employment, work and vocational training, including employment contracts or documents that govern an employment relationship, recruitment, dismissal, vacancy advertisements in newspapers, etc. The Commissioner also checks, in particular, whether there is gender-based discrimination against individuals in terms of their access to goods and services (e.g. education, healthcare, banking, or insurance services). The Commissioner can act in both the public and private sectors.

**An independent authority for the prevention of torture**: In this capacity, the Commissioner freely visits places in which individuals are entirely or partly deprived of their liberty (such as prisons, police detention centres, psychiatric institutions, or homes for the elderly), to observe and record the living conditions. The aim is to ensure the dignity and rights of persons who are in these circumstances. After making these visits, the Commissioner makes recommendations on improving both the conditions identified and the relevant legislative and institutional framework. Also, in the context of carrying out control over and openly communicating with the competent authorities, the Commissioner may make recommendations and proposals with a view to preventing torture and inhumane or degrading treatment. The Commissioner can act in both the public and private sectors.

**A national human rights institution**: In this capacity, the Commissioner puts forward opinions, recommendations and proposals when he or she feels that any state authority has violated or restricted human rights. The Commissioner also takes broader action to promote respect for human rights and, for that purpose, contacts NGOs focusing on human rights and other organised groups.

**An independent authority for the promotion of the rights of persons with disabilities**: In this capacity, the Commissioner is responsible for promoting, protecting and monitoring the implementation in Cyprus of the UN Convention on the Rights of Persons with Disabilities.

The Commissioner examines, either on his or her own initiative or following complaints, whether state authorities are complying with the provisions of the Convention, and reports on how the situation can be improved. The Commissioner also works together with other bodies that are active in this field and provides education, promotes awareness and strengthens the enforcement in practice of the rights of persons with disabilities.

**Cyprus Police**

Offices have been set up and put in operation in the Cyprus Police to promote, protect and strengthen fundamental human rights. Following is a brief outline of the duties and obligations of these offices, demonstrating the effort made to ensure that fundamental rights are protected by the Police:

**Human Rights Office**

The Human Rights Office reports to the European Union and International Relations Directorate of the Cyprus Police Headquarters and:

is responsible for examining and implementing obligations under the decisions of various Union human rights institutions, in fields falling within police jurisdiction;

focuses on implementing the recommendations made by the Council of Europe on detention conditions in police detention centres, etc.;

carries out systematic inspections at police detention centres and submits relevant reports and recommendations on how to improve the detention and living conditions of detainees;

works together with other governmental agencies, NGOs and independent bodies on issues relating to the protection of the human rights of all citizens and makes recommendations with a view to ensuring that the police comply with the provisions of the laws and of conventions signed and ratified by the Republic of Cyprus;

works together with the Cyprus Police Academy in planning and implementing human rights training programmes;

prepares and communicates circulars and manuals on the protection and promotion of human rights.

**Office for Combating Discrimination**

The Office for Combating Discrimination reports to the Crime Department of the Cyprus Police Headquarters and aims to prevent and fight discrimination, racism and xenophobia.

As part of its key functions, the Office:

ensures coordination, monitoring and cooperation between police officers with regard to investigating and recording racist offences and incidents or crimes with a racist motive;

works together with other governmental agencies and NGOs engaging in the fight against discrimination and racism;

works together with the Cyprus Police Academy and other organisations to provide police officers with further training;
serves as liaison office between the Cyprus Police and other agencies responsible for more effective anti-racism policy-making;
strengthens and implements the national legal framework relating to international and EU guidelines and obligations.

### Domestic Violence and Child Abuse Office

The Domestic Violence and Child Abuse Office reports to the Crime Department of the Cyprus Police Headquarters and is concerned primarily with coordination, implementation and support.
Its key functions consist in monitoring cases or incidents, studying criminal files and making recommendations on how to further handle them. Given its responsibility for enforcing the law, the Domestic Violence and Child Abuse Office works together with the investigators responsible for these cases, family consultants or Social Welfare Services officials, and other state or non-state officials with responsibilities in the area, and also with victims, who are contacted personally or by phone. In cooperation with the Cyprus Police Academy, the Office also organises training seminars for police officers.

### Office for Combating Trafficking in Human Beings

The Office for Combating Trafficking in Human Beings reports to the Crime Department of the Cyprus Police Headquarters and aims to combat trafficking in human beings, in accordance with the Law on Preventing and Combating Trafficking in and Exploitation of Human Beings and Protection of Victims or any other relevant legislation and police obligations, both at European and international levels.
As part of its key functions and responsibilities, the Office:
processes, analyses and utilises information concerning offences related to its mission;
coordinates the activities and actions of all directorates/agencies/departments, to ensure that nationwide operations are well scheduled and properly organised;
identifies victims of trafficking or exploitation, in accordance with the relevant identification manual and the provisions of the relevant legislation;
provides police officers with guidance on trafficking in human beings;
follows up on the investigation of cases relating to trafficking in human beings and provides questioning officers with guidance as appropriate, irrespective of their place of service;
undertakes, under the guidance of the superintendent heading the Crime Department, the investigation of complex and serious cases of breach of the Law on Preventing and Combating Trafficking in and Exploitation of Human Beings and Protection of Victims, in cooperation with duly trained officers serving in the district criminal investigation divisions;
responds to requests from other countries for providing legal assistance relating to trafficking in human beings;
keeps a statistical database and prepares relevant reports and statistics;
carries out any other functions provided for in the legislation and the national action plan against trafficking in human beings or conferred on it by the Chief of Police.
With a view to securing and protecting the rights of identified victims of trafficking in human beings, the Office works together with, in addition to the social welfare services, such NGOs as Cyprus Stop Trafficking, KISA, Caritas, Well Spring, etc.

### Commissioner for Children's Rights

The Commissioner for Children's Rights (*Epítropos Prostasías ton Dikaiomáton tou Paidioú*) was established as an institution by the Law on the Commissioner for the Protection of Children's Rights of 2007 (Law 74(I)/2007), which entered into force on 22 June 2007. The Law provides for the appointment of a Commissioner, the establishment and operation of the Commissioner's Office, and other related matters. It was amended in 2014 by the Protection of Children's Rights Law of 2014 [44(I)/2014], in order to handle additional issues.
There are important provisions laid down in the Law to enable the Commissioner's Office to serve as an independent national human rights organisation responsible for protecting and promoting children's rights. The Law provides for broad functions and obligations for the Commissioner, which can be outlined, for reference purposes, on the basis of four pillars:
control and monitoring of legislation, procedures and practices by public and private sector authorities;
empowerment and participation of children;
education and awareness among children and society in general concerning children's rights;
representing children and their interests in procedures affecting them.
Ms Leda Koursoumba was appointed as the first Commissioner for Children's Rights. She is currently serving a second term as Commissioner.
Contact details:
Corner of Apelli St. and Pavlou Nirvana St., 5th floor, 1496
Tel.: +357 22873200
Fax: +357 22872365
Email: childcom@ccr.gov.cy
Website: http://www.childcom.org.cy/

### Commissioner for Personal Data Protection

The Commissioner for Personal Data Protection (*Epítropos Prostasías Dedoménon Prosopikoú Charaktíra*) serves as an independent supervisory authority established by virtue of the Personal Data Processing (Protection of the Individual) Law 112 of 2001 (Law 112(I)/2001), by which Directive 95/46/EC was transposed into the national legislation.
The Commissioner supervises the implementation of the above Law. The Commissioner's functions include the performance of controls, the issuance of such authorisations as provided for by law and the imposition of administrative penalties for breaching the Law. The Commissioner works together with the relevant authorities in other Member States and the Council of Europe in respect of matters falling within the scope of the Commissioner's responsibility and promoting respect for the rights of European citizens to privacy and the protection of personal data.
The Commissioner serves as the national supervisory authority for Europol, Eurojust, Eurodac, SIS II (Second Generation Schengen Information System), VIS (Visa Information System), CIS (Custom Information System) and the IMI (Internal Market Information System).
The Commissioner's Office aims to provide the general public with better information on the rights provided for by Law and cultivate a privacy-friendly culture both in the public and private sectors.

### Department for Social Inclusion of Persons with Disabilities of the Ministry of Labour, Welfare and Social Insurance

The UN Convention on the Rights of Persons with Disabilities is a milestone in the history of disability, and requires states to adopt all appropriate legislative, administrative and other measures with a view to protecting the rights of persons with disabilities in all aspects of life. The Republic of Cyprus ratified the Convention in 2011 and prepared and adopted its first national action plan for disability in 2013.
The Department for Social Inclusion of Persons with Disabilities, being the focal point, undertook to coordinate the effective implementation of the UN Convention on the Rights of Persons with Disabilities and the 2013-2015 and 2017-2020 national action plans for disability.

Furthermore, the Department for Social Inclusion of Persons with Disabilities aims to promote the social protection, social inclusion and employment of persons with disabilities. Its key activities include:
carrying out assessments and providing certifications in respect of disability and functionality;
granting social benefits to persons with disabilities;
providing direct and indirect professional rehabilitation and other support services.
The Department's vision is to improve the quality of life of persons with disabilities and open up new social integration prospects for them through planning, coordination and implementation of reform.

### National Machinery for Women's Rights

The National Machinery for Women's Rights (*Ethnikós Michanismós gia ta Dikaiómata tis Gynaíkas*) was established on 16 February 1994 by virtue of Decision No 40.609 of the Council of Ministers.
The National Machinery for Women's Rights is a key organisation for making and promoting the government's policy for eliminating law-based discrimination against women and establishing equality between men and women in all fields of law. It also helps establish the principle of equality and equal opportunities in practice, which requires, inter alia, a change of attitude, promoting special programmes for supporting and strengthening women in their multi-faceted roles, as well as integrating equality in all programmes and policies.
In accordance with Decision No 76.789 of the Council of Ministers of 23 April 2014, the Council and the National Committee of the National Machinery for Women's Rights are chaired by the Commissioner for Gender Equality, and the Machinery's Secretariat-General is manned by officials from the Gender Equality Unit of the Ministry of Justice and Public Order.
The National Machinery for Women's Rights comprises three collective bodies: (a) the Council, (b) the National Committee, and (c) the Inter-ministerial Committee. It also operates a Secretariat-General.
The *Council* of the National Machinery for Women's Rights consists of 19 member organisations. The Council's members comprise women's organisations, trade unions and other NGOs, including two Turkish-Cypriot women's organisations (a list of the Council's member organisations is annexed hereto).
The *National Committee* of the National Machinery for Women's Rights consists of 69 member organisations, including organisations affiliated with political parties, organisations combating violence against and exploitation of women, training, research, anti-racism and agricultural organisations, trade unions, organisations for peace, for the displaced, for the family and for children, etc.
The *Inter-ministerial Committee* of the National Machinery for Women's Rights comprises officials responsible for women's rights from all ministries and from the Directorate-General for European Programmes, Coordination and Development.
The *Secretariat-General* prepares the meetings of all the bodies of the National Machinery for Women's Rights and assists with the implementation of all the decisions taken, by providing administrative and scientific support and guidance.

### Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women

The main task of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women consists in studying and looking into, in the context of the exercise of parliamentary scrutiny, whether the provisions of the Constitution of Cyprus, of international conventions and of the relevant legislation are observed in the Republic of Cyprus.
Within this context, the Committee looks into cases relating to human rights violations against citizens and other persons living in the Republic of Cyprus and reports to the House of Representatives accordingly.

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## National courts and other non-judicial bodies - Latvia

### The national courts

Civil, criminal and administrative cases in Latvia are heard by courts at three levels - district or city courts (*rajonu (pilsētu) tiesas*), regional courts (*apgabaltiesas*), and the Supreme Court (*Augstākā tiesa*). For a list of courts click here.
There is also the Constitutional Court (*Satversmes tiesa*), which in accordance with the Constitution and the Constitutional Court Law (*Satversmes tiesas likums*) hears cases involving the compliance of laws and regulations with the Constitution, and other matters assigned to its jurisdiction by law.
In accordance with the Law on the Judicial Power (*Likums "Par tiesu varu"*), the principles and procedures for the trial of cases are laid down in the Constitutional Court Law, the Law on Civil Procedure (*Civilprocesa likums*), the Law on Criminal Procedure (*Kriminālprocesa likums*), and the Law on Administrative Procedure (*Administratīvā procesa likums*), which regulate the progress of cases, the decisions to be taken during and at the end of the proceedings, and the procedures for enforcement.

### Specialised human rights bodies

The **Ombudsman's Office** (*Tiesībsarga birojs*) operates under the Ombudsman Law (*Tiesībsarga likums*).
Any person who believes that there may have been a violation of human rights, whether his or her own or those of another person, or a violation of the principles of good governance, is entitled to make a written complaint or submission to the Ombudsman's Office. The procedure for the receipt and examination of complaints is regulated by the Ombudsman Law and the regulations on the handling of complaints (*sūdzību izskatīšanas reglaments*).
According to these provisions, upon receipt of a written complaint, the Ombudsman must decide whether to accept the case or to reject it (the complaint will be rejected if it does not contain sufficient details of the violation or is outside the competence of the Ombudsman), and must notify the complainant accordingly. The case must be considered within three months. The case ends either with an agreement between the parties or with a recommendation made by the Ombudsman. The Ombudsman's recommendation is not legally binding.
Section 13(6) of the Ombudsman Law provides that the Ombudsman may also initiate cases on his or her own initiative.

**Ombudsman of the Republic of Latvia c**ontact information:
Baznīcas ielā 25
Riga
LV-1010
Tel.: +371 67686768
Fax: 67244074
E-mail: tiesibsargs@tiesibsargs.lv

Open to the public every day from 9.00 to 16.00.
Consultations are by appointment. There is no charge.

**Ombudsman in children's rights cases**

The **Ombudsman** acts under the Ombudsman Law. In addition, in accordance with Section 652(2) of the Protection of the Rights of the Child Law (*Bērnu tiesību aizsardzības likums*), the Ombudsman's Office also deals with complaints about violations of children's rights, paying particular attention to violations committed by state and local government authorities or their employees.

**Ombudsman of the Republic of Latvia c**ontact information:
Baznīcas ielā 25
Riga
LV-1010
Tel.: +371 67686768
Fax: 67244074
E-mail: tiesibsargs@tiesibsargs.lv
Open to the public every day from 9.00 to 16.00.
Consultations are by appointment. There is no charge.

The **State Inspectorate for the Protection Of Children's Rights** (*Valsts bērnu tiesību aizsardzības inspekcija*) monitors and verifies the enforcement of laws and regulations in the field of the protection of children's rights, in accordance with Section 651 of the Protection of the Rights of the Child Law.

**Children's rights protection inspectors can be consulted at:**
53 Ventspils iela
Riga
LV–1002
Tel.: +371 67359128, +371 67359133
Open to the public on Mondays 13.00-18.00 and Thursdays 8.30-14:00.
Please click here for more detailed information on applications and complaints regarding child rights issues.

**Equality body**

The **Ombudsman** operates under the Ombudsman Law.

**Ombudsman of the Republic of Latvia c**ontact information:
25 Baznīcas ielā
Riga
LV-1010
Tel.: +371 67686768
Fax: 67244074
E-mail: tiesibsargs@tiesibsargs.lv
Open to the public every day from 9.00 to 16.00.
Consultations are by appointment. There is no charge.

**Data protection body**

The **State Data Inspectorate** (*Datu valsts inspekcija*, 'DVI') supervises the protection of personal data. It verifies and monitors the compliance of the processing of personal data in the country with the requirements of the Personal Data Protection Law (*Fizisko personu datu aizsardzības likums*). According to Section 5(3) of the Official Applications Law (*Iesniegumu likums*, effective 1 January 2008) and Section 64 of the Law on Administrative Procedure (effective 1 February 2004), the Inspectorate must consider an application or complaint made to it and give an answer within one month of receipt. This deadline may be extended if further information is needed in order to examine the application or complaint.
The Inspectorate has power to impose penalties for personal data protection offences. Its decisions can be challenged in the courts.

**State Data Inspectorate contact information:**
Blaumaņa iela 11/13-15.
Riga
LV-1011
Tel.: +371 67223131
E-mail: info@dvi.gov.lv
Admission by appointment.
Staff are available for telephone consultations every weekday 14.00-16.00.

**Other specialised bodies**

The **Latvian Centre for Human Rights** (*Latvijas cilvēktiesību centrs*, 'LCC') is an independent non-governmental organisation concerned with human rights education, human rights research and issues of national relations. Its areas of activity include social integration, tolerance and anti-discrimination, closed institutions, legal advice, protection of the interests of mentally ill people and prevention of discrimination against them, hate crime, and asylum seekers.

**Latvian Centre for Human Rights contact information:**
13 Alberta iela
7.stāvs
Riga
LV-1010
Latvia
Tel.: +371 67039290
Fax: +371 67039291
E-mail: office@humanrights.org.lv

**Other**

The **Legal Aid Administration** (*Juridiskās palīdzības administrācija*, 'JPA') acts under the State Legal Aid Law (*Valsts nodrošinātās juridiskās palīdzības likums*), the Law on State Compensation to Victims (*Likums par valsts kompensāciju cietušajiem*) and Cabinet Regulation No 869 of 15 November 2005 laying down the Charter of the Legal Aid Administration (*Juridiskās palīdzības administrācijas nolikums*). It reviews applications for state legal aid and decides whether to grant or refuse it; considers claims for state compensation and decides whether to pay or to refuse payment; examines applications by

individuals for approval as state legal aid providers and concludes contracts with legal aid providers; and performs other tasks in accordance with the aforesaid laws and regulations.
**The form** for obtaining the status of a state legal aid provider is available on the Administration's website at https://www.jpa.gov.lv/par-mums-eng, in the section '*Juridiskās palīdzības sniedzējiem*' [legal aid providers].
**Legal Aid Administration contact information:**
Brīvības gatve 214
Riga
LV-1039
Toll-free tel.: + 371 680001801, tel.: +371 67514208
Fax: +37167514209
E-mail: jpa@jpa.gov.lv
**Safe House Shelter Association**
The Safe House Shelter Association [***NVO "Patvērums „Drošā māja""***] was founded with the aim of developing support services for trafficked persons and legal immigrants, including asylum seekers, refugees and persons granted alternative status, so as to ensure the right of the individual to receive adequate assistance and protection; promoting rehabilitation and reintegration of people who have been trafficked; and providing support services for legal immigrants, with the development of interactive forms of training and cooperation with state and local government institutions and social and Christian organisations in Latvia and elsewhere in the world. In September 2010 the association was recognised as an organisation of public benefit. Since 2007 it has been entitled to provide state-funded social rehabilitation services to the victims of human trafficking.
**Contact information:**
Lāčplēša iela 75 - 9/10
Riga
LV-1011
Tel.: +371 67898343, +371 28612120
E-mail: drosa.maja@gmail.com
Last update: 25/12/2023
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## National courts and other non-judicial bodies - Luxembourg

### National Courts

Fundamental rights are enshrined in international texts such as the European Convention on Human Rights and United Nations conventions, as well as in Luxembourg's Constitution and the Charter of Fundamental Rights of the European Union for matters relating to European law.
The fundamental rights enshrined in these legal texts may be invoked before any national court: criminal, civil, commercial or administrative.
It should be noted that infringements of fundamental rights may be punished through judgments handed down by national courts, either criminal or civil, or in relevant cases by commercial or administrative courts.
https://justice.public.lu/fr.html
https://justice.public.lu/fr/annuaire.html

### Ombudsman (*Médiateur institutionnel*)

**Ombudsman**
The Ombudsman is attached to the Parliament (*Chambre des députés*) and does not receive instructions from any other authority in the course of their work.
The Ombudsman's task is to receive complaints made by natural persons or private legal entities on a matter concerning them that relate to the functioning of the State and local authorities, and public establishments for which the State and local authorities are responsible, excluding their industrial, financial and commercial activities. In this context, the Ombudsman may receive complaints that are directly or indirectly related to human rights.
Any natural person or private legal entity that believes that, in a matter concerning them, an authority listed in the previous paragraph did not operate in accordance with its role or infringed the conventions, laws or regulations in force may, through an individual written complaint or an oral statement to the Ombudsman's secretariat, ask for the matter to be brought to the attention of the Ombudsman.
The complaint may only be made once the appropriate administrative steps have been completed with the bodies concerned to have the matter resolved.
Making a complaint to the Ombudsman does not suspend the time period allowed for other proceedings, especially those made before the competent courts.
The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling. However, in the event of failure to enforce a decision with the force of res judicata, they can order the body in question to comply with the decision within a time period that the Ombudsman establishes.
The complaint must relate to a specific matter concerning the person making the complaint. Complaints cannot relate to the functioning of the administration in general.
If the Ombudsman believes that a complaint is justified, they will advise the complainant and the administration, and will put forward all the recommendations regarding the service in question and the complainant that they believe will allow an amicable settlement of the complaint. These recommendations may include proposals for improving the way in which the service operates.
If the Ombudsman believes that, in relation to a complaint they receive, application of the contested decision leads to an injustice, they may recommend to the service in question, in accordance with the relevant legislation and regulations, any solution that allows the complainant's situation to be resolved fairly, and suggest any changes that they consider should be made to the legislation or regulations on which the decision is based.
A decision by the Ombudsman not to follow up a complaint cannot be appealed in court.
**Ombudsman**
36, rue du Marché-aux-Herbes
L-1728 Luxembourg
Tel. +352 26270101
Fax +352 26270102
Website: http://www.ombudsman.lu/
Email: info@ombudsman.lu

### Special human rights bodies

**Consultative Committee on Human Rights (*Commission consultative des droits de l'Homme*)**

The Consultative Committee on Human Rights (CCDH) is a government advisory body responsible for promoting and protecting human rights in the Grand Duchy of Luxembourg. With this purpose in mind, it provides the government with opinions, studies, position papers and recommendations, which it draws up entirely independently, on all issues of general import concerning human rights in the Grand Duchy of Luxembourg. In its opinions it draws the government's attention to the measures that it believes will help to protect and promote human rights. The Prime Minister takes the Committee's opinions, studies, position papers and recommendations to Parliament.

It is a purely advisory government body that has no decision-making powers.

The CCDH does not have any authority to deal with individual cases.

In its work the CCDH:

freely examines any issue that falls within its remit, whether it be submitted by the government or taken on by the committee itself on the basis of a proposal by one of its members or any person or organisation;

hears from individuals and receives any relevant information or documents required to assess situations that fall within its remit;

addresses the public either directly or through the press, in particular to publicise its opinions and recommendations;

maintains dialogue with other bodies, both judicial and non-judicial, the purpose of which is to promote and protect human rights.

**Consultative Committee on Human Rights**

71-73, rue Adolphe Fischer
L-1520 Luxembourg
Tel. +352 26202852
Fax +352 26202855
Fax +352 26202855
Website: https://ccdh.public.lu/
Email: info@ccdh.public.lu

**Ombudsman for Children and Young People (*Ombudsman fir Kanner a Jugendlecher (OKaJu)*)**

Duties of the OKaJu

The Act of 1 April 2020 establishing the Ombudsman for Children and Young People defines the duties of OKaJu:

it examines complaints about infringements of children's rights; it makes recommendations for remedying the reported situation;

it analyses the systems in place in order, if necessary, to recommend adaptations to the competent authorities to ensure better protection and promotion of children's rights in the long term;

it reports breaches of children's rights to the competent authorities;

it advises natural or legal persons on how to exercise children's rights;

it raises children's awareness of their rights and the public's awareness of children's rights;

it issues opinions on all bills, draft laws and draft grand-ducal regulations that have an impact on the upholding of children's rights;

it issues opinions at the request of the government or the Parliament on any issue relating to children`s rights.

The members of OKaJU carry out their duties without intervening in ongoing legal proceedings.

Any natural or legal person may submit a written or oral request to the Ombudsman for Children and Young People for advice on exercising children's rights.

The Ombudsman for Children and Young People's response may be written or oral, depending on the form of the request.

**Ombudsman for Children and Young People**

2, rue Fort Wallis
L-2714 Luxembourg
Tel. +352 26123124
Fax +352 26123125
Website: http://ork.lu/index.php/en/

**Centre for Equal Treatment (*Centre pour l'égalité de traitement*)**

The Centre for Equal Treatment, which conducts its work entirely independently, aims to promote, analyse and monitor the equal treatment of all people without discrimination based on race, ethnic origin, gender, religion or convictions, disability or age.

In its work the Centre can, in particular:

publish reports, issue opinions and recommendations, and conduct studies on all issues connected with the aforementioned types of discrimination;

produce and supply any information and useful documentation as part of its duties;

provide help to people who believe themselves to be the victims of discrimination under Article 1 of the Law on Equal Treatment of 28 November 2006 by providing them with advice and guidance concerning their individual rights, legislation, case-law and the means of exercising their rights.

Information concerning individual situations or cases of which members become aware in the course of their work are confidential. This confidentiality does not prevent the Centre from providing the competent judicial authorities with any information regarding discrimination against the victim under Article 1 of the Law on Equal Treatment of 28 November 2006.

The members of the Centre cannot intervene in ongoing judicial proceedings in the course of their work.

The members of the Centre have the right to ask for any information, evidence or document that they need to carry out their work, with the exception of information covered by doctor-patient confidentiality or any other professional secrecy rules.

**Centre for Equal Treatment**

B.P. 2026
L-1020 Luxembourg
Tel. +352 26483033
Fax +352 26483873
Website: http://cet.lu/fr/
Email: info@cet.lu

**National Commission for Data Protection (*Commission nationale pour la protection des données*)**

The National Commission for Data Protection is a public authority set up as a public institution. It carries out its tasks entirely independently.

Every year it presents a written report on its work to the cabinet.

The Commission's role is to:

monitor and verify the legality of the collection and use of processed data, and inform those responsible for processing it of their obligations;

ensure that people's fundamental rights and freedoms are respected, in particular their privacy, and inform the public about the rights of those concerned; receive and examine complaints and requests to verify the legality of data processing;
advise the government, either at its request or at the Commission's own initiative, on the consequences of developments in data processing and information technologies as regards respect for fundamental rights and freedoms; for this purpose, it may carry out studies, surveys or expert assessments.
The Commission is also responsible for ensuring the application of the amended Law of 30 May 2005 on the protection of privacy in the electronic communications sector and its implementing rules.
Any person, acting on their own behalf, through their lawyer or through any duly authorised natural or legal person may submit to the Commission a request concerning respect for their fundamental rights and freedoms as regards data processing. The person concerned will be informed of the follow-up to their request.
A request may, in particular, be submitted to the Commission by a person seeking verification of the legality of the processing of personal data if their right of access has been refused or limited.
The Commission informs the judicial authorities of any infringements of which it is aware.

**National Commission for Data Protection**
15, Boulevard du Jazz
L-4370 Belvaux
Tel. +352 261060-1
Fax +352 261060-29
Website: https://cnpd.public.lu/fr.html

**National Reception Office (*Office national de l'accueil (ONA)*)**

The National Reception Office (ONA) was established by the Law of 4 December 2019. The provisions of the new Reception Law came into force on 1 January 2020.
The ONA replaces the Luxembourg Reception and Integration Office (*Office luxembourgeois de l'accueil et de l'intégration (OLAI))* established by the amended Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg.
The ONA's duties are:
to organise the reception of applicants for international protection as defined by the Law of 18 December 2015 on international protection and temporary protection;
to manage accommodation facilities reserved for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection as defined by the aforementioned Law of 18 December 2015
to collaborate with other bodies in establishing and managing accommodation facilities for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection;
to work with the competent authorities in promoting the construction and fitting-out of accommodation facilities for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection.
The ONA collaborates with European and international bodies in performing these tasks.
In exceptional cases, duly motivated by family, humanitarian or health reasons, the ONA may grant ad hoc support to third-country nationals, as defined in Article 3(c) of the amended Law of 29 August 2008 on the free movement of persons and immigration, who are not entitled to existing aid and allowances.

**National Reception Office (ONA)**
5, rue Carlo Hemmer
L-1734 Luxembourg
Tel. +352 24785700
Fax +352 24785720
Website: https://ona.gouvernement.lu/en/service.html
Email: info@olai.public.lu

**Access to justice**

**Judicial information service (*Service d'accueil et d'information juridique*)**

This service, established at the courts, falls under the authority of the State public prosecutor (*procureur général d'Etat*). Its purpose is to answer the queries of private individuals and provide them with general information on the scope of their rights, and on the channels and resources to use to protect them.
The service's role is to:
answer the queries of private individuals and direct them towards the appropriate departments, giving them the information and technical resources that they need;
provide private individuals with general information on the scope of their rights in relation to the problems raised, and on the channels and resources for exercising those rights;
listen to their grievances regarding the difficulties they have encountered in exercising their rights and suggest ways of overcoming them.
The service only provides information orally. It does not provide any written consultations.

**Judicial information service - Luxembourg**
Cité judiciaire
Bâtiment BC
L-2080 - Luxembourg
Tel. +352 475981-345/325/600
pgsin@justice.etat.lu
Judicial information service - Diekirch

**Justice of the peace court (*Justice de paix*)**
Place Joseph Bech
L-9211 - Diekirch
Tel. +352 802315

**Legal aid**

Legal aid may be granted for judicial and extra-judicial proceedings, for contentious and non-contentious proceedings, for the plaintiff or for the defence. To be eligible for legal aid, the applicant's income must be insufficient, i.e. equivalent to the social integration income (*revenu d'insertion sociale (REVIS)*). An assessment is made as to whether the person requiring assistance has insufficient resources based on their income and wealth, and those of the persons living with them in a joint domestic situation.
Legal aid is refused to persons bringing an action which appears to be manifestly inadmissible, without merit or unreasonable or whose aim seems disproportionate in relation to the potential costs.
Legal aid is refused if the applicant is entitled, for whatever reason, to the reimbursement by a third party of sums to be paid by legal aid.
Beneficiaries of legal aid are entitled to the assistance of a lawyer and any law officer whose collaboration is necessitated by the cause, the action, or its enforcement.
The Chair of the Bar (*Bâtonnier de l'Ordre des avocats*) or a member of the Bar Council appointed by the former for the purpose in the applicant's district of residence decides whether to assign legal aid. For non-residents the decision is taken by the Chair of the Luxembourg Bar or a member of the Bar Council appointed by the former for the purpose.
Those with insufficient resources may apply to the Chair either at their hearings or in writing.
If a person detained by the police claims entitlement to legal aid and requests it, the lawyer assisting the applicant during their detention submits the application to the Chair of the Bar.
**Website**: https://www.barreau.lu/recourir-a-un-avocat/assistance-judiciaire/
**For the judicial district of Luxembourg**
**Chair of the Luxembourg Bar**
Legal Aid Service (*Service de l'Assistance Judiciaire*)
45, Allée Scheffer, L-2520 Luxembourg
L-2013 Luxembourg
Tel. +352 467272-1
**For the judicial district of Diekirch**
**Chair of the Diekirch Bar**
B.P. 68
L-9201 Diekirch
Last update: 24/04/2023
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## National courts and other non-judicial bodies - Hungary

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- III.2. Victim support
- III.3. Legal aid

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### I. National Courts

#### I. 1. Courts

**1. Tasks**

Under the Fundamental Law of Hungary (Hungary's constitution), the job of the courts is the administration of justice. This means adjudicating in criminal cases and private legal disputes, ruling on the legality of administrative decisions and municipal decrees and establishing whether a local authority has failed to fulfil its statutory legislative obligations. The law may also assign other cases to be decided by a court.
The principles guaranteeing judicial independence are laid down in the Fundamental Law: judges are subject only to the law, they may not be given instructions on their adjudication activities and they may be removed from office only on the grounds and under the procedures specified by law. They may not be members of a political party or engage in political activities.

**2. Organisation**

In Hungary the task of administering justice is carried out by the Curia (*Kúria*) of Hungary, the regional courts of appeal, the regional courts, the district courts and the administrative and labour courts.
There is no hierarchical relationship between the various judicial levels. Courts higher in the hierarchy do not have the power to instruct those lower in the hierarchy. Judges hand down their decisions in accordance with the law and their moral convictions.

**District courts (*járásbíróságok*)**

Most cases at first instance are heard by district courts. Adjudication in Hungary currently takes place at 111 district courts. The Hungarian term for the district courts in Budapest is "*kerületi bíróság*". A total of six unified district courts (*egyesített kerületi bíróság*) operate in the 23 districts of Budapest. District courts are courts of first instance and are presided over by a president.

**Administrative and labour courts**

Hungary has 20 administrative and labour courts, which, as their name indicates, deal exclusively with administrative and labour cases. Their primary task is to review administrative decisions and to adjudicate in cases arising from employment relationships and quasi-employment relationships.

**Regional courts (*törvényszékek*)**

Regional courts act as courts of first or second instance. A case may be referred to a regional court by one of two methods. One method is when a judgment handed down at first instance (in other words, at a district court or an administrative and labour court) is appealed by an interested party. However, some cases start in a regional court, in which case these courts act as courts of first instance. Procedural laws (the Code of Civil Procedure and Criminal Procedure Act) determine which cases are concerned, for instance on the basis of the size of the amount involved in the case, or whether it constitutes a special case or involves a particularly serious criminal offence. Regional courts have panels, groups and criminal, civil, economic, and administrative and labour divisions operating under the president.

**Regional courts of appeal (ítélőtáblák)**

The five regional courts of appeal represent a level between the regional courts and the Curia and were created to lessen the burden on the former Supreme Court. Appeals against decisions of the regional courts are adjudicated by the regional courts of appeal. Regional courts of appeal are courts of third instance in criminal cases where a regional court was the court of second instance. Regional courts of appeal have panels and criminal and civil divisions operating under a president.

**Curia of Hungary**

The Curia is at the top of the judicial hierarchy and is headed by its President. Its most important duty is to establish uniform and consistent judicial practice. The Curia carries out this duty by handing down what are known as uniformity decisions. These decisions provide guidance in terms of principle and are binding on the courts.

The Curia

rules on appeals against decisions of regional courts or regional courts of appeal in cases specified by law:

assesses review requests;

hands down uniformity decisions, which are binding on the courts;

carries out case-law analyses in cases that have been closed and have become final and within this framework investigates and examines the courts' case-law;

publishes court decisions on principles;

takes decisions on whether municipal decrees conflict with other legislation and are to be annulled;

takes decisions finding a local authority to be in breach of its statutory legislative obligations.

The Curia has panels on adjudication, uniformity decisions, local authorities and the issuing of principles; as well as criminal, civil, and administrative and labour divisions, and groups analysing case-law.

**National Office for the Judiciary (*Országos Bírósági Hivatal*) and National Judicial Council (*Országos Bírói Tanács*)**

The president of the National Office for the Judiciary (NOJ) carries out centralised tasks related to the administration of courts, exercises managerial powers under the courts chapter of the Budget Act and oversees the administrative activities of the presidents of regional courts of appeal and regional courts. The National Judicial Council (NJC), an independent body elected by judges and made up of judges exclusively, is the supervisory board for the centralised administration of courts. In addition to its supervisory tasks, the NJC is also involved in the administration of the courts.

**3. Contact details**

Országos Bírósági Hivatal
Address: 1055 Budapest, Szalay u. 16.
Postal address: 1363 Budapest Pf.: 24.
Telephone: +36 (1) 354 41 00
Fax: +36 (1) 312-4453
Email: obh@obh.birosag.hu
The website of the courts

**I.2. The Constitutional Court**

**1. Tasks**

The Constitutional Court (*Alkotmánybíróság*) is the main body for the protection of the Fundamental Law. Its duties consist of protecting the democratic rule of law, constitutional order and rights guaranteed by the Fundamental law, safeguarding the internal consistency of the legal system and enforcing the principle of division of powers.

The Constitutional Court was created by the National Assembly in 1989. The Fundamental Law lays down the fundamental rules concerning the duties and the raison d'être of the Constitutional Court, while the main outlines of organisational and procedural rules are contained in the Constitutional Court Act. Detailed rules on procedures of the Constitutional Court are set down in the Rules of Procedure.

**2. Organisation**

The Constitutional Court is a body made up of fifteen members. Its members are elected by the National Assembly by a two-thirds majority with a mandate for twelve years. To become a judge of the Constitutional Court a person must be a distinguished academic lawyer or have at least twenty years of professional experience in a legal field. The president of the Constitutional Court is elected by the National Assembly from among the judges of the Constitutional Court for his or her term as a Constitutional Court judge.

The Constitutional Court sits in plenary, in five-member panels or as a single judge. Decisions on the constitutionality of laws and other major cases are taken by the plenary.

The Office of the Court carries out organisational, operational, administrative and decision-making tasks. The Office is headed by the secretary-general, who is elected by the plenary on a proposal from the president.

**3. Powers**

**Preliminary examination of conformity with the Fundamental Law**

The initiator of a law, the Government or the President of the National Assembly may ask the National Assembly to submit an adopted law to the Constitutional Court for constitutional review in order to examine its conformity with the Fundamental Law.

In addition, the President of the Republic is obliged to submit a law adopted by parliament to the Constitutional Court instead of signing it, if he or she considers it or any of its provisions to be contrary to the Fundamental Law, in order for the Court to examine whether it is in conformity with the Fundamental Law. If the Constitutional Court establishes that the law examined is contrary to the Fundamental Law, the law cannot be promulgated.

**Ex post review of conformity with the Fundamental Law (ex post review procedure)**

This procedure, introduced in 2012, may be initiated by the Government, one quarter of Members of Parliament, the Commissioner for Fundamental Rights, the President of the Curia or the Prosecutor General.

The Constitutional Court annuls any contested provision it finds to be contrary to the Fundamental Law under this procedure.

**Initiation of an individual review procedure by a judge**

A judge who, when hearing a case, considers that the law to be applied is contrary to the Fundamental Law must ask the Constitutional Court to examine and suspend the proceedings. In a case initiated by a judge, the Constitutional Court may rule that the law or legal provision is contrary to the Fundamental Law and declare it inapplicable in the specific case or even in general.

**Constitutional complaints**

A constitutional complaint is one of the most important tools for the protection of fundamental rights. It may primarily be used where the complainant's fundamental rights provided for by the Fundamental Law have been infringed in the course of a court judgment being handed down. Such an infringement may occur in the course of court proceedings relating to the case when a law that is contrary to the Fundamental Law is applied, or if a decision handed down on the merits of the case itself or any other decision concluding the court proceedings is contrary to the Fundamental Law. A constitutional complaint may exceptionally be filed if the complainant's fundamental rights have been directly infringed in a case without a court decision. The Constitutional Court will then annul any law or judgment it finds to be contrary to the Fundamental Law.

**Examination of conflicts with international agreements**

Under The Constitutional Court Act, a Hungarian law may be examined for compliance with an international agreement. The procedure may be initiated by one quarter of Members of Parliament, the Government, the Commissioner for Fundamental Rights, the President of the Curia, the Prosecutor General or a judge with regard to the law to be applied in a case.

The Constitutional Court may fully or partially annul any law it finds to be in conflict with an international agreement, and call upon the legislature to take the measures necessary for resolving the conflict before a set deadline.

**Additional powers**

The Constitutional Court interprets the provisions of the Fundamental Law concerning any specific constitutional issue on a proposal by the National Assembly or its permanent committee, the President of the Republic or the Government, if such interpretation may be derived directly from the Fundamental Law.

Anyone may file a proposal for the Constitutional Court to review a decision by the National Assembly calling a referendum or rejecting the calling of a mandatory referendum.

The National Assembly may dissolve the body of representatives of a local authority or a minority self-government if it operates in a manner that is contrary to the Fundamental Law. Prior to this the Constitutional Court delivers its opinion on the case at the initiative of the Government.

The Constitutional Court conducts the procedure to remove the President of the Republic from office on a proposal from the National Assembly.

The Constitutional Court may decide on questions of conflicts of powers between State bodies and between State and local government bodies.

The Constitutional Court may establish ex officio that a measure is contrary to the Fundamental Law because of a legislative omission, in which case it calls upon the body responsible for the omission to correct it.

**4. Contact details**

Address: 1015 Budapest, Donáti u. 35–45.

Postal address: 1535 Budapest, Pf. 773.

Telephone: +36 (1) 488 31 00

The website of the Constitutional Court

Facebook page

## II. National Human Rights Institutions, Ombudsperson

### II.1. The Commissioner for Fundamental Rights (*Az Alapvető Jogok Biztosa*) (a United Nations National Human Rights Institution)

**1. The Commissioner for Fundamental Rights**

In accordance with the Fundamental Law of Hungary, the National Assembly also adopted the Act on the Commissioner for Fundamental Rights, creating a new, uniform ombudsman system.

The Commissioner for Fundamental Rights is accountable only to Parliament. The Ombudsperson takes independent action in the course of its procedure based exclusively on the Fundamental Law and other laws. The Ombudsperson is elected by two thirds of the votes of the representatives of the National Assembly on a proposal by the President of the Republic for six years and reports annually on their work to the National Assembly.

The Commissioner for Fundamental Rights is eligible for re-election once. Under the Act on the Commissioner for Fundamental Rights, two deputies work alongside the Commissioner for Fundamental Rights: the Deputy Commissioner responsible for the protection of the interests of future generations and the Deputy Commissioner responsible for the protection of the rights of ethnic minorities living in Hungary. The Commissioner elected by the National Assembly proposes the deputies, who are also elected by the National Assembly.

**2. Procedure and action**

The primary task of the Ombudsperson is to investigate abuses related to fundamental rights and to initiate general or specific measures to remedy them. Within the limits set by the law governing their powers, the Ombudsperson chooses the action they consider appropriate, which may be:

a recommendation to remedy the abuse related to fundamental rights addressed to the supervisory body overseeing the body that caused the abuse,

a remedy for the abuse initiated with the head of the body concerned,

a proposal for the Constitutional Court procedure,

initiation of a review by the Curia of the compatibility of a municipal decree with other legislation,

through the Prosecutor General, initiation of action to be taken by the prosecution service,

initiation of a procedure to hold a person accountable before the competent body, if the Ombudsman becomes aware of a reasonable suspicion of a minor offence or disciplinary offence having been committed; if the offence is a criminal offence, the procedure must be initiated,

a proposal to amend, repeal or publish legislation or a legal instrument of state administration by a body authorised to legislate or issue legal instruments of state administration,

as a final measure, submission of a case to the National Assembly as part of the annual report.

Any person who considers that the acts or omissions of an authority have breached their fundamental rights or directly threaten to do so may apply to the Commissioner for Fundamental Rights , provided that the person has exhausted all available possibilities for administrative remedies – excluding any judicial reviews of administrative decisions – or has no remedy available.

The Commissioner for Fundamental Rights and the Deputy Commissioners monitor the enforcement of the rights of ethnic minorities living in Hungary and the interests of future generations.

The Commissioner for Fundamental Rights may not examine the activities of the National Assembly, the President of the Republic, the Constitutional Court, the State Audit Office of Hungary or the prosecution service, with the exception of the investigative body of the prosecution service.

The Commissioner may not take action, if

more than a year has passed since the final administrative decision in the case complained of was published,
the procedure started before 23 October 1989,
court proceedings have been brought to review the administrative decision or a final judicial decision has already been handed down,
the person filing the submission has not disclosed their identity and the investigation cannot be conducted without this information.
No one may be discriminated against for having recourse to the Commissioner for Fundamental Rights.
Means of submitting a complaint:
electronically: by using the "*Ügyet szeretnék indítani*" (I wish to launch a case) item on the menu of the www.ajbh.hu website, or with the help of the "*Intelligens űrlap*" (Intelligent form) to be found on the website.
by email: panasz@ajbh.hu
in person at the Complaints Office of the Office of the Commissioner for Fundamental Rights (Budapest V. ker., Nádor u. 22.), by making an appointment
by post: Alapvető Jogok Biztosának Hivatala (Office of the Commissioner for Fundamental Rights) 1387 Budapest Pf. 40.
The submission and the procedure conducted by the Commissioner are free of charge. A copy of the documents generated so far in the case and the documents necessary for its assessment should be attached to the submission.

**3. Public interest disclosures**

Under the Act on complaints and public interest disclosures, as of 1 January 2014 public interest disclosures may also be made through a protected electronic system operated by the Commissioner for Fundamental Rights. Public interest disclosures draw attention to circumstances the remedying or elimination of which serve the interests of the community or society as a whole. A public interest disclosure may also include a recommendation.
Methods of submitting public interest disclosures:
electronically through the protected electronic system (https://www.ajbh.hu/kozerdeku-bejelentes-benyujtasa) or
in person at the Complaints Office of the Office of the Commissioner for Fundamental Rights (Budapest V. ker., Nádor u. 22.), by making an appointment.

**4. OPCAT National Preventive Mechanism**

Since 1 January 2015, the Commissioner for Fundamental Rights has, personally or through his staff, been acting as the national preventive mechanism in Hungary of the Optional Protocol to the Convention Against Torture (OPCAT) of the UN against torture and other cruel, inhuman or degrading treatment or punishment, The tasks of the national preventive mechanism involve:
inspecting places of detention for prevention purposes and further to reports
interviewing detainees
studying documentation
sending feedback
consultation with authorities
formulating recommendations
drawing up reports

**5. Contact details**

Address: 1051 Budapest, Nádor utca 22.
Postal address: 1387 Budapest Pf. 40.
Telephone: (+36-1) 475-7100
Fax: (+36-1) 269-1615
Email: panasz@ajbh.hu
Website: http://www.ajbh.hu/hu

## II.2. Specialised human rights bodies

### II.2.1. The Hungarian National Authority for Data Protection and Freedom of Information

**1. Tasks and organisation**

The right to the protection of personal data and the right to disclosure of information of public interest are fundamental constitutional rights: Article VI. of the Fundamental Law of Hungary states that:
(1) Everyone shall have the right to respect for his or her private and family life, home, communications and reputation.
(2) Everyone shall have the right to protection of his or her personal data, as well as to have access to and disseminate information of public interest.
(3) An independent authority created by means of a cardinal act shall supervise the enforcement of the right to the protection of personal data and the right of access to data of public interest.
The Hungarian National Authority for Data Protection and Freedom of Information (*Nemzeti Adatvédelmi és Információszabadság Hatóság* - NAIH) replaced the data protection ombudsman who operated between 1995 and 2011,). Since 1 January 2012 the NAIH has been helping guarantee information rights through additional regulatory means (such as imposing data privacy fines).
The substance of these rights, the obligations of data controllers and the organisation and procedures of the NAIH are laid down in the Information Act (Act CXII of 2011 on the right to informational self-determination and freedom of information), but the detailed requirements of specific data-processing procedures are contained in other relevant legislation (such as the Police Act and the Public Education Act). Under Section 1 of the Information Act, the law aims to protect the private spheres of natural persons and to ensure the transparency of public affairs.
The NAIH is an independent, autonomous government body, its president is appointed for nine years by the President of the Republic on a proposal from the Prime Minister and its organisational structure is made up of departments.

**2. Powers**

The main task of the NAIH is to conduct investigations in matters of data protection and freedom of information based on reports and complaints (submitted on-line, in writing or in person) and to conduct administrative proceedings ex officio for data protection (if the suspected infringement concerns many people or may cause considerable harm to interests or considerable damage).
In addition, the Authority may conduct administrative proceedings ex officio for the control of classified data, refer infringement cases related to information of public interest or information which is public for reasons of public interest to a court, and intervene in court actions. It also keeps a data protection register.
The Authority's powers also include giving opinions on relevant legislation, representing Hungary on common EU data protection boards and conducting data protection audits – for a fee – at the request of the controller.

**3. Contact details**

Address: 1125 Budapest Szilágyi Erzsébet fasor 22/C.
Postal address: 1530 Budapest, Pf.: 5.
Telephone: (+36-1) 391-1400

Email: ugyfelszolgalat@naih.hu
Website: http://www.naih.hu/

### II.2.2. The Equal Treatment Authority

#### 1. Tasks and organisation

Under the Act on equal treatment and the promotion of equal opportunities, enforcement of the requirement of equal treatment in Hungary is overseen by the Equal Treatment Authority (*Egyenlő Bánásmód Hatóság*), with competence over the entire territory of the country. The Authority is an autonomous government body, independent and subject only to the law. It may not be bound by instructions and carries out its tasks separately from other bodies and free of undue influence. Tasks may only be delegated to the Authority by law. The Authority is headed by a president appointed for nine years by the President of the Republic on a proposal from the Prime Minister.

The primary task and principal activity of the Authority is to investigate complaints and reports it receives concerning matters of discrimination. The work of the Authority is assisted by a network of equal treatment desk officers providing national coverage.

Under the Act, infringement of the requirement of equal treatment (discrimination) means discrimination against a person on the grounds of a real or perceived protected characteristic.

The protected characteristics under the Act are:

gender
race
skin colour
nationality
national affiliation
native language
disability
health status
religious or philosophical belief
political or other opinion
family status,
motherhood (pregnancy) or fatherhood
sexual orientation
gender identity
age
social origin
property
part-time nature or fixed duration of his or her employment relationship or quasi-employment relationship
membership of an association for the representation of interests
other status, feature or characteristic

In the ‘other status’ category, features and characteristics not listed in the Act but of a similar nature may be taken into account as protected characteristics in accordance with the Authority’s interpretation of the law.

The Authority investigates infringements affecting persons and groups whose protected characteristics are very broadly defined under the Act. Typically it acts at the request of the person or persons who suffered the discrimination, but it is possible for civil society organisations or representative associations to initiate a procedure before the Authority where an infringement or threat of infringement affecting a group with protected characteristics has occurred. The Authority may act ex officio against the Hungarian State, local governments and minority self-governments, their bodies, organisations acting in the capacity of public authorities, the Hungarian Defence Forces and law enforcement agencies. The most typical areas for the Authority’s investigations are employment, social security, healthcare, housing, education, and provision of goods and services.

#### 2. Powers

The Authority conducts its investigations within the framework of administrative proceedings. Special rules of evidence are applicable during the proceedings. The injured party (the applicant) must demonstrate that he or she has been disadvantaged and at the time of the infringement actually had – or was presumed by the offender to have – a protected characteristic defined by law. If the applicant has fulfilled the obligation to produce such evidence, the other party (the party subject to the proceedings) must prove that the circumstances supported by the evidence produced by the injured party did not occur or that it complied with the requirement of equal treatment or was not obliged to comply with it in the given legal relationship.

The Authority always endeavours to reach a settlement between the parties before handing down its decision and, if this is successful, approves the settlement. If the parties do not reach a settlement, the Authority hands down a decision on the merits of the case based on the investigation it has conducted. If the Authority establishes that the requirement of equal treatment has been infringed, as a penalty it may order the elimination of the unlawful circumstances, forbid the unlawful conduct in the future, order the public disclosure of its final decision establishing the infringement, impose a fine ranging from HUF 50 000 to HUF 6 million and apply further legal consequences defined in special legislation. The decision of the Authority may not be appealed through administrative channels, but may be reviewed by the Administrative and Labour Court in administrative litigation.

The Authority also has a number of other tasks defined by law in addition to investigating specific discrimination cases. For instance, these include providing information and assistance to those concerned in order to take action against equal treatment infringements, issuing opinions on draft legislation concerning equal treatment, proposing legislation on equal treatment, providing the public and the National Assembly with information on the state of equal treatment enforcement, cooperating with civil society organisations and international organisations, etc.

The Authority is a member of the European Network of Equality Bodies (Equinet), which unites over 40 member organisations from 33 European countries operating as national bodies for equal treatment in their own countries. The Authority’s staff take part in the work of thematic Equinet working groups, as well as training sessions and seminars organised several times a year in order to keep up to date with the most recent achievements in the international development of equal treatment law and to exchange experiences with the representatives of European organisations carrying out tasks similar to those of the Authority.

The Authority regularly participates in events and thematic projects of the European Union Agency for Fundamental Rights (FRA) and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe as part of its international relations.

Detailed information concerning the Authority is available on the its website.

#### 3. Contact details

Seat: 1013 Budapest, Krisztina krt. 39/B

Telephone number: (+36-1) 795-2975
Fax number: (+36-1) 795-0760
Website: http://www.egyenlobanasmod.hu/

**II.2.3. The Independent Police Complaints Board**

**1. Tasks and organisation**

In 2008 the National Assembly decided to establish the Independent Police Complaints Board (*Független Rendészeti Panasztestület*) for the purpose of creating a special institution for complaints against police procedures. This institution is made up of members elected by the National Assembly for a period of six years. The members have a diploma in law, are not bound to take instructions from anyone and the grounds for their rules of procedure are laid down in law.

The legal context of the Board's work is primarily governed by the Police Act. The purpose of the Board is to investigate complaint procedures within the remit of the Police, but independently of hierarchical relationships, from the perspective of the protection of fundamental rights. Thus the operations of the Police are reviewed by the Board based on specific complaints in individual cases, and not in general, in the abstract.

**2. Powers and procedure**

**Who may file a complaint, when and how?**

A complaint may be filed by any person regardless of their nationality:
who was the subject of a police measure or who is affected by a police measure
or for whom the police failed to take the required action
or who was subjected to coercive measures by the police and feels that his or her fundamental rights were restricted or human rights infringed as a result.

The complaint may be filed in person, by proxy or through his legal representative (in the case of a minor or a person lacking capacity, through his legal representative). This must be done within 20 days of the police's measure, failure to act or coercive measure or, if the complainant did not become aware of this until later on, within 20 days from the date when they did become aware of it. The complaint may be filed by post (in which case the complainant must personally sign the submission), by fax or email through the Board's website, or in person during the Board's business hours (after making an appointment by telephone).

If an objective obstacle prevented the complainant from filing the submission within the time-limit, the delay may be excused, if the complainant provides justification for late submission (for instance, long-term hospital treatment) within six months.

A person who missed the 20-day time-limit but is still within thirty days of the occurrence (or of becoming aware of it) may apply to the head of the police body (chief of police or commissioner of police) where the officers applied the measures complained of and still fall within the time-limit. In such cases the head of the police station will conduct the complaint procedure.

**What does the Board examine?**

the requirement to carry out police duties and instructions, breaches of such duties and instructions or failures to carry them out (in particular: requirement to take measures, proportionality, identifiability, obligation to provide assistance, etc.),
police measures or failures to take police measures, their lawfulness (in particular: identity checks, examination of clothing, baggage and vehicle, arrests, taking in for questioning, alien policing procedures, measures taken in private dwellings, traffic law enforcement measures, etc.),
use and lawfulness of coercive devices (in particular: physical coercion, handcuffs, chemical agents, stun guns, batons, road blocks, use of firearms, use of group force, crowd dispersal, etc.)

**When is the Board not allowed to initiate a procedure or conduct an examination on the substance of a case?**

As it is not authorised to do so by law, the Board does not have the power and is therefore not entitled to:
assess general comments, comments suggesting improvements or critical comments, or public interest disclosures;
investigate minor offences, or reduce or cancel any administrative fines imposed;
assess the legality of acts carried out in the course of criminal proceedings;
award damages;
establish the criminal, administrative or disciplinary liability of police officers taking action;
review the legality of decisions taken in administrative or criminal proceedings.

Furthermore, if an objectionable act by the police occurred in the course of other ongoing proceedings, for instance criminal or administrative proceedings, the complainant must use the remedies available and assert their objections in those ongoing proceedings, unless the manner in which a procedural act was carried out (for example the tone of voice used when a witness was questioned, the manner in which a house was searched) was objected to by the complainant, in which case the Board is also entitled to carry out the examination.

**What you need to know about the procedure**

In order to have their case investigated, the complainant has the choice of applying to the head of the police agency which carried out the measure complained of or to the Board. Thus the complainant may choose whether an agency within the organisational structure of the Police (the head of the agency which carried out the measure) or an independent body outside the Police (the Board) will examine the complaint. At the same time this provision is intended to serve the separation of the two procedures from each other and allows only one of them to be conducted at any one time – namely the one chosen by the complainant.

Furthermore, the Board is entitled to make inquiries about any complaint filed with the Police and if it becomes aware of a case in which the conditions for it to intervene apply, it notifies the complainant and the police agency handling the case accordingly. Within eight days of receipt of the notification, the complainant may request the police agency to assess the complaint following an examination conducted by the Board. The police agency handling the case must suspend its procedure upon receipt of the Board's notification. This referral may be initiated by complainants themselves in the course of the police complaint procedure right up to when the final administrative decision is handed down and if the conditions for the referral are met, the complaint case will continue under the Board's procedure.

In an examination on the substance of a complaint, the Board aims to establish whether the police measures described in the complaint were conducted according to the rules, were necessary, justified and proportionate and whether they infringed any fundamental right of the complainant.

If an infringement of the complainant's fundamental rights is established in the course of the examination, the Board must also assess how serious this infringement is in view of all the circumstances of the case. If the Board concludes that:
no infringement took place (for example because the fundamental rights of the complainant were restricted lawfully), or
the infringement of a fundamental right cannot be established due to a contradiction between the submissions that cannot be resolved based on the documents available, or
an infringement of a fundamental right did occur, but it was of minor importance,

then the Board will forward its assessment to the head of the competent police agency, who will take the decision under the complaint procedure based on the official rules governing the Police and taking into account the legal position set out in the assessment by the Board. The complainant may appeal this decision, which includes the possibility of a judicial review of the decision, in accordance with the Act on the general rules of administrative procedures and services. Complainants may object in advance to the Board referring the complaint procedure to the competent police agency, if for example they believe that they would suffer bias there or are afraid of the possible consequences. However, in such a case the Board would be required to terminate the procedure since it could not be referred to anyone because of the complainant's objection.
If the Board finds a serious infringement of fundamental rights, it will – depending on the agency concerned – forward its assessment to the Chief Commissioner of the Hungarian National Police, the director-general of the body responsible for internal crime prevention and crime detection tasks or the director-general of the counter-terrorism body, who will then take a decision on the complaint based on the applicable rules and taking into account the legal position set out in the Board's assessment. If the decision of the body handling the case differs from the Board's assessment, the grounds on which it is based must be set out. Of course, it is also possible for a police decision handed down like this to be appealed before the courts. The Board's assessment may be used in those court proceedings.
Further detailed rules about the workings of the Board can be found in its Rules of Procedure on its website.

**3. Contact details**

Postal address: H-1358 Budapest, Széchenyi rakpart 19.
Telephone: +36-1/441-6501
Fax: +36-1/441-6502
Email: info@repate.hu
Website: https://www.repate.hu/index.php?lang=hu

## III. Other

### III.1. The Hungarian prosecution service

**1. The organisation of the prosecution service**

The prosecution service of Hungary is an independent constitutional organisation subject only to the law.
The prosecution service is headed and managed by the Prosecutor General, who is selected by the National Assembly from among the public prosecutors for a term nine years and is thus accountable to Parliament under public law. The Prosecutor-General is required to report on the service's operations annually.
The bodies of the prosecution service in Hungary are:
the Office of the Prosecutor General
appellate chief prosecution offices
chief prosecution offices
district prosecution offices
An independent chief prosecution office or district-level prosecution office may be established for carrying out prosecution service investigations and other tasks of the prosecution service in justified cases.
There are five appellate chief prosecution offices and twenty-one (a metropolitan, nineteen county and a central investigative) chief prosecution offices under the direction of the Office of the Prosecutor General. The organisational structure of the chief prosecution offices – with the exception of the Central Investigative Chief Prosecution Office – is essentially divided between activities falling under criminal law and public law.
District and district-level prosecution offices under the direction of the metropolitan and county chief prosecution offices handle cases not assigned to another prosecution body by legislation or the Prosecutor General's instructions and carry out tasks related to prosecution service investigations.
The scientific and research institution of the prosecution service, the National Institute of Criminology (*Országos Kriminológiai Intézet*) forms part of the organisation of the prosecution service, but is not a prosecution body. It works on developing theories and practices in crime research, criminology and criminal law sciences.

**2. The main tasks of the prosecution service**

The Prosecutor General and the prosecution service are independent and as the public prosecutor intervening in the administration of justice, they are the sole enforcer of the State's right to punish. The prosecution service prosecutes criminal offences, takes action against other unlawful acts and omissions and promotes crime prevention.
The Prosecutor General and the prosecution service
exercise rights in connection with investigations, as defined by law;
represent public prosecution in court proceedings;
oversee the lawful operation of prison services;
exercise further powers and responsibilities defined by law as the protectors of the public interest,.
The prosecution service
investigates cases specified in the Criminal Procedure Act (prosecution service investigations);
oversees that independent investigations conducted by an investigative authority are conducted in a lawful manner (oversight of investigations);
exercises other rights defined by law in connection with investigations;
exercises, as the public prosecutor, the power vested in public authorities to lay a charge; represents the prosecution in court proceedings and exercises the rights of appeal granted by the Criminal Procedure Act;
exercises legal supervision over compliance with punishments, secondary penalties, measures, coercive measures for the deprivation or restriction of liberty and follow-up measures, as well as compliance with the law on keeping databases of criminal, administrative and most wanted records and decisions centrally rendering electronic data inaccessible; it also participates in procedures conducted by sentencing judges;
contributes to the proper application of the law in court proceedings (involvement of a public prosecutor in contentious and non-contentious court proceedings before civil, labour, administrative and economic courts);
promotes compliance with the law by bodies acting in the capacity of public authorities or managing out-of-court disputes;
pays special attention to prosecuting criminal offences committed by children or against children and to respecting the special rules concerning administrative and criminal procedures initiated against minors; collaborates in enforcing the rights of children in the cases defined by law and initiates procedures to take the necessary child protection measures;
carries out its tasks arising from international agreements and in particular in relation to the provision of and requests for legal assistance;
performs Hungary's tasks related to its participation in Eurojust;
provides representation in lawsuits filed for compensation of infringements and damage caused in the course of its activities.

For the protection of the public interest, the prosecution service works to ensure that the law is respected by all. When laws are infringed, the prosecution service takes action in the interest of legality, in the cases and manner defined in law. Unless otherwise provided by law, the prosecution service is obliged to take action if a body required to put an end to an infringement of the law fails to take the necessary action , despite being required to do so under the Fundamental Law, an act of law or other piece of legislation or legal instrument of state administration, or if immediate action by the prosecutor is needed to end the infringement of a right arising from an infringement of the law.
The non-criminal public interest powers and responsibilities to be exercised by the prosecution service as a contributor to the administration of justice are laid down in special legislation. A public prosecutor exercises these powers primarily by bringing contentious and non-contentious court proceedings, as well as by initiating procedures by administrative authorities and filing appeals.

**3. Contact details**

Prosecutor General: Dr. Péter Polt
Seat: 1055 Budapest, Markó u. 16.
Postal address: 1372 Budapest, Pf. 438.
Telephone number: +36-1354-5500
Email: info@mku.hu
Website: http://mklu.hu/

## III.2. Victim support

The Victim Support Service (*Áldozatsegítő Szolgálat*) provides assistance primarily to victims who have been harmed, in particular physically or mentally (psychological trauma, shock) or suffered losses as the direct consequence of a crime or an offence against property. The State assesses the needs of victims and provides them with services adapted accordingly.

**1. The procedure**

Victim support services are provided by dedicated organisational units of metropolitan (county) government office. Victims may seek help from any victim support service in asserting their claims, and they may submit their application for immediate financial assistance, certification of status as a victim and compensation to any victim support service (PDF).
Applications for immediate financial assistance, certification of status as a victim or compensation must be submitted on the relevant forms (Application form, Application for certification of status as victim). The victim support service provides assistance in filling in the forms.
Victim support procedures are free of charge.
Applications for immediate financial assistance may be submitted within five days of the crime or offence against property. Applications for compensation may be submitted within three months after the crime offence was committed – with the exceptions under the Act on crime victim support and State compensation.
Appeals against decisions by victim support services must be submitted within 15 days to the victim support service, but addressed to the Office of Justice.

**2. Services**

Under the Act, the services provided are:
help in making claims: the victim support service helps victims in a manner and to an extent appropriate to their needs in asserting their fundamental rights, which means advising them on their rights and obligations in criminal and administrative proceedings, the conditions for access to healthcare, health insurance, social benefits and other State support, and providing information, legal advice, emotional support and any other practical assistance in this context;
immediate financial assistance, which may be granted in the course of ongoing criminal proceedings for an amount laid down in the Act for housing, clothing, travel and food and for medical and funeral costs, if the victim is unable to meet these costs as a result of the crime or offence against property;
certification of status as victim: in the course of ongoing criminal proceedings, the victim support service certifies the client's status as a victim by means of an official certificate based on police documents; the victim may use the certificate for administrative and other procedures, such as being issued documents or granted access to legal aid, etc.;
witness assistance: witnesses summoned to a court hearing can consult the court's witness assistance official for appropriate advice; the court's witness assistance official is a clerk who provides witnesses with guidance, as laid down in the relevant legislation, on giving testimony in order to facilitate their appearance in court;
provision of safe houses: the State provides safe houses as needed to persons of Hungarian nationality or persons with the right to move freely and reside in Hungary, who have been identified as victims of human trafficking, regardless of whether criminal proceedings have begun;
State compensation: the relatives of a person killed in the course of a violent crime against a person or a person seriously injured in the course of such a crime may apply for State compensation in the form of a one-off payment or a monthly allowance if they are in need as defined in the Act.

**3. Contact details**

24/7 Victim Support Line accessible free of charge from networks in Hungary:
+36 (1) 80 225 225
Victim Support Services
Further detailed information about victim support.

## III.3. Legal aid

Under the Legal Aid Act, the principal objective of the Legal Aid Service (*Jogi Segítségnyújtó Szolgálat*) is to provide professional legal assistance to persons with social needs for the enforcement of their rights and the resolution of their legal disputes – within certain limits and in a specific form.

**1. The procedure**

An application for legal aid may be submitted in person or by post (Legal Aid - contact details) to the organisational unit ('regional office') responsible for legal aid at the competent county (metropolitan) government office of the applicant's domicile or habitual residence, or in the absence of such, their correspondence address or place of work by filling in and signing a form (http://igazsagugyihivatal.gov.hu/dokumentumok-jogi-segitsegnyujtas) and enclosing the necessary attachments. Submitting the application is free of charge.
With a (final) authorisation decision issued by the regional office, the person may then access the services of any duty lawyer (lawyers, law firms, civil society organisations) on the list of duty lawyers kept by the Office of Justice (http://www.kimisz.gov.hu/alaptev/nepugyvedje/nevjegyzek).
Appeals against decisions of the Legal Aid Service must be submitted within 15 days to the regional office, but addressed to the Office of Justice.

**2. The basic forms of legal aid**

A.) Support for out-of-court proceedings
if court proceedings have not yet been initiated to resolve a dispute,
advice and/or drafting of documents,

does not give entitlement to be represented; the duty lawyer may not act on behalf of or in place of the client.
B.) Support for court proceedings
if a court case is already ongoing,
provides representation,
cannot be granted to the person who committed the crime or offence,
the victim may be provided with legal representation right from the investigation and prosecution stages of criminal proceedings.
C.) In simple cases, the Service gives brief, oral advice without means-testing the client.

**3. Conditions for entitlement**

A.) In contentious and non-contentious proceedings in civil court:
the State covers the fees of the duty lawyer/legal representative or the State advances the fees for legal services for one year if the client's income and property situation meets the criteria defined by law,
the State advances the fees of legal services for any client established in an individual procedure by the Victim Support Service to have been the victim of a crime and who meets the conditions concerning income and property defined by law.
B.) In criminal proceedings:
the State advances the fees of the duty lawyer/ legal representative for one year if the client's income and property situation meets the criteria defined by law,
the State advances the fees of legal services for any client established in an individual procedure by the Victim Support Service to have been the victim of a crime and who meets the income and property criteria defined by law.
C.) Common rules:
Clients must provide proof of their income and the income of any persons living in a common household with them by means of the documents specified in the Legal Aid Act.
The Act specifies the cases in which support may not be granted, such as drawing up contracts, unless the parties concluding the contract jointly apply for support and the conditions for support are met in every respect, or for customs cases, etc.

**4. Contact details**

Regional offices:
Further detailed information about legal aid.
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## National courts and other non-judicial bodies - Malta

**National Courts**
**Ombudsperson**
**Specialised human rights bodies**
**Other**

### National Courts

Address
*First Hall Civil Court (Constitutional Jurisdiction)*
*Constitutional Court*
*Courts of Justice*
*Republic Street,*
*Valletta*
*Malta*

**Short explanation of the type of requests the institution deals with**

Any person who alleges that any of the provisions of articles 33 to 45 (fundamental human rights) of the Constitution has been, is being or is likely to be contravened in relation to him, or such other person as the Civil Court, First Hall, in Malta may appoint at the instance of any person who so alleges, may, without prejudice to any other action with respect to the same matter that is lawfully available, apply to the Civil Court, First Hall, for redress.
Only the person who is directly affected in a juridical sense may file a human rights action. This is a fundamental requirement.
It is important to point out that the individual must first exhaust all the remedies available, i.e. other adequate means of redress, prior to filing an action for redress before the First Hall, Civil Court in its Constitutional jurisdiction.
Therefore, if an individual feels that his fundamental human rights have been infringed one must first exhaust the remedies available. If this first option fails then one can file an action before the First Hall Civil Court (Constitutional Jurisdiction). When the First Hall Civil Court delivers judgment, either party may appeal before the Constitutional Court. Thus, the Constitutional Court is a Court of 2nd instance. It is only if the individual loses his case before the Constitutional Court, or is still in disagreement or not satisfied with the judgment of the Constitutional Court that one may take his case to the European Court of Human Rights in Strasbourg.

**Short explanation of the procedure following the filling of requests**

When a constitutional issue arises before a Magistrate's Court, the Magistrate's Court will examine whether the raising of the issue is frivolous or vexatious. If the Court decides that it is frivolous or vexatious, there is no right of appeal from this decision. If, on the other hand, it is not considered to be frivolous or vexatious, the Magistrate will refer the case to the First Hall Civil Court (Constitutional Jurisdiction). If the person feels aggrieved by the judgement of the First Hall Civil Court (Constitutional Jurisdiction), he has a right of appeal to the Constitutional Court and then, following the judgment of the Constitutional Court the case is referred back to the Magistrate's Court.
Applications before the Civil Court First Hall shall state concisely and clearly the facts out of which the complaint arises and shall indicate the provision or provisions of the Constitution alleged to have been, to be or likely to be contravened.
The application shall also specify the redress sought by the applicant provided that it shall be lawful for the court, if the application is allowed, to give any other redress within its jurisdiction which it may consider to be more appropriate.

**Proceedings on Appeal**

In the cases referred to the Civil Court First Hall, the application shall be served on the defendant or the respondent without delay and the court shall fix a date for hearing within eight working days from the date of the filing of the application, or from the filing of a reply by respondent within the time limit therefore, or if no such reply is filed from the expiry of such time.
The application of appeal shall be made within eight working days from the date of the decision appealed from, and the respondent may file a written reply within six working days from the date of service.
The court by which a decision is given, subject to appeal to the Constitutional Court, may in urgent cases upon demand, even verbal, by any of the parties immediately upon delivery of such decision, abridge the time for making the appeal or for the filing of a reply. If no such demand is made by any of the parties immediately upon the delivery of the judgment, any one of the parties may make such a demand by application, upon which, the court which gave the decision shall, after summarily hearing the parties if it thinks necessary, give the requisite order.
Once a case has been set down for hearing the court shall ensure that, consistently with the due and proper administration of justice, the hearing and disposal of the case shall be expeditious, and the hearing of the cause shall continue to be heard on consecutive days, and, where this is not possible, on dates close to one another.
Causes made under the Constitution and under the European Convention Act, as well as those causes that are to be heard with urgency shall be set down for hearing in the afternoon wherever this is necessary so as not to disrupt the pre-planned work schedule of the court, and shall continue to be so heard on consecutive days until the hearing of the cause is closed, and the cause is adjourned for judgment.

**Short explanation of the possible outcomes of the proceedings**

Since 1987, any person in Malta, who after going through the procedure of the 1st Hall Civil Court and Constitutional Court of Malta is still in disagreement or not satisfied with the judgment of the Constitutional Court, has the right to take his case to the European Court of Human Rights in Strasbourg.
Whilst in the Constitutional Court either the individual or the government may appeal, when referring a case to the European Court of Human Rights, only the individual may refer his case (right of individual petition) before this Court. Therefore, the Government cannot refer the case to the European Court of Human Rights.

**Ombudsperson**

Address
*Office of the Ombudsman*
*11, St Paul's Street,*
*Valletta VLT 1210*
*Malta*

**Short explanation of the type of requests the institution deals with**

The institution of Parliamentary Ombudsman is based on the idea, of protection of the rights of the individual and the need for legal supervision for those who are entrusted by public power. It has proved to be an important tool for developing rules about the functioning of the administration and also about the development of uniform and proper applications of law. The Ombudsman being an officer of Parliament supplements parliamentary work, keeping a watch on what is done by the administration. In this way the institution of the Ombudsman also strengthens the parliamentary institution and strengthens the democratic process whereby Parliament controls the administration.
The Ombudsman investigates complaints by citizens who are of the opinion that there has been an infringement of their economic, social and cultural rights arising from maladministration caused by involuntary or intentional mishandling of executive power or by improper, unreasonable or inadequate conduct on the part of the public authorities concerned.
Such requests include:
Undue and avoidable delay in taking decisions, in replying to correspondence and in granting citizens their rights and entitlements;
Inequitable application of rules and procedures and failure to observe correct procedures;
Administrative behaviour and practices that are inconsistent with the way in which public bodies acted in the past in similar circumstances;
Withholding access to information that is of direct interest to citizens and refusal to provide reasonable information;
Treating in a different manner citizens who are in the same situation;
Lack of courtesy by public officials towards citizens;
Mistakes in handling citizen's affairs;
A rigid and inflexible application of rules and procedures that give rise to inequity;
Failure to inform people about any rights of appeal which they may have and how they may appeal against decisions that harm their interests;
Failure to make good any damage caused by a public body to citizens and to be open to proposals to provide appropriate redress such as apologies, explanations and payment of ex gratia compensation even in the absence of relevant legal provisions;
Failure to honour the obligation of public authorities to provide reasons for actions and decisions to those that are directly affected by them;
Failure to act in a fair and independent way and to abstain from bias, prejudice and preferential treatment on any grounds whatsoever.

**Short explanation of the procedure following the filling of a request**

The first thing that the Ombudsman does when he receives a complaint is to determine whether the complaint is admissible. If it is inadmissible, the complainant is informed that the Ombudsman will not be dealing with the case. On the other hand if the complaint is admissible, investigations will be conducted into the case in order to establish whether maladministration has really taken place.
Complaints reaching the Office will be acknowledged within 48 hours and complainants will be informed of the investigation officer who will be assisting the Ombudsman in the handling of their case and who will be prepared to meet them for consultation. The acknowledgement will also provide information about the action to be taken so that the grievance will be processed.
The average time for the investigation of a complaint will be 50 to 60 working days.
In admissible cases, the Ombudsman first reviews the circumstances that give rise to the complaint in order to establish the facts.
The Ombudsman informs the head of the department concerned or as the case may require the chief executive officer of the organisation concerned or the mayor of the local council concerned of his intention to investigate.
The Ombudsman may hear or obtain information from such persons as he thinks fit and may make such enquiries as he thinks fit. The Ombudsman has the power to summon witnesses and to administer the oath to any witness or any person concerned in the investigation and require them to give evidence.
If any person summoned to give evidence refuses without sufficient cause to answer to the best of his knowledge the questions put to him by the Ombudsman or refuses to produce documents required shall be guilty of an offence. However, no person giving evidence before the Ombudsman may be compelled to answer any questions which tend to expose him to criminal prosecution. Every witness shall be entitled to the same privileges of a witness giving evidence before a court of law.

In the case of an investigation relating to a department, organisation or local council, the Ombudsman may at any time during or after the investigation consult a Minister, Head of Department, Chief Executive, Mayor or any other person who so requests or to whom a recommendation which is the subject of the investigation has been made.
If during or after any investigation, the Ombudsman is of the opinion that there is substantial evidence of any significant breach of duty or misconduct on the part of any officer or employee of any department, organisation or local council, he shall refer the matter to the appropriate authority including the Police.

**Short explanation of the possible outcomes of the proceedings**

On the basis of the investigation, the Ombudsman forms his independent opinion as to whether the action or decision that was under scrutiny:
appears to be contrary to law
was unreasonable, unjust, oppressive or improperly discriminatory
was in accordance with a law or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory
was based wholly or partly on a mistake of law or fact
was wrong
If the Ombudsman is of the opinion:
that the matter should be referred to the appropriate authority for further consideration or
that the omission should be rectified or
that the decision should be cancelled or varied or
that any practice on which the decision, recommendation, act or omission was based should be altered or
that any law on which the decision, recommendation, act or omission was based should be reconsidered or
that reasons should have been given for the decision or
that any other steps should be taken,
The Ombudsman shall report his opinion and his reasons thereof to the appropriate department, organisation or local council and may make such recommendations as he thinks fit. In any such case he may request the department, organisation or local council to notify him within a specified time of the steps that it proposes to take to give effect to his recommendations. The Ombudsman, in the case of an investigation, also sends a copy of his report or recommendation to the Minister concerned and to the mayor in the case relating to a local council.
If within a reasonable time after the report is made, no action is taken, the Ombudsman in his discretion after considering the comments if any made by the department organisation or local council, may send a copy of the report and recommendations to the Prime Minister and may thereafter make such report to the House of Representatives on the matter as he thinks fit.
Except on the ground of lack of jurisdiction, no proceeding or recommendation of the Ombudsman may be challenged in any court.
The Ombudsman is normally vested with powers to initiate investigations and express opinion himself, that is, he does not need a complaint to review an issue or a case. The Ombudsman also has the power to make administrative or legislative recommendations. He can also decide to make recommendations to the administration of the change, the way in which it handles particular cases and could also recommend that the law be changed. However the decision of the Ombudsman is not binding. The decision of the Ombudsman carries quite a lot of moral and political force in the sense that an institution which is independent and respected is suggesting a particular practice to be discontinued or that a particular law is changed. Therefore one cannot go to Court or issue any warrant in Court in order to enforce a decision of the Ombudsman.

**Specialised human rights bodies**

**Ombudsperson for rights of the child**

Address
*Commissioner for Children*
*Centru Hidma Socjali*
*469, St Joseph High Rd,*
*Santa Venera SVR 1012*
*Malta*

**If relevant, unit/organ within the institution that accepts requests**

**Agency Appogg**

The Agency provides a quality service which offers protection to vulnerable children and adolescents under the age of 18 years who have been abused or /and neglected or who are at risk of being abused or/and neglected.
The Child Protection Services investigates referrals received from the general public as well as from other professionals working with children and their families, whenever there are allegations that a child is suffering or is at risk of suffering from significant harm resulting from physical, sexual, emotional abuse and/or neglect.

**Short explanation of the type of requests the institution deals with**

Complaints concerning family involved issues of marital separation and child custody. Within such proceedings, the voice of the child is rarely heard. Given that the court decision will have a fundamental impact on the life of the child, it is crucial that the views of the child are adequately taken into consideration.
Complaints relating to education which involves dangerous construction equipment in the vicinity of schools and the state of some minivans which are used for school transport.
Complaints relating to court judgements including issues relating to child maintenance and custody where parents often object to court decisions which are made claiming them to be biased or causing harm to the child.
Complaints with regards to the issue of children's registration with clubs, whereby children are exploited by the clubs thus not giving them the opportunity to benefit from and participate in sport. Complaints regarding to the deteriorating state of playing fields which raise concern about the safety of the children using the premises.
Complaints regarding abuse.

**Short explanation of the procedure following the filling of request**

The Commissioner may carry out an investigation for any purpose connected with the execution of the Commissioner's duties either on a written complaint made to the Commissioner by any person or on the Commissioner's own motion. However the Commissioner shall not carry out investigations concerning specific, individual conflicts between a child and its parents or guardians including matters concerning the exercise of parental responsibility or any other matter that falls within the competence of any court or tribunal and in any such case, the Commissioner shall submit to the complainant, the reason for refusal.

Upon rendering a decision to investigate a complaint, the Commissioner shall notify the complainant of the decision to investigate and shall notify any department, agency or entity involved of the intention to investigate.
The Commissioner may advise a complainant to pursue all administrative or judicial remedies.
For the purpose of investigation, the Commissioner my require any person who possesses documents or information relevant to the investigation to produce such documents and/or furnish the information in writing and/or attend at a specified time and place and give information on oath.
The Commissioner can summon witnesses and have the faculty to administer an oath to any person concerned in the investigation and require them to give the relevant information. Notwithstanding this, no person shall be compelled to give information or produce documents which such person could not be compelled to give or produce in civil or criminal proceedings before a court.

**Short explanation of the possible outcomes of the proceedings.**

If the Commissioner finds, in the course of an investigation, that an individual's action is or may be in violation of any law of a penal nature, the Commissioner immediately reports that fact to the Attorney General.
The Commissioner prepares and publishes a report of the findings in any formal investigation and include in it such recommendations as appear to be necessary or expedient.
The Commissioner may make recommendations for action to be taken by other persons or body as may be necessary or expedient and may publish such recommendations if the Commissioner deems fit without revealing the identity of the person to whom the report refers.
In those cases where the Commissioner decides to make recommendations, a report is drawn explaining the reasons for the recommendations and a copy of that report is sent to any person or body to whom the recommendations are directed.
If it appears that a particular person or body is not complying with the provisions of the United Nations Convention on the Rights of the Child as ratified by Malta, the Commissioner may make recommendations in the form of a compliance notice which state the Commissioner's opinion as to the way in which the provisions of the Convention were not being complied with and what action is to be taken to comply with.
When it appears necessary, the Commissioner may carry out a child impact assessment relating to any decision or proposal on policy which affects children. The Commissioner may also publish the Child Impact Assessment.

**Equality Body (National Commission for the Promotion of Equality)**

Address
*Flat 4, Gattard House,*
*National Road,*
*Blata l-Bajda*
*Malta*

**Short explanation of the type of requests the institution deals with.**

Anyone who believes that s/he has been a victim of gender/race or ethnic origin discrimination may submit a complaint to the NCPE.
The Commission deals with requests regarding discrimination based on sex or because of family responsibilities that is:
the giving of less favourable treatment directly or indirectly, to men and women on the basis of their sex or because of family responsibilities
treating a woman less favourably for reasons of actual or potential pregnancy or child birth
treating men and women less favourably on the basis of parenthood, family responsibility or for some other reason relating to sex
any treatment based on a provision, criterion or practice which would put persons of one sex at a particular disadvantage compared with persons of the other sex unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex
It also deals with requests with regards to discrimination in employment, that is, discrimination directly or indirectly against a person in the arrangements made to determine who should be offered employment or in the terms and conditions on which the employment is offered or in the determination of who should be dismissed from employment.
Other requests include discrimination against a person in the grant of any facility from banks, financial institutions or insurance companies.
Discrimination against spouses of self employed workers not being employees or partners who participate in the activities of the self employed workers and perform the same or ancillary tasks as their spouse.
Discrimination against a person in the access to any course, vocational training or guidance, the award of educational support for students or trainees, in the selection and implementation of the curricula and in the assessment of the skills and knowledge of the students or trainees.
Requests dealing with sexual harassment that is subjecting any person to an act of physical intimacy or requesting sexual favours from other persons or subjecting other persons to any act or conduct with sexual connotations including spoken words, gestures or the production, display or circulation of any written words, pictures or other material where the act, words or conduct are unwelcome to the persons to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the persons to whom they are directed.
Discrimination in publishing or displaying any advertisement or advertising vacancies for employment discriminating between job seekers or requesting from job seekers, information concerning their private life or family plans.

**Short explanation of the procedure following the filling of request.**

The Commissioner may initiate investigations on any matter involving an act or omission that is allegedly unlawful and on the receipt of a complaint in writing by persons who claim to be the victims of discrimination.
Each case presented to the Commission for investigation is managed with confidentiality.
Every complaint is acknowledged in writing.
The NCPE Complaints sub-committee meets to discuss complaints received and writes to the parties against whom the complaint was made, informing them of the allegations made and ask for their version of the facts.
To help investigations, face to face interviews may also be carried out.
The Commission may also summon both parties and mediate to find an acceptable solution to all involved, subject to consent from both parties.
NCPE endeavours to ensure that each complaint is dealt with in the least possible time frames.

**Short explanation of the possible outcomes of the proceedings**

After carrying out the investigation, the Commissioner may dismiss the complaint.
When the Commissioner finds that the complaint is proved, where the action complained of constitutes an offence, it shall make a report to the Commissioner of Police for action on his part.
Where the action complained of does not constitute an offence, the Commissioner shall call upon the person against whom the complaint is directed to redress the situation and mediate between the complainant and such person to settle the matter.
In the case of an alleged discrimination by one person against another, the Commission may itself refer the matter to the competent civil court or to the Industrial Tribunal for redress.

## Data Protection Body

Address

*Office of the Information and Data Protection Commissioner*
*Airways House, Second Floor*
*High Street,*
*Sliema SLM 1549*
*Malta*

**Short explanation of the type of requests the institution deals with**

Data protection has become particularly relevant since administrative authorities collect huge amounts of information, which is personal information about individuals in the course of their work. It is accepted that public authorities have certain obligations with regard to the information which they collect. These obligations are, on one hand, intended to strike a balance between everybody's freedom to receive and give, to impart information that is part of the right to freedom of expression as a Fundamental Human Right and on the other hand the right for respect for private and family life which everybody has.

The Commissioner investigates complaints with regards to:

personal data which is not processed fairly and lawfully
personal data which is not processed in accordance with good practice
personal data collected for illegitimate purposes
personal data processed for purposes incompatible with that for which the information is collected
unsolicited communications for direct marketing purposes commonly known as spam
transferring personal data to a third country in contravention of the Data Protection Act

**Short explanation of the procedure following the filling of a request**

In order to investigate, the Commissioner is entitled to obtain access of the personal data that was processed and information about and documentation of the processing of personal data.

The Commissioner consults the interested parties who may be directly affected by the investigation.

The Commissioner may summon any person to appear before it and give evidence and produce documents.

The Commissioner has the same powers to enter and search any premises as are vested in the executive police by any law as from time to time be in force. Therefore if the need arises, the Commissioner may conduct a search within the premises subject to the complaint.

**Short explanation of the possible outcomes of the proceedings**

The Commissioner may institute civil legal proceedings in cases where the provisions of the Data Protection Act have been or where about to be violated.

The Commissioner refers to the competent public authority any criminal offence encountered in the course of investigations.

The Commissioner can order the blocking, erasure or destruction of data, impose a temporary or definitive ban on processing or warn or admonish the controller.

If the Commissioner cannot obtain sufficient information in order to conclude that the processing of personal data is lawful, the Commissioner may prohibit the controller of personal data from processing personal data in any other manner than by storing them.

When the Commissioner concludes that personal data was processed or may be processed in an unlawful manner, the Commissioner may order rectification and if rectification is not effected or if the matter is urgent, the Commissioner may prohibit the controller of personal data to continue processing the personal data in any manner other than to store that data.

When the controller of personal data does not implement security measures, the Commissioner may impose an administrative fine and if the controller fails to comply, the Commissioner will commence proceedings against the controller.

Such administrative fine is due to the Commissioner as a civil debt, constituting an executive title as if payment of the amount of the fine has been ordered by a judgement of a Court of Civil Jurisdiction.

Where the Commissioner decides that the personal data has been unlawfully processed, the Commissioner, by notice orders the controller of personal data to erase the personal data.

On the other hand, if, the controller of data feels aggrieved by the decision of the Commissioner, the controller may within 15 days of the receipt of the notice, by application request the Court of Appeal to revoke the order of the Commissioner.

Any person aggrieved by the decision of the Commissioner have the right to appeal in writing to the Data Protection Appeals Tribunal within 30 days from the notification to him of the said decision.

## Other specialised bodies

### National Commission Persons with Disability

Address

*National Commission Persons with Disability*
*Bugeja Institute,*
*Braille Street,*
*Santa Venera SVR 1619*

If relevant, unit/organ within the institution that accepts requests

Equal Opportunities Compliance Unit

National Commission Persons with Disability established the Equal Opportunities Compliance Unit within its Secretariat, charged with promoting Equality of Opportunity and implementing the provisions of the Equal Opportunities Act (persons with disability) and thus investigates acts of discrimination on the basis of disability.

The Unit provides advice and information about this field.

Supports disabled people in securing their rights under the Equal Opportunities Act.

Works to change policy, practice and awareness so that disabled people get a fairer deal.

Registers and investigates alleged acts of discrimination on the basis of disability, negotiates an equitable solution and, only as a last resort, seeks redress through the Courts.

**Short explanation of the type of requests the institution deals with**

Persons with disability and their families are gradually becoming more aware of their rights. The Commission does its utmost to identify, investigate and conclude complaints that affect persons with disability.

The type of requests the Commission deals with include:

Requests to work reduced hours

Requests with regard to the Employment of a Learning Support Assistant
Complaints with regard to lack of accessible transport for school
Complaints with regard to lack of access to churches, theatre, band club, toilets, bank branches, hotels, shops, restaurants, lack of pavement ramps, inaccessible pavements
Complaints regarding bullying of disabled persons
Complaints with regard to lack of lift facilities
Complaints with regard to lack of car hire services of hand controlled cars
Complaints with regards to lack of adequate accommodation
Discriminatory travel insurances

**Short explanation of the procedure following the filling of a request**

The Commission may itself initiate investigations on any matter involving an act that is allegedly unlawful under any of the provisions of the Equal Opportunities (persons with disability) Act.
The Commission may also initiate investigations on the receipt of a complaint in writing alleging that a person has committed an act that is unlawful under any of the provisions of the Equal Opportunities (persons with disability) Act.
Such complaint may be lodged with the Commission by any person aggrieved by the act or any person who is the parent, legal curator or family member of a person with a mental disability.
If the person wishing to make a complaint requires assistance to formulate the complaint orally or in writing, the Commission will provide appropriate assistance to that person.
When a written complaint is received, an acknowledgement is sent. The Unit considers the complaint and if the complaint cannot be justified, the applicant will be advised in writing together with possible alternative remedies.
If the complaint can be justified and prima facie discrimination has occurred, the Unit will investigate the complaint.
A notice of complaint will be sent to the defendant asking for further comments. This will help the Unit reach a provisional view.
The defendant will be asked to submit a proposal including a time frame, indicating how and when the modifications needed to eliminate discrimination can be in place.
The Unit uses mediation procedures to negotiate a speedy and equitable solution.
If all this fails, the Commission will be obliged to proceed with legal action through the Arbitration Centre or through the Courts.
Short explanation of the possible outcomes of the proceedings
Following the investigations, the Commission may take appropriate legal action.
In the case of an alleged discrimination by a person against another, the Commission may itself refer the matter to the First Hall of the Civil Court. However such referral shall not prevent an individual having a legal interest from making a claim of discrimination the subject of an action, including an action for damages before the Court.
The Commission try to seek amicable solutions.

**Refugee Commission and Refugee Appeals Board**

Address
*Malta Emigrants' Commission*
*Dar l-Emigrant,*
*Castille Place,*
*Valletta*
*Malta*

Emigrants' Commission is a non-governmental, non-profitable, voluntary organisation which was established to help and protect people in need by offering them free services, counselling and protection.
Its services cover all those affected by migration including immigrants, refugees and tourists.
Short explanation of the type of requests the institution deals with
The Office of the Refugee Commissioner's main responsibility is to receive, process and determine application for asylum as stipulated by the Refugees Act. The Office's fundamental objective is to ensure a totally independent, fair, efficient and swift eligibility determination process while at the same time guaranteeing the best quality possible regarding the hearing, analysis and determination of applications.
Asylum seekers in accommodation centres may register themselves as such with the refugee Commissioner by filling a form known as Preliminary Questionnaire. This form is made available to immigrants in the closed centres concurrently with the relevant information and which is given to them regarding their right to apply for international protection.
The Preliminary Questionnaire is available in a number of languages to help immigrants when filling this form.
Personnel from the Office of the Refugee Commissioner provides information to third country nationals about the asylum procedure and informing them of their rights and obligations during the entire process. Asylum seekers are also being assisted by interpreters provided by the office to fill in adequately their Preliminary Questionnaire.
Short explanation of the procedure following the filling of a request
Upon receiving the formal application form for recognition of refugee status, the Office holds interviews with applicants. Interviews are conducted by personnel of the Office of the Refugee Commissioner with the assistance, where necessary, of interpreters.
The asylum seeker is reminded of the applicant's rights and duties according to law including the right to consult the United Nations High Commissioner for Refugees.
Applicants are provided with the necessary facilities and opportunity to present their case fully, support it with available testimonies and documentation and give adequate explanations for all the reasons submitted in their application.
The Refugee Commissioner first examines whether the applicant fulfils the criteria to be recognised as a refugee according to law. In the case of those who are not found eligible for refugee protection, the Office proceeds to a further examination of whether the applicant fulfils the criteria for Subsidiary Protection according to law.
Short explanation of the possible outcomes of the proceedings
The Refugee Commissioner's recommendation in each and every case goes to the Ministry for Home Affairs and National Security. Applicants are given a copy of the recommendation, together with a confidential memo with the motivation supporting the recommendation. In the case of a negative recommendation, applicants are also informed of their right to enter an appeal against the recommendation to the Refugee Appeals Board and the relevant procedure to be adopted in this regard.

The Office of the Refugee Commissioner may recommend two types of protection that are Refugee Status and Subsidiary Protection.
Should the Refugee Commissioner decide that the conditions to declare an asylum seeker a refugee is not satisfied, he may recommend to the Minister to grant the applicant subsidiary protection. This applies to failed asylum seekers who, if returned to their country of origin, would face a real risk of suffering serious harm.
The Commissioner shall continue to make this recommendation even in cases where the real risk of suffering serious harm arises after a decision not to grant subsidiary protection has been taken.
The Office of the Refugee Commissioner can also recommend to the Ministry for Home Affairs and National Security, another regime of protection that is Temporary Humanitarian Protection. This is an administrative procedure which is to be granted in special and extraordinary cases where applicants are found not to be eligible for recognition of refugees or beneficiaries of subsidiary protection but who are, none the less, considered to be in need of protection due to special humanitarian reasons.

**Other**

**Victim Support Malta**

Address

*Victim Support Malta*
*Dun Guzepp Gonzi Street,*
*Tarxien TXN 1633*
*Malta*

**Short explanation of the type of requests the institution deals with**

Victim Support Malta was established in June 2004 and made an official foundation in July 2006. The organisation deals with all types of victims of crime from domestic violence, sexual harassment to bereavement.
The objectives of Victim Support Malta are:
to collect and manage procedural information relating to criminal, penal and therapeutic systems,
to network with related agencies and thus offer victims and witnesses at court an orientation and advisory service in their dealings with the above systems,
to advise and monitor the needs of victims of crime and witnesses at Court
to encourage and assist individuals and organizations to undertake professional studies of the criminal justice system and of crime related issues.

**Short explanation of the procedure following the filling of request**

Victims of whatever crime who contact Victim Support Malta will immediately come into contact with the Coordinator. Once the Coordinator comes into contact with a victim of crime, a quick initial assessment is made. This is done so that the Coordinator gauges the severity of the case. The name and contact numbers of the victim are usually taken for further reference.
Following this short conversation, the Coordinator passes on the case to one of the professionally trained volunteers. These are members of the public who would have been engaged in some four to six weeks of focused training for the purpose of providing information and support to victims of crime.
The volunteer assigned to the case will make contact with the victim of crime as soon as possible and arrange an initial meeting at the convenience of all concerned. At the meeting, the volunteer will gather enough information from the victim in order to draw up a plan of action. The victim will be asked to sign a consent form in order for the case to proceed.

**Short explanation of the possible outcomes of the proceedings**

The preliminary plan of action is then studied by the volunteer and the Coordinator and a way forward is established. The victim will be informed accordingly. From that point onwards, the volunteer will remain in constant and regular contact with the victim throughout the whole process of the victim's recovery from the effects of the crime undergone.
All endeavours of Victim Support Malta will be under the attention of the Director, who monitors workings and results.

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## National courts and other non-judicial bodies - Netherlands

Chapter 1 of the Constitution sets out the fundamental rights. These are rights that give citizens the freedom to live their lives without interference by the State. The Constitution also includes the rights to participate in society and political life. Examples of fundamental rights are: freedom of expression, the right to the protection of personal data, the right to vote and the right to equal treatment.

There are two types of fundamental rights:
'Classic' fundamental rights: civil and political rights. These include the right to vote, freedom of expression, the right to privacy, religious freedom and the prohibition of discrimination.
Fundamental 'social' rights: economic, social and cultural rights. These include the right to housing, social security, healthcare and education.
Fundamental social rights are not usually enforceable in a court of law, whereas classic fundamental rights are. Thus a member of the public can bring a legal action if a municipal authority wants to ban a demonstration without good reason.

Last update: 14/05/2018

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## National courts and other non-judicial bodies - Poland

NATIONAL COURTS

Pursuant to the *Polish Constitution ('Konstytucja Rzeczypospolitej Polskiej')* everyone has the right to a fair and public hearing, without undue delay, before a competent, impartial and independent court. This means that any disputes relating to the exercise of the rights and freedoms guaranteed by national law may be brought before the national courts. Civil, family and juvenile law, labour and social security law, commercial and bankruptcy law and criminal and penitentiary cases are decided by the ordinary courts. The administrative courts monitor the legality of action by the authorities. The military courts administer justice within the Polish Armed Forces within the scope laid down by Acts of Parliament and also, in the cases provided for in Acts of Parliament, with respect to persons who are not members of the Polish Armed Forces.
The ordinary, administrative and military courts operate in accordance with the principle of two-tier proceedings, in which a party which is dissatisfied with the manner in which the case has been resolved by the court may appeal to a higher court against the ruling.

In addition, the Polish Constitution grants everyone whose constitutional rights or freedoms have been infringed the right to lodge a constitutional complaint with the Constitutional Tribunal (*Trybunał Konstytucyjny*). This complaint may only be drawn up by a lawyer ('*adwokat*') or attorney at law (*'radca prawny'*) (exceptions being judges ('*sędziowie*'), prosecutors ( *prokuratorzy*'), lawyers ('*adwokaci*'), attorneys at law ('*radcowie prawni*'), notaries ('*notariusze*'), or professors or doctors of law who are representing themselves) and is free of court fees. Complaints may concern a regulatory instrument on the basis of which a court or public authority has handed down a final ruling on the rights, freedoms or duties laid down in the Constitution.

## NATIONAL HUMAN RIGHTS INSTITUTIONS

### The Ombudsman (*'Rzecznik Praw Obywatelskich'*)

Address: Aleja Solidarności 77, 00-090 Warsaw

The Ombudsman's role is to safeguard the rights and freedoms of persons and citizens laid down in the Constitution and in other regulatory instruments. Everyone has the right to apply to the Ombudsman for assistance in cases involving the protection of his or her rights or freedoms that have been infringed by the authorities.

Applications to the Ombudsman are free of charge.

After reviewing the application, the Ombudsman may:

take on the case;

indicate the remedies available to the applicant;

forward the case to the competent body;

refuse to take on the case.

When taking on a case, the Ombudsman may:

conduct the investigation itself;

request the competent authorities to examine the case or part thereof;

request the Sejm (the lower house of the Polish Parliament) to instruct the Supreme Audit Office (*'Najwyższa Izba Kontroli'*) to conduct an audit in order to examine the case in question or part thereof.

While conducting its proceedings, the Ombudsman has the right to:

examine any case on the spot (also without prior notice);

request clarifications and the submission of files in any case conducted by the authorities in question;

request information on progress in a case conducted by the courts, the prosecutor's office and other law enforcement agencies, and request that files be submitted for inspection to the Ombudsman's Office after the proceedings have been completed and the ruling issued;

commission expert and other opinions.

After examining a case, the Ombudsman may:

explain to the applicant that no infringement of rights and freedoms has occurred;

call on the authority, organisation or institution whose action has been found to infringe rights and freedoms to remedy the infringement in question, and subsequently monitor implementation of the recommendations;

request the authority that supervises the body in question to apply the measures provided for by law;

request that proceedings be instituted and take part in any civil proceedings pending;

request that the prosecutor with jurisdiction institute pre-trial proceedings in cases involving offences that are prosecuted *ex officio*;

request that administrative proceedings be instituted, lodge complaints with the administrative court and take part in these proceedings;

bring a motion for penalty and also a motion to set aside the final decision in cases involving minor offences;

file an action or complaint in cassation against a final ruling.

If the Ombudsman considers it necessary for a regulatory instrument on rights and freedoms to be amended or enacted, it may make a request to that effect to the competent authorities.

## SPECIALISED HUMAN RIGHTS BODIES

### The Ombudsman for Children (*'Rzecznik Praw Dziecka'*)

Address: ul. Przemysłowa 30/32, 00-450 Warsaw

The Ombudsman for Children works to protect children's rights, including:

the right to life and healthcare;

the right to family upbringing;

the right to decent living conditions;

the right to education;

the rights of children with disabilities;

protecting children against all forms of violence, cruelty, exploitation, demoralisation, neglect and other maltreatment.

Everyone has the right to apply to the Ombudsman for Children for assistance in cases relating to the protection of a child's rights or interests.

Applications to the Ombudsman for Children are free of charge.

When conducting proceedings, the Ombudsman for Children may:

examine any case on the spot (also without prior notice);

request the bodies in question to provide clarifications or information or make files available;

commission expert and other opinions.

After examining a case, the Ombudsman for Children may:

request the competent bodies to take action for the child's benefit;

request that disciplinary action be instituted or disciplinary sanctions imposed where it is found that the body in question has infringed the child's rights or interests;

participate in proceedings before the Constitutional Tribunal that have been instituted at the Ombudsman's request or in constitutional complaint cases that have a bearing on children's rights;

bring motions to the Supreme Court (*'Sąd Najwyższy'*) to resolve divergences in the interpretation of legal regulations that concern children's rights;

file an action or complaint in cassation;

request that proceedings be instituted and take part in any civil proceedings pending;

participate in proceedings involving juveniles;

request that the competent prosecutor institute pre-trial proceedings in cases involving offences;

request that administrative proceedings be instituted, lodge complaints with the administrative court and take part in these proceedings;

bring a motion for penalty in cases involving minor offences.
If the Ombudsman for Children considers it necessary for a regulatory instrument on children's rights to be amended or enacted, it may make a request to that effect to the competent authorities.

**The Patients' Ombudsman ('*Rzecznik Praw Pacjenta*')**

Address: ul. Młynarska 46, 01-171 Warsaw
The Patients' Ombudsman is the competent body for the protection of patients' rights.
Everyone has the right to apply to the Patients' Ombudsman for assistance where a patient's rights have been infringed.
Applications to the Patients' Ombudsman are free of charge.
After reviewing the application, the Patients' Ombudsman may:
take on the case;
indicate the remedies available to the applicant;
forward the case to the competent body;
refuse to take on the case.
When taking on a case, the Patients' Ombudsman may:
conduct the investigation itself;
request the competent authorities to examine the case or part thereof.
While conducting its proceedings, the Patients' Ombudsman has the right to:
examine any case on the spot (also without prior notice);
request clarifications and the submission of files in any case conducted by the authorities in question;
request information on progress in a case conducted by the courts, the prosecutor's office and other law enforcement agencies, and request that files be submitted for inspection to the Patients' Ombudsman's Office after the proceedings have been completed and the ruling issued;
commission expert and other opinions.
After examining a case, the Ombudsman may:
explain to the applicant that no infringement of patient's rights has occurred;
call on the authority, organisation or institution whose action has been found to infringe the patient's rights to remedy the infringement in question;
request the authority that supervises the aforementioned body to apply the measures provided for by law;
request that proceedings be instituted and take part in any civil proceedings pending.
If the Patients' Ombudsman considers it necessary for a regulatory instrument on patients' rights to be amended or enacted, it may make a request to that effect to the competent authorities.

**The Inspector-General for Personal Data Protection ('*Generalny Inspektor Ochrony Danych Osobowych*')**

Address: ul. Stawki 2, 00-193 Warsaw
The Inspector-General is the competent body for personal data protection.
Where the provisions of the Data Protection Act ('*ustawa o ochronie danych osobowych*') have been infringed, the data subject may lodge a complaint with the Inspector-General.
Administrative proceedings conducted by the Inspector-General consist in examining the processing of the applicant's personal data.
When conducting proceedings, the Inspector-General, Deputy Inspector-General and authorised staff have the right to:
enter the premises in which the data filing system is located and also premises where the data are processed, and perform the necessary checks;
request clarifications and summon and interrogate individuals in order to establish the facts;
inspect any documents and data relating directly to the subject matter of the inspection and make copies thereof;
inspect the equipment, media and IT systems used to process data;
commission expert and other opinions.
After conducting proceedings, the Inspector-General – where regulations are found to have been infringed – issues a decision that orders compliance to be restored, including:
ending irregularities;
supplementing, updating or rectifying personal data, making them available or refraining from doing so;
taking additional measures to protect personal data;
discontinuing the transfer of personal data to a third country;
securing data or transferring them to other bodies;
deleting personal data.
Notwithstanding the above, on the basis of the information collected during the examination of the case, the Inspector-General, of its own motion, decides whether to exercise the following powers:
send a letter to the body that the complaint concerns;
request that disciplinary or other action under the law be instituted against offenders;
notify a law enforcement agency of the suspected offence.
Where the Inspector-General considers it necessary for a regulatory instrument on personal data protection to be amended or enacted, it may make a request to that effect to the competent authorities.

**The Government Plenipotentiary for Equal Treatment ('*Pełnomocnik Rządu ds. Równego Traktowania*')**

Address: Al. Ujazdowskie 1/3, 00-583 Warsaw
The Plenipotentiary is the body responsible for implementing government equal treatment and anti-discrimination policies.
Everyone has the right to submit a complaint, application or petition to the Plenipotentiary.
No charge is made for submitting a complaint, application or petition.
If responding to the above requires the prior examination and clarification of the facts of the case, the Plenipotentiary collects the necessary evidence. To that end, it may request that other authorities provide the necessary evidence and clarifications.
The complaint, application or petition should be handled without undue delay:
within one month in the case of a complaint or application;
within three months in the case of a petition.
The Plenipotentiary informs the applicant of the manner in which the case has been handled.

If it is found that the principle of equal treatment has been infringed, the Plenipotentiary takes measures to eliminate or mitigate the effects of such infringement.
If the Plenipotentiary considers it necessary for a regulatory instrument on equal treatment and anti-discrimination to be amended or enacted, it may make a request to that effect to the competent authorities.

**The Government Plenipotentiary for Persons with Disabilities (*Pełnomocnik Rządu ds. Osób Niepełnosprawnych*)**

The Plenipotentiary exercises substantive supervision over the performance of tasks arising from the *Occupational and Social Rehabilitation and Employment (Persons with Disabilities) Act (ustawa o rehabilitacji zawodowej i społecznej oraz zatrudnianiu osób niepełnosprawnych)*.
The Plenipotentiary supervises the issuing of certificates of disability and determining the degree of disability.
Everyone has the right to submit a complaint, application or petition to the Plenipotentiary.
If responding to the above requires the prior examination and clarification of the facts of the case, the Plenipotentiary collects the necessary evidence. To that end, it may request that other authorities provide the necessary evidence and clarifications.
The complaint, application or petition should be handled without undue delay:
within one month in the case of a complaint or application;
within three months in the case of a petition.
The Plenipotentiary informs the applicant of the manner in which the case has been handled.
If, within the framework of supervision, the Plenipotentiary finds that there is reasonable doubt as to whether a ruling reflects the facts of the case or that a ruling may have been handed down unlawfully, it may request the competent authority to:
annul the ruling;
resume proceedings.

**OTHER SPECIALISED BODIES**

**The National Broadcasting Council (*'Krajowa Rada Radiofonii i Telewizji'*)**

Address: Skwer kard. S. Wyszyńskiego 9, 01-015 Warsaw
The National Broadcasting Council safeguards freedom of speech in radio and television, protects the autonomy of media service providers and the public interest and ensures the open and pluralistic nature of radio and television.
Everyone has the right to submit a complaint, application or petition to the Council.
No charge is made for submitting a complaint, application or petition.
Where the complaint concerns a particular broadcast, the complainant must specify the time and date of the broadcast, the name of the channel and the title of the broadcast (or any other information that enables the broadcast that is the subject of the complaint to be identified).
The Chairperson of the Council may request the media service provider to provide any evidence, documents and clarifications necessary to ascertain whether the provider acted in accordance with the law.
The complaint, application or petition should be handled without undue delay: within one month in the case of a complaint or application and within three months in the case of a petition.
The Council informs the applicant of the manner in which the case has been handled.
The Chairperson of the Council may demand that the media service provider cease providing media services where these are in infringement the law.
In certain cases, the Chairperson of the Council may impose a financial penalty on the media service provider.

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## National courts and other non-judicial bodies - Portugal

**National Courts**

If their fundamental rights are violated, citizens can bring the matter before the courts. The Portuguese courts (civil and administrative courts) are responsible for administering justice, safeguarding citizens' legally-protected rights and interests, prohibiting breaches of the democratic rule of law, and settling public or private disputes (Article 202 of the Constitution of the Portuguese Republic).
The Constitutional Court has a particular responsibility for administering justice in legal and constitutional matters. Where ordinary appeals have been exhausted (Articles 70/2 and 72 of the Organic Law of the Constitutional Court), the party who, during the proceedings, invoked the unconstitutionality of a law that was applied is entitled to appeal to the Constitutional Court.
For more information, please see the page on Judicial systems in the Member States - Portugal.

**National Human Rights Institution**

**Ombudsman (*O Provedor de Justiça*)**

Since 1999 the Portuguese Ombudsman has, in addition to the functions described below, occupied the role of National Human Rights Institution, accredited with 'A status' by the United Nations Organisation as being in full compliance with the Paris Principles.
Accordingly, the Ombudsman's work includes promoting and protecting fundamental human rights, paying particular attention to the rights of those who are most vulnerable on the basis of age or psychomotor impairment: children, the elderly and people with disabilities.
Complaints are lodged and processed according to the procedure referred to in the section on the Ombudsman.

**Ombudsman (*O Provedor de Justiça*)**

The Ombudsman is the statutory body whose task is 'to defend and promote the rights, freedoms, guarantees and legitimate interests of citizens' (Article 1(1) of Law No 9/91 of 9 April 1991 and its amendments) which may be unduly infringed in citizens' dealings with the public authorities. When there is no other avenue open to them, whether because all means of appeal (administrative and/or judicial) have been exhausted or because the time limit for an appeal has expired, they can contact the Ombudsman and lodge their complaint at no cost, setting out the grounds for their position.
As noted above, in Portugal the Ombudsman is also the National Human Rights Institution with the role of National Preventive Mechanism.
It was in May 2013, under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, that the Council of Ministers decided to assign the Ombudsman the role of National Preventive Mechanism. Accordingly, the Ombudsman is responsible for conducting inspection visits to places of confinement - prisons, clinics, psychiatric hospitals, juvenile education centres, etc. - to monitor the quality of accommodation and food for persons deprived of liberty, to check whether inmates' fundamental rights are upheld (including, where possible, the right to privacy and to legitimate contact with relatives and legal representatives) and to ascertain the existence (or otherwise) of individual therapeutic programmes.

**Complaint processing:**

Complaints can be lodged with the Ombudsman by letter, fax or email. An electronic form is also available to citizens on the website. Complaints can also be lodged by phone, or in person at the Ombudsman's Office or any Public Prosecutor's Office.
Not all communications received by the Ombudsman are actual complaints – often they are anonymous explanations, simple requests for information and legal advice, or general statements on specific issues. These cannot be given any follow up.
Complaints give rise to a procedure (not necessarily a new one, since complaints concerning similar matters may be handled in a single procedure for reasons of speed and procedural economy) that is duly investigated. In other words, the necessary enquiries are made to establish the facts, e.g. by hearing the entity against whom the complaint has been made and even the complainant themselves, who may also request a hearing with the Ombudsman.
At the end of this procedure, complaints may give rise to recommendations, suggestions, remarks and other alternative ways of reconciling conflicting interests, and may also lead to requests for a review of constitutionality or legality.
In addition to responding to complaints from citizens, the Ombudsman may open procedures on its own initiative in order to investigate situations that come to its attention by any means and that fall within its remit.

**Specialised human rights bodies**

**Organisation for the Protection of Children's Rights**

**National Commission for the Promotion of the Rights and Protection of Children and Young People (*Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens* - CNPDPCJ)**

The CNPDPCJ coordinates the action of all public and private entities, structures and intervention programmes in the promotion of the rights and protection of children and young people. It issues recommendations and monitors, supports and supervises the work of the Child and Youth Protection Committees (*Comissões de Proteção de Crianças e Jovens* - CPCJ) throughout the country.
CPCJs are official non-judicial institutions with functional autonomy that aim to promote the rights of children and young people and prevent or put a stop to situations that may affect their safety, health, training, education or overall development. The Public Prosecutor's Office (*Ministério Público* - MP) monitors the work of the Child and Youth Protection Committees and assesses the legality and merits of their decisions, exercising judicial review where necessary.
The committees operate in plenary mode and restricted mode. The plenary committee is responsible for implementing actions to promote rights and prevent dangerous situations for children and young people.
The restricted committee intervenes in situations in which a child or young person is in danger, in particular by: attending to and advising people who approach the protection committee; carrying out a preliminary assessment of situations the protection committee is aware of, and investigating cases; deciding on the application of promotion and protection measures and monitoring and reviewing them (except for the measure involving approval of a selected person for adoption or of an adoption institution).

**Complaint processing:**

Anyone can communicate information concerning a dangerous situation directly to the CPCJ by letter, phone, fax or email, or in person at the committees' offices. The protection committees are responsible for the municipal area in which they are located. Click here to see the contact list of Protection Commissions according to the area in which the child lives.
CPCJ intervention requires the consent and agreement of the parents and may lead to implementation of the following measures:
Support for the parents;
Support for another family member;
Granting of guardianship to a suitable person;
Support for an independent life;
Family foster care;
Placement in an institution.
Promotion and protection measures are carried out in the normal living environment or on a placement basis, depending on their nature.

**Equality Bodies**

**Commission for Citizenship and Gender Equality (*Comissão para a Cidadania e a Igualdade de Género* - CIG)**

The Commission for Citizenship and Gender Equality is the national body responsible for promoting and upholding the principle of equality between men and women. It works in the following areas: citizenship education; equality between men and women; protecting motherhood and fatherhood; promoting means to facilitate the equal participation of women and men in the different areas of life; reconciling the work, private and family life of women and men; combating domestic and gender-based violence and human trafficking, and supporting victims.
The CIG is a central service under direct State administration and has administrative autonomy. It is part of the Presidency of the Council of Ministers and falls under the authority of the Secretary of State for Citizenship and Equality.
In particular, it is responsible for receiving complaints concerning cases of discrimination or gender-based violence and submitting them, where appropriate, issuing opinions and recommendations to the competent authorities or entities involved.

**Complaint processing:**

Complaints concerning cases of discrimination or gender-based violence are received by the CIG by email, through the Commission's Facebook page, and on paper.
Complaints received are analysed and classified by the internal services, who respond directly to the complainant via the same channel. Opinions and/or recommendations may be sent to the entities concerned and/or cases may be referred to the competent authorities (e.g. Public Prosecutor's Office, ASAE (*Autoridade de Segurança Alimentar e Económica* - Food Safety and Economic Authority), ERC (*Entidade Reguladora para a Comunicação Social* - Regulatory Authority for the Media) with a copy to the entities involved.

**High Commission for Migration (*Alto Comissariado para as Migrações* - ACM)**

**[Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial* - CICDR)]**

The High Commission for Migration (ACM) is a public institution which implements public policies on migration. Its role is to combat all forms of discrimination based on colour, nationality, ethnic origin or religion. It is responsible for receiving information relating to discriminatory practices and coordinating the operation of the Commission for Equality and Against Racial Discrimination (CICDR).
The CICDR is an independent advisory body of the ACM which specialises in combating racial discrimination. It aims to prevent and prohibit racial discrimination in all its forms and to punish acts that violate fundamental rights or restrict or prevent the exercise of economic, social or cultural rights by a public authority, a service or a natural person on the grounds of their belonging to a particular race, colour, nationality or ethnicity.

**Complaint processing:**

Complaints can be lodged with the ACM or directly with the CICDR by letter, fax, email or phone call. An electronic complaint form is also available on the CICDR's website.

The High Commissioner sends on the complaint to the Inspectorate-General of the competent Ministry, who must submit a report after having sought to establish the truth of the alleged facts. The report is submitted to the Standing Committee of the Commission for Equality and Against Racial Discrimination, which issues an advisory opinion. On that basis a decision is made by the High Commissioner for Migration. The decision may include the imposition of a fine of up to five minimum wages for natural persons and up to 10 minimum wages for public entities/companies.
The Commission keeps a record of the practice of discriminatory acts and of the corresponding penalties imposed. It makes breaches of the law public with a view to deterring such acts and raise public awareness on issues of equality and non-discrimination.

### Data Protection Body

**National Data Protection Commission (*Comissão Nacional de Proteção de Dados* - CNPD)**

The CNPD is an independent administrative body under the direction of the Assembly of the Republic. Its role is to monitor and oversee the processing of personal data in full compliance with human rights and the freedoms and guarantees enshrined in the Constitution and the law. The Commission is the National Authority for the Monitoring of Personal Data. The CNPD cooperates with the data protection supervisory authorities of other States to protect and uphold the rights of people living abroad.

**Complaint processing:**

Complaints and applications by individuals concerning personal data violations should be addressed in writing to the CNPD. Complaints may also be submitted electronically through the form on the CNPD's website. The name, address and signature of their authors must be provided.
Once a complaint has been registered, it is investigated and submitted for prior assessment by a member of the CNPD. Where the issue raised does not fall within the CNPD's remit or it is not possible to issue a decision owing to the nature of the individual's statement, it may be assessed or duly forwarded by the member to whom it was assigned.
The CNPD's decisions are adopted by a majority, are binding and are subject to complaint and appeal.

### Other Specialised Bodies

**National Institute for Rehabilitation, IP (*Instituto Nacional para a Reabilitação, IP* - INR, I.P.)**

The National Institute for Rehabilitation, I.P. is an integrated public institution currently under the authority of the Ministry of Labour, Solidarity and Social Security, with administrative autonomy and its own assets. The Institute works to ensure equal opportunities, combat discrimination and empower people with disabilities by promoting their fundamental rights.
The INR, I.P. can receive complaints regarding discrimination on the grounds of disability provided for in the Discrimination Act. Discrimination is deemed to be any act that violates any fundamental right or denies or restricts the exercise of any rights by any person, on the grounds of any disability.

**Complaint processing:**

A full description of the situation deemed to be discriminatory should be sent to the Institute to launch the complaint procedure. A complaint form is available on the website and can be sent by email.
The complaint must identify the complainant (full name, ID number or citizen's card number, taxpayer number, full address, telephone or other contact details) and give a clear account of all the facts. It must specify witnesses, giving their names, addresses and contact details, and must be backed up, as far as possible, by items, evidence or documents that testify to the occurrence of the discriminatory act.
After the complaint has been lodged, the case will be sent to the competent administrative authority (inspectorate-generals, regulatory authorities or other competent bodies) with inspection and/or sanctioning powers for the pre-trial phase during which evidence will be collected, after which either the case is closed or a fine is imposed (together with any additional penalties). A copy of the decision is sent to the National Institute for Rehabilitation, I.P.
Perpetration of a discriminatory act is subject to the payment of a fine that can range between five and 30 times the value of the minimum guaranteed monthly wage, depending on whether the violations are committed by natural or legal persons.
Depending on the severity of the offence and the culpability of the offender, additional penalties may be imposed, such as seizure of belongings, prohibition from carrying out professions or activities, denial of the right to subsidies or benefits granted by public authorities, closure of establishments and the publication of convictions.

**Commission for Equality in Labour and Employment (*Comissão para a Igualdade no Trabalho e no Emprego* - CITE)**

The CITE is a tripartite and equilateral collegiate body with administrative autonomy and legal personality. It promotes equality and non-discrimination between men and women at work, in employment and in vocational training, and cooperates in the application of legislation and obligations under agreements in this field, as well as obligations relating to the protection of parenthood and the reconciliation of professional life with family and private life in the private sector, the public sector and the cooperative sector.
Among its main tasks, it assesses complaints submitted to it or situations it is aware of which point to the violation of legal provisions on equality and non-discrimination between women and men at work, in employment and in vocational training. It also works to ensure the protection of parenthood and the reconciliation of professional life with family and private life, and provides information and legal aid in this connection.

**Complaint processing:**

Anyone can lodge a complaint about job advertisements and other employee recruitment methods that do not guarantee the right to equality between men and women in access to employment.
Any worker can lodge a complaint in the event of discrimination between men and women in access to employment, in work and in vocational training.
Complaints can be lodged by letter, fax or email. They can also be lodged by phone via toll-free number 800 204 684, or at the CITE's premises by prior appointment – tel. 21 780 37 09.
The CITE is required to report opinions confirming or pointing to the existence of labour practices that are discriminatory on the grounds of gender to the service responsible for labour inspection (the Authority for Working Conditions), which may open administrative offence proceedings as described below.

**Authority for Working Conditions (*Autoridade para as Condições do Trabalho* - ACT)**

The Authority for Working Conditions is a State service whose aim is to promote the improvement of working conditions throughout the Portuguese mainland by monitoring compliance with labour regulations in the context of private labour relations and promoting occupational safety and health in all private sectors. It also monitors compliance with occupational safety and health legislation in all sectors and in the central public administration's departments and bodies (direct, indirect and local), including public institutes and the procedures for providing personalised services or public funds.
Complaints can be lodged regarding shortcomings in facilities or non-compliance with provisions which fall within the competence of the ACT, including: safety and health conditions at work; fixed-term employment contracts; inequality and discrimination at work; posting of workers; duration and organisation of working time; collective representation of workers; undeclared or irregular work; temporary work; work by immigrants.

**Complaint processing:**

Any worker, employee representative or other interested party can lodge a complaint by completing the electronic form available on the ACT website.

Where in the exercise of his or her duties the labour inspector personally and directly (even after the event) verifies or proves any infraction of rules punishable by a fine, an official report is drawn up. For violations that are not personally proven, the labour inspector draws up an incident report supported by the evidence available and names at least two witnesses.
After the report has been drawn up, the accused is notified and given a period of 15 days in which to pay the fine voluntarily, submit a written response together with any supporting documents and a list of witnesses, or appear in person to be heard.
The deadline for completing the investigation is 60 days, which may be extended for equal periods in duly substantiated cases.
Very serious administrative offences or repeats of serious administrative offences committed intentionally or by gross negligence may be made public by way of an additional penalty. In the event of a repeat of the abovementioned administrative offences, further additional penalties may be imposed, e.g. a temporary ban on carrying out activities, withdrawal of the right to participate in auctions or public tenders, or publication of the sentence, taking into account the detrimental effects on the employee or the economic benefit withdrawn by the employer.
Where the offence consists of the omission of a duty, payment of the fine does not exempt the offender from complying with the duty if it is still possible. If the offence results from the non-payment of amounts, the ACT may, in addition to the fine, decide that the amounts owed to the workers must be paid within the deadline for paying the fine.

**Portuguese Environment Agency (*Agência Portuguesa do Ambiente* - APA)**

The Portuguese Environment Agency's task is to propose, develop and monitor the integrated and participatory management of environmental and sustainable development policies in coordination with other sectoral policies and in collaboration with public and private entities who are working towards the same purpose. It works for a high level of environmental protection and enhancement and for the provision of high-quality services to citizens. It is also the national authority responsible for implementing the environmental liability system.
Environmental damage includes: (i) damage to protected species and natural habitats; (ii) water damage; (iii) land damage.
Observations concerning environmental damage or imminent threat of such damage can be submitted to the Agency and it can be requested to take action. The person submitting the observation should also submit any relevant data or interventions at their disposal.

**Complaint processing:**

Any individual/interested party can send a request by post or email. An electronic contact form is also available on the Agency's website.
The competent authority examines the request for action and informs the interested parties whether it is accepted or rejected. If the competent authority confirms the existence of environmental damage and upholds the applicant's request, the operator is notified of the request for action with a view to the adoption of a decision on the measures to be adopted.

**Inspectorate-General of Agriculture, Sea, Environment and Spatial Planning (*Inspeção-Geral da Agricultura, do Mar, do Ambiente e do Ordenamento do Território* - IGAMAOT)**

IGAMAOT is a central service under direct State administration and is responsible for the control, audit and supervision of departments and bodies within IGAMAOT's sphere of activity, in terms of administration, management and mission. In the areas of food regulation and food security, it monitors support from national and EU funds. In the areas of environment, spatial planning and nature conservation it ensures ongoing monitoring and assessment of legality. Its work covers the public sector and private operators, as well as individual citizens in matters relating to environmental legislation, spatial planning or nature conservation, and beneficiaries of national or European support in agriculture and fisheries.
IGAMAOT receives complaints regarding acts that fall within its remit. It intervenes in matters of greatest potential risk in conjunction with the other competent authorities, depending on the situation reported.

**Complaint processing:**

IGAMAOT has an e-desk on its website through which complaints can be lodged by completing an electronic form with a detailed description of the situation observed together with the complainant's name and contact details. The complainant may request that these details remain confidential by ticking the respective box on the form.
Complaints, statements, incident reports and other requests submitted to IGAMAOT which contain material that may be examined in the context of an inspection will lead to the opening of a specific administrative procedure conducted in accordance with the Administrative Procedure Code.
Anonymous requests are given no further consideration, except where they are sufficiently substantiated or documented.
During the administrative procedure, IGAMAOT sets a deadline for replying to its requests for information or the sending of information by the bodies concerned.
Within the scope of the investigation, steps may still be taken with the entities concerned with a view to collecting information and evidence that will enable a judgment to be made on whether to carry out an inspection.
Once the case has been examined, and without prejudice to the mandatory report for criminal purposes, a reasoned proposal is drawn up for submission to the Inspector General, who may decide to either close the case, monitor it, take extraordinary action or refer the matter to the member of the Government responsible for IGAMAOT, who decides how it should be dealt with.

**Inspectorate-General of the Justice Services (*Inspeção-Geral dos Serviços de Justiça* - IGSJ)**

The IGSJ is a central service of the direct State administration, with administrative autonomy, whose task is to audit, inspect and supervise all entities, departments and bodies under the jurisdiction of the Ministry of Justice or subject to its oversight or regulation, including prison services, with a view to correcting illegalities or irregularities and optimising the functioning of services.
Complaints may be lodged regarding acts and omissions that are deemed to be illegal, notably delays in the provision of public service; poor service; improper behaviour of employees or agents; poor conditions of premises; and, in general, any irregularity or shortcoming in the functioning of services.

**Complaint processing:**

Complaints can be lodged without any special formality in one of the following ways: in person, by standard mail, or by phone, fax or email. An electronic form for this purpose is available on the IGSJ website.
Complaints, incident reports and statements lodged in person to the IGSJ are received by the inspector rostered on for this purpose.
Complaints lodged are always assigned a case number. The complainant is notified of the case number and must refer to it in any contact with the IGSJ.
Where appropriate, the complaint may be combined with an ongoing or pending inspection or audit process.
Complainants can request information from the IGSJ on the status of their case by any means and by quoting the case number. If the complaint was lodged through the IGSJ website, its progress can be tracked using the access password that was generated upon electronic submission.
Anonymous complaints will only be analysed if the statements made are deemed to be coherent and detailed. No information will be given to the complainant regarding the outcome of any investigations carried out, nor will it be possible to access the information on the status of the respective case through the IGSJ website, as access to this information depends on the user's registration.

**Inspectorate-General of Home Affairs (*Inspeção-Geral da Administração Interna* - IGAI)**

The IGAI is an independent service for the external control of police activity. It falls under the authority of the Ministry of Home Affairs (*Ministério da Administração Interna* - MAI) and its remit encompasses all the security services and forces (GNR (*Guarda Nacional Republicana* - National Republican Guard), PSP (*Polícia de Segurança Pública* - Public Security Police) and SEF (*Serviço de Estrangeiros e Fronteiras* - Foreigners and Borders Service)) that depend on this Ministry. It carries out high-level audits, inspections and supervision of these bodies and defends citizens' rights, with particular emphasis on protecting human rights and maintaining public order.

Any person (Portuguese or foreign), groups of people, associations, companies or other corporate bodies can lodge a complaint regarding acts and omissions deemed to be illegal, in particular complaints relating to violations of the fundamental rights of citizens by professionals of the bodies under the authority of the MAI. Such violations include: delays in the provision of public service, poor service, improper behaviour of public service employees or other employees within the remit of the MAI, poor conditions of premises, and, in general, any irregularity or shortcoming in the functioning of services.

**Complaint processing:**

Complaints can be lodged without any special formality by standard mail, in person or by email.

The complaint should give a detailed description of the situation observed, identify the person responsible, specify the exact date and place (street and door No, town, parish and municipality) and, if possible, be accompanied by a location map of the reported situation.

If it is not possible to submit evidence at the time of the incident report, it must be submitted as soon as possible thereafter.

The IGAI will ensure that all complaints falling within its remit are duly scrutinised and that all identified complainants receive a response to their statements. Information can be requested from the IGAI on the status of cases by quoting the case number.

Anonymous complaints will only be analysed if the statements made are deemed to be coherent and detailed.

**Inspectorate-General of Education and Science (*Inspeção-Geral da Educação e Ciência* - IGEC)**

The IGEC monitors the legality and regularity of acts carried out by bodies, departments and agencies of the Ministry of Education or under the authority of the respective member of Government. It also monitors, audits and supervises the functioning of the education system in pre-school and school education (primary, secondary and higher) . Its remit covers special forms of education, out-of-school education, science and technology and the bodies, departments and agencies of the Ministry.

The IGEC's ombudsman safeguards, defends and promotes the legitimate rights and interests of citizens and the fairness and justice of the education system. His or her work involves analysing and handling complaints from users and agents of the education system and may entail an investigation or disciplinary procedure.

**Complaint processing:**

Complaints can be lodged by letter, fax or email. Before filing a complaint with the IGEC, users and agents of the education system should, whenever possible, explain the situation to the competent bodies of the school cluster/non-grouped school, higher education institution or body/service.

The ombudsman's work is carried out by the IGEC's territorial inspection areas, which are responsible for assessing complaints submitted by users and agents of the Education System and determining the procedure deemed most appropriate for handling it. They may also carry out a preliminary investigation that essentially seeks to define the subject of the complaint and set out the grounds for complaint quickly and efficiently. When such complaints relate to matters within the competence of the head of the school cluster/non-grouped school, the rector/chair/director of the higher education institution/establishment or the director-general of schools, through the regional education delegates, complaints are referred directly to them. Complaints regarding education /science bodies/services are analysed directly by the IGEC after hearing the parties involved.

Complaints received at the IGEC's Headquarters are sent to the territorial inspection areas to determine the most appropriate procedure.

Directors of school clusters/non-grouped schools and the rector/chair/director of the higher education institution/establishment have disciplinary authority over teaching staff, non-teaching staff and students. In turn, the director-general of schools, through the regional education delegates, has disciplinary authority over the administrative and management body of school clusters/non-grouped schools.

However, where it is established via an inspection that disciplinary offences have taken place, the Inspector General has the power to open the corresponding disciplinary procedure.

Complaints received at Headquarters or in the territorial inspection areas concerning the operation of other sectors of the administration and/or the action of private entities which do not fall under the authority of the Ministry of Education and Science are referred to the competent central, regional or local government services and the interested party is notified of this.

**Inspectorate-General of Health Activities (*Inspeção-Geral das Atividades em Saúde* - IGAS)**

The Inspectorate-General of Health Activities is a central service under direct State administration, whose task is to ensure compliance with the law and high technical levels of performance in all areas of healthcare provision, both by bodies of the Ministry of Health or those under its authority, and by public, private or social sector bodies.

Any irregularities or shortcomings in the functioning of services may be reported to the IGAS, such as: acts and omissions deemed to be illegal, misuse of money or public funds, fraud or corruption, obstacles to or inequalities in access to healthcare in a particular provider or establishment, misconduct on the part of healthcare employees or professionals, etc.

If the reported fact does not fall within the competence of the IGAS, statements or complaints from duly identified bodies are forwarded to the competent body.

**Complaint processing:**

Any person (Portuguese or foreign), groups of people, associations, companies or other corporate bodies can lodge their complaints by post or email.

Complaints/statements can be lodged at any time and must be complete and substantiated, giving, where possible, detailed information about the person or organisation concerned, the facts, the dates and places they took place, personal identification (name and contact details) and information on whether the complaint/statement has been lodged with another body.

The IGAS analyses complaints/statements in which the time, method and place of facts or acts, their authors and potential liability are deemed to be coherent and detailed.

Complaints/statements may lead to an inspection or clarification procedure in accordance with the IGAS's Inspection Regulation.

In the case of inspection procedures, the principle of adversarial proceedings is always observed. This enables those concerned to be heard, except in cases provided for by law, i.e. cases in which the investigation of criminal proceedings and the taking of evidence may be objectively hampered.

Duly identified interested parties are informed of the outcome of the IGAS's intervention.

**Health Regulatory Authority (*Entidade Reguladora da Saúde* - ERS)**

The Health Regulatory Authority (ERS) is an independent public body whose task is to regulate the activity of healthcare establishments, i.e. all public, private and social sector healthcare establishments that serve the public in mainland Portugal except pharmacies.

The task of regulating and supervising providers involves: handling complaints from users, providers and institutions; conducting inspections and audits of the facilities of healthcare providers; investigating situations which may jeopardise users' rights; conducting administrative offence proceedings and imposing penalties; issuing instructions, recommendations and opinions; carrying out studies on the organisation of the health system.
Complaints that fall within the ERS's remit concern:
Access to healthcare
Discrimination
Quality of healthcare assistance
Quality of administrative assistance
Users' rights
Waiting times to be seen
Waiting times for appointments
Financial issues
Legal issues
Quality of facilities

**Complaint processing:**

Users of health services can lodge a complaint through the complaints book that has to be made available in establishments where public service is provided, or directly to the company or service provider/supplier after the event.
It is also possible to make statements directly to the ERS by post, phone, in person or via the Online Complaints Book, available on the ERS website. The ERS handles complaints lodged through the Online Complaints Book in exactly the same way as it handles complaints from the traditional complaints books available at the premises of healthcare providers.
If the complainant has written their statement in the complaints book available at the provider's premises, they can send the ERS the copy of the statement which should have been handed to them at the time of the complaint (blue sheet). The provider has 10 business days to send the complaint to the ERS.
If the user addresses their statement directly to the provider by sending a formal letter (post), fax or email, they may send a copy of the original document to the ERS.
Upon receipt of the complaint, the ERS requests the complainant to lodge any statements he or she deems relevant. Depending on the content of the complaint and the statements lodged, the ERS will take such action as it considers appropriate in accordance with the powers conferred on it by law. If a complaint is not properly identified or sufficiently coherent it will be closed. If the complaint does not fall within its remit, the ERS informs the complainant of the body responsible for handling it and forwards it accordingly.

**Inspectorate-General of the Ministry of Labour, Solidarity and Social Security (*Inspeção-Geral do Ministério do Trabalho, Solidariedade e Segurança Social* - IGMTSSS)**

The IGMTSSS is a service under direct State administration and is part of the Ministry of Labour, Solidarity and Social Security (*Ministério do Trabalho, Solidariedade e Segurança Social* - MTSSS). It oversees the services and bodies of the MTSSS or those under the authority of the respective Minister.
The IGMTSSS assesses the legal and regulatory compliance of acts of the departments and bodies of the Ministry or under the authority of the respective Minister, and evaluates their performance and management through inspections and audits. It evaluates the quality of services provided to citizens and recommends changes and measures to correct shortcomings and irregularities detected.
Complaints or incident reports regarding violations committed by bodies under the authority of the Ministry, including institutions belonging to the *Santa Casa da Misericórdia* (Holy House of Mercy) and Private Social Solidarity Institutions, can be addressed to the Inspectorate.

**Complaint processing:**

Complaints can be lodged by post, by email or by means of an electronic form available on the website. In addition to identifying the subject of the complaint and the date of the facts, the complaint should include a brief and clear description of the events which led to it.

**Food and Economic Security Authority (*Autoridade de Segurança Alimentar e Económica* - ASAE)**

The ASAE is the national administrative authority specialising in food security and economic monitoring. It is responsible for assessing and communicating risks in the food chain and for regulating economic activities in the food and non-food sectors by monitoring compliance with the respective regulatory legislation.
All suppliers of goods or service providers that carry out their activity in a fixed, permanent, physical establishment, that have direct contact with the public, and that provide goods or services in Portugal, are required to have a complaints book.

**Complaint processing:**

If a customer is not completely satisfied when being provided with a service or purchasing a product, they can request the complaints book which can be used to explain the reason for their dissatisfaction. Service providers must send the original complaint forms to the ASAE within 10 working days.
Unlawful acts can also be reported via an electronic form available on the ASAE's website and can relate to administrative offences or criminal matters within the remit of this Authority.
If the unlawful act reported does not fall within the ASAE's remit, the complaint is referred to the competent authority.
The complaint must be drawn up in a complete and substantiated manner, giving, wherever possible, detailed information on the facts and the body being reported, the place of occurrence of the facts (address and/or other reference points), the grounds for the complaint and other relevant issues. If a report is made anonymously, further information cannot be provided at a later date.
Upon receipt of the complaint and any respective statements, the ASAE will initiate the appropriate procedure if the facts of the complaint indicate an administrative offence referred to in the applicable specific rule. If this is not the case, the ASAE will notify the goods or service supplier so that they can lodge the statements they deem appropriate within 10 working days.
After analysing the content of the statements and the substance of the complaint, the ASAE may send the complaint on to another body with competence in the subject matter of the complaint or propose that the complaint be closed if there is no justification for action.
If analysis of the facts presented in the complaint results in litigation, and after all necessary steps have been taken to resolve the situation, the ASAE informs the complainant in writing (if he or she has been duly identified) of the procedures or measures that have been or will be taken following the complaint.

**Other bodies**

**Institute of Social Security I.P. (*Instituto da Segurança Social I.P.* - ISS)**

The Institute of Social Security, I. P. is a public institution with special status under the law. It is under the indirect administration of the State and has administrative and financial autonomy and its own assets.

It is responsible for ensuring the granting of legal protection. Legal protection is a right of persons and non-profit entities who are unable to pay the expenses associated with court proceedings in the event of dismissal, divorce, eviction, seizure, etc., or out-of-court proceedings in the case of divorce by mutual consent.

Legal protection includes:

**Legal Advice** – consultation with a lawyer for technical clarification regarding the law applicable to specific issues or cases in which legitimate personal interests or rights are infringed or at risk of infringement (does not apply to non-profit entities).

**Legal Aid** – appointment of a lawyer and payment of their fees or payment of the fees of the court-appointed counsel (name given to lawyers in the case of a defendant in criminal or administrative proceedings), exemption from legal costs or the option of paying in instalments, and assignment of an enforcement agent (a bailiff always performs the duties of enforcement agent).

The following have the right to legal protection:

Portuguese citizens and citizens of the European Union.

Foreigners and stateless persons with a valid residence permit in a Member State of the European Union.

Foreigners without a valid residence permit in a Member State of the European Union – if the laws of their countries of origin grant the same right to Portuguese citizens.

Persons who live or reside in a Member State of the European Union other than the Member State in which the proceedings are to be held (cross-border disputes).

Non-profit legal persons – only have the right to legal aid in the forms of exemption from legal fees and other procedural costs, appointment and payment of the lawyer's fees, payment of the court-appointed counsel's fees and assignment of an enforcement agent.

All persons listed above must demonstrate that they are unable to afford the costs associated with the lawsuit, hiring a lawyer, etc.

According to Portuguese law, people who, on the basis of the income, assets and ongoing expenditure of their household, are not in an objective position to pay the costs of proceedings are deemed to be suffering financial hardship.

Application forms for granting legal aid can be obtained free of charge from any Social Security Services customer service office or in electronic format on the Social Security website.

The application can be delivered in person or sent by post to any Social Security customer service office (please attach all necessary documents).

Entitlement to legal protection can be checked through the legal protection simulator, available in the right-hand column of this web page.

For more information, see the Legal aid page.

**Commission for the Protection of Crime Victims (*Comissão para a Proteção das Vítimas de Crimes*)**

The Commission for the Protection of Crime Victims is the body of the Ministry of Justice responsible for receiving, analysing and deciding on claims for State compensation brought by victims of violent crime and victims of domestic violence.

The obligation to pay compensation lies with the person who committed the crime, but in some cases the State can advance compensation where the perpetrator is unable to pay or it is impossible to obtain the compensation within a reasonable time frame, and the damage has caused considerable disruption to the victim's standard of living and quality of life.

The claim for compensation may be filed up to one year from the date of the crime or, in the case of criminal proceedings, up to one year after the final decision in the proceedings. Victims who were minors at the time of the crime can submit a claim up to one year after reaching the age of majority or being emancipated.

The claim must be filed on the appropriate form, which is available at the Commission's premises or at the APAV's Victim Support Offices. An electronic form is also available on the Commission's website.

The claim is exempt from the payment of any costs or expenses by the victim, and the documents and certificates required for the claim can also be obtained free of charge.

If the crime was committed in the territory of another Member State of the European Union, the claim for compensation to be paid by the State in question can be submitted to the Commission for the Protection of Crime Victims if the claimant is habitually resident in Portugal.

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## National courts and other non-judicial bodies - Romania

National courts
Ombudsman
Specialised human rights bodies
Other specialised bodies

### National courts

Depending on the category of law generically covering the act that has resulted in the violation of a person’s rights (i.e. civil law, criminal law, administrative litigation, etc.), the person affected may refer the matter either direct to the court, usually by lodging legal action in a civil law context, or to other public institutions, in accordance with the procedures laid down by law.

In criminal law, a person whose rights have been violated by an act covered by the Criminal Code may refer the matter either to the police or to the public prosecutor’s office, and the criminal trial will take place in accordance with criminal procedure.

In cases of administrative litigation, under Law No 554/2004, any person who alleges the impairment of a right or legitimate interest by a public authority through an administrative act or failure to resolve an application within the legal time-limit, may apply to the competent administrative court for the revocation of the act, for the recognition of the claimed right or legitimate interest and for the reparation of the damage caused. Equally, a person who alleges the impairment of a right or legitimate interest through an administrative act of an individual nature intended for another legal subject may also refer the matter to the administrative court. As a rule, before referring the matter to the competent administrative court, the person in question must follow a preliminary procedure (detailed in Article 7 of Law No 554/2004), which consists of applying for the total or partial revocation of the act to the public authority that issued the act or to the authority that is hierarchically superior to it (if such an authority exists).

The competence of courts and of the other institutions mentioned above is laid down in the legislative acts in force (for example, the Code of Civil Procedure, the Code of Criminal Procedure, Law No 554/2004).

As regards proceedings before the courts, as a rule these are proceedings of ordinary law, having certain specificities depending on the category of law in question (for more information see https://portal.just.ro/SitePages/ghid.aspx, available in Romanian only).

The contact data for courts and other additional information are available on the Portalul instanțelor de judecată [Courts portal] (available in Romanian only).

**Ombudsman**

**OMBUDSMAN**
**(AVOCATUL POPORULUI)**

**Address of head office:**

*Strada Eugeniu Carada No 3*
*Sector 3*
*Bucharest*

Map: https://avp.ro/index.php/en/contact-2/

**Head office contact details:**

Dispatcher centre phone No: (+40) (0)21 3127134;
Switchboard: (+40) (0)21 3129462
E-mail: avp@avp.ro
Website: https://avp.ro

**Appointment hours:**

From Monday to Thursday from 9:00 am to 4:00 pm and Friday from 9:00 am to noon for appointments with specialised staff (advisers and experts). Citizens who so wish may also obtain an appointment with the Ombudsman and deputies.

**Addresses of regional offices:**

Romanian Ombudsman Regional Offices

**Overview of the institution (**legal basis, presentation, organisation, tasks, complaints, procedures)

https://avp.ro/index.php/en/presentation/scurt-istoric/

**Model complaint form:**

https://avp.ro/index.php/cum-sesizez-avocatul-poporului/formularul-unei-petitii/

**The main regulations in force concerning the Ombudsman are included in:**

Articles 58 to 60, Article 65(2), Article 146(a) and (d) of the Constitution of Romania;
Law No 35/1997 on the organisation and functioning of the institution of Ombudsman, republished in Official Gazette of Romania Part I No 844 of 15 September 2004, as subsequently amended and supplemented;
Regulation on the organisation and functioning of the institution of Ombudsman, republished in Official Gazette of Romania Part I No 922 of 11 October 2004, as amended by Decision No 6/2007 of the Permanent Offices of the Chamber of Deputies and of the Senate, published in Official Gazette of Romania No 445 of 29 June 2007;
Law No 554/2004 on administrative appeals, published in Official Gazette of Romania Part I No 1154 of 7 December 2004, as subsequently amended;
Law No 202/2010 concerning certain measures for speeding up the settlement of cases, published in Official Gazette of Romania Part I No 714 of 26 October 2010, as subsequently amended and supplemented.

**Purpose of establishment and characteristics:**

to protect the rights and freedoms of individuals in their relations with public authorities;
the Ombudsman is an autonomous public authority independent of any other public authority;
the institution has its own budget which forms an integral part of the State budget;
it does not act as a substitute for public authorities in the exercise of its tasks;
the Ombudsman may not be subject to any imperative or representative mandate, and no person may compel the Ombudsman to submit to their instructions or orders;
the Ombudsman's activity is public, but at the request of persons whose rights and freedoms have been infringed, or on justified grounds, its activity may be declared to be confidential;
it performs its tasks ex officio or at the request of natural persons, companies, associations or other legal persons. Complaints may be lodged irrespective of citizenship, age, gender, political affiliation or religious beliefs.

**The Ombudsman's deputies**

The Ombudsman is assisted by deputies specialised in the following fields of activity:
human rights, equal opportunities for men and women, religions and national minorities;
the rights of the child, of the family, of young people, of retired people, of people with disabilities;
the armed forces, the justice system, the police, prisons;
property, labour, social protection, taxes and duties.

**Who may complain to the Ombudsman and in what matters:**

**1. Acts and actions in respect of which a complaint can be lodged**

Administrative acts or actions of public authorities that result in the infringement of the rights and freedoms of individuals may be the subject of a complaint.
By law, acts of autonomous public corporations are also included in the category of administrative acts falling under the purview of the Ombudsman.
Inaction on the part of public administration bodies and the late issue of acts are also treated as administrative acts.
The following do not fall under the purview of the Ombudsman and will be rejected without any reasons being given if they are the subject of a complaint:
acts issued by the Chamber of Deputies, the Senate or the Parliament;
acts and actions of deputies and senators;
acts and actions of the President of Romania;
acts and actions of the Government, with the exception of laws and orders;
acts and actions of the Constitutional Court;
acts and actions of the President of the Legislative Council;
acts and actions of a judicial authority.

**2. Who may complain to the Ombudsman?**

Any natural person, irrespective of citizenship, age, gender, political affiliation or religious beliefs, may complain to the Ombudsman.

**3. The Ombudsman institution fulfils its duty to protect citizens' rights and freedoms in their relations with public authorities**:

at the request of the injured person;

ex officio.
**4. Conditions for the acceptance and examination of a complaint**
it must be formulated in writing and may be sent by mail, including e-mail or fax; it may also be lodged in person or by an attorney-in-fact (who will be requested to provide his/her identification details) at the head office of the institution or at one of its regional offices, either during an appointment or at the office's registry;
the complainant may, if there are good reasons, be allowed on request to present his/her application orally or through the dispatcher service; the complaint will be recorded on standard forms by the staff designated for that purpose;
it must be signed by the complainant;
it must contain:
full information concerning the identification details of the person whose rights and freedoms as a citizen have allegedly been infringed (surname, first name, domicile);
details about the damage caused (the rights and freedoms infringed, the actions invoked and a description thereof);
details identifying the administrative authority or public servant concerned;
proof of delay or of refusal by the public administration body to settle the matter in accordance with the law, within the deadline set;
a mandatory indication as to whether or not the complaint is/was the subject of a case pending before a court;
details identifying public authorities previously notified;
as annexes, any documents likely to substantiate the complaint;
a complaint lodged with the Ombudsman is exempted from stamp duty**.**
**5. Cases in which a complaint cannot be considered**:
where the subject matter of a complaint does not fall under the purview of the Ombudsman;
anonymous complaints (not registered) or those lodged on behalf of another person without the latter's consent;
complaints submitted later than a year after the date on which the alleged infringement occurred or the date on which the person concerned became aware of the alleged infringement;
complaints which are manifestly unfounded may be rejected, with reasons being given.
**6. Working methods for resolving complaints:**
Inquiries – the Ombudsman institution is entitled to conduct its own inquiries, to ask the public administration authorities for any information or documents necessary for the inquiry, to interview and to take statements from the management of public administration authorities and any public servant who can provide information needed to resolve a complaint.
Recommendations – in the exercise of its duties, the Ombudsman institution issues recommendations. Through these recommendations, the Ombudsman notifies the public administration authorities, as the case may be, of the unlawful nature of administrative acts or actions.
Special reports – if the Ombudsman institution finds shortcomings in the legislation or serious cases of corruption or non-compliance with the national laws during the investigations conducted, it submits a report containing the findings to the Presidents of the two Chambers of Parliament or, where appropriate, to the Prime Minister.
Dispatcher's Office – a dispatcher service is available at the head office of the Ombudsman and at the 14 regional offices (Tel.: 021 312 7134 [head office]; https://avp.ro/index.php/contact/birouri-teritoriale/). Citizens may telephone during the following times: **Monday to Thursday from 9:00 am to 4:00 pm; Friday from 9:00 am to 2:00 pm**
Appointments – these are available with the specialised staff of the institution. Citizens can also obtain an appointment with the Ombudsman himself/herself or deputies, in accordance with the Rules on the organisation and functioning of the institution of Ombudsman, or with the representatives of regional offices
**Specialised human rights bodies**
**Ombudsman for rights of the child**
**NATIONAL AUTHORITY FOR CHILD PROTECTION AND ADOPTION (AUTORITATEA NAŢIONALĂ PENTRU PROTECŢIA COPILULUI ŞI ADOPŢIE)**
**Address:**
*Bulevardul G-ral Gheorghe Magheru No 7*
*Sector 1*
*010322 Bucharest*
**Contact details:**
Tel.: (+40) (0)21 3153633, (+40) (0)21 3153630, (+40) (0)21 3100789, (+40) (0)21 3100790
Fax: (+40) (0)21 3127474
E-mail: office@anpfdc.ro
Website: http://www.copii.ro
**Opening hours for the public:**
Monday to Thursday: 8:30 am - 4:30 pm
Friday: 8:30 am -2:00 pm
**Adoption Department:** Tuesday and Thursday: 9:00 am - noon
**Overview of the institution** (legal basis, presentation, organisation, tasks, types of services):
http://www.copii.ro/despre-noi/misiune/,
http://www.copii.ro/activity/child-protection-system/overview/?lang=en.
**The Directorate-General for Child Protection** is a specialised directorate within the National Authority for Protection of the Rights of the Child and Adoption.
**Tasks:**
to prepare and justify programmes in the area of family protection and for the prevention and combating of domestic violence, and for the protection and promotion of the rights of the child;
to monitor observance of the rights of the child and to recommend to central or local authorities that requisite action be taken;
to record centrally and summarise information on compliance with the principles and rules established by the Convention on the Rights of the Child, as ratified by Law No 18/1990, republished, as subsequently amended, and to pursue and take the required action to implement the recommendations of the Committee on the rights of the child;
to coordinate and guide in methodological terms the activities of services intended to prevent the separation of a child from its parents, services concerning the special protection of children, and the activities carried out by child protection committees;

to draw up standards, detailed rules and working procedures for services charged with preventing the separation of a child from its parents and with ensuring the special protection of children and young people and the protection of the family and victims of domestic violence, as well as for services dealing with perpetrators of violence;
to prepare licensing methodology and assessment criteria for services charged with preventing the separation of a child from its parents and with the special protection of children and young people and victims of domestic violence; and to license those services;
to coordinate and guide in methodological terms activities carried out to support the family and victims of domestic violence, as well as the services provided to them.

**Equality body**

**NATIONAL COUNCIL FOR COMBATING DISCRIMINATION (CONSILIUL NAŢIONAL PENTRU COMBATEREA DISCRIMINĂRII - CNCD)**

**Address of head office:**

*Piata Valter Maracineanu Nos 1-3, Sector 1, 010155 Bucharest*

Phone No: (+40) (0)21 3126578; (+40) (0)21 3126579

Fax: (+40) (0)21 3126585

E-mail: support@cncd.org.ro

Website: https://www.cncd.ro/

**Opening hours for the public:**

Monday to Thursday: 8:00 am -4:30 pm; Friday: 8:00 am -2:00 pm

**Addresses of regional offices and of the Research Centre:**

https://www.cncd.ro/contact/

**Overview of the institution** (legal basis, presentation, organisation, tasks, complaints, procedures):

https://www.cncd.ro/ ,

https://www.cncd.ro/proiecte,

https://www.cncd.ro/despre-cncd-prezentare-generala/

**Legal basis:**

The National Council for Combating Discrimination operates under Government Order No 137/2000 on the prevention and sanctioning of all forms of discrimination, republished

**Presentation of the institution:**

The National Council for Combating Discrimination (CNCD) is an autonomous State authority, controlled by Parliament, which carries out activities aimed at combating discrimination. The Council is a guarantor for the observance and application of the principle of non-discrimination in accordance with the internal legislation in force and with the international agreements to which Romania is a party. The National Council for Combating Discrimination operates under Government Order No 137/2000 on the prevention and sanctioning of all forms of discrimination, republished

**1. What must a complaint contain?**

A complaint must include the following mandatory data:
the surname and first name of the person lodging the complaint;
the address to which the complainant would like the reply to be sent; the address at which the CNCD can contact the complainant for any additional information required for resolution of the case;
the telephone number on which the complainant can be contacted for any additional information;
the actual substance of the complaint, which should include a detailed description of the alleged discriminatory acts;
the identification details of the person accused of discrimination (address, phone number if possible, etc.), which are required in order to contact that person for summoning before the CNCD Executive Committee, or for the purposes of further investigation.

**2. What happens once a complaint has been lodged?**

The complaint is registered and forwarded to the Executive Committee to be resolved. A complaint may be referred to the CNCD within one year following the date on which the alleged discriminatory act was committed or from the date on which the person concerned was informed thereof. The person allegedly discriminated against may apply to a court to have the consequences of discriminatory acts rectified and to have the situation that existed prior to the discriminatory act restored. The time limit for resolution of a complaint is 90 days.
The Executive Committee will investigate the existence of a discriminatory act by mandatorily summoning the parties by any means that ensures acknowledgment of receipt. The failure of parties to appear in person shall not hinder the resolution of a complaint. In order to ensure that the correct decision is taken, additional investigations may be conducted, including the interviewing of parties.
The complainant is required to prove the existence of a discriminatory act, while the person accused of discrimination is required to prove that the act concerned does not constitute discrimination.
The ruling (the Decision of the Executive Committee) is communicated in writing within 15 days after the decision has been taken at a meeting of the Executive Committee. The parties may challenge the Decision of the Executive Committee before a court within 15 days following the date of its receipt. Both parties are exempted from payment of judicial stamp duty.

**3. What are the sanctions applied for discriminatory acts?**

**Discriminatory acts are punishable:**

by a warning;
by a fine ranging from RON 1 000 to RON 30 000 if the discrimination relates to an individual;
by a fine ranging from RON 2 000 to RON 100 000 if the discrimination relates to a group of persons or a community

**NATIONAL AGENCY FOR ROMA PEOPLE**

**(AGENŢIA NAŢIONALĂ PENTRU ROMI – ANR)**

**Contact details:**

*Str. Splaiul Independentei No 202, 8th floor, room 23, Sector 6, Bucharest*

Tel.: (+40) (0)21 3113048

Fax: (+40) (0)21 3113047

E-mail: info@anr.gov.ro.

Website: http://www.anr.gov.ro

**Contact details of regional and county offices:**

http://www.anr.gov.ro/index.php/contact

**Overview of the institution** (mission, structure, results):
http://www.anr.gov.ro
**Legal basis:**
Government Order No 78/2004 establishing the National Agency for Roma People, **approved as amended by Law No 7/2005**
In the exercise of the functions laid down in Article 3 of Decision No 1703/2004 on the organisation and functioning of the National Agency for Roma People, as subsequently amended and supplemented, the institution fulfils the following main tasks:
drawing up Government policy and strategy for protecting the rights of the Roma minority, in parallel with other tasks provided for by legislative acts within its area of activity;
initiating and pursuing training actions on combating discrimination against Roma people within central and local public administration;
endorsing draft laws and other legislative acts which are relevant for the rights and duties of persons belonging to the Roma minority;
monitoring the application of national and international legislative acts concerning the protection of the Roma minority;
receiving and examining requests and referrals addressed by institutions, organisations or individuals, and communicating the specialist opinion of the Agency;
developing a system for the provision of information, training and expert advice for the Roma minority;
analysing and assessing any potentially discriminatory effects of current regulations, and making active efforts to improve the legal framework in place.
In the exercise of its functions, the National Agency for Roma People:
cooperates with ministries and with central and local public administration authorities, as well as with other public institutions and with natural and legal persons;
cooperates with inter-governmental and non-governmental organisations in Romania and abroad;
benefits from expert advice and assistance provided in Romania and abroad, and from training and advanced training programmes for its staff, subject to the budgetary funds allocated or other funds obtained in Romania or abroad in accordance with the law;
initiates, participates in and promotes actions, projects and sectoral programmes, together with specialised non-governmental institutions and organisations, in order to improve the situation of Roma people.

NATIONAL AUTHORITY FOR PERSONS WITH DISABILITIES (AUTORITATEA NAȚIONALĂ PENTRU PERSOANELE CU DIZABILITĂȚI)
**Head office address:**
*Calea Victoriei No 194*
*Bucharest*
**Contact details:**
Tel.: (+40) (0)21 2125438; (+40) (0) 21 2125439; (+40) (0)21 3220976; (+40) (0)21 3226303; (+40) (0)213226304; (+40) (0)21 3207155
Fax: (+40) (0)21 2125443
E-mail: registratura@anph.ro
**Opening hours for the public:**
Monday to Friday: 9:00 am – 4 pm (for contact by phone)
**Overview of the institution** (structure, tasks, rules of organisation and functioning):
http://www.mmuncii.ro/j33/index.php/en/about-us
**Legal basis:**
The National Authority for Persons with Disabilities is a specialised body with legal personality within the central public administration and is subordinate to the Ministry of Labour, Family, Social Protection and Elderly Persons.
The Authority centrally coordinates activities relating to the special protection of people with disabilities and the promotion of their rights; it draws up policies, strategies and standards for the promotion of those rights, as well as monitoring the application of relevant rules and activities concerning the special protection of persons with disabilities.
**Legislative acts establishing rights for people with disabilities:**
Persons with disabilities benefit from the provisions set out in:
Government Emergency Order No 86/2014 establishing certain reorganisation measures at central public administration level and amending and supplementing certain legislative acts;
Government Decision No 50/2015 on the organisation, functioning and tasks of the National Authority for Persons with Disabilities.

**Data Protection Body**

NATIONAL SUPERVISORY AUTHORITY FOR PERSONAL DATA PROCESSING
(AUTORITATEA NAȚIONALĂ DE SUPRAVEGHERE A PRELUCRĂRII DATELOR CU CARACTER PERSONAL – ANSPDCP)
**Head office address:**
B-dul G-ral. Gheorghe Magheru Nos 28-30, Sector 1, 010336 Bucharest
**Contact details:**
Tel.: (+40) (0)31 8059211; (+40) (0)31 8059212
Fax: (+40) (0)31 8059602
E-mail: anspdcp@dataprotection.ro
Website: https://www.dataprotection.ro
**Opening hours for the public:**
The registry of the National Supervisory Authority is open to the public from Monday to Friday from 09:00 am to 1:00 pm;
Appointments are possible from Monday to Friday between 11:00 am and 1:00 pm.
**Overview of the institution:**
The National Supervisory Authority for Personal Data Processing pursues its activity in conditions of full independence and impartiality. The Authority monitors and checks the legality of personal data processing that falls under Law No 677/2001 on the protection of individuals with regard to the processing of personal data and on the free circulation of such data, as subsequently amended and supplemented.
**Objective:**
To protect the fundamental rights and freedoms of individuals, in particular the right to privacy and to family and private life, with regard to the processing of personal data and the free circulation of such data
**Legal basis:**
Law No 102/2005 on the establishment, organisation and functioning of the National Supervisory Authority for Personal Data Processing.

**Tasks (a selection):**

to receive and analyse notifications concerning the processing of personal data;
to authorise data processing in the situations referred to in the law;
to decide, where it finds any breach of the provisions of the law, on whether to suspend or cease data processing and/or partially or fully delete the processed data, referring the matter to the criminal prosecution bodies or taking legal action as appropriate;
to inform individuals and/or legal persons of the need to meet the obligations and to carry out the procedures referred to in Law No 677/2001;
to keep and make available to the public the register of personal data processing;
to receive and resolve complaints, referrals or applications lodged by individuals and communicate the solution found or, as applicable, the action taken;
to carry out advance checks where an operator processes personal data likely to pose particular risks to people's personal rights and freedoms;
to conduct investigations ex officio or when complaints or referrals are received;
to provide recommendations and endorsements with regard to any issue related to the protection of fundamental rights and freedoms as regards the processing of personal data, at the request of any person, public authority or public administration body.

**Procedure for the receipt and resolution of complaints, referrals and applications:**

Persons whose personal data are processed may contact the Supervisory Authority in writing if they consider that their rights under Law No 677/2001 have been breached, provided that no legal action has been previously taken in respect of the same matter, and only after they have approached the operator concerning whom the complaint is being lodged.

Standard forms for possible use by persons intending to lodge a complaint with ANSPDCP can be accessed on the institution's website.

**Other specialised bodies**

**DELEGATED JUDGE**
**(JUDECĂTORUL DELEGAT)**

**Legal basis:**

Law No 254 of 2 June 2013 on the enforcement of sentences and custodial measures ordered by judicial bodies in criminal proceedings and Decision No 89 /2014 of the Superior Council of Magistracy approving the Rules on the organisation of the activity of judges delegated to oversee the implementation of custodial sentences.

**Presentation and role:**

Delegated judges are magistrates in the Romanian court system. They are delegated on a yearly basis by the President of the Court of Appeal for each prison located within the territorial jurisdiction of the Court of Appeal. The role of a judge delegated to oversee the implementation of custodial sentences is to supervise and monitor legality in the implementation of such sentences. A judge delegated to a prison encompassing a detention- and-preventive-arrest centre or a preventive-arrest centre also oversees and monitors observance of legality in the implementation of preventive measures involving deprivation of liberty. At the same time, the judge ensures observance of the rights provided for by law for persons serving custodial sentences.

**Complaints:**

A convicted person may, within three days of being informed of the decision setting the terms of a custodial sentence, submit to the judge assigned to oversee the implementation of custodial sentences a complaint regarding the way in which those terms were set (Article 39(3) of Law No 254/2013).
A convicted person may, within three days of being informed of a decision by a commission to change the terms of a custodial sentence, submit to the judge assigned to oversee the implementation of custodial sentences a complaint with regard to that decision (Article 40(11) of Law No 254/2013).
A convicted person may, within ten days of becoming aware of a decision by the prison administration regarding measures in respect of the exercise of the rights provided for by this law, submit to the judge assigned to oversee the implementation of custodial sentences a complaint with regard to those measures (Article 56(2) of Law No 254/2013).
A convicted person may, within three days of being informed of a decision by the disciplinary committee to impose a disciplinary penalty, submit to the judge assigned to oversee the implementation of custodial sentences a complaint with regard to that decision (Article 104(1) of Law No 254/2013).
A detained person may, within three days of being informed of a decision by a commission to change the terms of detention, submit to the judge assigned to oversee the implementation of measures involving deprivation of liberty a complaint with regard to that decision (Article 153(8) of Law No 254/2013).

**GENERAL INSPECTORATE FOR IMMIGRATION**
**(INSPECTORATUL GENERAL PENTRU IMIGRĂRI)**

**Address of head office:**

Strada Lt. col. Marinescu C-tin No 15A, Sector 5, Bucharest
Tel.: (+40) (0)21 4109940
Fax: (+40) (0)21 4107501
E-mail: igi@mai.gov.ro and document.igi@mai.gov.ro - address intended exclusively for transmission of copy of identity card

**Addresses of various directorates of the General Inspectorate for Immigration:**

https://igi.mai.gov.ro/contact/

**Regional units of the General Inspectorate for Immigration:**

https://igi.mai.gov.ro/en/contact-en/

**Presentation of the institution:**

The General Inspectorate for Immigration is organised and functions as a specialised entity of the central public administration. It is a public institution with legal personality and is subordinate to the Ministry of Administration and Internal Affairs (Ministerul Administrației și Internelor).

**Objective:**

Set up as part of the reorganisation of the Romanian Office for Immigration (Oficiul Român pentru Imigrări), the General Inspectorate for Immigration carries out statutory tasks for the implementation of Romania's policies in the fields of migration, asylum and integration of foreigners and the enforcement of associated legislation.
The activity of the General Inspectorate for Immigration constitutes a public service that both serves individual and community interests and supports State institutions, exclusively on the basis of and in accordance with the law.

**Legal basis:**

The organisational structure and duties of the General Inspectorate for Immigration are set out in Government Decision No 639 of 20 June 2007, as subsequently amended and supplemented.
Organisationally, the Inspectorate is made up of central directorates, services and other functional entities, regional centres accommodating and processing asylum seekers, regional accommodation centres for foreigners taken into public custody, and county-level entities.

In the exercise of its duties, the General Inspectorate for Immigration cooperates with entities of the Ministry of Administration and Internal Affairs and other State institutions, as well as with NGOs and foreign citizens engaged in activities relating to migration and humanitarian protection. In accordance with legislation, it concludes agreements with peer institutions abroad and with international organisations.
Further information concerning the categories of EU and non-EU citizens, asylum and immigration, legislation, and programmes and strategies of the General Inspectorate for Immigration is available on the website of the institution.

**LABOUR INSPECTORATE**
**(INSPECŢIA MUNCII)**

**Address of the institution:**
Str. Matei Voievod No 14, Sector 2, Bucharest
Tel.: (+40) (0)21 3027030
Fax: (+40) (0)21 3027064; +40 21 2520097
E-mail: comunicare@inspectiamuncii.ro
E-mail address for sending copy of identity card: copiedoc@inspectiamuncii.ro
Website: https://www.inspectiamuncii.ro/

**Opening hours of the Labour Inspectorate**
Monday to Thursday: 8:00 am - 4:30 pm
Friday: 8:00 am -2.00 pm

**Presentation of the institution:**
The Labour Inspectorate is a specialised body of the central public administration and is subordinate to the Ministry of Labour, Family, Social Protection and Elderly Persons. Its head office is in Bucharest Municipality.
The institution has legal personality and performs the role of State authority exercising control in the fields of labour relations, workplace health and safety, and market supervision.

**Objective of the institution:**
The Labour Inspectorate is responsible for ensuring social protection at the workplace in accordance with Article 41 of the Constitution of Romania, republished, ILO Convention No 81/1947 on labour inspection in industry and commerce, as ratified by State Council Decree No 284/1973, and ILO Convention No 129/1969 on labour inspection in agriculture, as ratified by State Council Decree No 83/1975.

**Legal basis:**
The institution was established and organised under:
Law No 108/1999, republished, as subsequently amended and supplemented;
Government Decision No 1377/2009, as subsequently amended and supplemented.
The following are subordinate to the Labour Inspectorate:
Regional Labour Inspectorates - in each county and in Bucharest Municipality.
Centre for monitoring establishments whose activities involve occupational risks (Centrul de Monitorizare a Unităților cu Risc Profesional) – Criscior .
Labour Inspectorate Centre for Vocational and Further Training (Centrul de Pregătire și Perfecționare Profesională al Inspecției Muncii) - Botoșani.
Information regarding **complaints** that may be submitted to the Labour Inspectorate can be found on the website of the institution.
**Information of public interest** is available on the website of the institution.

**NATIONAL EMPLOYMENT AGENCY**
**(AGENŢIA NAŢIONALĂ PENTRU OCUPAREA FORŢEI DE MUNCĂ - ANOFM)**

**Address of head office:**
Strada Avalanșei Nos 20-22, sector 4, 040305 Bucharest

**Opening hours:**
Monday to Thursday: 8:00 am - 4:30 pm
Friday: 8:00 am -2:00 pm

**Appointments:**
Appointments with the President of the National Employment Agency can be booked for the first or third Tuesday of the month, between 11:00 am and noon.
To make an appointment, call (+40) (0)21 3039831
Website: https://www.anofm.ro/index.html?agentie=ANOFM&page=0
E-mail: anofm@anofm.ro
Information regarding the **websites of the National Employment Agency's county branches** can be found on the website of the institution.

**Presentation of the institution:**
The Agency offers a wide range of services including - among many others - occupational advice, vocational training courses, pre-redundancy counselling services, work placement, business start-up advice, subsidising of employment for persons belonging to disadvantaged groups, and the provision of advantageous loans for the creation of jobs.
It serves the unemployed and businesses alike.
Its main objective is to increase the employment rate and thus reduce unemployment.

**Legal basis:**
- Law No 202 on the organisation and functioning of the National Employment Agency;
- Government Decision No 1610 on the Statute of the National Employment Agency (ANOFM).

**The main objectives** of the National Employment Agency are:
to institutionalise social dialogue in the field of employment and vocational training;
to apply strategies in the field of employment and vocational training;
to apply social protection measures for unemployed persons.
More information is available on the website of the institution.

**NATIONAL ENVIRONMENTAL PROTECTION AGENCY**
**(AGENŢIA NAŢIONALĂ PENTRU PROTECŢIA MEDIULUI - ANPM)**

**Head office**:
Splaiul Independenței No 294, Block B, Sector 6, 060031 Bucharest
Tel.: (+40) (0)21 2071101; (+40) (0)21 2071102

Fax: (+40) (0) 21 2071103
E-mail: office@anpm.ro
Website: http://www.anpm.ro/
Opening hours:
Monday to Thursday: 8:00 am - 4:30 pm
Friday: 8:00 am - 2:00 pm

**Presentation of the institution:**

The National Environmental Protection Agency is a specialised institution of the central public administration and is subordinate to the Ministry of the Environment. Under Government Decision No 1000 of 17 October 2012 on the reorganisation and functioning of the National Environmental Protection Agency and subordinate public institutions, it is vested with powers regarding the implementation of policies and legislation in the field of environmental protection.

**Objective:**

The National Environmental Protection Agency acts within a European and international framework of cooperation to safeguard principles and implement legislation in the field of environmental protection.

**The tasks** of the National Environmental Protection Agency are to:

ensure strategic environmental planning;
monitor environmental factors;
deal with the authorisation of activities having an impact on the environment;
implement environmental legislation and policies at national and local level;
submit reports to the European Environment Agency on the following: air quality, climate change, protected areas, soil and water contamination.

Complaints are registered in accordance with Government Order No 27/2002 regulating the resolution of complaints, as approved by Law No 233/2002, and can be sent by e-mail to office@anpm.ro.

Anonymous complaints or complaints not containing identification details are not taken into account and are closed.

NATIONAL CONSUMER PROTECTION AUTHORITY
(AUTORITATEA NAȚIONALĂ PENTRU PROTECȚIA CONSUMATORILOR - ANPC)

**Address:**

Bulevardul Aviatorilor No 72, Sector 1, 011865 Bucharest
E-mail: cabinet@anpc.ro
Opening hours:
Monday to Thursday: 8:00 am - 4:30 pm
Friday: 8:00 am - 2:00 pm

**Legal basis:**

Government Decision No 700/2012 on the organisation and functioning of the National Consumer Protection Authority.

**The tasks of the ANPC include:**

being involved - together with other specialised bodies of the central and local public administration having duties in the relevant area, and with non-governmental consumer bodies - in drawing up consumer protection strategy while ensuring that it intermeshes with EU strategy;
bringing the national legal framework into line with EU regulations in the field of consumer protection;
proposing to the Government, for approval and adoption, draft legislative acts in the field of consumer protection regarding the manufacturing, packaging, labelling, conservation, storage, transport, importation and marketing of products; regarding the provision of services, including financial services; and regarding the prohibition of asymmetric breach-of-contract penalties between clients and providers of public services and other services of general interest, so as not to endanger consumers' life, health and safety or affect their legitimate rights and interests;
preparing, together with other specialised public administration bodies, procedures regarding the objectives, conditions and methods of cooperation in carrying out consumer protection activities.

A full list of the ANPC's duties is set out on the website of the institution.

**Notifications and complaints:**

Consumers can send notifications and complaints to the head offices of the Regional/County Commissariats for Consumer Protection or to the Commissariat for Consumer Protection in Bucharest Municipality, depending on the particular jurisdiction in which the economic operator complained about conducts its business activity.

In order to submit a notification/complaint, please access the link INFO Complaints, where you can consult the procedure for submitting complaints and the contact details of the Regional and County Commissariats for Consumer Protection.

Under the relevant statutory provisions, complaints and notifications must be submitted in writing or electronic form, and may be lodged in person.

**Complaints can be submitted in electronic form on this webpage.**

A complaint or notification must be submitted in the name of the complainant or notifying person.

A complaint/notification will be dealt with within the legal time limit (in accordance with Government Order No 27/2002), provided that it is accompanied by all necessary supporting documents, i.e. an invoice for tax purposes, a cash-register receipt or other receipt, the contract or warranty certificate concerned or other documents, as appropriate.

In order to be dealt with by the Commissariats, complaints must fulfil the conditions set out above. Otherwise, they will be closed for lack of information.

NATIONAL HEALTH INSURANCE AGENCY
(CASA NAȚIONALĂ DE ASIGURĂRI DE SĂNĂTATE - CNAS)

**Address**:

Calea Călărașilor No 248, Bl. S19, Sector 3, 030634, Bucharest
Website: http://www.cnas.ro/
E-mail: relpubl1@casan.ro
Tel.: (+40) (0) 37-2309236
Fax: (+40) (0) 37-2309165

**Presentation of the institution:**

The National Health Insurance Agency (CNAS) is an autonomous public institution of national interest, having legal personality. Its remit is to ensure the consistent and coordinated functioning of the social health insurance system in Romania.

**Legal basis:**
Government Emergency Order No 150/20 November 2002;
Government Emergency Order No 180/2000;
Law No 145/1997.
**Objectives:**
To develop and maintain a social health insurance system in which insured persons' rights are respected and their needs met.
**General objectives:**
to protect insured persons against the costs of healthcare services in the event of illness or accident;
to ensure that insured persons are covered on a universal, fair and non-discriminatory basis subject to the efficient use of Romania's Single Social Health Insurance Fund.
**Specific objectives:**
to ensure access to healthcare services, medicines and medical devices;
to ensure fair and non-discriminatory protection subject to the efficient use of the Single Social Health Insurance Fund;
to increase insured persons' level of satisfaction with the quality of services;
to enhance the provision of information to insured persons.

PERMANENT ELECTORAL AUTHORITY
(AUTORITATEA ELECTORALĂ PERMANENTĂ)

**Address of head office:**
Str. Stavropoleos No 6, Sector 3, 030084 Bucharest
Tel.: (+40) (0)21-3100824
Website: https://www.roaep.ro/prezentare/en/
E-mail: comunicare@roaep.ro
**Presentation of the institution:**
The Permanent Electoral Authority is an autonomous administrative institution with legal personality, and is vested with general powers in electoral matters. Its mission is to ensure the organisation and conduct of elections and referendums and ensure that the funding of political parties and electoral campaigns is in accordance with the Constitution and the relevant legislation and international and European standards.
**Legal basis:**
Decision No 4 of 22 June 2016 approving the rules of organisation and functioning of the Permanent Electoral Authority and of the "Electoral Expert" Centre;
Law No 334/2006 on the funding of political parties' activities and electoral campaigns, republished;
Law No 208/2015 on elections to the Senate and the Chamber of Deputies and on the organisation and functioning of the Permanent Electoral Authority, as subsequently amended and supplemented.
**Objectives:**
to ensure regular, free and fair electoral processes with the efficient and transparent use of human, financial and economic resources;
to ensure that political parties and electoral campaigns are funded correctly and transparently;
to ensure an integrated approach to the management of the electoral process.
**Functions (the list is not exhaustive):**
a strategic function: ensuring the establishment of sectoral objectives in its field of activity;
a regulatory function: ensuring the preparation and submission for approval of the legislative framework required for the fulfilment of strategic duties in electoral matters, and the preparation and approval of standards and mandatory technical rules for all bodies and authorities charged with electoral tasks;
a management function: ensuring the organisation and coordination of the activities and resources required for the conduct of electoral processes;
a State authority function: ensuring the monitoring and nationwide application of regulations specifically relating to the electoral system and rules laid down to modernise the Romanian electoral system and ensure its interlinkage with the electoral systems of other EU countries;
a control function: ensuring checks on compliance with the law and the application of penalties under the law, where applicable;
Information on other functions can be accessed here.
**Tasks (the list is not exhaustive):**
to prepare proposals regarding the logistics involved in the conduct of elections, which it sends to the Government and the local authorities concerned, and to monitor the implementation of proposals;
to monitor the method for demarcating polling station areas and selecting polling station premises and locations of electoral offices;
to monitor the timely provision of equipment and supplies for polling stations: standard ballot boxes and polling booths, stamps and stamp pads, containers in which ballots are transported, etc.; and to monitor the safekeeping of such equipment and supplies between elections;
to monitor the method for ensuring that the necessary funds are made available in good time for the staggered provision of the logistics involved in the conduct of the electoral process;
to monitor the security of polling stations, ballots and other documents and materials required in elections;
to monitor the preparation and printing of permanent electoral lists;
to monitor and control the updating of the Electoral Register.
Information on other tasks can be accessed here.

ROMANIAN INSTITUTE FOR HUMAN RIGHTS
(INSTITUTUL ROMÂN PENTRU DREPTURILE OMULUI - IRDO)

**Address:**
B-dul Nicolae Bălcescu No 21, Sector 1, Bucharest
Tel.: (+40) (0)21-3114921
Website: https://irdo.ro/english/index.php
E-mail office@irdo.ro
**Presentation of the institution:**
The Romanian Institute for Human Rights (IRDO) is an independent national institution vested, under the law governing its establishment, with tasks in the fields of research, training, the dissemination of information and the provision of expert advice. That law also provides guarantees of independence and impartiality in accordance with the criteria laid down by the United Nations and the Council of Europe, which recommend the establishment of such institutions in every democratic state.

In carrying out all of its specific tasks in the fields of research, training and the provision of information and expert advice, the Romanian Institute for Human Rights is constantly mindful both of the rules and standards set out in international treaties with regard to human rights and of the relevant case-law of international courts.
What is more, the IRDO has an elected presence in a number of international bodies dedicated to promoting and protecting human rights.
The services of the Institute are available to anyone who needs them. The texts of the basic documents and bibliographical references are disseminated free of charge or provided at the cost of reproduction only.
The Institute can be contracted by scientific institutions or bodies to conduct specialist research work and is available to draw up opinions at the request of specialised fora in Romania and abroad. The charges for such services are set by the Institute's management.

**Legal basis:**

Law No 9/1991 establishing the Romanian Institute for Human Rights

**Objective:**

The Institute's remit is to ensure that public bodies, non-governmental associations and Romanian citizens are kept well informed about matters relating to human rights, and about how human rights are guaranteed in other countries, particularly those participating in the Conference on Security and Cooperation in Europe.
At the same time, the Institute strives to raise the awareness of international bodies - and of the general public abroad - concerning the practical arrangements in place to ensure that human rights are observed and safeguarded in Romania.

**The IRDO's activities:**

setting up, maintaining and operating for all users a documentation centre containing texts of international conventions, laws, documents, studies and publications on human rights, and bibliographical references;
keeping public bodies, non-governmental organisations and citizens informed, in particular by raising their awareness of international documents, practices and usages in the field of human rights, including by providing translations where required;
organising training programmes which are either specifically tailored to the needs of persons with special responsibilities in the protection of human rights or are designed to raise awareness of human rights issues among broader sections of the public;
providing information, either on a regular basis or upon request, on the efforts undertaken by the Government and non-governmental bodies in Romania to promote and safeguard human rights and on similar efforts in other countries, as well as on the international commitments assumed by Romania and the way in which they are fulfilled;
providing documents to parliamentary commissions, at their request, with regard to aspects of human rights touched on in draft legislation and in other matters examined by Parliament;
conducting research into various aspects of human rights promotion and observance in Romania and abroad;
publishing a human rights bulletin and ensuring the wide dissemination thereof, including by providing translations into other languages;
organising public opinion polls on various issues relating to the protection of human rights in Romania.
Additional information on the IRDO can be accessed on the website of the institution.

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## National courts and other non-judicial bodies - Slovenia

**National courts**

***Constitutional Court of the Republic of Slovenia*** *(Ustavno sodišče Republike Slovenije)*
*Beethovnova ulica 10*
*1001 Ljubljana*
*p. p. 1713*
*Tel.: + 386 (01) 477 64 00; + 386 (01) 477 64 15*
*Email: info@us-rs.si,*

***Administrative Court of the Republic of Slovenia*** *(Upravno sodišče Republike Slovenije)*
*Fajfarjeva 33*
*1000 Ljubljana*
*Tel.: + 386 (01) 47 00 100*
*Fax: + 386 (01) 47 00 150*
*Email: urad.uprlj@sodisce.si*

***External department of the Court in Maribor***
*Tel.: + 386 (02) 230 20 30*
*Fax: + 386 (02) 230 20 48*
*Email: oddelek.uprmb@sodisce.si*

***External department of the Court in Nova Gorica***
*Tel.: + 386 (05) 33 55 200*
*Fax: + 386 (05) 33 55 221*
*Email: oddelek.uprng@sodisce.si*

***External department of the Court in Celje***
*Tel.: + 386 (03) 42 75 380*
*Fax: + 386 (03) 42 75 388*
*Email: oddelek.uprce@sodisce.si*

**National human rights institutions**

See Ombudsman.

**Ombudsman**

The position of the Ombudsman was created in the Republic of Slovenia in order to ensure general protection for human rights and fundamental freedoms. The Ombudsman, his/her four deputies or his/her assistants receive applications from persons who consider that **a human right or fundamental freedom has**

**been infringed by a decision of a public authority, a local self-government body or a legal person subject to public law**. The Ombudsman operates on the basis of the 1994 Human Rights Ombudsman Act (*Zakon o Varuhu človekovih pravic*).
The Ombudsman may:
**ask** the offending party to remedy the infringement or rectify the irregularity;
**propose** compensation for damage;
on your behalf and with your authorisation, **request that the Constitutional Court assess the constitutionality and legality** of certain provisions or acts;
**submit a constitutional complaint** on the grounds of the infringement of a right;
**petition the Government or Parliament to amend laws and other provisions**;
advise all the bodies in its jurisdiction to improve their functioning and the relations with their clients;
**freely disseminate its opinion** on a particular case relating to a breach of rights and freedoms irrespective of the type of procedure or the stage reached in the examination of the case before the body in question.
The Ombudsman may not act on behalf of, or **remedy an infringement or rectify an irregularity instead of, the relevant state body, local self-government body or legal person subject to public law**.
The party that committed the infringement or irregularity is also responsible for righting the wrong. The Ombudsman **may not examine cases that are being dealt with by the courts**, other than in exceptional cases.
The law gives the Ombudsman no authority in the private sector; therefore, the Ombudsman may not intervene where rights are breached by a private company, for example. In such cases, the Ombudsman may exert pressure on the state bodies, local self-government bodies or legal persons subject to public law which monitor the work of the private company or individual concerned.
The Ombudsman also monitors places of detention and the treatment of persons who have been detained or whose liberty has been restricted, in cooperation with non-governmental and humanitarian organisations.
The Ombudsman has the power to monitor, caution and advise but not to take official decisions.
The Ombudsman organises and arranges for children's advocates, who are members of a volunteer network that ensures equal access to advocacy services for all children.
The purpose of child advocacy is to help children express their opinion in all the legal proceedings and cases they may be party to, and to forward that opinion to the bodies and organisations in charge so that these may decide on a child's rights and benefits. A child advocate is not the child's legal representative. Help means providing children with psychosocial support, talking with them about their wishes, feelings and opinions, about the procedures and steps taken (in a manner that is appropriate for them), working with them to find the right solution, and accompanying them when they face the bodies and institutions that decide on their rights and benefits.
Contact details:
**Human Rights Ombudsman of the Republic of Slovenia**
*Dunajska cesta 56 (4th floor)*
*1109 Ljubljana*
*Telephone: 01 475 00 50*
*Free helpline: 080 15 30*
*Fax: 01 475 00 40*
*Email: info@varuh-rs.si*
*https://www.varuh-rs.si/*
**Specialised human rights bodies**
**Children's Ombudsman (*Varuh otrokovih pravic*)**
Part of the Ombudsman's institution, a specialised deputy of the Ombudsman.
**Advocate of the Principle of Equality (*Zagovornik načela enakosti*)**
The Advocate of the Principle of Equality seeks to prevent and eliminate discrimination in Slovenia.

**APPEALS (COMPLAINTS):** Handles your appeals or complaints in cases of alleged discrimination. Issues opinions, which are not legally binding, on whether you are being discriminated against in a particular situation, i.e. treated unequally because of personal circumstances. Issues recommendations to the offending party on how to right the wrong, eliminate the reasons for it and address the consequences. Through this type of informal mediation, the Advocate seeks to right the wrong and improve future practice. However, if a problem cannot be resolved in this way, the Advocate may propose official prosecution. Procedures before the Advocate of the Principle of Equality are free of charge and confidential.
**ASSISTANCE:** The Advocate provides assistance with legal protection against discrimination in other procedures, e.g. by advising on available legal remedies and how to use them before other State bodies.
**ADVICE:** You may ask the Advocate for an opinion on whether your action is, or could be, discriminatory, and for advice on how to act in order to avoid discrimination and uphold the right to equal treatment more effectively.
**INFORMATION:** The Advocate provides general information on the issue of discrimination and the situation in this area in Slovenia.
Contact details:
***Advocate of the Principle of Equality (Zagovornik načela enakosti)***
*Železna cesta 16, 1000 Ljubljana*
*Telephone: +386 (0)1 / 473 55 31*
*Email: gp@zagovornik-rs.si*
*http://www.zagovornik.si/*
All the basic information on the abovementioned website is also available in full in English, French, German, Italian, Hungarian, Serbian, Bosnian, Albanian and Romany.
http://www.zagovornik.gov.si/si/o-zagovorniku/kdo-je-zagovornik/index.html
http://www.zagovornik.gov.si/si/o-zagovorniku/osebna-izkaznica/index.html
**Information Commissioner**
The Information Commissioner handles reports of personal data breaches in accordance with the overarching 2004 Personal Data Protection Act (*Zakon o varstvu osebnih podatkov*) and sectoral laws governing specific aspects of personal data, such as the Identity Card Act (*Zakon o osebni izkaznici*). The Commissioner also acts by official duty, if he/she learns about a potential personal data breach, and conducts targeted inspections even without having received a report. Inspections are carried out by national personal data protection inspectors, who are employed by the Information Commissioner. The

Information Commissioner may order that certain personal data be corrected, identify breaches involving the illegal acquisition or processing of personal data, and impose penalties (fines) on personal data controllers. An administrative complaint may be brought against the Commissioner's decisions before the Administrative Court of the Republic of Slovenia.

Contact details:

*Information Commissioner*
*Zaloška 59*
*1000 Ljubljana*
*Telephone: 01 230 97 30*
*Fax: 01 230 97 78*
*Email: gp.ip@ip-rs.si*
*https://www.ip-rs.si/*

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O texto desta página na língua original sk foi recentemente alterado. A tradução deste texto para português está em curso.

Traduções já disponíveis nas seguintes línguas: cs.

## National courts and other non-judicial bodies - Slovakia

### National Courts

Zoznam súdov

**The legal framework for the protection of human rights and fundamental freedoms in Slovakia is the Constitution of the Slovak Republic** (Act No 460/1992 as amended). The Slovak Constitution is Slovakia's basic act and takes precedence over any other legislative act. The second Chapter of the Slovak Constitution (Articles 11 to 54) provides **general protection of fundamental rights and freedoms**, these being fundamental human rights and freedoms (known as civil rights in international documents), political rights, the rights of national minorities and ethnic groups, economic, social and cultural rights, the right to the protection of the environment and cultural heritage and the right to judicial and other forms of protection. Fundamental rights and freedoms are guaranteed for all in Slovakia, irrespective of sex, race, skin colour, language, faith or religion, political or other belief, national or social origin, membership of national or ethnic group, property ownership, family or other standing. No one may be harmed, favoured or disadvantaged on any of these grounds. No one's rights may be infringed because they have decided to exercise their fundamental rights and freedoms (Article 12(2) and (4) of the Slovak Constitution). Unless explicitly granted only to citizens of the Slovak Republic, foreigners in Slovakia are entitled to the fundamental human rights and freedoms guaranteed in the Slovak Constitution, including the right to asylum (Article 52(2) and Article 53 of the Slovak Constitution). The conditions of, and limits to, fundamental rights and freedoms and the scope of duties at times of war, hostilities, exceptional circumstances or emergency are laid down in a constitutional act on State security in times of war, hostilities, exceptional circumstances or emergency (Act No 227/2002).

In accordance with Article 46 of the Slovak Constitution, **any person may, in accordance with the procedure laid down by law, enforce their rights** in an independent and impartial **court** and, in cases determined by law, before a different authority of the Slovak Republic. In practice there can be a whole range of human rights, i.e. human rights and fundamental freedoms which can be defined in law, and human rights and fundamental freedoms which cannot be defined in law. The content of such rights and freedoms can include civic, political, economic, social, cultural and other rights guaranteed by the Slovak Constitution, by other constitutional acts, by acts and by other legislation, and by international treaties on human rights and fundamental freedoms (international human rights law) by which Slovakia is bound. The power to scrutinise decisions concerning fundamental rights and freedoms cannot be excluded from the powers of the courts.

Anyone who claims that **his or her rights have been infringed by a decision taken by a public authority** may ask a court to review the decision, unless the law stipulates otherwise. The Slovak Constitution and other relevant laws guarantee the **right of all to compensation for damage caused by an unlawful decision taken by a court, any other state body or public authority or caused by any incorrect official procedure**. The details of this are laid down in Act No 514/2003 on liability for damage caused in the exercise of public authority and amending certain other acts. This act governs the liability of the State for damage caused by public bodies when exercising public authority, the liability of municipalities and higher territorial units for damage caused by local authority bodies in the exercise of their powers, the preliminary hearing of damages claims and the right to regressive compensation.

In accordance with Article 46 of the Slovak Constitution, cited above, Section 3 of the Code of Civil Procedure **guarantees the right to enforce, in court, the protection of a right which has been threatened or infringed**. The Code of Civil Procedure lays down the procedures to be followed by the court and participants in civil court proceedings in order to ensure the **just protection of rights and legitimate interests** of participants and to ensure law-abiding behaviour, the honest discharging of duties and respect for the rights of others. In civil court proceedings courts hear and rule on disputes and other legal cases, they enforce the application of decisions that have not been applied voluntarily and they ensure that there is **no infringement of the rights or legally protected interests** of natural and legal persons, and that these rights are not abused to the detriment of such persons.

In accordance with Section 7(1) and (2) of the Code of Civil Procedure, in civil court proceedings courts hear and rule on **disputes and other legal cases relating to civil law, employment law, family law, commercial law and economic law**, unless these are heard and ruled on by other bodies according to law. In civil court proceedings, courts also review the legality of decisions taken by public authorities and the legality of decisions, measures and other interventions by public authorities, and rule on the consistency with the law of legal measures adopted by local authorities on local authority matters and, for the implementation with of state authority tasks, consistency with Government regulations and with ministerial orders and orders by other central state authorities, unless the law stipulates that other bodies shall hear and rule on these matters. Other cases are heard and ruled on by courts in civil court proceedings only when stipulated by the law.

### Ordinary courts in Slovakia

In Slovakia judicial affairs are carried out by independent and impartial courts. At all levels, judicial matters are separated from those of state bodies. Proceedings before the courts are based on the principle of two instances, under which it is possible to submit an appeal against rulings of courts made in the first instance (by district courts). Appeals, which constitute a proper legal remedy, are heard by higher courts in the second instance (regional courts). The system of ordinary courts is composed of the Supreme Court of the Slovak Republic, the Specialised Criminal Court, 8 regional courts and 45 district courts which rule on all cases which are not the exclusive preserve of the Constitutional Court of the Slovak Republic; i.e. they rule on civil and criminal cases and also review the legality of decisions taken and procedures followed by state bodies (administrative justice), if so stipulated by law. Slovakia currently has no military courts established by law.

## Administrative justice

The **review of the legality of decisions taken and procedures followed by public authorities** is governed by the provisions of the fifth part of Code of Civil Procedure (Act No 99/1963, as amended).

In administrative justice, courts carry out reviews based on complaints or appeals relating to the legality of decisions made or procedures followed by public authorities. In administrative justice, courts review the legality of decisions and procedures by public authorities, local authorities and authorities of interested local entities and other legal persons as well as natural persons, provided they are entitled by law to make decisions on the rights and responsibilities of natural and legal persons in the area of public administration ('decisions and procedures of administrative bodies'). 'Decisions by administrative authorities' means decisions issued by them in administrative proceedings and other decisions establishing, altering or annulling the rights and obligations of natural or legal persons or by which the rights, legally protected interests or obligations of natural persons or legal persons may be directly affected. 'Procedure followed by an administrative authority' also includes inaction. Courts involved in administrative justice rule on proposals to impose obligations on public authorities to act on the rights and responsibilities of natural and legal persons in the field of public administration and on measures to enforce the application of decisions through the procedure set out in Sections 250b and 250u. Courts involved in administrative justice act to protect against illegal interventions by public authorities and on the enforceability of decisions by foreign administrative bodies. In electoral matters and cases concerning the registration of political parties and political movements, courts act and make rulings in accordance with the provisions of this part and to the extent defined by specific rules. As appropriate, and in accordance with the provisions of this part, courts also act and make rulings when this is prescribed by specific provisions or when the review of decisions made by public authorities is required by international treaties by which Slovakia is bound.

These particular cases may involve the following:

**actions, or decisions, regarding complaints lodged against decisions taken or procedures followed by administrative bodies;**

**actions, or decisions, regarding appeals lodged against decisions taken by administrative bodies that are not yet final;**

**actions against the inaction of public authorities;**

**actions taken to protect against illegal interventions by public authorities;**

**special types of action (such as actions in electoral matters).**

The details are governed by Sections 244 to 250zg of the Code of Civil Procedure.

Courts do not have the power to amend legislation adopted by executive power (secondary legislation). However, under Article 144(2) of the Slovak Constitution, if the court believes that any other **legislation**, or part thereof or individual provision thereof relating to the case being heard, **infringes the Constitution, a constitutional act, a 'priority' international treaty** (under Article 7(5) of the Constitution) **or an act, it shall suspend the action and launch an action to begin proceedings before the Constitutional Court** (under Article 125(1)). The legal opinion of the Constitutional Court, as contained in its decision, will be binding on the court. However, the lodging of an action to begin proceedings before the Constitutional Court does not relieve the court of its duty to take a decision in the case in the manner laid down by law.

## Constitutional Court of the Slovak Republic

*Constitutional Court of the Slovak Republic*
*Hlavná 110*
*042 65 Košice 1*
*SLOVAKIA*
*Tel.: +421 55 7207211*
*Fax: +421 55 6227639 (chairperson)*
*E-mail: podatelna@ustavnysud.sk*
*Internet: https://www.ustavnysud.sk*

**The Constitutional Court of the Slovak Republic** ('the Constitutional Court') was established by the Constitution of the Slovak Republic, No 460/1992, as an independent judicial body to protect constitutionality. Its powers and competence are governed by Articles 124 to 140 of the Constitution of the Slovak Republic, as amended. The details of organisation of the Constitutional Court, the procedure to be followed before the Court and the status of its judges are laid down in Act No 38/1993, as amended.

Pursuant to Section 79 of Act No 38/1993, the Plenary Session of the Constitutional Court approved the Rules of Procedure of the Constitutional Court, No 114/1993, as amended, which regulate in greater detail: the internal workings of the Constitutional Court in its preparations for proceedings and decision-making; matters relating to the status of the Plenary Session, senates, judge-rapporteurs, assessors and other persons participating in the activity of the Constitutional Court; and disciplinary proceedings against judges.

The Constitutional Court begins proceedings if an application is submitted by:

at least one-fifth of the members of the National Council of the Slovak Republic;

the President of the Slovak Republic;

the Government of the Slovak Republic;

a court, in connection with its decision-making activity;

the Prosecutor General of the Slovak Republic;

the Public Defender of Rights (Ombudsman) in matters of conformity of laws with the legislation referred to in Article 125(1), if their continued enforcement may endanger fundamental rights or freedoms, or human rights and fundamental freedoms arising from an international convention which the Slovak Republic has ratified and which has been promulgated in the legally prescribed manner;

any person whose rights are adjudicated as laid down in Article 127 and Article 127a of the Constitution.

Proceedings commence on the day of delivery of the application to the Constitutional Court.

Article 127a of the Constitution of the Slovak Republic regulates the institution of the 'constitutional complaint', which may be lodged by an individual or by a legal entity (the 'complainant') which asserts that its fundamental rights or freedoms have been violated by a final decision, measure or other intervention, save in cases where another court decides on the protection of these fundamental rights and freedoms.

In additional to the general particulars, a complaint must indicate:

which fundamental rights or freedoms have, according to the complainant, been violated;

the final decision, measure or other intervention which has violated fundamental rights or freedoms;

the person against whom the complaint is directed.

A copy of the final decision or the document describing the measure, or proof of some other intervention, is attached to the complaint. If the complainant is claiming commensurate financial satisfaction, he must state the amount claimed and the reasons for which it is claimed. The participants in the proceedings are the complainant and the party against which the complaint is directed. The submission of a complaint has no suspensory effect.

At the complainant's suggestion, the Constitutional Court may decide upon a temporary measure and postpone the enforceability of the contested final decision, measure or other intervention, if this course of action is not in conflict with an important public interest and if enforcement of the contested decision, measure or other intervention would not entail greater damage for the complainant than would arise for other persons in the event of postponement of enforceability; in particular, it orders the body which, according to the complainant, violated the complainant's fundamental rights or freedoms, to refrain temporarily from implementing the final decision, measure or other intervention, and orders third parties to refrain temporarily from making use of the authorisation granted to them by the final decision, measure or other intervention. The temporary measure expires, at the latest, upon entry into force of the decision on the main issue, unless the Constitutional Court decides to terminate it sooner. The temporary measure may also be terminated upon the Court's own motion if the reasons for which it was imposed cease to exist.

A complaint is not admissible unless the complainant has exhausted the legal remedies or other legal means which the law effectively grants him for the protection of his fundamental rights or freedoms, and which the complainant is entitled to use pursuant to special legislation. The Constitutional Court will not refuse to accept a complaint even where this condition has not been met, provided the complainant proves that the reasons for which it has not been met are worthy of special consideration. A complaint can be submitted within a period of two months from the effective date of the decision or date of notification of the measure or other intervention. In the case of a measure or other intervention, this period is reckoned from the day when the complainant was in a position to learn of the measure or other intervention.

If the complainant withdraws his complaint, the Constitutional Court stops the proceedings relating thereto, except in cases where it decides that the withdrawal is inadmissible, and especially where the complaint is directed against a final decision, measure or other intervention which is an exceptionally grave violation of fundamental rights or freedoms of the complainant.

The Constitutional Court proceeds on the basis of the facts ascertained during previous proceedings, unless it decides otherwise.

If the Constitutional Court allows the complaint, it states in its findings: the fundamental right or freedom, and the provisions of the Constitution or constitutional law or of an international convention that have been violated; and the final decision, measure or other intervention that has violated the fundamental right or freedom. If the fundamental right or freedom has been violated by a decision or measure, the Constitutional Court overrules such decision or measure. The Constitutional Court also overrules any other intervention that has violated a fundamental right or freedom, if the nature of such other intervention allows this.

If the Constitutional Court allows the complaint, it may

order that the party which, by its inactivity, violated a fundamental right or freedom, should act in this matter in accordance with the special legislation;

remit the case for further proceedings;

prohibit the continuation of the violation of the fundamental right or freedom; or

order the party that violated the fundamental right or freedom to restore the situation that existed prior to violation of the fundamental right or freedom.

The Constitutional Court may award reasonable financial satisfaction to the party whose fundamental right or freedom was violated. If the Constitutional Court decides to award reasonable financial satisfaction, the body which violated the fundamental right or freedom is responsible for paying it to the complainant within two months of the effective date of the Constitutional Court's decision. If the Constitutional Court overrules a final decision, measure or other intervention and remits the case for further proceedings, the party which issued the decision in this matter or decided upon the measure, or made some other intervention, shall be required to discuss the matter again and reach a decision. In these proceedings or during this process, the party is bound by the legal opinion of the Constitutional Court. The party which issued the decision in this matter, or decided upon the measure, or made some other intervention is bound by the decision, which becomes enforceable when delivered.

**National Human Rights Institutions**

**Slovak National Centre for Human Rights**

*Kýčerského 5*
*811 05 Bratislava*
*SLOVAKIA*
*Tel.: + 421 2 20850111*
*+ 421 2 20850114*
*Fax: + 421 2 20850135*
*E-mail: info@snslp.sk*
*Internet: https://www.snslp.sk*

The Slovak National Centre for Human Rights, established pursuant to Act No 308/1993 of the National Council of the Slovak Republic on the establishment of the Slovak National Centre for Human Rights, as amended, has been in operation in Slovakia with effect from 1 January 1994. The draft law was presented by the government of the Slovak Republic on the basis of Slovak Government Resolution No 430 of 15 June 1993, whereby the government consented to the implementation of 'a project to establish a Slovak National Centre for Human Rights' based in Bratislava, following an initiative from the United Nations Organisation. With the adoption of Act No 136/2003 amending and supplementing Act No 308/1993 of the National Council of the Slovak Republic on the establishment of the Slovak National Centre for Human Rights, and Act No 365/2004 on equal treatment in certain areas, on protection against discrimination and on amendment and supplementation of certain acts (Anti-Discrimination Act), the tasks of the Centre were broadened. It is an independent legal entity in the field of protection of human rights and fundamental freedoms, including children's rights.

The Centre, as an independent legal entity, performs an irreplaceable role in the field of human rights and fundamental freedoms, including children's rights and observance of the principle of equal treatment. The Centre is the only Slovak institution for equal rights (the designated 'national equality body'), i.e. for assessing observance of the principle of equal treatment in accordance with the Anti-Discrimination Act.

**Competence**

The legal status and competence of the Centre are governed by Act No 308/1993 of the National Council of the Slovak Republic on establishment of the Slovak National Centre for Human Rights ('the Centre'), as amended. In particular, pursuant to Section 1(2) of the Act, the Centre:

monitors and assesses the observance of human rights and compliance with the principle of equal treatment pursuant to special legislation;

gathers and, on request, provides information on racism, xenophobia and anti-Semitism in the Slovak Republic;

carries out investigations and surveys on the provision of information in the field of human rights, and gathers and disseminates information in this field;

prepares educational activities and participates in information campaigns to increase tolerance within society;

provides legal assistance for victims of discrimination and manifestations of intolerance;

at the request of individuals or legal entities, or on its own initiative, issues expert opinions in matters of observance of the principle of equal treatment pursuant to special legislation;

carries out independent surveys concerning discrimination;

prepares and publishes reports and recommendations on questions relating to discrimination;

provides library services;
provides services in the field of human rights.
The Centre is engaged in the provision of legal advice on questions of discrimination, manifestations of intolerance, and violation of the principle of equal treatment for all residents in the Slovak Republic; it is also legally empowered to represent, on request, parties in proceedings relating to violation of the principle of equal treatment. Every year, the Centre publishes a report on the observance of human rights in the Slovak Republic.

**Powers**

provision of legal assistance for victims of discrimination and intolerance;
representation on the basis of a power of attorney in proceedings relating to violation of the principle of equal treatment;
the right to request that the courts or the Public Prosecutor's Office or other state authorities, local government authorities, special-interest bodies and other institutions provide the Centre with information on the observance of human rights, within a set time.

**Assistance granted**

Any individual or legal entity which feels itself to be discriminated against by the action or inaction of any of the above institutions may apply to the Centre. When lodging a complaint, the complainant should include all the necessary information and submit all relevant documents.

**Cooperation**

The Centre may also request information on the observance of human rights from non-governmental organisations operating in the field of human rights and fundamental freedoms, including children's rights, and may reach an agreement with them on the method and extent of provision of such information.

**Procedure for submitting a complaint**

Citizens may deliver complaints:
**in writing** (on a form and with document sent by post, fax or e-mail);
**in person.**

**Ombudsperson**
**Ombudsman**
*Nevädzova 5*
*821 01 Bratislava*
*SLOVAKIA*
*Tel.: +421 2 48287401*
*+421 2 43634906*
*Fax: +421 2 48287203*
*E-mail: sekretariat@vop.gov.sk*
*Internet: https://vop.gov.sk*

Under Article 151a(1) of the Constitution of the Slovak Republic, 'the Public Defender of Rights is an **independent body of the Slovak Republic** which, within the scope and as laid down by law, **protects the fundamental rights and freedoms** of individuals and legal entities in proceedings before public administration bodies and other public authorities, if their action, decision-making or inaction is in conflict with the law. In cases laid down by law, the Public Defender of Rights may play a role in holding to account any persons working in public administration bodies, if such persons have violated basic human rights or freedoms of individuals or legal entities. All public authorities shall give the Public Defender of Rights necessary assistance.'
The Public Defender of Rights **may be contacted by any person** who considers that fundamental rights and freedoms have been violated as a consequence of the action, decision-making or inaction of a public authority, in a manner which is contrary to the law or the principles of a democratic, law-governed state.
The fundamental rights and freedoms which the Public Defender of Rights plays a part in protecting are laid down in Title 2 of the Constitution of the Slovak Republic (i.e. fundamental human rights and freedoms in Articles 14 to 25, political rights in Articles 26 to 32, rights of national minorities and ethnic groups in Articles 33 to 34, economic, social and cultural rights in Articles 35 to 43, the right to protection of the environment and cultural heritage in Articles 44 to 45, the right to judicial and other legal protection in Articles 46 to 50, the right to asylum of foreign nationals persecuted for the exercise of political rights and freedoms), and also in international conventions on human rights and fundamental freedoms.
The Public Defender of Rights **acts on the basis of a complaint** by an individual or legal entity or on his own initiative. The Public Defender of Rights cannot interfere in the decision-making activity of courts, is not a participant in the proceedings, cannot submit an application to institute proceedings before a court; court decisions are not delivered to him, and he does not have the right to exercise legal remedies. The Public Defender of Rights does not have the authority to resolve disputes between individuals.
Any person has the right to apply to the Public Defender of Rights:
in writing (by post, fax, e-mail, or using the electronic form) to the Office of the Public Defender of Rights
in person or with a written record of an oral complaint
at the central Office of the Public Defender of Rights on any working day between 8 a.m. and 4 p.m., without the need for an appointment;
on working days in the regions of Slovakia. For regional offices, an appointment must be made in advance, using one of the contact numbers.
**The complaint must clearly indicate** the matter at issue, the public authority against which the claim is directed, and what the submitter of the complaint is claiming.
To expedite investigation of the complaint, it is recommended that copies of all documents available to the submitter should also be enclosed as proof of his /her complaints. If the complaint does not concern the person who submits it, the affected party's written consent to submission of the complaint, or a written power of attorney for this purpose, must also be submitted.
If the person submitting the complaint does not give his or her first name, surname and address (in the case of a legal entity, its name and head office) in the complaint addressed to the Public Defender of Rights, this will be an anonymous complaint which the Public Defender of Rights is not obliged to attend to.
The person submitting the complaint may request the Public Defender of Rights not to reveal his/her identity. In such cases, the Public Defender of Rights will proceed solely on the basis of a copy of the complaint in which no personal details are given. If the person submitting the complaint has requested that his /her identity be withheld, but the nature of the complaint is such that it cannot be dealt with unless some personal details are included, the person concerned must be informed of this without delay.
The person concerned must also be warned that processing of the complaint will only continue if he/she gives written consent, within a set time, to the inclusion of some necessary personal information.

**The Public Defender of Rights examines the complaint**

If the Public Defender of Rights finds that the complaint, in view of its contents, is a legal remedy in accordance with the legislation on procedure in administrative or judicial matters, or a petition or legal remedy under administrative judicature, or a constitutional complaint, he will immediately make this known to the submitter of the complaint and will give instructions on the correct procedure.
If the Public Defender of Rights learns of circumstances suggesting that a person is being unlawfully held in a place of detention, imprisonment, disciplinary punishment for soldiers, preventive treatment, preventive education, institutional treatment or institutional education, or in a police cell, he shall immediately make this known to the relevant Public Prosecutor as a complaint calling for action pursuant to the special legislation, and shall notify the administration of the place in question, and also the person concerned.
If the complaint concerns investigation of a public authority's final decision, or if the Public Defender of Rights comes to the conclusion that a public authority' s decision is contrary to the law or to some other generally binding legal regulation, he may refer the matter to the relevant Public Prosecutor for action, or may take some other measure, duly notifying the submitter of the complaint. He may do the same in the case of a complaint containing proposals for measures which fall within the authority of the Public Prosecutor's Office. The Public Prosecutor is required, within the time prescribed by law, to notify the Public Defender of Rights of the measure which he has taken to eliminate the illegality.

**The Public Defender of Rights will set aside the complaint, if**

the matter to which the complaint refers does not lie within his authority;
the matter to which the complaint refers is being heard by a court and the proceedings cannot be adjourned, or the court has already given its decision in the matter;
the matter to which the complaint refers is being or has already been examined by the Public Prosecutor's Office;
in the matter to which the complaint refers, action is being taken or a decision is being reached by a competent public authority which does not fall within the competence of the Public Defender of Rights; or, in the matter to which the complaint refers, a decision has already been given by a public authority which does not fall within the competence of the Public Defender of Rights;
the submitter of the complaint withdraws his complaint or indicates that he/she does not insist on further investigation; or
the particulars referred to in Section 13(4) have not been provided or specified within the prescribed time.
The Public Defender of Rights may set the matter aside if he finds that:
the complaint does not concern the person who submitted it, unless that person has submitted the affected party's written consent to submission of the complaint, or a written power of attorney for this purpose;
at the date of delivery of the complaint, more than three years have elapsed since the measure or event to which the complaint refers;
the claim is manifestly unfounded;
the complaint is anonymous;
it is a complaint concerning a matter which the Public Defender of Rights has already attended to, and the repeated complaint contains no new facts.
The Public Defender of Rights informs the submitter of the complaint of the setting aside of the complaint and the reasons for setting it aside; this does not apply to anonymous complaints.

**If the investigation of the complaint does not prove that fundamental rights and freedoms have been violated**, the Public Defender of Rights reports this in writing to the submitter of the complaint and to the public authority against whose procedure, decision-making or inactivity the complaint is directed.

**If the investigation of the complaint proves that fundamental rights and freedoms have been violated**, the Public Defender of Rights reports the findings of the investigation, together with the proposed measure, to the public authority against whose procedure, decision-making or inactivity the complaint is directed.
The public authority is required, within 20 days of receiving notice, to advise the Public Defender of Rights of its opinion on the findings of the investigation and of the measures taken.
It the Public Defender of Rights does not agree with the opinion of the public authority, or if he considers that the measure taken is inadequate, he makes this known to the body with authority over the public authority against which the complaint is directed or, if there is no such body, to the government of the Slovak Republic.
The body with authority over the public authority against which the complaint is directed or, if there is no such body, the government of the Slovak Republic is required under paragraph 3 to inform the Public Defender of Rights, within 20 days of receiving notice, of the measures which it has taken in this matter.
If the Public Defender of Rights considers that the measures taken are inadequate, he makes this known to the National Council of the Slovak Republic or to a body authorised by it.
Written notification of the results of the investigation and the measures taken is sent by the Public Defender of Rights to the submitter of the complaint and to the person whose fundamental rights and freedoms were violated by the action, decision-making or inactivity of public authorities.

**Specialised human rights bodies**

**Equality Body**

**Slovak National Centre for Human Rights**
*Kýčerského 5*
*811 05 Bratislava*
*SLOVAKIA*
*Tel.: + 421 2 20850111*
*+ 421 2 20850114*
*Fax: + 421 2 20850135*
*E-mail:* *info@snslp.sk*
*Internet:* *https://www.snslp.sk*

**Data Protection Body**

The Personal Data Protection Office of the Slovak Republic ('the Office'), as a state body, plays a part in protecting the fundamental rights and freedoms of individuals during the processing of their personal data. It performs its tasks and duties independently and in accordance with the law. Its tasks are primarily the following:
it continuously monitors the personal data protection situation, the registration of information systems and the keeping of records about information systems;
it recommends to operators measures for protecting personal data in information systems; to this end and to the extent permitted by its powers, it issues recommendations for operators;
in the event of doubt over whether the scope, content and methods of processing and using personal data are commensurate with the purpose for which they are being processed, are compatible with this purpose or are chronologically or materially relevant to this purpose, it issues binding opinions;
it issues binding opinions in the event of doubts over cross-border personal data flows;
it issues binding opinions in the event of doubts over the registration of an information system;

it investigates notifications submitted under Section 45, or acts when requested or on its own initiative on the basis of Section 44a, and orders remedial measures to resolve shortcomings;
upon suspicion of a breach of the obligations imposed by this Act, it may summon an operator or processor to request an explanation;
it checks the processing of personal data in information systems;
it imposes penalties when a breach of the obligations set out in this Act is found;
it submits a notification to the criminal authorities when there is a suspicion that a criminal act has been committed;
it registers information systems and discloses registration status;
it participates in the drafting of personal data protection legislation;
it issues legislation to the extent permitted by its powers;
it takes up positions on draft laws and other draft legislation governing the processing of personal data;
it submits reports to the National Council of the Slovak Republic at least once every two years on the state of personal data protection.

**Other**

**Centre for Legal Aid**

*Námestie slobody 12*
*P.O. BOX 18*
*810 05 Bratislava 15*
*Tel: +421 2 49683521*
*+421 2 49683522*
*Fax: +421 2 49683520*
*E-mail: info@centrumpravnejpomoci.sk*
*Internet: https://www.centrumpravnejpomoci.sk*

Since 1 January 2006, the **Centre for Legal Aid** has been in operation in the Slovak Republic. It was established as a state-budget organisation with its headquarters in Bratislava pursuant to Act No 327/2005 on the provision of legal aid to persons in material need. The Centre has offices or branches in almost all the regional cities of the Slovak Republic, with the exception of Nitra and Trnava (i.e. in Bratislava, Banská Bystrica, Žilina, Košice and Prešov), and in other Slovak municipalities (Liptovský Mikuláš, Tvrdošín, Humenné, Hlohovec, Rimavská Sobota, Nové Zámky and Svidník).
The Centre ensures that legal aid is given to individuals who, owing to their material need, cannot make use of legal services for the proper assertion and protection of their rights. The Centre ensures that legal aid is provided in civil, labour and family-law matters for any individual meeting the legal requirements (disputes within Slovakia). In cross-border disputes, it provides legal aid in civil, labour and family-law matters and commercial-law matters, pursuant to this law, for all individuals meeting the legal requirements who have their place of residence or usual place of residence on the territory of an EU Member State.
For legal aid applicants in cases where there is an element of discrimination, the Centre for Legal Aid ('the Centre') plays an overlapping role with the Slovak National Centre for Human Rights, with which it communicates on issues relating to such applicants. The lawyers at the Centre encounter the issue of discrimination primarily in the context of discrimination in employment on grounds of ethnicity.
An individual **is entitled to receive legal aid** if he/she is in material need and if the dispute is not manifestly futile and the value of the claim exceeds the value of the minimum wage, except in disputes where the value of the claim cannot be calculated in money. The individual must meet the above legal aid requirements throughout the period of legal aid. If the applicant's income exceeds the legally prescribed limit for material need, the Centre may grant legal aid if this is appropriate to the circumstances of the requested legal aid.
The procedure for claiming legal aid ('the proceedings') begins with the submission of a written application supported by documents proving the facts stated in the application, which the applicant submits on a printed form. Documents proving that the applicant is in a state of material need must not be more than three months old. The application must contain the applicant's first name and surname and his/her permanent or temporary place of residence and birth registration number. When called upon by the Centre, the applicant, within a reasonable time set by the Centre, must add further information and documents concerning crucial facts for assessment of the claim; the time allowed for this must not be less than ten days. The applicant is a party to the proceedings. The application is submitted to the appropriate office of the Centre, according to the applicant's place of permanent or temporary residence. The applicant is required to give full and correct information in the application and in the preliminary consultation. Within 30 days of delivery of an application which includes the particulars required by law, the Centre reaches a decision on the application; this time cannot be extended. Appeals against the decision are not admissible. In a decision allowing a claim for legal aid, the Centre appoints a lawyer to represent the entitled person in court, if this is necessary for the protection of his/her interests. A decision which does not allow a claim for legal aid must, in addition to the particulars required by special legislation, include an explanation that if the reasons for not allowing the claim cease to exist, the applicant may resubmit an application regarding the same matter. If, as a result of the entitled person's failure to provide assistance, the provision of legal aid was denied to the entitled person by decision of the Centre, or if the entitled person has unjustifiably brought the proceedings to a halt, the Centre may on these grounds, by its decision, refuse to re-allow a claim for provision of legal aid.
Sections 17 to 21 of Act No 327/2005 regulate **the provision of legal aid in cross-border disputes where the competent court of law is a court in the Slovak Republic**, and Sections 22 to 24c of Act No 327/2005, regulate **the provision of legal aid in cross-border disputes where the competent court of law is a court in a Member State other than the Slovak Republic**.

**Centre for International Legal Protection of Children and Youth**

*Špitálska 8*
*P.O. Box 57*
*814 99 Bratislava*
*Tel.: + 421 2 20463208*
*+421 2 20463248*
*Fax: + 421 2 20463258*
*E-mail: info@cipc.gov.sk*
*Internet: https://www.cipc.gov.sk*

The Centre for International Legal Protection of Children and Young People ('the Centre') is a public authority with competence in the territory of the Slovak Republic. The Centre was established by the Ministry of Labour, Social Affairs and the Family of the Slovak Republic with effect from 1 February 1993 as its directly managed budget organisation for securing and providing legal aid for children and young people in relation to foreign countries.
The competence of the Centre is defined in Act No 305/2005 on the social protection of children and on social guardianship, amending and supplementing certain acts. The Centre performs the tasks of a body appointed to implement international agreements and legal acts of the European Union, i.e.:
it acts as the receiving body and dispatching body in the field of maintenance claims in accordance with international conventions;

it acts as the central body concerned with international abductions of children in accordance with international conventions and legal acts of the European Union;
it performs the role of central body in the field of international adoptions in accordance with the international convention;
it issues certificates in accordance with the international convention;
it performs other tasks in the field of social protection of children where a foreign country is involved, in accordance with special legislation;
it provides free legal advice in the field of family law where there is a foreign aspect, especially in connection with maintenance and care for minors, and in the field of adoption;
it works with the receiving bodies and dispatching bodies of other contracting states, with the central authorities of other contracting states, and with representative offices, central agencies of state administration, banks, branches of foreign banks, local government bodies, territorial self-government bodes, and accredited bodies.

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## National courts and other non-judicial bodies - Finland

National courts
National Human Rights Institutions
Ombudsperson
Specialised Human Rights Bodies
Other

### National courts

District Courts handle criminal, civil and petitionary matters. A decision by a court of first instance can usually be submitted for the consideration of a higher court. A decision by a District Court can be appealed to the Court of Appeal. A decision by the Court of Appeal can, in turn, be appealed to the Supreme Court if the Supreme Court grants leave to appeal.

Administrative Courts handle appeals concerning decisions by authorities. A decision by an Administrative Court is appealed to the Supreme Administrative Court.

Special courts include the Market Court, the Labour Court, the Insurance Court and the High Court of Impeachment.

The contact information of the courts can be found in Finnish and in English.

### National Human Rights Institutions

In 2012, a functionally autonomous and independent centre for human rights was established under the auspices of the Office of the Parliamentary Ombudsman. The role of the Centre for Human Rights is to distribute information and promote education, training, research and cooperation in the field of fundamental and human rights. The Centre will prepare reports on the implementation of fundamental and human rights as well as take initiatives and issue statements to promote these rights. The Centre for Human Rights will also participate in international efforts to promote fundamental and human rights. The Centre for Human Rights does not deal with complaints or other individual cases which fall under the remit of the highest legal supervisory body.

### Ombudsman

#### The Parliamentary Ombudsman

The Parliamentary Ombudsman can be contacted if it is suspected that authorities or officials have not complied with the law or fulfilled their obligations. For example, it is illegal to violate fundamental rights. Anyone can complain to the Ombudsman. The complaint may relate to a matter concerning the complainant, but it is also possible to complain on behalf of another person or jointly with others. The Ombudsman investigates the complaint if there are reasons to believe that an authority has acted illegally. Complaints are investigated free of charge. As part of the investigation, the Ombudsman hears the person or the authority targeted by the complaint. In addition, he requests reports and statements from various authorities and can, if necessary, order inspectors from his office to conduct investigations. Complaints are investigated free of charge.

Of the various measures available to the Ombudsman, the most severe is a criminal prosecution of malfeasance. As an alternative to this, the Ombudsman can issue an official reprimand to the official concerned. In most cases, he expresses his view as to how the procedure followed has been illegal or involved negligence and issues a reminder about correct procedure. The Ombudsman can also make a proposal for remedying the error. and draw the attention of the Council of State to shortcomings that he has observed in legal provisions or regulations.

**The Office of the Parliamentary Ombudsman**

*Street address: Arkadiankatu 3, Helsinki*
*Postal address: 00102 Parliament*
*Website: https://www.oikeusasiamies.fi/en/web/guest*
*E-mail: oikeusasiamies@eduskunta.fi*
*Telephone: +358 9 4321*
*Fax: +358 9 432 2268*

#### The Chancellor of Justice

The Chancellor of Justice can be contacted in a matter that directly concerns the complainant or in any other matter, should the complainant believe that authorities, officials or other persons or bodies performing public functions have acted incorrectly or neglected their obligations, or that a member of the Bar has neglected his or her obligations. In addition, anyone who believes that a fundamental right or human right guaranteed under the Constitution has not been observed can contact the Chancellor of Justice. Legally trained personnel process the complaints and obtain any necessary supplementary documentation. The complainant is usually provided with an opportunity to file a reply to the respondent. The complainant will then receive a written decision by mail. The services of the Office of the Chancellor of Justice are free of charge to the complainant.

If it is found that a procedure was illegal or incorrect, the Chancellor of Justice can issue a reprimand to the official or instructions on the proper procedure for future reference. In more serious cases, he can order charges to be brought against the official. If he deems it necessary, the Chancellor of Justice has the power to propose that provisions or instructions be amended, a court ruling be annulled or some other extraordinary appeal be made. An investigation carried out by the Chancellor of Justice may in itself result in the authority or official correcting their own error.

**The Office of the Chancellor of Justice**

*Street address: Snellmaninkatu 1, HELSINKI*
*Postal address: P O Box 20, FIN-00023 Government*
*Website: https://www.okv.fi/en/*

*E-mail:* *kirjaamo@okv.fi*
*Telephone: +358 295 162 902*
*Fax: +358 9 1602 3975*
*Contact:* *tiedotus@okv.fi*

**Specialised Human Rights Bodies**

**The Ombudsman for Children**

The following duties of the Ombudsman for Children are laid down by law:
Monitoring the welfare of children and young people and the implementation of their rights
Influencing decision-makers from a child's perspective
Maintaining contacts with children and young people and conveying information received from them to decision-makers
Conveying information concerning children to professionals working with children, authorities and the public
Developing cooperation between those responsible for child policy
Promoting the UN Convention on the Rights of the Child.

**The Office of the Ombudsman for Children**

*Address: Vapaudenkatu 58 A, 40100 Jyväskylä*
*Website:* *http://www.lapsiasia.fi/en/*
*E-mail:* *lapsiasiavaltuutettu@oikeus.fi*
*Telephone: +358 295 666 850*
*Fax: +358 14 337 4248*

**Equality Body**

**The Ombudsman for Equality**

The Ombudsman for Equality is responsible for: supervising compliance with the Act on Equality between Women and Men and the prohibition of discrimination and discriminatory job advertising, in particular; promoting the objective of the Act by means of initiatives, advice and guidelines; providing information about the Equality Act and its application; and monitoring the implementation of equality between women and men in different sectors of society. In addition, the Ombudsman for Equality supervises the implementation of the protection of gender minorities against discrimination.

**The Office of the Ombudsman for Equality**

*Postal address: P O Box 22, FIN-00023 Government*
*Street address: Hämeentie 3, Helsinki*
*Website:* *https://www.tasa-arvo.fi/web/EN/*
*E-mail:* *tasa-arvo@oikeus.fi*
*Telephone: +358 295 666 840*
*Telephone help line: +358 295 666 842 (Mon - Thu 9 - 11 and 13 - 15, Fri 9 - 11)*
*Fax: +358 9 1607 4582*

**Non-Discrimination Ombudsman (Yhdenvertaisuusvaltuutettu)**

The Ombudsman for Equality promotes equality and tackles discrimination. The Ombudsman is an independent authority.
The Non-Discrimination Ombudsman may be contacted if a person has experienced or observed discrimination on grounds of age, origin, nationality, language, religion, beliefs, opinions, political activities, trade union activities, family relationships, health, disability, sexual orientation, or other reasons related to the person. The Ombudsman's tasks also include promoting the conditions, rights and status of groups that are at risk of discrimination, such as foreigners. In addition, the Ombudsman oversees the expulsion of foreign nationals and acts as the National Rapporteur on Trafficking in Human Beings.
In practice, the work of the Non-Discrimination Ombudsman involves, for example, advising, the investigation of individual cases, promoting reconciliation, training, data collection, influencing legislation and authorities' practices, and legal assistance. The tasks and rights of the Ombudsman are enshrined in the Non-Discrimination Act and the Act on the Non-Discrimination Ombudsman.
Discrimination on grounds of gender or gender identity is dealt with by the Non-Discrimination Ombudsman.

**Office of the Non-Discrimination Ombudsman**

*Postal address: P O Box 24, FIN-00023 Government*
*Street address: Ratapihantie 9, Helsinki*
*Website:* *https://www.syrjinta.fi/web/EN/*
*E-mail:* *yvv@oikeus.fi*
*Telephone: +358 295 666 800*
*Customer service: +358 295 666 817 (on weekdays from 10-12, with exceptions during the summer months)*
*Fax: +358 295 666 829*
*Contact: +358 295 666 813 or +358 295 666 806*

**Data Protection Body**

**Data Protection Ombudsman**

monitors compliance with data protection legislation and other laws regarding the processing of personal data
raises awareness of the risks, rules, safeguards, obligations and rights involved in processing personal data
carries out investigations and inspections
imposes administrative penalties for breaching the General Data Protection Regulation (GDPR)
issues opinions on legislative and administrative reforms concerning the protection of individuals' rights and freedoms with regard to the processing of personal data
issues opinions on offenses relating to the processing of personal data
oversees the processing of credit data and corporate credit data
handles requests for the issuing of provisions regarding the rights of data subjects and notifications of other concerns regarding personal data processing
receives notifications from data protection officers
receives notifications of personal data breaches
establishes a list of when data protection impact assessments are required
assesses ex-ante consultations on the processing of high-risk data
adopts codes of conduct and standard contractual clauses

encourages the introduction of certification, the accreditation of a certification body and deals with the withdrawal of issued certificates
cooperates with other EU data protection authorities on a one-stop-shop basis
takes part in the activities and decision-making of the European Data Protection Board and refers matters to the European Data Protection Board where appropriate

**The Office of the Data Protection Ombudsman**

*Postal address: PO Box 800, 00531 Helsinki*
*Street address: Lintulahdenkuja 4, 00530 Helsinki*
*Website: https://tietosuoja.fi/en/home*
*E-mail: tietosuoja@om.fi*
*Telephone: +358 2956 66700*
*Telephone help line: +358 2956 66777 (Monday to Wednesday 9–11, with exceptions in summer)*

**Other**

**Legal aid**

The purpose of legal aid is to give individuals the possibility to obtain professional legal assistance fully or partly at the expense of the state. Legal aid covers all legal matters. However, legal aid is usually not granted if the applicant has legal expenses insurance that covers the expenses of the case in question. In criminal proceedings, the defendant is under certain circumstances entitled to a public defender paid for by the state, regardless of his or her financial status. The victim of serious violent crime or sexual crime can be provided with a trial counsel at the expense of the state, regardless of his or her income. Legal aid is not available to companies or corporations. In matters pending abroad, legal aid covers the costs of legal advice.
In court proceedings, legal aid is offered by Public Legal Aid Attorneys, Advocates and other lawyers; in other matters, legal aid is provided by Public Legal Aid Attorneys, who work in State Legal Aid Offices. These Offices are normally located in the same municipalities as the District Courts. The contact information of the State Legal Aid Offices can be found here.

**Refugee Advice Centre**

The Refugee Advice Centre is an NGO that provides legal aid and advice to asylum seekers, refugees and other foreigners in Finland. The Centre also works to promote the position of asylum seekers, refugees and other immigrants in Finland and follows the asylum and refugee policy of the European Union.
*Address: Pasilanraitio 9 B, 00240 Helsinki*
*Website: https://www.pakolaisneuvonta.fi/en/legal-services/*
*E-mail: pan@pakolaisneuvonta.fi*
*Telephone: +358 9 2313 9300*
*Fax:+358 9 2313 9310*

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## National courts and other non-judicial bodies - Sweden

**The fundamental laws and the Instrument of Government**

People in Sweden have their rights and freedoms protected primarily by three fundamental laws: the Instrument of Government (*regeringsformen*), the Freedom of the Press Act (*tryckfrihetsförordningen*) and the Fundamental Law on Freedom of Expression (*yttrandefrihetsgrundlagen*). The Instrument of Government states that administrative power must be exercised with respect for the equality of all people and the freedom and dignity of the individual.

**Independence of the judiciary and judicial review**

The independence of the judiciary is guaranteed in the Instrument of Government. The courts play a key role in protecting individuals' rights. The legal remedies available in the Swedish legal system are designed to protect fundamental rights. Legal proceedings are usually decided by ordinary courts and general administrative courts, and in some cases by administrative authorities. Which court handles a case relating to fundamental rights will depend on various factors, such as the right that has been infringed and the context in which this occurred. Whether it is a private or a public body that has infringed the right can also affect which court hears the case.
Click here for more information about the Swedish legal system.

**Help or information from the authorities**

There are a number of authorities in Sweden charged with helping to ensure respect for fundamental rights in different ways. These authorities have different tasks. Some simply provide information about rights in their area, for example, while others can offer legal assistance in an individual case.
You can search for authorities using the Fundamental Rights Interactive Tool.

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## National courts and other non-judicial bodies - England and Wales

**National Courts**
**National Human Rights Institutions**
**Ombudsperson**
**Specialised human rights bodies**
**Other**

**National Courts**

**Her Majesty's Courts & Tribunals Service**

Her Majesty's Courts & Tribunals Service is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.
HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.
For information about contacting courts see Courts contacts

For information about contacting tribunals see Tribunal contacts

## Additional Information

### Civil proceedings

In England and Wales civil proceedings are instituted by the aggrieved person, who is referred to as the “claimant”. No preliminary inquiry on the authenticity of the grievance is required. The usual way to commence civil proceedings, in both the High Court and the County Court, is by issuing a document known as the “claim form”. The early stages of civil proceedings are dominated by the exchange of formal statements of case by the respective parties.

Civil proceedings can usually be abandoned or ended by compromise at any time. Actions brought to court are usually tried by a judge without a jury. However, subject to the court’s agreement there is a right to trial by jury in actions involving claims for deceit, libel, slander, malicious prosecution and false imprisonment. The jury decides questions of fact and damages awarded to the injured party. Verdicts should normally be unanimous, but if a jury cannot agree then majority verdicts may be accepted.

If a party refuses to comply with a judgment or order of court, a range of enforcement procedures are available. Where the judgments is for a sum of money, the most common method of enforcement is either by seizure of the debtor’s goods or by an attachment of earnings order. If the judgment takes the form of an injunction, a refusal to obey the injunction may result in imprisonment for contempt of court. Normally the court orders the costs of an action to be paid by the losing party, but in small claims parties are normally expected to pay their own costs, though they can usually recover court fees from the loser. This reflects the fact that small claims procedures are designed so that parties can deal with matters without using lawyers.

### Legal aid

In all three jurisdictions of the UK there is a comprehensive system whereby a person in need of legal advice or representation in court may receive financial assistance out of public funds. These schemes are referred to as “Legal Aid” and are fundamental to the realisation of each individual’s legal rights. Legal aid is aimed at those on low and modest incomes and may be granted in full, or subject to financial contribution by the individual. If legal aid is granted, the case is conducted in the normal way, except that no money passes between the individual and their solicitor: all payments are made through the legal aid fund. Ministerial responsibility for legal aid in England and Wales rests with the Lord Chancellor.

In England and Wales the Legal Aid Agency (LAA) administers legal aid for both criminal and civil cases.

A network of contracted organisations provide civil legal services. The rules relating to the provision of civil legal aid are principally set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the secondary legislation and guidance created under that act. An individual will only be granted financial assistance if their case is within the scope of the scheme and passes the means and merits tests. In addition to face-to-face legal assistance the LAA runs a helpline that provides free, confidential and independent legal advice. From April 2013, subject to limited exceptions, clients seeking assistance with Debt, Special Education Needs and Discrimination problems must make any application for legal aid via a central telephone advice line. Any assistance will be provided via the telephone unless the client is assessed as unsuitable for telephone advice.

Criminal Legal Aid is available to assist individuals who are under investigation or facing criminal charges. Eligibility for criminal legal aid will be determined by the LAA. In the magistrates court, a defendant will only qualify if they pass a financial means test and satisfy the “interests of justice” test. In the Crown Court, defendants awaiting trial automatically satisfy the “interests of justice” test. While all defendants qualify for legal aid, they are subject to a means test and may be required to contribute towards the costs of their case from income and /or capital. Defendants who have made contributions and are then subsequently acquitted, will have those contributions refunded with interest.

If a person feels that their rights under the European Convention on Human Rights have been violated and intend to bring their case before the European Court of Human Rights there are number of schemes available to provide them with legal advice and assistance. Under the legal help scheme, a person may be assisted by an experienced solicitor or legal advisor in the preliminary stages of their application. If the European Court of Human Rights in Strasbourg declares an application admissible, an applicant may get financial assistance directly from Strasbourg. Eligibility is determined on the basis of whether or not an applicant would be eligible for domestic legal aid.

In a number of urban areas, law centres provide legal advice and representation which may be free depending on means. Law centres, which are financed from various sources, often including local government authorities, usually employ full-time salaried lawyers; but many also have community workers. Much of their time is devoted to housing, employment, social security and immigration problems. Free advice is also available in Citizens Advice Bureaux, consumer and housing advice centres and in specialist advice centres run by various voluntary organisations. The Refugee Legal Centre and the Immigration Advisory Service, both of which receive government funding, provide free advice and assistance to asylum seekers, and the Immigration Advisory Service also provides free advice and assistance to persons with immigration rights of appeal.

### Victims of crime

The Code of Practice for Victims of Crime (the “Victims’ Code”) sets out the information, support and services that victims can expect to receive from criminal justice agencies in England and Wales at every stage of the process. The Victims’ Code is written in plain English with victims of crime as the target audience. The code also tells victims how to complain if they do not receive what they are entitled to under the Victims’ Code. The introduction of the Witness Charter gave witnesses a similar, but non-statutory, set of standards of service. A separate Code of Practice for victims of crime has been published in Northern Ireland, which sets out the standards of service which victims should receive during their contact with the NI criminal justice system and how to make a complaint. This will be replaced by a new statutory Victim Charter. All victims of reported crime have access to a “Victims of crime” leaflet which gives practical advice about what to do in the aftermath of a crime. It explains simply the police and court processes, how to apply for compensation and what further help is available.

In England and Wales, victims are also entitled to receive support to help them, insofar as is possible, to cope and recover from the impact of the crime. Victims will be referred to these services by the police or can refer themselves. The majority of victims’ support services are commissioned locally by Police and Crime Commissioners and funded by the Government.

Where the Crown Prosecution Service declines to prosecute, victims may prosecute privately in England and Wales, but in practice seldom do so. Victims may also sue for damages in the civil courts. Court procedure has been simplified so that persons without legal knowledge can bring small claims for loss or damage.

The courts may order an offender, on conviction, to pay compensation to the victim for personal injury, loss or damage resulting from an offence. In England and Wales the courts are obliged to consider compensation in every appropriate case and to give reasons where no compensation is awarded. Where the court considers that it would be appropriate to impose a fine and a compensation order but the offender has insufficient means to pay both, priority should be given to compensation. Compensation also takes priority over the victim surcharge where the offender’s means are an issue.

Victims who have suffered injury as a result of a violent crime in England, Wales or Scotland and who meet residency, nationality or other requirements may apply for compensation from public funds under the Criminal Injuries Compensation Scheme. Compensation is based on a tariff of awards, and payments range from £1,000 to £500,000 for the most seriously injured victim.

Separate arrangements exist in Northern Ireland, where compensation can in certain circumstances be paid from public funds for criminal injuries, and for malicious damage to property, including the resulting loss of profits.

## National Human Rights Institutions

### The Equality and Human Rights Commission

This organisation, which has offices in London, Manchester, Glasgow and Cardiff has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

It does not normally take on individual legal cases unless these are of strategic significance, for example in clarifying the law, although may be able to provide guidance on the most appropriate place to assist with your particular circumstances.

The EHRC was established on 1 October 2007. Its remit is to champion equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights, and build good relations between communities, ensuring that everyone has a fair chance to participate in society. Its remit extends to England and Wales and Scotland however in terms of human rights, Scotland has its own human rights commission - theh Scottish Human Rights Commission. The EHRC brings together the work of Great Britain's three previous equality commissions (for racial equality, gender equality, and the rights of disabled people) and also takes on responsibility for new strands of discrimination law (age, sexual orientation and religion or belief), as well as human rights. It has powers to enforce equality legislation, and has a mandate to encourage compliance with the HRA.

Equality and Human Rights

Getting Help and Advice

Equality Advisory and Support Service (EASS)

Freephone telephone +44 808 800 0082

Text phone +44 808 800 0084

Freepost address: FREEPOST EASS HELPLINE FPN6521

## Ombudsperson

### Parliamentary and Health Service Ombudsman

This ombudsman exists to provide a service to the public by undertaking independent investigations into complaints that government departments, a range of other public bodies in the UK, and the NHS in England have not acted properly or fairly or have provided a poor service.

Parliamentary and Health Service Ombudsman

Customer Helpline +44 345 015 4033 open 8.30am (GMT) to 17.30pm (GMT) Monday to Friday

## Specialised human rights bodies

### Ombudsperson for rights of the child

**1. Children's Commissioner for England**

Anne Longfield OBE is the Children's Commissioner for England. The Commissioner and her team make sure that adults in charge listen to children and young people.

The role of the Children's Commissioner was created by the Children Act 2004 and is there to promote the views of children and young people from birth to 18 (up to 21 for young people in care or with learning difficulties).

The Children's Commissioner for England

Contact details

Children's Commissioner for England

Sanctuary Buildings

20 Great Smith Street

London

SW1P 3BT

*Telephone +44 20 7783 8330*

**2. Children's Commissioner for Wales**

Sally Holland is the Children's Commissioner for Wales. Her role is to stand up and speak out for children and young people. She works to make sure that children and young people are kept safe and that they know about and can access their rights. She has to consider children's rights and the United Nations Convention on the Rights of the Child in all the work that he does.

The Children's Commissioner for Wales

Contact Details

*Children's Commissioner for Wales*

*Oystermouth House*

*Phoenix Way*

*Llansamlet*

*Swansea*

*SA7 9FS*

*Tel:  +44 1792 765600*

*Fax: +44 1792 765601*

Corporate objectives:

Promote a better understanding of children's rights

Review the adequacy and effectiveness of law, practice and services relating to children and young people

Advise Government and relevant authorities on the rights and best interests of children and young people

Communicate the functions of the Commissioner among children, their parents or carers and our stakeholders

Ascertain the views of children and young people in relation to issues which affect their lives

Maintain and further develop effective governance arrangements in line with best practice to maximise efficient, effective and economical use of our resources

### Data Protection Body

**1. The Information Commissioner**

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

Contact Details

*Information Commissioner's Office*

*Wycliffe House*
*Water Lane*
*Wilmslow*
*Cheshire SK9 5AF*

***Tel:*** *0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)*
The Information Commissioner's Office
**2. Information Commissioner - Regional office**
**Wales**
*Information Commissioner's Office – Wales*
*Cambrian Buildings*
*Mount Stuart Square*
*Cardiff CF10 5FL*
*Tel: 029 2044 8044*
*Fax: 029 2044 8045*
*Email:* ***wales@ico.gsi.gov.uk***
**Other**
**1. WEBSITE - GOV.UK**
The Official UK Government website for citizens of the UK.
Web: GOV.UK
**2. Citizens Advice Service**
The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policy makers.
Citizens Advice Service
Citizens Advice Service contact details
**3. Civil Legal Advice**
Civil Legal Advice (CLA) is a free and confidential advice service in England and Wales if you are eligible for paid for by legal aid. You can get help with legal aid for:
benefit appeals
debt, if your home is at risk
special educational needs
housing
discrimination issues
help and advice if you're a victim of domestic violence
issues around a child being taken into care
You'll be asked general questions about your legal problem and your financial situation to see if you are eligible for legal aid. From April 2013, subject to limited exceptions, clients seeking assistance with Debt, Special Education Needs and Discrimination problems must make any application for legal aid via a central telephone advice line. Any assistance will be provided via the telephone unless the client is assessed as unsuitable for telephone advice.
Contact details
*Telephone: 0845 345 4345*
*Minicom: 0845 609 6677*
*Monday to Friday, 9am to 8pm*
*Saturday, 9am to 12:30pm*
*Civil legal advice*
**4. The Victims' Commissioner**
The Victims' Commissioner
The role of the Victims' Commissioner is to promote the interests of victims and witnesses, encourage good practice in their treatment, and regularly review the Code of Practice for Victims which sets out the services victims can expect to receive.
By law, the Commissioner is not allowed to intervene in specific cases but can provide direction on where to get the best advice and support.
**5. The Office of the Immigration Services Commissioner**
Contact Details:
*5th Floor*
*Counting House*
*53 Tooley Street*
*London*
*SE1 2QN*
*Telephone: 0845 000 0046*
The Office of the Immigration Services Commissioner (OISC) is an independent, non-departmental public body set up under the Immigration and Asylum Act 1999.
The OISC's key responsibilities are:
regulating immigration advisers
promoting good practice by setting standards
accepting and addressing complaints about anyone giving immigration advice
prosecuting those who operate outside of the law
oversight of the regulation of those who give immigration advice and are regulated by one of the Designated Professional Bodies
The OISC does not provide immigration advice or recommend or endorse a specific adviser.
The OISC works with a wide range of organisations, including professional associations, tribunals, the UK Border Agency and voluntary bodies.
For further information see the Office of the Immigration Service Commissioner

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# National courts and other non-judicial bodies - Northern Ireland

National Courts
National Human Rights Institutions
Ombudsperson
Specialised human rights bodies
Other

## National Courts

### 1. Her Majesty's Courts & Tribunals Service

Her Majesty's Courts & Tribunals Service is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary. HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.

For information about contacting courts see: http://www.justice.gov.uk/global/contacts/hmcts/courts/index.htm

For information about contacting tribunals see: http://www.justice.gov.uk/global/contacts/hmcts/tribunals/index.htm

### 2. Northern Ireland Courts and Tribunals Service

The Northern Ireland Courts and Tribunals Service (NICTS) is an agency of the Department of Justice for Northern Ireland. It provides administrative support to the Northern Ireland's courts, i.e. the Court of Appeal, High Court, crown court, county courts, magistrates' courts and coroner's courts. It also provides administrative support for tribunals and enforces civil court judgments through the Enforcement of Judgments Office.

Web: https://www.justice-ni.gov.uk/topics/courts-and-tribunals

Contact details: http://www.courtsni.gov.uk/en-GB/ContactDetails/

### Additional Information

**Civil proceedings**

Proceedings in Northern Ireland are similar to those in England and Wales. High Court proceedings are commenced by a writ and county court proceedings are commenced by a civil bill or a small claims application. These must be served on the defendant, who will have a right to defend against the action. Judgments of civil courts are enforceable through a centralised procedure administered by the Enforcement of Judgments Office.

**Legal aid**

In all three jurisdictions of the UK there is a comprehensive system whereby a person in need of legal advice or representation in court may receive financial assistance out of public funds. These schemes are referred to as "Legal Aid" and are fundamental to the realisation of each individual's legal rights. Legal aid is aimed at those on low and modest incomes and may be granted free of charge, or subject to financial contribution by the individual. If legal aid is granted, the case is conducted in the normal way, except that no money passes between the individual and their solicitor: all payments are made through the legal aid fund.

In Northern Ireland, the provision of legal aid is the responsibility of the Northern Ireland Legal Services Commission. Eligibility for legal aid in most types of civil or criminal matters is determined by a means and merits test.

If a person feels that their rights under the European Convention on Human Rights have been violated and intend to bring their case before the European Court of Human Rights there are number of schemes available to provide them with legal advice and assistance. Under the legal advice scheme, a person may be assisted by an experienced solicitor or legal advisor in the preliminary stages of their application. If the European Court of Human Rights in Strasbourg declares an application admissible, an applicant may get financial assistance directly from Strasbourg. Eligibility is determined on the basis of whether or not an applicant would be eligible for domestic legal aid.

In a number of urban areas, law centres provide legal advice and representation which may be free depending on means. Law centres, which are financed from various sources, often including local government authorities, usually employ full-time salaried lawyers; but many also have community workers. Much of their time is devoted to housing, employment, social security and immigration problems. Free advice is also available in Citizens Advice Bureaux, consumer and housing advice centres and in specialist advice centres run by various voluntary organisations. The Refugee Legal Centre and the Immigration Advisory Service, both of which receive government funding, provide free advice and assistance to asylum seekers, and the Immigration Advisory Service also provides free advice and assistance to persons with immigration rights of appeal.

**Victims of crime**

The courts may order an offender, on conviction, to pay compensation to the victim for personal injury, loss or damage resulting from an offence. In England and Wales the courts are obliged to consider compensation in every appropriate case and to give reasons where no compensation is awarded. Compensation for a victim must come ahead of a fine if the court is considering both, and the recovery of amounts awarded in compensation must be put ahead of recovery of fines.

Where the Crown Prosecution Service declines to prosecute, victims may prosecute privately in England and Wales, but in practice seldom do so. Victims may also sue for damages in the civil courts. Court procedure has been simplified so that persons without legal knowledge can bring small claims for loss or damage.

Victims of any nationality who suffer injury as a result of violent crime in England, Wales or Scotland may apply for compensation from public funds under the Criminal Injuries Compensation Scheme. Compensation is based on a tariff of awards, and payments range from £1,000 to £500,000 for the most seriously injured victim.

Separate arrangements exist in Northern Ireland, where compensation can in certain circumstances be paid from public funds for criminal injuries, and for malicious damage to property, including the resulting loss of profits.

There are three organisations in the UK that provide generic support to victims of crime: Victim Support – which covers England and Wales – Victim Support Scotland and Victim Support Northern Ireland. These receive funding from the government.

In June 1996 the Government published a new Victim's Charter which was subsequently made a statutory requirement through the Victims Code of Practice in April 2006. Victims now have the legal right to a high quality of service from the criminal justice agencies. The code also tells victims how to complain if they do not receive a high quality of service. The introduction of the Witness Charter gave witnesses a similar, but non-statutory, set of standards of service.

A separate Code of Practice for victims of crime has been published in Northern Ireland, which sets out the standards of service which victims should receive during their contact with the NI criminal justice system and how to make a complaint. All victims of reported crime are given a “Victims of crime” leaflet which gives practical advice about what to do in the aftermath of a crime. It explains simply the police and court processes, how to apply for compensation and what further help is available.

**National Human Rights Institutions**

**Northern Ireland Human Rights Commission**

The Northern Ireland Human rights Commission (NIHRC) is a national human rights institution with A status accreditation from the United Nations (UN). NIHRC is funded by United Kingdom government, but is an independent public body that operates in full accordance with the UN Paris Principles.

Our job is to make sure government and other public bodies protect the human rights of everyone in Northern Ireland. We also help people understand what their human rights are and what they can do if their rights are denied or violated.

Contact Details:

*Temple Court*
*39 North Street*
*Belfast*
*Northern Ireland*
*BT1 1NA*
*Tel: +44 (0)28 9024 3987*
*Email:* *information@nihrc.org*
*Web:* *http://www.nihrc.org/*

**Ombudsperson**

**Parliamentary and Health Service Ombudsman**

This ombudsman was set up by Parliament to help both individuals and the public.

Our role is to investigate complaints that individuals have been treated unfairly or have received por service from government departments and other public organisations and the NHS in England. Our powers are set out in law and our service is free for everyone.

Contact Details

*The Parliamentary and Health Service Ombudsman*
*Millbank Tower*
*Millbank*
*London*
*SW1P 4QP*
*Web:* *https://www.ombudsman.org.uk/*

**Specialised human rights bodies**

**Ombudsperson for rights of the child**

**Northern Ireland Commissioner for Children and Young People**

The Commissioner for Children and Young People is a Non-Departmental Public Body (NDPB) which was established in October 2003.

The current Commissioner is Koulla Yiasouma and her role is to safeguard and promote the rights and best interests of children and young people in Northern Ireland. The Commissioner shall also have regard to any relevant provisions of the United Nations Convention on the Rights of the Child.

The sponsor Department is the Department for Communities

Contact Details:

*NICCY*
*Equality House*
*7-9 Shaftesbury Square*
*Belfast*
*Northern Ireland BT2 7DP*
*Tel: 028 9031 1616*
*Email:* *info@niccy.org*
*Web:* *http://www.niccy.org/*

**Commissioner for Older People**

The Commissioner for Older People is a Non-Departmental Public Body (NDPB) which was set up in November 2011. The current Commissioner is Eddie Lynch and his role is to safeguard and promote the interests of older people in Northern Ireland.

*Contact Details:*
*COPNI*
*Equality House*
*7-9 Shaftesbury Square*
*Belfast*
*Northern Ireland BT2 7DP*
*Tel: 028 9089 0892*
*Email:* *info@copni.org*
*Web:* *http://www.copni.org/*

**Equality Body - correct JH**

**Equality Commission for Northern Ireland**

Contact details:

*Equality House*
*7-9 Shaftesbury Square*
*Belfast*
*Northern Ireland BT 2 7DP*
*Tel: 028 90 500 600*
*Email:* *information@equalityni.org*
*Web:* *http://www.equalityni.org*

The Equality Commission for Northern Ireland is a non departmental public body established by the Northern Ireland Act 1998. Our powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. We also have responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties which apply to public authorities.
Our sponsor Department is the Executive Office.

**Data Protection Body**

**1. The Information Commissioner**

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals
Contact Details
*Information Commissioner's Office*
*Wycliffe House*
*Water Lane*
*Wilmslow*
*Cheshire SK9 5AF*
*Tel: 0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)*
*Web: https://ico.org.uk/*

**2. Information Commissioner - Regional office**

**Northern Ireland**

*Information Commissioner's Office – Northern Ireland*
*3rd floor, 14 Cromac Place*
*Belfast,*
*Northern Ireland BT7 2JB*
*Tel: 028 9026 9380*
*Email: ni@ico.org.uk*

**Other**

**1. WEBSITE - Directgov**

The Official UK Government website for citizens of the UK.
Web: http://www.gov.uk

**2. Citizens Advice Service**

The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policy makers.
Web: http://www.citizensadvice.org.uk

**3. Northern Ireland Legal Services Commission**

The Northern Ireland Legal Services Commission ("the commission") is a Non Departmental Public Body of the Department of Justice (DOJ) established under the Access to Justice (Northern Ireland) Order 2003. The Minister of Justice, David Ford, has indicated his intention to transfer the responsibilities of the commission to an executive agency within the Department in Autumn 2014. The new organisation will be called the **Legal Services Agency Northern Ireland**. This transfer will not fundamentally change the overall provision of services, but will deliver a range of important governance improvements and efficiency savings.
The Commission's role is to administer the provision of publicly funded legal services in keeping with the statutory legal aid schemes. We apply statutory tests to determine whether an individual should receive civil legal aid and if eligible, we pay solicitors and barristers for the legal services provided. While the judiciary is responsible for the granting of criminal legal aid, the commission also pays for the corresponding legal services provided. In addition to administering the legal aid scheme, we also provide input to support the DOJ in its programme of work to reform legal aid.
Contact details:
*The Northern Ireland Legal Services Commission*
*2nd Floor,*
*Waterfront Plaza,*
*8 Laganbank Road,*
*Mays Meadow,*
*Belfast,*
*Northern Ireland BT1 3BN*
*Tel: +44 (0)28 9040 8888*
*Web: http://www.nilsc.org.uk*
Its mission is to promote fair and equal access to justice in Northern Ireland in its provision of publicly funded legal services.
Its aim is to provide high quality, customer focused services that target those in greatest need and demonstrate value for money.
They lawyers and other advice providers:
to help people who are eligible for legal aid to protect their rights in civil matters
to help people who are under investigation, or facing criminal charges

**4. The Victims' Commissioner**

*Baroness Newlove of Warrington,*
*Victims' Commissioner for England & Wales*
*The Tower, 9th Floor,*
*102 Petty France,*
*London, SW1H 9AJ*
*Email: victims.commissioner@victimscommissioner.gsi.gov.uk*
*Web: http://victimscommissioner.org.uk/*
The role of the Victims' Commissioner is to promote the interests of victims and witnesses, encourage good practice in their treatment, and regularly review the Code of Practice for Victims which sets out the services victims can expect to receive.

The Commissioner is here to listen to the views of victims and witnesses, understand the criminal justice system from their point of view and try to help improve the services and support available.
Please note that by law, the Commissioner is not allowed to intervene in specific cases. However, we will endeavour to provide direction of where to get the best advice and support.

**5. Victim Support Northern Ireland**

Contact Details:
*Central Office*
*Victim Support NI*
*Annsgate House*
*3rd Floor*
*70/74 Ann Street*
*Belfast*
*Northern Ireland BT 1 4EH*
*Tel: 028 9024 3133*
*Email:* *belfast@victimsupportni.org.uk*
Victim Support Northern Ireland is the charity which helps people affected by any type of crime. We provide emotional support, information and practical help to victims, witnesses and others affected by crime.
Victim Support NI is the leading charity supporting people affected by crime. We offer a free and confidential service, whether or not a crime has been reported. We are an independent organisation - not part of the police, courts or any other criminal justice agency.
Each year Victim Support NI offers help to almost 30,000 people who have been affected by crime.

**6. The Prisoner Ombudsman for Northern Ireland**

*Unit 2*
*Walled Garden*
*Stormont Estate*
*Belfast*
*Northern Ireland BT4 3SH*
*Tel: 028 90 44 3982*
*Freephone: 0800 7836317*
*Email:* *pa@prisonerombudsman.x.gsi.gov.uk*
*Web:* *http://www.niprisonerombudsman.gov.uk/*
The Prisoner Ombudsman is appointed by the Minister of Justice for Northern Ireland and is completely independent of the Northern Ireland Prison Service (NIPS).
The Prisoner Ombudsman investigates :
complaints from prisoners held in Northern Ireland
visitors to prisoners held in Northern Ireland
deaths in Prison Service custody in Northern Ireland
The current Ombudsman is Tom McGonigle, and a team of investigators and other staff support him.

**7. The Office of the Immigration Services Commissioner**

Contact Details:
*5th Floor*
*21 Bloomsbury Street*
*London*
*WC1B 3HF*
*Tel: 020 7211 1500*
The Office of the Immigration Services Commissioner (OISC) is an independent, non-departmental public body set up under the Immigration and Asylum Act 1999.
The Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002 give the Immigration Services Commissioner various powers including:
refusing an adviser entry to the regulatory scheme
deregulating a regulated adviser
limited or varying levels of work advisers may undertake
laying a disciplinary charge against a regulated adviser
applying for a Restraining Order or an injunction
prosecuting for illegally providing immigration advice and/or services
Prosecuting for illegally advertising immigration advice and/or services
entering an adviser's premises
seizing an adviser's records
For further information see: http://www.oisc.gov.uk

**8. Commission for Victims and Survivors**

Contact Details:
*Commission for Victims and Survivors*
*Equality House*
*7-9 Shaftesbury Square*
*Belfast*
*BT2 7DP*
*Tel: 028 9031 1000*
*Fax: 028 9060 7424*

The Commission for Victims and Survivors for Northern Ireland believe passionately in their work and the rights of all victims and survivors to be heard, to be respected and to have access to services that are the best they can be. The Commission for Victims and Survivors aims to improve the lives of victims and survivors of the Conflict.
It is their mission to address the needs of all victims and survivors by ensuring excellent service provision, acknowledging the legacy of the past and building for a better future. Its work is underpinned by a number of core values which they use in their day to day work. They seek outcomes based on the fulfillment of these values. These values are as follows:
**Victims Centred** - victims and survivors are at the centre of all that the Commission does and they encourage and value their participation.
**Open and Transparent -** the Commission are open, honest, accountable and responsive in all their work.
**Equality and Diversity -** the Commission treats everyone equally and they challenge inequality with impartiality, independence and integrity.
**Respect -** the Commission will be courteous and professional in their approach to everyone that contacts them.
**Impartiality -** the Commission will uphold their independence and maintain a critical distance to challenge Government and relevant authorities.
**Delivering Quality -** the Commission will strive to deliver all their programmes to a high standard.
For further information see http://www.cvsni.org
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## National courts and other non-judicial bodies - Scotland

National Human Rights Institutions
Ombudsperson
Specialised human rights bodies
Other

### National Human Rights Institutions

The following institutions may be able to provide advice in relation to your particular circumstances.

#### 1. The Equality and Human Rights Commission

The Equality and Human Rights Commission is the National Equality Body (NEB) for Scotland, England and Wales, and works to eliminate discrimination and promote equality across the nine protected characteristics in the Equality Act 2010: age, disability, sex, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. It is an "A status" National Human Rights Institution, independent of government, and shares its mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission.
As a National Human Rights Institution, the EHRC:
promotes awareness, understanding and protection of human rights
encourages public authorities to comply with the Human Rights Act
provides information on human rights for members of the public, civil society organisations and public authorities
monitors the human rights situation in Great Britain, and reports its findings and recommendations to the UN, government and Parliament
advises the UK Government and Parliament and the devolved Scottish and Welsh administrations on the human rights implications of policies and proposed legislation
uses its legal powers to improve human rights protection
The EHRC has legal powers to, amongst other things:
take judicial review proceedings - a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body
threaten judicial review before legislation is passed if it thinks a proposed law change will breach a group's human rights
to take enforcement action should public authorities fail to meet the requirements of the regulations in the Equality Act 2010
intervene in human rights cases taken by others (known as 'third party' intervention) - however the Commission cannot support individual human rights cases that don't raise an equality issue
hold inquiries into any issue of human rights - if the Commission makes recommendations for change and improvement in policy, practice and legislation to any organisaton, they must have regard to the recommendations
serve a compliance notice if it thinks that a public authority has not complied with its equality duty - this may require it to comply with a duty or it may detail the steps that need to be taken to ensure compliance
http://www.equalityhumanrights.com/
Contact details:
**Equality and Human Rights Commission - Scotland Office**
Telephone: 0141 288 5910
E-mail: scotland@equalityhumanrights.com
BSL users can contact the Commission on an equitable basis to hearing stakeholders. For further information contact the Equality and Human Rights Commission at http://www.equalityhumanrights.com
**Equality Advisory Support Service**
Telephone: 0808 800 0082
Textphone: 0808 800 0084
Email: eass@mailgb.custhelp.com
Post: FREEPOST EASS Helpline FPN6521
Also available through the website http://www.equalityadvisoryservice.com are BSL interpretation, webchat and a contact form.
Opening hours:
09:00 to 19:00 Monday to Friday
10:00 to 14:00 Saturday
Closed on Sundays and Bank Holidays

#### 2. The Scottish Human Rights Commission

The Scottish Human Rights Commission is the National Human Rights Institution for Scotland, compliant with the United Nations Paris Principles relating to the status of national institutions and with the highest level of accreditation ("A status"). The SHRC is an independent body established by the Scottish

Parliament in 2008 with a general duty to promote awareness, understanding and respect for all human rights - economic, social, cultural, civil and political - to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights. It can also report directly to the UN on human rights issues. The Commission's full duties and powers are set out in the Scottish Commission for Human Rights Act 2006.
The SHRC has powers to:
recommend changes to law, policy and practice
promote human rights through education, training and publishing research
conduct inquiries into the policies and practices of Scottish public authorities
The SHRC does not handle complaints or provide a help service to individuals. However, its *Help with Human Rights* leaflet gives details of organisations and services that may be able to provide advice and assistance. This leaflet is available on the SHRC website.
Contact details:
*Scottish Human Rights Commission*
*Bridgeside House*
*99 McDonald Road*
*Edinburgh*
*EH7 4NS*

*Tel: 0131 297 570*

*Email:* *hello@scottishhumanrights.com*
*Weblink:* *Scottish Human Rights Commission*

**Ombudspersons**

**1. Scottish Public Services Ombudsman**

The Scottish Public Services Ombudsman provides a free, independent and impartial service in relation to disputes between citizens and both local and central government, aiming to assist in the resolution of disputes or to correct unfair situations. It is the final stage of handling complaints about public bodies in Scotland (Councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities.)

The SPSO is not an appeal body for the decisions of organisations. If it finds that a decision has not been properly made, it can make recommendations but cannot change or overturn the decision. However, the Independent Review Service for the Scottish Welfare Fund does have the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.
The SPSO's powers and duties are set out in the Scottish Public Services Ombudsman Act 2002.

Contact details:
Freephone: 0800 377 7330
Telephone: 0131 225 5330
Post: Freepost SPSO (no need for a stamp)
In person: Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS (opening hours Monday, Wednesday, Thursday and Friday, 9am-5pm, Tuesday 10am-5pm)
Weblink: SPSO

**2. Parliamentary and Health Service Ombudsman**

The Parliamentary and Health Service Ombudsman is the final stage for complaints about the NHS in England and public services delivered by the UK Government. It provides a free service and looks into complaints where someone believes there has been injustice or hardship because an organisation has not acted properly or fairly or has given a poor service and not put things right.
The Ombudsman is not part of government. It was set up by Parliament to provide an independent complaint handling service. Its powers are set out in the Parliamentary Commissioner ACt 1967 and the Health Services Commissioners Act 1993. It shares findings from casework with Parliament to help it scrutinise public service providers, and shares findings more widely with others to help drive improvements in public services. The Ombudsman is accountable to the UK Parliament and its work is scrutinised by the Public Administration and Constitutional Affairs Committee.
Before bringing a complaint to the Ombudsman, you must first complain to the organisation you are unhappy about. If your complaint is about a UK Government department or UK public organisation, you must contact an MP to refer the matter to the Ombudsman.
Weblink: Ombudsman
Contact Details:
Telephone: 0345 015 4033 (08:30 to 17:30, Monday to Friday)
Text 'call back' service: 07624 813 005
If you use BSL you can use a SignVideo service: SignVideo

**Specialised Human Rights Bodies**

**1. Children and Young People's Commissioner Scotland**

The Children and Young People's Commissioner Scotland raises awareness and understanding of children's rights and helps children to assert their rights. The Commissioner has powers to undertake investigations in respect of whether service providers have regard to the rights, interests and the views of groups of children and young people in taking decisions or actions that affect them.
Contact Details
*Children and Young People's Commissioner Scotland*
*Bridgeside House*
*99 McDonald Road*
*Edinburgh*
*EH7 4NS*

*Telephone: 0131 346 5350*
*Young People's Freephone: 0800 019 1179*

*Text: 0770 233 5720*

*Email: inbox@cypcs.org.uk*
*Weblink: CYPCS*

**2. The Scottish Information Commissioner**

The Scottish Information Commissioner's Office promotes and enforces both the public's right to ask for the information held by Scottish public authorities, and good practice by authorities. Through her work, the Commissioner supports the openness, transparency and accountability of public bodies.
The Commissioner is responsible for enforcing and promoting Scotland's freedom of information laws, namely:
The Freedom of Information (Scotland) Act 2002
The Environmental Information (Scotland) Regulations 2004
The INSPIRE (Scotland) Regulations 2009
The Commissioner and the Commissioner's team:
investigate applications and issue legally enforceable decisions
promote good practice amongst public authorities
provide the public with information on their rights
Contact Details
*Scottish Information Commissioner*
*Kinburn Castle*
*Doubledykes Road*
*St Andrews*
*Fife*
*KY16 9DS*

*Telephone: 01334 464610*
*Fax: 01334 464611*

*E-mail: enquiries@itspublicknowledge.info*
*Weblink: Scottish Information Commissioner*

**3. Information Commissioner's Office**

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
Contact details:
*Information Commissioner's Office*
*Wycliffe House*
*Water Lane*
*Wilmslow*
*Cheshire*
*SK9 5AF*
Telephone: 0303 123 1113 (or 01625 545745 if you would prefer not too call an '03' number)
Fax: 01625 524 510
*The Information Commissioner's Office Scotland*
*45 Melville Street*
*Edinburgh*
*EH3 7HL*
Telephone: 0131 244 9001
Email: Scotland@ico.org.uk
Weblink: Information Commissioner's Office

**Other organisations**

**1. Citizens Advice Service**

The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policy makers.
Contact details
Citizen's Advice Direct phone line: 0808 800 9060 (Monday - Friday, 09:00-18:00)
Weblink: Citizens Advice
To contact the Citizens Advice Service, click on http://citizensadvice.org.uk/index/contact_us.htm

**2. Victim Support Scotland**

Victim Support Scotland (VSS) provides support and information services to victims and witnesses of crime in Scotland. This support is provided by staff and volunteers in national and local offices and court-based services across Scotland. VSS are an independent charity and not part of Police Scotland or Scottish Court. All conversations with victims and witnesses are confidential and are not shared with people outside of VSS.
VSS services are completely free.
The Victim Support Scotland website provides further information, including how to get in touch:
Victim Support Scotland
Helpline: 0800 160 1985 (Monday to Friday 8am to 8pm)

**The Victims' Code for Scotland**

The Victims' Code for Scotland sets out clearly and in one place the rights and support available for victims of crime in Scotland.

There is also an Easy Read Version of the VIctims' Code for Scotland available for people with learning difficulties. This describes how victims of crime should be treated within the criminal justice system, and what information, help and support they should receive.

### 3. The Office of the Immigration Services Commissioner

The Office of the Immigration Services Commissioner (OISC) is an independent, non-departmental public body set up under the Immigration and Asylum Act 1999.

The OISC's key responsibilities are:

regulating immigration advisers

promoting good practice by setting standards

accepting and addressing complaints about anyone giving immigration advice

prosecuting those who operate outside of the law

oversight of the regulation of those who give immigration advice and are regulated by one of the Designated Professional Bodies

The OISC does not provide immigration advice or recommend or endorse a specific adviser.

The OISC works with a wide range of organisations, including professional associations, tribunals, the UK Border Agency and voluntary bodies.

For further information see: Office of the Immigration Services Commissioner

Contact details:

*Office of the Immigration Services Commissioner*
*5th Floor*
*21 Bloomsbury Street*
*London*
*WC1B 3HF*
*Telephone: 0845 000 0046*
*Email: info@oisc.gov.uk*

### 4. The Scottish Legal Aid Board (SLAB)

The purpose of legal aid in Scotland is to provide access to justice for those people who can't afford to pay their own legal costs. The Scottish Legal Aid Board manages the legal aid system in Scotland within the scope of legislation.

To apply for legal aid you will need to find a solicitor who does legal aid work. You will need to show you can't afford to pay for legal help yourself and that your problem is serious. You may have to pay some money towards the legal costs of your case, or pay costs back later.

You may not need to pay anything at all, depending on your financial position and the type of legal help you need.

The type of legal aid you apply for depends on the type of legal help you need. Your solicitor will advise you.

Advice and assistance can help with the costs of getting legal advice from a solicitor, like information on your rights and options or help with negotiations and paperwork. It will not cover court costs.

If needed, your solicitor may however be able to represent you in court for:

a civil cases e.g. you have housing issues, you're divorcing, have disputes about your children or need help with a housing debt

a Children's Hearing e.g. you're a young person (or their parent/carer) asked to go to a hearing to sort out a problem

a criminal case e.g. you've been accused of a crime or face prison

For further information about SLAB, and to get in touch, see below.

*The Scottish Legal Aid Board*
*Thistle House*
*91 Haymarket Terrace*
*Edinburgh,*
*EH12 5HE*

*Telephone: 0131 226 7061 (Monday to Friday 08:30 to 17:00)*

*British Sign Language: contact Scotland-BSL, Scotland's online interpreting service.*
*Email: general@slab.org.uk*
*Web: Scottish Legal Aid Board*

### 5. Care Inspectorate

The Care Inspectorate regulates and inspects care services in Scotland to make sure that they meet the right standards. It jointly inspects with other regulators to check how well different organisations in local areas work to support adults and children.

Contact details

*Telephone: 0345 600 9527*

*Email: enquiries@careinspectorate.com*
*Weblink: Care Inspectorate*

### 6. Mental Welfare Commission Scotland

The Commission protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions. They do this by empowering individuals and their carers, monitoring mental health and incapacity law, and influencing and challenging service providers and policy makers.

*Advice line: 0800 389 6809 (service users and carers only) or 0131 313 8777 (professionals) (Monday-Thursday 09:00-17:00, Friday 09:00-16:30)*

*Email: enquiries@mwcscot.org.uk*
*Weblink: Mental Welfare Commission Scotland*

### Further information or assistance

The following organisations and bodies may be able to provide information or assistance according to their remits.

UK Government website for UK citizens: Gov.UK
Shelter give housing advice: Shelter Scotland
ACAS give employment advice: ACAS
National Debtline give debt advice: National Debt Line
The StepChange Debt Charity gives debt advice: Step Change
The Money Advice Service gives advice about money and financial issues: Money Advice Service

The Law Society of Scotland can help you find a lawyer, including for human rights matters: Law Society
Scottish Child Law Centre provides free legal advice for, and about, children: SCLC
Contact has information, support and advice for the families of disabled children: Contact
Patient Advice and Support Service (PASS) at Citizens Advice Bureau is an independent service which provides information, advice and support to patients and their carers: PASS
The Scottish Association for Mental Health: SAMH
Care Information Scotland is a telephone and website service providing information about care services for older people living in Scotland: CIS
SurvivorScotland oversees the National Strategy for survivors of childhood abuse: SurvivorScotland
Scottish Helpline for Older People: Age UK Scotland
Scottish Women's Aid: SWA
Rape Crisis Scotland RCS
Scottish Refugee Council: SRC
Ethnic Minorities Law Centre: EMLC
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