

GOVERNMENT OF HUNGARY
Universal Periodic Review mid-term implementation report
May 2014

Review in the UPR Working Group: 11 May 2011

Hungary strongly supports the Universal Periodic Review and its core principle: universality. The system enables all states to actively take part in the review by submitting information on their human rights record or by asking questions and giving recommendation to other states under review. As no country is perfect the UPR represents an opportunity for all states to identify gaps in their human rights protection system, but also to share good practices. Hungary received altogether 148 recommendations during its UPR, out of which it accepted 122, rejected 26 recommendations. At mid-term between our UPRs, Hungary is pleased to update the Human Rights Council on its progress in the implementation of the UPR recommendations, including implementation of several of those which were originally rejected. Hungary looks forward to engage with the Human Rights Council and other countries during its next review in 2016.

The present mid-term report has been prepared in accordance with the voluntary commitment expressed by the Hungarian delegation during the 2011 UPR review. In order to reduce repetition the information on the implementation of all recommendations are clustered in the following main topics:

- I. Civil and political rights
- II. International instruments, international cooperation, National Human Rights Institution, involvement of the civil society
- III. Women, children, persons with disabilities, LGBT
- IV. Justice
- V. Racism, Roma issues, hate crimes
- VI. Minorities
- VII. Migrants, refugees and asylum-seekers
- VIII. Trafficking
- IX. Other
- X. Recommendations not accepted, yet processed

The report will indicate our own assessment on the implementation status (Sts) of the recommendations: Y – implemented or being implemented, P – partially implemented and N – not yet implemented.

I. Civil and political rights

N°	Sts	Recommendation and Implementation
94.9	Y	<i>Engage with the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe to ensure that their concerns about the media law are accommodated</i>
<p>Since the adoption of the media regulation the Hungarian Government has been ready to cooperate with international organisations in order to address the concerns raised by them related to that regulation. Close cooperation was established with the European Commission and the Council of Europe, but discussions also took place between the Government and the representatives of the United Nations and the Organization for Security and Co-operation in Europe. Besides ministerial and expert level consultations with the Secretary General of the Council of Europe, professional roundtable discussions and an international conference were organized on the status and challenges of the Hungarian and European media law. As a result it was concluded that the media regulation is in line with the European and international human rights requirements.</p>		
94.89	Y	<ul style="list-style-type: none"> • <i>Ensure that the recently enacted media laws are implemented in full respect for the right to freedom of opinion and expression</i>
94.90	Y	<ul style="list-style-type: none"> • <i>Comply fully with its obligations and commitments related to freedom of expression, including for members of the press</i>
<p>Current rules contain exclusively such limitations on the right to the freedom of expression which are fully recognized by international law. For example members of the press may only be obliged to reveal the information source by a decision of a court and only in exceptional cases. If right to freedom of expression conflicts with the fundamental rights of individuals the media authority (National Media and Info-communications Authority, NMIA) can only take measures when the core content of human dignity is violated. All decisions of the NMIA may be challenged before the courts. Hungary was and will remain ready for dialogue, in case there are concrete questions and observations related to the specific provisions of the laws.</p>		
95.21	Y	<i>Monitor the functioning of media regulatory bodies and the application of penalties to ensure they remain separated from outside influence</i>
<p>The NMIA was set up by the Fundamental Law and regularly reports (including information on its regulatory role) to the Parliament which has no influence on the authority's day-to-day operation. As a guarantee of independence, the Government has no legal means to exercise influence on the operation of the NMIA. Decisions of the NMIA may be challenged before courts, which constitutes full safeguard to provide for the correction of any unlawful decision.</p>		

II. International instruments, international cooperation, National Human Rights Institution, involvement of the civil society

N°	Sts	Recommendation and Implementation
94.1	Y	<ul style="list-style-type: none"> • <i>Continue the process of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OP-CAT)</i>
94.2	Y	<ul style="list-style-type: none"> • <i>Consider ratifying OP-CAT</i>
94.3	Y	<ul style="list-style-type: none"> • <i>Ratify OP-CAT</i>
94.4	Y	<ul style="list-style-type: none"> • <i>Proceed with the ratification of the OP-CAT without delay</i>

In line with its pledges Hungary acceded to the OP-CAT (12 January 2012). The Commissioner for Fundamental Rights (Ombudsperson) has been designated as the National Preventive Mechanism (effective as of 2015).		
94.5	P	<i>Sign and ratify OP-CAT and the Convention for the Protection of All Persons from Enforced Disappearance (CED) and declare to accept the competence of the Committee against Enforced Disappearances provided for in articles 31 and 32 of the Convention</i>
OP-CAT (94.1). The ratification of the CED is currently being examined by the ministries in charge.		
94.6	Y	<ul style="list-style-type: none"> • <i>Study the possibility of becoming a party to the CED</i>
94.7	N	<ul style="list-style-type: none"> • <i>Sign and ratify the CED</i>
The ratification of the CED is currently being examined by the ministries in charge.		
95.1	P	<i>Ratify the main United Nations human rights instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), OP-CAT and CED;</i>
Please refer to the following responses: ICRMW - 96.1, OP-CAT - 94.1, CED - 94.6.		
95.3	Y	<i>Consider the progressive ratification of pending human rights international treaties</i>
Since its first UPR Hungary has ratified and incorporated into the domestic legal system the following main human rights treaties: OP-CAT, Maritime Labour Convention, European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe and Council of Europe Convention on Action Against Trafficking in Human Beings. The ratification of the ICESCR and the CED is currently being examined by the ministries in charge.		
94.15	Y	<i>Ensure that legislation introduced giving effect to the new Constitution complies with Hungary's international human rights obligations</i>
Hungary is fully committed to ensuring the implementation of all its international obligations through its national legal system. Each law or regulation is examined before adoption or modification thereof to ensure their conformity with international commitments and obligations of Hungary. Article Q of the Fundamental Law stipulates that Hungary shall accept the generally recognised rules of international law. Other sources of international law shall become part of the Hungarian legal system by promulgation into domestic legal regulations. Promulgation is a constitutional requirement according to Act L. of 2005 on the procedures concerning international treaties and the relevant practice of the Constitutional Court. Therefore the promulgated international treaties (e.g. human rights obligations) are part of the national law and directly applicable by the Hungarian courts. Domestic rules in contravention with human rights obligations of Hungary are suspended by the courts and transmitted to the Constitutional Court which can ultimately nullify the conflicting domestic law.		
94.17	Y	<ul style="list-style-type: none"> • <i>Consider establishing at the earliest a national human rights institution in full compliance with the Paris Principles</i>
94.18	Y	<ul style="list-style-type: none"> • <i>Consider the possibility of establishing a national human rights institution in conformity with international standards</i>
94.19	Y	<ul style="list-style-type: none"> • <i>Consider establishing a national human rights institution in accordance with the Paris Principles</i>
94.20	Y	<ul style="list-style-type: none"> • <i>Consider the possibility of establishing a national human rights institution in conformity with the Paris Principles</i>
94.21	Y	<ul style="list-style-type: none"> • <i>Establish an independent national human rights institution in accordance with the Paris Principles</i>
94.22	Y	<ul style="list-style-type: none"> • <i>Establish a national human rights institution in conformity with the Paris Principles</i>

94.23	Y	<ul style="list-style-type: none"> • <i>Establish a national human rights institution in conformity with the Paris Principles</i>
94.24	Y	<ul style="list-style-type: none"> • <i>Establish the national human rights institution in accordance with the Paris Principles</i>
94.25	Y	<ul style="list-style-type: none"> • <i>Establish a national human rights institution that is fully compliant with the Paris Principles</i>
94.26	Y	<ul style="list-style-type: none"> • <i>Take all necessary measures to establish a national human rights institution according to the Paris Principles</i>
94.27	P	<ul style="list-style-type: none"> • <i>Develop its national human rights institution to fully adapt it to the Paris Principles, with a legal mandate which is clear and as broad as possible, and with sufficient financial resources</i>
<p>The Commissioner for Fundamental Rights was accredited as a “B” status National Human Rights Institution by the International Coordinating Committee of National Human Rights Institutions (ICC) in May 2012. Accreditation for an “A” status is currently under consideration by the ICC as it would like to evaluate the operation of the Commissioner for Fundamental Rights in a more detailed manner.</p>		
94.28	Y	<ul style="list-style-type: none"> • <i>Examine the possibility of initiating an assessment of all existing mechanisms for the promotion and protection of human rights with a view to strengthening them as needed</i>
94.32	Y	<ul style="list-style-type: none"> • <i>Take steps for further promotion and protection of the human rights in the country</i>
94.33	Y	<ul style="list-style-type: none"> • <i>Continue to engage civil society in the process of implementation of UPR recommendations</i>
94.37	P	<ul style="list-style-type: none"> • <i>Continue to closely consult with civil society in implementing the recommendations made during the UPR</i>
<p>As a result of the UPR of Hungary in 2011, the Government set up an inter-ministerial Human Rights Working Group (HRWG) in February 2012 which was tasked to monitor human rights in Hungary, to consult with stakeholders engaged in human rights matters and to advise the Government on human rights legislation. The HRWG operates a Human Rights Roundtable composed of 12 sub-working groups for the participation of the non-governmental organisations. The Human Rights Roundtable was established for the explicit purpose to engage in an ongoing dialogue with the civil society and provides a platform for consultations with various stakeholders. Besides the Government, members of the Round Table include the representatives of the Commissioner for Fundamental Rights, the Equal Treatment Authority, the National Authority for Data Protection and Freedom of Information, and more than 40 non-governmental organizations active in this field. The 12 sub-working groups are covering the following clusters: freedom of opinion, other civil and political rights, economic, social and cultural rights, rights of Roma, minorities, women, children, disabilities, elderly, homeless, LGBT, and refugees. The proposals and the criticism by the 12 thematic sub-working groups of the Human Rights Roundtable are submitted to the HRWG on the level of the state secretaries for follow-up action which can result in legislative proposals by the Government. During these sessions accession to human rights conventions and the better implementation of the already existing international obligations of Hungary were discussed recurrently.</p> <p>Since 2010, the Hungarian legislator reviewed and re-regulated the most important mechanisms for the promotion and protection of human rights with a view to strengthening them. As a result, parallel to the preparation of the Fundamental Law of Hungary, the Act on the Commissioner for Fundamental Rights was adopted, and the Act on the Right to informational self-determination and freedom of information was updated.</p> <p>The Fundamental Law and the new Act on the Commissioner for Fundamental Rights created a coherent and consistent organizational structure of the</p>		

ombudsperson system. In this system the Parliament elects a single **Commissioner for Fundamental Rights** equipped with the entirety of rights and responsibilities necessary for the effective protection of the fundamental rights. The two Deputy-Commissioners are responsible for the protection of the interests of future generations and for the protection of the interests of nationalities living in Hungary. The Act on the Right to informational self-determination and freedom of information set up the **National Authority for Data Protection and Freedom of Information**. The Authority, fully in line with the relevant European and international standards, is equipped both with the toolset of an ombudsperson and that of an administrative authority.

94.34	Y	<ul style="list-style-type: none"> • <i>Issue a standing invitation to human rights special procedures</i>
94.35	Y	<ul style="list-style-type: none"> • <i>Continuity of the standing invitation for mandate holders of human rights special procedures</i>

Hungary upholds its standing invitation for mandate holders of human rights special procedures issued in March 2001.

94.36	P	<i>Eliminate the backlog of reports to the human rights treaty bodies and the responses to thematic questionnaires of HRC special procedures</i>
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Hungary submitted on time its periodical reports to the CRPD (Committee on the Rights of Persons with Disabilities), CEDAW (Committee on the Elimination of All Forms of Discrimination Against Women) and CRC (Committee on the Rights of the Child) and commits itself to eliminate the backlog of periodic reports on the implementation of other international human rights instruments to which its party to. The Government strives to respond to the questionnaires of HRC mandate holders within its capacities. Hungary responded comprehensively to all 10 allegation letters it had received since 2010.

III. Women, children, persons with disabilities, LGBT

N°	Sts	Recommendation and Implementation
94.10	P	<ul style="list-style-type: none"> • <i>Strengthen its current laws and continue robust implementation of the Equal Treatment Law to ensure equality for women, including with regard to employment and educational opportunities, as well as ensuring access to the judicial system to address domestic violence, rape and sexual harassment</i>
94.38	P	<ul style="list-style-type: none"> • <i>Eliminate discrimination against women</i>
94.39	P	<ul style="list-style-type: none"> • <i>Implement the necessary measures to guarantee gender equality in law and in practice in conformity with international human rights standards</i>
94.41	Y	<ul style="list-style-type: none"> • <i>Intensify efforts to combat all forms of discrimination to make effective the equality of opportunities and treatment among all inhabitants in its territory, with particular care and attention to women and children who are in the situation of more vulnerability, such as those who belong to the Roma people</i>
95.9	Y	<ul style="list-style-type: none"> • <i>Incorporate in its national legislation a definition of discrimination against women that is consistent with the CEDAW</i>
95.16	Y	<ul style="list-style-type: none"> • <i>Elevate the status of the national machinery for the advancement of women, strengthen its mandate, provide the necessary human and financial resources to endow it with sufficient authority and decision-making power for coordinating effectively the Government's work to promote gender equality</i>

Similarly to the previous Constitution, the **new Fundamental Law** of Hungary, being in effect since the 1st of January 2012, declares the **prohibition of every form of discrimination** between men and women, the protection of women, the promotion of equal treatment and equality between women and men. The CEDAW noted in 2013 that the Fundamental Law recognizes the general principle of non-discrimination and that every legal initiative undergo gender impact assessment. Standalone acts of legislation are in place on equal treatment and the promotion of equality (Act CXXV of 2003) and on the rights and equal opportunities of persons with disabilities (Act XXVI of 1998). They give a very broad definition of discrimination which covers all aspects of any form of discrimination. The **Equal Treatment Act** establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among them, women and mothers (separately). It defines the concept of discrimination, names indirect discrimination as punishable and introduces the possibility of positive discrimination to remedy disadvantages.

The **Equal Treatment Authority** became an autonomous body on 1 January 2012. Thereby matters of its organization, functioning and rules of procedure can only be regulated by the Parliament testifying the significance of the principle of equal treatment for Hungary. The new regulations extend the autonomy of the Equal Treatment Authority which contributes to combatting discrimination against women. The financial situation of the Authority has been stabilised (2009: 207M HUF, 2010: 207M, 2011: 190M, 2012: 111M, 2103: 213M) last year. Between 2010 and 2013 the Equal Treatment Authority organized legal and awareness raising **training courses** within the framework of the EU-funded Social Renewal Operational Programme (TÁMOP 5.5.5.) „Realizing equal treatment and enhancing social awareness”. Courses took place in all regions of the country and further 90 training courses will be held within the 3 years of the project.

The **Network** of Houses for Families, Equal Opportunities and Volunteering contributes to combatting discrimination in all its forms. It operates in all county seats and in the capital and accommodates weekly office hours held by the Equal Treatment Authority. With regard to actions taken by the Equal Treatment Authority, please refer to 94.30.

The **Human Rights Roundtable** operated by the Human Rights Working Group was established to strengthen the dialogue with NGOs, which has specific working groups devoted to the rights of persons with disabilities, women, Roma and LGBT persons.

The „**National Strategy** about the Advancement of Equality of Women and Men – Aims and Goals 2010-2021” introduces measures in the field of the reconciliation of work and family life, employment, family support and social provisions, education, health care, as well as civil and criminal law.

The task of **Solid Start Children Centres** is to guarantee the best possible chance for parents and their children in early childhood (age 0-3) and to foster their skills and competencies. The Centres are primarily aimed at children and their families that live in extreme poverty, many times in difficult social and housing conditions, in need of help to ensure the child’s healthy physical, intellectual, emotional and moral development.

Regarding domestic violence, rape and sexual harassment, please refer to 94.11.

94.11	Y	<ul style="list-style-type: none"> • Consider adopting a comprehensive gender equality law that encompasses a definition of discrimination against women in accordance with the CEDAW and prohibits domestic violence and spousal rape
94.14	Y	<ul style="list-style-type: none"> • Adopt legislation that prohibits domestic violence and marital rape
94.66	Y	<ul style="list-style-type: none"> • Take measures to ensure the protection of the rights of victims of domestic violence and spousal rape
94.67	Y	<ul style="list-style-type: none"> • Continue the work for enhanced protection for victims of domestic violence and take measures with a focus on prevention and accountability in regards to domestic violence

With regard to the prohibition of discrimination against women, please refer to 94.10.

Section 197 of the new **Criminal Code** (CC) threatens commitment of felony of sexual violence with 2 to 8 years of imprisonment. The statutory definition uses “who” as a general subject, accordingly felony may be committed by any person thus by the spouse as well. However, the punishment increases (5-10 years) if the perpetrator is a relative (e.g. spouse, brothers/sisters, children /including adopted/, parents, custodians) of the victim (197/3/b) therefore **spousal rape** is an aggravating factor.

From 1 July 2013, a specific legal provision governing **domestic violence** has been incorporated into the Criminal Code (Section 212/A). Victims of domestic violence are ensured access to justice and to comprehensive care in crisis centers which provide immediate protection, including safe accommodation, as well as full-range physical care and professional assistance (by lawyers, psychological assistants, social workers) where necessary. This new regulation is in line with the Concluding Observations of the CEDAW (2007, 2012). Further information on the new provision is provided under 95.10. The Government created child interrogation rooms in each county headquarters’ competency area since 1 January 2013 with detailed rules of internal norms.

Act LXXII of 2009 on **Restraining Orders** prescribes the rules of the temporary preventive restraining order, and the preventive restraining order. The regulations are constantly updated based on the relevant case law (i.e. since the latest amendment courts prevent the physical meeting of the abused and the abuser in the court’s premises to protect the victim from influence; preventive restraining orders are also provisionally enforceable and the duration of the restraining order has been doubled).

Police officers are continually educated and **trained** for the psychological background of domestic violence. Each county headquarter has already surveyed those schools where programs for multiple disadvantaged students are realized. In some of these schools general crime prevention tasks are implemented within the programs “School’s Police”, D.A.D.A.¹ and its updated and specific version: the “ELLEN-SZER”. Addressing domestic violence, the Ministry of Human Resources (EMMI) launched successful victimization prevention pilot projects targeting age groups 14-18 in 2012-2013 which is continuing this year by involving vocational schools and crisis centers.

¹ Based on the Drug Abuse Resistance Education program in the United States

94.42	Y	<ul style="list-style-type: none"> • <i>Take steps to bring about a change in attitudes with a view to eliminating deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, which are reflected in women's educational choice, their situation in the labour market and their underrepresentation in political and public life and decision making positions</i>
94.92	P	<ul style="list-style-type: none"> • <i>Take the necessary measures to remedy the low participation of women in public and political life</i>
94.98	P	<ul style="list-style-type: none"> • <i>Take effective measures to ensure equal access of women to the labour market and to narrow and ultimately close the wage gap between men and women</i>

A new **Commissioner** was appointed in the Ministry of National Economy with the task of **advancing women's employment. Education** on Family Life, a pedagogical objective included in the National Core Curriculum, and includes basic notions related to the individual, the group, the organization of labour, gender equality, non-discrimination, society and culture during the course of compulsory education. Several programmes, projects have been launched in order to eliminate deep-rooted stereotypes and shape attitudes, including in the area of 'women and science'.

The National Media and Info-communications Authority (NMIA) collect data with regard to the **representation of women in the media.**

According to the Press Freedom Act, media service providers have the obligation to maintain respect for human dignity in the media content they communicate. Through this provision, the Media Council of the NMIA can take measures against discriminative content.

The ratio of **women employed in management positions** is 41% in Hungary which puts the country in the forefront of the EU Member States. 40 % of leading positions in legislature in public administration and of the advocacy leaders were women in 2012. In accordance with the OECD's publication (2 April 2014) the ratio of female judges is among the highest in Hungary.

The previous government (2009-2010) had no **female ministers** whilst the second Orbán government's Minister for National Development is female and the number of female secretaries of state (8), deputy secretaries of state (16) and ministerial commissioners (5) is high. In the ongoing 2014's European Parliament election campaign the heads of the lists are women both at FIDESZ-KDNP and Jobbik. At the recent parliamentary elections in all of the parliamentary election alliances there were female politicians in the top 5 candidates.

N°	Sts	Recommendation and Implementation
94.56	P	<i>Take all appropriate measures to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet</i>

In Hungary there are 1,73 million children (persons under 18 years old), 830.000 girls and 900.000 boys.

The Government launched "The Internet Does Not Forget" interactive programme this January to promote **responsible internet use for children**, including the protection of personal data and avoiding **cyber bullying**. The parallel "Our Children on the Web" programme informs parents and teachers about the dangers of the Internet. In order to effectively implement regulations regarding child protection the National Media and Info-communications

Authority (NMIA) established the “**Child protection Internet roundtable**” this year which issues statements and recommendations to promote media literacy among youth and to ensure the culture of compliance among all service providers. Internet providers and public libraries should inform their customers on, and provide for **free filtering software** for the protection of children.

The Government initiated for the second time a school programme for children entitled as “I have the right to know” to **learn about the judicial system** via drama teaching techniques. The project's main purpose is to prevent children from becoming victims, but when something *does* go wrong, children should know where to turn for help and what kind of rights and obligations they have. During a special lesson, children act out a court trial where the defendant is played by a professional actor; judges are the employees of the Ministry of Public Administration and Justice, while students act as spectators, witnesses, defence lawyers and prosecutors. Many teachers find that the programme is encouraging because the issues risen during the play and deepened the bond between classmates. The programme made students face the fact that as a member of the society they must take responsibilities for their actions and companions at an early age, and that every action in our lives and every missed opportunity have consequences. In the same time the structure of probation officers for young offenders has been extended through the innovative preventive mentoring system in cooperation with the judiciary and the child protection system.

The other initiative of the Ministry's **Child-friendly Justice** Programme is to create online webpages which address young children and grown-ups alike. In cooperation with the team of *egyszervolt.hu* the Government set off the “Rightful Question” website (www.jogosakerdes.hu) in order to make the judicial system more familiar for children. ‘Kimi’, the host of the website, helps children to get to know their legal rights and responsibilities, to make them understand the basic concepts and procedures used by the judicial system concerning children. Visitors receive constant updates about the on-going projects, contests and invitations for applications encourage children to learn and be active users of the website.

A child victim has the statutory right to use **victim support services** and mitigation of damages by the State. The State facilitates the assertion of their rights, and provides immediate financial aid and legal assistance. A new law extends the **statute of limitations** regarding certain crimes against children until after the victim has reached the legal age in order to allow time for the victim to be able to realise that a crime has been committed against her/him.

One of the cornerstones of the Hungarian child protection system is the operation of a **signalling system** in order to detect and ward off factors endangering children. All those who perform social, health care, public education services or official tasks are members of the child protection system and have the duty to signal to and cooperate with the child protection system. In November 2010 Hungary signed the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, (2007 **Lanzarote Convention**) and introduced important changes to make the functioning of the child protection warning system more effective. If the guardianship authority receives a warning indicating child abuse, neglect or other serious threat of a child, the data of the informant must be handled confidentially, not to be made known to the abuser. The child protection staff – especially the staff dealing with cases of child abuse or sexual abuse against children – should apply common principles and methodology approved by the minister responsible for children and youth affairs. Only persons with clean **criminal record** can be employed to positions dealing with children. The criminal record contains specific information on any child related crime including professional ban/disqualification.

94.76	Y	<ul style="list-style-type: none"> • <i>Ensure, in line with the recommendation of the Committee on the Rights of Child, the implementation in practice the prohibition of corporal punishment in schools</i>
94.78	Y	<ul style="list-style-type: none"> • <i>Take measures, including disciplinary measures, to bring to the attention of those working in the educational system, in particular teachers, their obligation to refrain from corporal punishment</i>
94.79	Y	<ul style="list-style-type: none"> • <i>Adopt measures, including disciplinary measures, in order to raise the awareness of professionals of the education system, in particular teachers, on their obligation of abstaining from resorting to corporal punishment</i>

Under the Public Education Act, the personality, human dignity and rights of a child /student shall be respected, and protection has to be provided for them against physical and mental violence. Under the Family Act, the child shall be entitled to respect of his or her human dignity and to protection against abuse – physical, sexual or psychological violence –, neglect or informational damage. No child shall be subject to torture, corporeal punishment or any other cruel, inhuman or degrading treatment or punishment. The regulations become more stringent during the implementation of the National Strategy for the Prevention and Efficient Management of Violence in Families and the National Crime Prevention Strategy. Since 2005 prohibition applies not only to cruel, inhuman or degrading corporeal punishment, but corporal punishment in itself is banned in all settings, that is, the child shall not be subject to or threatened with corporal or emotional punishment, torture, cruel, inhuman or degrading treatment or punishment. Public shaming is another prohibited means of discipline. Violent conduct within the household affecting a child is punishable under the Hungarian Criminal Code. According to the statutory definition of facts, a person responsible for the education, supervision or care of a child, who severely violates his/her obligation arising from such a responsibility and thereby endangers the physical, intellectual, emotional or moral development of a child commits a criminal offence (Criminal Code Section 208). Abuse of a child is deemed a severe violation of obligation. Further statutory facts, such as injury resulting from abuse may lead to the establishment of accumulation of crimes.

The Commissioner for Educational Rights contributes to the promotion of rights concerning education of children, students, teachers, parents. Any child, pupil, parent, educator, student, researcher, teacher or their associations may file a petition in individual cases, if in their judgement their guaranteed rights have been infringed or there is a direct threat of such infringement. The Commissioner shall investigate all petitions.

The Centre for Pedagogical Professional Services is in the process of developing the nationwide network of professional advisers for teachers which will include school conflict resolution experts. Until the system is fully functional anyone (teacher, pupil, director and parent) involved in a possible school conflict can turn to the mediator experts of the Centre. Such mediators are also providing training courses for teachers.

94.77	Y	<ul style="list-style-type: none"> • <i>Bring fully its system of juvenile justice into line with the CRC and ensure that detention of children under 18 should be separated from adults</i>
94.87	P	<ul style="list-style-type: none"> • <i>Bring the juvenile justice system fully in line with the relevant conventions and United Nations standards</i>

In proceedings brought against juveniles, the presence of defence counsel is mandatory. In the event that the accused does not have an authorised lawyer, the investigation authorities, the prosecutor or the court shall order a lawyer for them. In accordance with the Convention on the Rights of the Child (Ultima ratio principle), a punishment or measure involving any deprivation of liberty may only be applied against juveniles if the aim of the punishment or measure cannot otherwise be achieved. Life imprisonment may not be applied against a juvenile. During the implementation of imprisonment, women

shall be separated from men, and juveniles are separated from adults in a dedicated law enforcement institution for juveniles, juvenile prison or detention centre for juveniles; high security prison as the most severe degree is not applicable for juveniles.

The Ministry of Justice set up the Child-Friendly Justice Working Group in 2011 as a result of which a new legislative package on child-friendly justice was born modifying the Codes on criminal law, criminal procedural and penal law, and also the Code of Civil Procedure.

The new Civil Code since 15 March 2014 integrates the previously separated Family Law of 1952. The Book of Family Law sets the best interest of the child as a principal, general provision to be considered when dealing with legal relations related to children. In addition the modified Code of Civil procedure contains stronger guarantees for children during the whole civil procedure. Children shall receive a child friendly description of the procedure and may only be asked to testify if there is no other way to obtain the evidence.

The Government created child interrogation rooms in each county headquarters' competency area since 1 January 2013 with detailed rules of internal norms. It is compulsory to interrogate children under 14 years, juvenile victims and witnesses where such interrogation rooms have been established.

N°	Sts	Recommendation and Implementation
94.59	P	<i>Implement the necessary measures to fulfil CRPD so there may be full realization of the rights of this important segment of the population</i>
<p>There are approximately half million people living with disabilities in Hungary. The Fundamental Law explicitly prohibits discrimination on the basis of disability. Ensuring the rights and equal opportunities of persons with disabilities has been laid out in a standalone act in Hungary since 1998 (Act XXVI of 1998 on the rights and equal opportunities of persons with disabilities, hereinafter: Disability Act). Hungary was the first country in the world to ratify both the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2007. Our initial report on the Implementation of the CRPD was submitted in 2010, the consequent constructive dialogue took place in September 2012. Since the review of the Disability Act in 2013, the definition of persons with disabilities is more in line with the provisions of CRPD, whereby accessibility became an obligation to ensure by all public services without any further delay, and the structure of the National Disability Council was transformed to gain more independence from the government. In 2013 supported decision making was introduced as a legal institution. In order to facilitate the employment of persons with disabilities the system of rehabilitation employment and provisions was restructured, which resulted in a significant growth in the number of persons with disabilities in employment.</p>		
94.91	Y	<i>Ensure that the restriction of some right, such as the right to vote for people with disabilities, is carried out with all the due guarantees and in line with the provisions of the Convention</i>
<p>The automatic system of limiting the right to vote of people with mental disabilities has been changed, and now it requires a court decision to impose any restriction on any person living with mental disabilities. The judge is required by law to take into account all the circumstances that he or she finds pertinent in assessing the capacity of the person in question to exercise the right to vote.</p>		
94.97	P	<i>Continue its efforts to ensure that children with disabilities exercise their right to education to the fullest extent possible and facilitate their</i>

		<i>integration into the general education system</i>
<p>Over recent years significant developments took place – some of them still in progress – which aim to promote the access of children with special educational needs to quality education, as well as the prevention of undue classification as a person with mental disability. Moreover, the entire specialized pedagogical service system, including special educational needs (SEN) diagnostic committee activities, has been reformed in 2013 affecting more than 300 public education institutions (timeframe: 2012-2014, budget 2.3 billion HUF). The reform process takes into account comments by NGOs with regards to undue classification as a person with disability, as well as the recommendations of the CRPD concerning integrated education. Under the new regulations specialized pedagogical services and the network of travelling special education teachers are to promote the successful advancement of children with special educational needs participating in inclusive education by providing career advising. Currently, more than 64% of the children with disabilities (52.000) participating in the public education system receive education in an inclusive methodological framework.</p>		

N°	Sts	<i>Recommendation and Implementation</i>
94.13	P	<i>Strengthen hate crimes laws to protect against violence motivated by gender identity, sexual orientation and intolerance, and implement public awareness campaigns to include law enforcement officials and to combat intolerance</i>
<p>Section 216 of the new Criminal Code (2012) on violence against a member of a specified community and Section 332 of the Criminal Code (CC) enacting to punish incitement against a community particularly accentuate sexual identity and sexual orientation among the protected group making criteria. According to the new CC it is not anymore a requirement to demonstrate provocative, anti-social conduct against any person. It is sufficient to prove racist motivation and objectives. If such racially motivation act can excite alarm in members of the target group the perpetrator commits the crime.</p>		
94.30	Y	<i>Introduce the necessary measures to ensure full respect for the rights of persons with disabilities and women, as well as persons with a different sexual orientation</i>
<p>The Fundamental Law guarantees the prohibition of discrimination for all persons by reciting the conditions eligible for protection, while also applying a 'miscellaneous' category, allowing lawmakers to specify new reasons for protection. These conditions for protection are more specifically included Act on Equal Treatment, containing practically all possible conditions and reasons. In Hungary, standalone acts of legislation are in place on equal treatment and the promotion of equality (Act CXXV of 2003) and on the rights and equal opportunities of persons with disabilities (Act XXVI of 1998). The extension of the autonomy of the Equal Treatment Authority in 2012, also contributes to the elimination of the discrimination. The Equal Treatment Authority adopts an innovative approach to pursuing the shaping of public attitudes and the promotion of access to public services via the creation and maintaining of a network of equal treatment advisors at county level.</p> <p>See also reference to the Human Rights Working Group (HRWG) above operating the Human Rights Roundtable to strengthen the dialogue with NGOs. It has 12 sub-working groups including on persons with disabilities, on women and on LGBT persons.</p>		
94.52	Y	<i>Confirm its commitment to equality and non-discrimination by explicitly prohibiting any discrimination on grounds of sexual orientation and gender identity</i>
<p>The Equal Treatment Act (CXXV of 2003) purports the prohibition of any discrimination on the grounds of sexual orientation and gender identity. The</p>		

Equal Treatment Authority conducts proceedings if the principle of equal treatment might have been violated either at the request of the injured party or ex officio in cases set forth by law in order to establish whether any discrimination occurred. The infringement of the law may lead to an administrative fine up to 6 million HUF.

94.12	Y	<i>Ensure that the cardinal laws, resulting from the new Fundamental Law, do not contain provisions that discriminate against people with disabilities, women and LGBT people</i>
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Regarding the fears that the cardinal acts deriving from the Fundamental Law would restrain the rights of certain groups of persons (for example women, people with disabilities or LGBT people) it has to be emphasized that none of the cardinal acts adopted since the entry into force of the Fundamental Law contain any measures or dispositions that has the purpose or the result of discriminating women, people with disabilities or LGBT people.

IV. Justice

N°	Sts	Recommendation and Implementation
95.5	Y	<i>Amend the Criminal Code (CC) with a view to including all elements of the definition of torture as provided for in article 1 of CAT</i>
<p>The provisions of Section 301 of the new CC on the felony of assault in official proceedings, Section 302 on the felony of assault in the proceedings of a person performing public duties, and Section 303 on the felony of coercing of confession contain every element of torture included in Article 1 of the CAT. The statutory definition of assault in official proceedings and assault in the proceedings of a person performing public duties does not contain either any intent or motivation thus they are punishable for being carried out with any aim or motivation. Pursuant to Section 12 and Section 14 of the CC the instigator and his or her accomplices are also punishable.</p>		
94.63	Y	<ul style="list-style-type: none"> • <i>Improve the treatment of prisoners and prison conditions</i>
94.64	Y	<ul style="list-style-type: none"> • <i>Continue its efforts to combat overcrowding of prisons in order to facilitate the successful reinsertion into society of previously convicted persons</i>
<p>The Hungarian prison population is around 18.000 people. Overcrowding greatly varies depending on the region and the type of the institution. The task to ease the overcrowding of prisons enjoys priority in particular in the units for long-term and life-long imprisonment. The Government initiated reconstruction programs in 2010. In the first phase of the reconstruction program 741 new places were realized until December 2013. In the Sátoraljaújhely Strict and Medium Regime Prison a new long-term unit was established and one unit inside the Budapest Strict and Medium Regime Prison was rebuilt to make it more convenient for long-term prisoners. The second phase envisages an ambitious plan to ease prison overcrowding with the intensified implementation of alternative measures to confinement on one hand and new prisons and prison extensions on the other hand. Approximately 3600 new places planned to be built before 2017, 1200 this year and 2400 from 2015.</p> <p>The new Act on the implementation of penalties and sanctions (Act CCXL of 2013) replaces the outdated regulation from 1979 and meets modern European norms. Its main goals are reintegration, effective education and employment in order to prevent recidivism. Progress in the treatment of prisoners is constantly monitored by the Hungarian Prison Service, the Commissioner for Fundamental Rights, the UN and European organisations as well as the NGOs.</p>		

94.65	Y	<i>Implement the recently adopted United Nations rules of treatment of women prisoners and non-custodial measures from women offenders, otherwise known as Bangkok rules, to ensure that special needs of women in prisons or in custody are appropriately addressed</i>
<p>The separation of 1300-1400 women prisoners can be provided only using new resources. In 2013 a unit for pre-trial detention was built in the Szombathely National Prison and the Veszprém County Prison. In the II. object of the Budapest Remand Prison there are 100 new places, first of all for women. Further expansions are planned this year. Referring to the Bangkok Rules: a mother-child unit was built in the Kecskemét prison, the HIV/AIDS tests are working on voluntary basis, body searches are made by the representatives of the same gender and there is a maternity unit in the Central Hospital of the Prison Service.</p>		
94.80	Y	<ul style="list-style-type: none"> • <i>Adopt practical and legislative measures to ensure impartial and effective investigation of cases of ill-treatment by law enforcement bodies</i>
94.88	Y	<ul style="list-style-type: none"> • <i>Adopt a programme to safeguard the rights of victims of torture and ill-treatment</i>
<p>The prosecutor is responsible for the investigation of ill-treatment committed by the member of the police forces. According to the Law on Police victims of such cases can complain at the Independent Police Complaints Board whose members are elected by the Parliament. If the complaint of the detainee alludes to an assault or an inhumane or humiliating treatment, the head of the institution must forward it to the prosecutor immediately or at latest within five days from the lodging of the complaint. The victims of ill-treatment also have access to the whole range of victim support services provided by the state. Victim assistance covers victim support (facilitate the protection of victims' interests, grant instant monetary aid and provide legal aid) and state compensation. Several regulations in the Criminal Proceeding Act also assure that the victims' particular interests are taken into consideration during the criminal procedure. After the recent ratification of the OP-CAT by Hungary, the Commissioner for Fundamental Rights has been designated as the National Preventive Mechanism on the prevention of torture (effective as of 2015).</p>		

V. Racism, Roma issues, hate crimes

N°	Sts	Recommendation and Implementation
94.8	Y	<ul style="list-style-type: none"> • <i>Continue to revise the criminal law to bring it fully in line with relevant international and regional obligations and in particular to ensure the protection of national, ethnic, religious or linguistic minorities</i>
94.29	Y	<ul style="list-style-type: none"> • <i>Establish as soon as possible a plan of action to prevent racist attacks, so that members of vulnerable groups, including Roma, can live in safety and dignity</i>
94.45	Y	<ul style="list-style-type: none"> • <i>Continue to take necessary measures to combat racism and hate crimes</i>
94.46	Y	<ul style="list-style-type: none"> • <i>Take effective measures to curb racial hatred and discrimination against the Roma population</i>
94.47	Y	<ul style="list-style-type: none"> • <i>Take concrete measures to prevent and combat violence against members of other minorities and vulnerable groups, especially racially motivated hate crimes against and discrimination of the Roma and to promote their integration into society</i>
94.53	Y	<ul style="list-style-type: none"> • <i>Make efforts to actively combat homophobic, anti-Semitic and anti- Roma rhetoric, including by ensuring law enforcement and judicial authorities are made aware of guidelines on identifying and investigating racially motivated crime</i>

94.54	Y	<ul style="list-style-type: none"> Strengthen the implementation of non-discrimination and hate crime legislation by continuing to monitor incidents, by ensuring that racially motivated violence is fully and effectively investigated, and by implementing measures to encourage Roma and other victims to report hate crimes and to ensure their protection from reprisal when they do
94.55	P	<ul style="list-style-type: none"> Continue its efforts to achieve full social integration of minorities, especially the Roma and take urgent measures to combat and prevent racist incidents and hate crimes
94.57	P	<ul style="list-style-type: none"> Prevent violence against Roma women and girls, including their harassment at school, and fill the gaps in Roma women's formal education
94.58	Y	<ul style="list-style-type: none"> Strengthen measures to prevent, combat and sanction inequality, discrimination and racially motivated violence
94.61	P	<ul style="list-style-type: none"> Ensure that the members of the Roma community, but also of other vulnerable groups, are protected from violence and attacks
94.62	P	<ul style="list-style-type: none"> Ensure that members of the Roma community, and members of other vulnerable groups, are protected from violence and attack, including when these groups wish to assemble, hold events or organize demonstrations
94.81	P	<ul style="list-style-type: none"> Ensure that racially motivated violence and other hate crimes are fully and effectively investigated and that those responsible are prosecuted under the laws providing for sanctions which reflect the gravity of the human rights abuses
94.82	Y	<ul style="list-style-type: none"> Introduce professional training, capacity-building and cooperation for law enforcement and judicial authorities to identify and address racially motivated crimes
94.83	P	<ul style="list-style-type: none"> Ensure that victims of hate crimes have access to assistance and protection, including counselling and legal assistance
94.84	P	<ul style="list-style-type: none"> Ensure adequate training for the police and judiciary to promptly and effectively deal with hate crimes
94.85	P	<ul style="list-style-type: none"> Ensure training for police officers, prosecutors and judges in order to ensure that they can recognize, investigate and prosecute hate crimes
94.86	P	<ul style="list-style-type: none"> Work with the Roma self-governments, NGOs and human rights organizations to implement measures to encourage Roma and other victims to report hate crimes and, when they do, to protect them from reprisals
94.107	P	<ul style="list-style-type: none"> Take further measures to ensure that Roma people fully enjoy their human rights, including by preventing and combating discrimination and racially motivated crimes against Roma people
95.19	Y	<ul style="list-style-type: none"> Establish and operate a country-wide system to monitor and record racist incidents and hate crimes

The Roma population forms the **largest ethnic minority in Hungary**, an estimated number of 500,000 to 600,000 of them (their total number is approximately 750,000) live in disadvantaged regions². Demographic change in Hungary is characterised by an ageing, falling population while the number of people of Roma origin is rising and the age composition of the Roma population is much younger than that of the overall population. During the last comprehensive census held in Hungary (2011) the 13 domestic nationalities constituted 6% of the 10 million population³.

2 <http://romagov.kormany.hu/hungarian-national-social-inclusion-strategy-deep-poverty-child-poverty-and-the-roma>

3 http://www.ksh.hu/nepszamlalas/docs/tables/regional/00/00_1_1_6_1_en.xls

The new **Fundamental Law** states that the “freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community” and individuals can file a law suit on grounds of **hate speech**.

Protection of minorities ensured in the **Criminal Code** which renders the following crimes to be punished: genocide (Section 142), crime against humanity (Section 143), apartheid (Section 144), violence against a member of a community (Section 216), incitement against a community (Section 332), public denial of the crimes of the national socialist or communist regimes (Section 333), use of symbols of despotism (Section 335). In addition racist motive and/or purpose is considered malicious motive which results a more severe punishment judging crimes like homicide (Section 160), battery (Section 164), violation of personal liberty (Section 194), libel (Section 226), unlawful detention (Section 304), insult of a subordinate (Section 449).

State victim support services include facilitating the protection of victims’ interests, granting instant monetary aid etc. (Act CXXXV of 2005 on Crime Victim Support and State Compensation). Legal aid is free of charge depending on the victim’s financial situation.

After the UPR session of Hungary in 2011 the Government made a proposal to the Hungarian Judicial Academy of the National Office for Judiciary in order to include in its **training programmes** the issue of racially motivated crimes. According to the Act on the status and revenue of Judges, since 1 January 2014 a judge is obliged to participate in free and regular courses organised by the Hungarian Judicial Academy including those on hate crimes.

The eligibility tests performed during the selection procedure of **law enforcement education institutions** include the examination of personal skills (i.e. tolerance) needed for the profession and the curricula contains **communication studies in multicultural environment**. Communication and conflict management trainings led by psychologists and hate crimes specialists are being organized regularly for the police personnel in particular in regions with ethnic minorities aimed at improving the preparation level of the police force, promoting better knowledge and understanding people living in multicultural environment, strengthening the prevention of crime and mutual assistance. Further trainings are held for the police for detecting hate crimes and for the judiciary with regards to court proceedings in relation to hate crimes.

According to the Hungarian Law on Police and a regulation published by the National Police Headquarters (NPH), the police officer must take action unbiasedly. Furthermore an unprejudiced and conflict-free relation between the Police and the Roma minority is a professional and social fundamental expectation which requires an active and continuous involvement of all actors. The Police regard the Roma as victims of the hate-crimes and if the racist motive and/or purpose has been identified, the investigation process moves accordingly.

The Government issued a “**zero tolerance policy**” towards anti-Semitism and anti-Roma attitudes. Incidents of anti-Semitism have been promptly followed-up by high-level official condemnations on the part of the Hungarian government or by legislative changes. In combating anti-Semitism, the government focuses on

1. Law enforcement and legal measures - the public denial of Holocaust is a criminal offence punishable with up to 3 years of imprisonment;
2. Holocaust education - the National Curriculum and frame curricula contain information on the Holocaust, students both in primary and in secondary

schools learn about it and since last January about the common Jewish-Hungarian history that spans over a thousand years and which gave rise to many great achievements. The Holocaust Memorial Day (16 April) was included among the secondary school memorial days;

3. Support for Jewish cultural renaissance in Hungary;

4. Holocaust remembrance- as a continuation of commemorations organised under Raoul Wallenberg Year 2013 and Holocaust Memorial Year 2014, both initiated by the Government, Hungary will take over the Presidency of the International Holocaust Remembrance Alliance (IHRA) in 2015.

The rules of the Criminal Code and the Act on Administrative offences have been tightened regarding **paramilitary organizations**. The Government enforces this decision by penalizing participation in disbanded organizations as well as the use of non-official uniform-like clothing to avoid intimidation by paramilitary groups. The Parliament has tightened the House Rules on hate speech by MPs with the introduction of strict disciplinary measures and waiving of immunity in cases of incitement against a community or denial of crimes of totalitarian regimes.

The **hate crimes staff unit** of the NPH is monitoring extremist communication channels and forums in conformity with data protection regulations. If they recognise mobilization against vulnerable groups, in particular in connection with planned demonstrations by such groups, they inform immediately the territorial police forces, and other involved law enforcement authorities.

A “**hate-crime expert net**” has been operated since 2012 by The Hungarian National Police Force. Its tasks are to follow up, register and manage crimes and criminal processes, evaluate the data of investigations, and establish integrated legal practise, aiming also to reduce the high level of latency. The hate-crime expert net organise trainings to improve the efficiency of the investigation process, in addition providing expertise for such investigations.

The Government initiated the development of a **monitoring system** to provide a comprehensive professional analysis of anti-Semitic phenomena in Hungary. The monitoring of anti-Semitic acts of hate is performed by the Brussels Institute of the Action and Protection Foundation (TEV), an independent non-governmental organization founded in 2012 and is carried out according to methods developed and recommended by the Organization for Security and Co-operation in Europe (OSCE).

The NPH has created a new platform for efficient evaluation of disputes in cooperation with NGOs. In addition to the central and regional police services various civil rights organizations (Roma organisations, Amnesty International Hungary, the Hungarian Helsinki Committee, Association for Human Rights, Background Society for Homosexuals and others) and independent experts strive to reveal the deficiencies.

Thematic school programs of the Police contain tolerance topic for different age of students (12-14, 14-18 years old). To improve the different level of protection mechanism of the most vulnerable groups (women, children, youth) the police crime prevention units started programs, organised conferences and forums on hate-crime prevention and sensitisation.

94.40	Y	<ul style="list-style-type: none"> • <i>Adopt measures to combat discrimination and promote equal economic and social opportunities for disadvantaged and marginalized individuals and groups</i>
94.44	Y	<ul style="list-style-type: none"> • <i>Intensify measures to tackle extremism and discrimination against religious and ethnic minority groups, including the Roma people</i>
94.48	Y	<ul style="list-style-type: none"> • <i>Strengthen measures directed towards the protection from discrimination and further integration of the Roma</i>
94.49	P	<ul style="list-style-type: none"> • <i>Take concrete and stern action to ensure equal treatment for all in the society, in particular to remove de facto discrimination against Roma people</i>
94.51	P	<ul style="list-style-type: none"> • <i>Take further efforts aimed at broad social inclusion, in particular in the labour market, of Roma populations</i>
94.60	Y	<ul style="list-style-type: none"> • <i>Continue to be committed, via its Equal Treatment Authority, to implement and train its citizens as regards to equal treatment for all, and to eradicate violence and discrimination against women and offer greater protection and equal opportunities to the Roma community</i>
94.99	P	<ul style="list-style-type: none"> • <i>Take the necessary measures to reduce the unemployment rate among Roma minority in the public and private sectors, including if necessary taking affirmative actions</i>
94.100	P	<ul style="list-style-type: none"> • <i>Investigate, and in the future prevent, cases mentioned by CESCR of the denied access of Roma to health services and their segregation in hospitals, including the existence of separate maternity wards for Roma women in some hospitals</i>
94.102	Y	<ul style="list-style-type: none"> • <i>Intensify the fight against prejudices towards minority groups, the Roma in particular</i>
94.106	Y	<ul style="list-style-type: none"> • <i>Place special emphasis on addressing the socio-economic disadvantages of the Roma, particularly in the areas of employment, education, housing and access to health services. Segregation in school should be eliminated through both incentives and sufficient penalty in case of violation</i>
94.108	Y	<ul style="list-style-type: none"> • <i>Increase public actions to allow the access to education, health, employment and decent housing for the Roma community, and put emphasis on combating violence against Roma women</i>
94.109	Y	<ul style="list-style-type: none"> • <i>Support the integration of the Roma and other minorities in Government institutions, by recruiting and promoting these minorities in the police, in the education sector and the public service</i>
94.110	Y	<ul style="list-style-type: none"> • <i>Strengthen its efforts to improve the social, political, living, and health conditions for Romani citizens through legal, administrative and socioeconomic means</i>

Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities is a general anti-discriminative legal source that made the already existing rules coherent. It is in line with the EU law and contains consistent, comprehensive and detailed **anti-discrimination provisions**. In addition to the general provisions the law deals with the enforcement of equal treatment in specific areas. It prohibits both direct and indirect discrimination. The **Equal Treatment Authority** is entitled to deal with individual cases all over the country that are to be used as precedents. The Authority also issues general information, launches **training** and research programmes in order to promote equal treatment in all aspects of public life.

The EU is home to some 10 million Roma, who are exposed to deep poverty, unemployment, discrimination and segregation. That is why the adoption

of the **EU Framework for National Roma Integration Strategies up to 2020** was one of the priority areas for the Hungarian Presidency of the Council of the European Union in 2011. The Framework provides a unique opportunity to make a real difference in the lives of Roma people throughout Europe and requested member states to adopt before the end of 2011 their National Roma Integration Strategies which determine the medium-term challenges and targets of the social and labour market integration of the Roma, as well as the necessary interventions, over a period of 10 years. On 30 November 2011 Hungary sent its **National Social Inclusion Strategy 2011-2020 (NSIS)** as the first one to the European Commission. The Strategy is complex: it lays down an immediate action plan, and also assigns long term tasks. In addition, it systemizes all those areas and actors which deal with inclusion policies such as state measures, specified programmes, institutions and other actors. The aim of the Strategy and its Action Plan for the period of 2012-2014 is to improve the social and living conditions of people living in extreme poverty. The two special target groups are the Roma and children. Both documents deal with child well-being, education, employment, health, housing as well as involvement, awareness-raising and fight against discrimination. A framework agreement with the **National Roma Self-Government** which designates concrete numerical targets for Roma in the most important fields is annexed to the Strategy.

387,069 people participated in **public employment programs** in 2013, with most of them having no more than primary school education, among them an estimated number of 77 000 Roma (20%). 27.6% managed to find a job within 180 days after leaving public employment. Living allowance is given to those participating in EU-funded training programs. In order to facilitate access to the labour market, decentralised employment programmes, EQUAL ESF funded programmes (Social Renewal Operational Programme) and public employment programmes have been launched. Moreover, support programmes were also started with the contribution of the National Public Foundation for Employment. In addition, employment of the Roma is promoted by grants supporting job creation projects, as well as by training subsidies.

The **social land program** is a social policy tool for those (including Roma families) living in an environment suitable for agricultural production. The employability of disadvantaged people such as the Roma is promoted by several programs such as the employment of Roma women in embedded training, training of participants in public works programs, or the competency development training of disadvantaged people.

The **Anti-segregation Roundtable** – in cooperation with civil partners – analyses the current situation and identifies common proposals for desegregation in education in the immediate, short, medium and long terms. The Roundtable also examines methods for the recognition, assessment and prevention of educational segregation.

The Fundamental Law declares the prohibition of every form of discrimination between men and women, the protection of women, the promotion of equal treatment and equality between women and men. The **Act on Health** declares that its purpose is to contribute to ensuring **equal access to health care services** for all members of society, and equal opportunities and equality should be observed throughout the provision of healthcare services. A new National Centre for Patients' Rights and Documentation was set up in 2012 which through its countrywide patients' rights advisors network handles the complaints by the patients. The ministry responsible for health issues (EMMI) through its regional offices (ÁNTSZ) provides supervision over health care providers and ensures health care services without discrimination.

As the life expectancy at birth of Roma people is shorter by 10 years than the national average the NSIS devotes a special chapter to improve the health of socially excluded population, in particular the Roma by enhancing their access to health care and by encouraging health-conscious behaviour. Main tools are the organised public health screening programs (breast, cervix, colorectal), the Health Visitors Network for pre and prenatal care and the Health Promotion Pilot Project against segregation.

Hungary was the first country to incorporate **studies on Roma culture** and history including the Roma Holocaust in its National Curriculum. As a result, no member of the future generations will complete his or her studies without having acquired basic knowledge of the Roma.

The new electoral law introduced **preferential mandates for nationalities** (including the Roma) unprecedented in Hungarian history. In order to obtain a preferential parliamentary mandate, nationalities' candidates need one quarter of the number of votes required for a mandate from majority party lists. Should a nationality fail to achieve this number, they may delegate a nationality advocate or spokesperson to Parliament. The new system was applied for the first time during the elections in April 2014.

In order to promote the integration of the Roma, the National Police Headquarters (NPH), as well as the county police departments provide **scholarships** (and subsequently job opportunities) **for Roma** high school and university **students in law enforcement education institutions**.

The local basis of social inclusion is manifested in **local equal opportunity programs**. Based on the Law on Equal Treatment and the Promotion of Equal Opportunities five year local equal opportunity programs should be adopted by municipalities. As of 1 July 2013 municipalities can only be supported by either EU or national funds based on individual decisions or open tenders if they adopted a local equal opportunity program. The preparation of programs is assisted by a mentoring network. During the preparation of these plans the local governments – taking into consideration inter alia the aspects of anti-discrimination – prepare a situation analysis about disadvantaged social groups in social services, education, employment, health and housing, and they prepare a complex action plan to solve the identified problems. The programs are prepared along uniform principles.

A **training project** of the Ministry of Human Resources targets the more effective implementation of EU and national anti-discrimination laws regarding the main protected target groups including the Roma, the strengthening of national anti-discrimination and equal opportunity policies, the provision of information on a wide range of measures, as well as the collection of good practices. Since 2013 the Equal Treatment Authority organised 16 trainings, 6 workshops and 5 conferences on “Combating discrimination, shaping society attitude and strengthening the work of the Authority” throughout the country. One of the main topics was the **promotion of employment of Roma** people (TÁMOP-5-5-5 project). In the framework of the same project several **studies** were published in 2013 **about discrimination** on the grounds of ethnic origin (particularly discrimination against Roma people): Gender pay gap and segregation at present in Hungary, Employee selection practice in the light of discrimination, Exploring exclusionary mechanisms in municipal administration and legislation.

94.50	Y	<ul style="list-style-type: none"> • <i>Introduce national measures to reduce school segregation and actively promote participation in society through education among the Roma community</i>
94.93	P	<ul style="list-style-type: none"> • <i>Take all necessary measures to promote equality in education in favour of all members of minority groups, especially Roma children</i>
94.94	Y	<ul style="list-style-type: none"> • <i>Take measures to guarantee the right to equal education for Roma children</i>
94.95	P	<ul style="list-style-type: none"> • <i>Commit to improving school results of Roma pupils by 2015</i>
94.96	Y	<ul style="list-style-type: none"> • <i>Aim to eliminate segregated education, which is not based on strict individual assessment, and draft a national strategy for the introduction of an inclusive education</i>

Act on Public Education and Act on Equal Treatment **prohibit segregation**; all discriminative measures and measures violating the interest of the child taken by institutions (schools) or their maintainers are considered null and void. In 2013 the state took over the maintenance responsibilities of all **public schools** from municipalities in order to ensure coherent public education. In this way providing equal opportunities and requirements for all students including Roma become more efficient.

The regulation of primary school admission districts serves to terminate or prevent school segregation: school districts must be designed with taking into account students' social background (disadvantaged and multiple disadvantaged children and students) – they cannot be separated in one school or class. Definitions of disadvantaged and multiple disadvantaged persons are composed on the basis of family income and school qualification of parents, which indicators are in strong correlation with Roma students' social backgrounds. Statutory classifications define groups in need of special treatment and attention (socially disadvantaged, children with multiple disadvantages, children in need of special education) in order to appropriately attribute programmes and measures, as well as to prevent unlawful segregation. Important test-level developments serve the access to quality education of children with special educational needs and the prevention of unreasonable classification as disabled (i.e. unreasonable classification and segregation of multiply disadvantaged (including Roma) children).

Public Education Equal Opportunity Action Plan is an obligation at school-district level. Objectives and measures of equality in public education and inclusion were involved into National Strategy on Public Education prepared in 2013. The possibility of organizing “corrective classes” for children with learning difficulties, operated formerly, ceased to exist. Students may not be segregated owing to their adaptation or any learning or behavioural irregularity; compulsory education may be fulfilled only with the others, in the school at the place of residence, or in any selected school. Alleged **cases of educational segregation** are examined by courts. Pursuant to rules applicable to official supervision, including the revelation and termination of the practice of unlawful segregation, government offices shall take measures in the interest of the termination of the irregularities revealed in connection with the compliance with the requirement of equal treatment.

The **Integrated Education System** (IPR) was introduced in 2003. It is a pedagogical framework giving disadvantaged children a chance to compensate for the differences in social situation. The On the Road scholarship programs ("Road to High School", "Road to graduate", "Road to the profession", "Road to higher education") includes more than 17,500 students – at least 50% of them are Roma – that receive a monthly scholarship and mentoring

services. The extra-curricular learning facilities and „**second chance**” programmes are continued in the interest of promoting the successful study of Roma students with multiple disadvantages, reducing drop-out rates and re-integrating young people prematurely dropping out of the educational system into training in the school system (7.59 billion HUF). The newly launched study hall and second chance programmes offer more than 3100 students the chance of progress in school. The Network of Christian Roma Vocational Boarding Schools (KRSZH) involves more than 170 students. Programmes for disadvantaged children and youth offer recreational sports and music courses. Partner school relationships also foster integration.

The Government supports **pilot programmes** within the framework of the ‘School Net’ programme which aims to discover courses of study that may shape the overall school system, mentality of teachers and the pedagogic trends. These courses are set up in schools where disadvantaged pupils are overrepresented and where their wider environment faces the same social and economic problems. In the framework of the School Net program, development of methods, services aiming to improve the basic and communication skills of disadvantaged pupils. It also aims to implement projects focusing on the “bridge between schools” and school reintegration. The program financially facilitates restorations, restructuring and acquisition of low-value assets, as well. In the organization of events and recreational activities inclusion of parents is obligatory.

The **Anti-segregation Roundtable** was established with the specific aim to prepare a document in cooperation with civil partners that identifies common proposals for desegregation in the immediate, short, medium and long terms. The roundtable also examines methods for the recognition, assessment and prevention of educational segregation.

VI. Minorities

N°	Sts	Recommendation and Implementation
94.16	Y	<i>Take steps to ensure that the constitutional changes concerning minority rights will not entail lowered guarantees compared to the current legal framework</i>
<p>On the basis of the new Fundamental Law new legislation was adopted on the rights of national minorities in 2011. This law further developed the rights enshrined in the previous Act of 1993 on minorities. The new act expands the educational and cultural autonomy of the minorities living in Hungary, regulates the operation of the self-governments of national minorities which are the representative organs of cultural autonomy, and – based on the census data – supports the actual minority presence.</p> <p>The most important constitutional development provides for national minorities the opportunity to gain a special representation in the Parliament. From the 2014 general elections onwards national minorities can elect parliamentary representatives according to preferential rules. Even if the preferential (lower than general) number of votes needed for a seat in the national assembly is not achieved, the nominee on the first place of the nationality’s election list will gain a status of the ‘spokesman’ of that nationality in the Parliament.</p>		
94.43	P	<i>Ensure the collection of necessary statistical data disaggregated by ethnicity and gender in order to measure, monitor, and remedy ethnic discrimination as proposed by the independent expert on minority issues</i>

The last comprehensive census held in Hungary took place in 2011. During past years, the number and ratio within the population of those declaring their nationality identity has started to increase – according to the census data, almost 6% of the population of the country have affiliation to a nationality. According to data protection regulations disclosure of ethnic affiliation is only possible on a voluntary basis and is recorded ensuring anonymity. Ethnic affiliation is not disclosed in any list or personal identity document.

94.101	Y	<ul style="list-style-type: none"> • <i>Continue the implementation of the measures to effectively protect minorities</i>
94.103	Y	<ul style="list-style-type: none"> • <i>Persevere in its policy of promotion and protection of the rights of minorities and vulnerable persons</i>

A range of positive measures were implemented during the past period in order to consummate cultural autonomy of minorities. The new Fundamental Law defines these minorities as a constituent part of the state and as part of the Hungarian nation. The new Act on the Rights of Nationalities improved the legal environment creating wider opportunities for minorities, with regard to public education, the public institutional use of language and other fields. It also resulted in the growing importance of national minority self-governments with their developing institutional establishment and increased economic independence. The international recognition of the minority policy of Hungary is continuous: both the experts of the Venice Commission, and the Committee of Experts monitoring the Hungarian implementation of the European Charter for Regional or Minority Languages of the Council of Europe have expressed their appreciation with regard to the minority policy of Hungary.

94.104	Y	<ul style="list-style-type: none"> • <i>Ensure urgently, through stable and systematic funding, continued functioning of the two bilingual Slovenian-Hungarian schools in Gornji Senik/Felsőszölnök and Stevanovic/Apátistvánfalva</i>
94.105	Y	<ul style="list-style-type: none"> • <i>Ensure stable and systematic funding for the media of the Slovenian minority in Hungary, namely for Radio Monoster/Szentgotthárd, the Porabje weekly and the Slovenian TV programme</i>
95.24	P	<ul style="list-style-type: none"> • <i>Implement fully the Agreement on Guaranteeing Special Rights of the Slovenian Minority in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia and the recommendations of the mixed Slovenian-Hungarian Commission tasked with the monitoring of the implementation of the Agreement</i>

The National Slovene Self-Government (hereinafter: NSS) took over the maintenance of the **Slovene nationality educational institutions** in Felsőszölnök and in Apátistvánfalva on 1 July 2012. The additional costs related to the institution takeover were covered by the Hungarian Government (8.5 million HUF support for the takeover process). The two public educational institutions are operating under the maintenance of the NSS as of the academic year 2012/13; the additional support due to institution maintenance was gradually incorporated into the annual budget of the self-government. The NSS receives the normative support pro rata according to the central budget, from the Hungarian State Treasury (the operational and institutional budgetary support in 2013 increased to 43.4 million HUF, from 21.9 million HUF). According to new rules applicable from October 2013 financing of minority educational institutions took a turn for a better: teachers' salary (financing 1 teacher / 8 pupils – for comparison: in general education the ratio is 1 teacher/12 pupils) and financial support per student (160.000 HUF/student/year) both increased. Minority educational institutions with few students in number are getting additional support, which is 540.000 HUF/student/year for NSS. Taking account these changes, the operation of NSS' two educational institutions is secure.

The central budgetary support of the “**Radio Monošter**”, operating in Szentgotthárd and broadcasting in Slovenian language, was 16.9 million HUF

both in 2011 and in 2012; the support was incorporated into the budget of the self-government. Besides this support, the Radio received an additional support of 10 million HUF from the Government in 2011. In 2012 – in order to maintain the daily 4-hour broadcast that had been introduced – the Radio received a 15 million HUF support for operation. The 5.5 million HUF grant in 2011 and the 8.5 million HUF grant in 2012, provided by the Media Service Support and Asset Management Fund, also helped the smooth operation of the Radio. The budgetary support for the NSS increased to 64.0 million HUF in 2011, because from this year on – besides the 41.6 million HUF support for operation – the 22.4 million HUF budgetary support for the **weekly paper Porabje** was also incorporated into the budget of the self-government. The broadcast of nationality programmes at the **Hungarian National Television** began more than 30 years ago. The German and Serbian-Croatian programme started in 1978 (in Pécs). Today Serbian, Croatian and Slovene magazine programmes are operated separately. The NSS received a 64.0 million HUF operation and media support from the central budget again in 2012.

The **Hungarian–Slovene Minority Joint Committee** held its XII session on 15 June 2011 in Budapest – passed by the Government in Resolution no. 1326/2012. (IX.7.) –, session XIII took place on 26 September 2012 in Ljubljana – passed by the Government in Resolution no. 1720/2013. (X.11.) –, and the subsequent session XIV took place on 1 October 2013. The Committee – bearing in mind the principles and provisions of the agreement on the enforcement of the special rights of the Slovene national minority living in the territory of Hungary, and the Hungarian national community living in the territory of the Republic of Slovenia – reviews the current issues of the Hungarian and Slovenian national minorities living in the two countries, and constantly monitors the implementation of the recommendations.

VII. Migrants, refugees and asylum-seekers

N°	Sts	Recommendation and Implementation
94.31	Y	<i>Establish and implement a comprehensive integration strategy for an early-stage integration of migrants, refugees and asylum-seekers</i>
The Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-20 was adopted by the Hungarian Government in October 2013 (see: Annex to Government Decision No. 1968 of 2013). The Migration Strategy lays down the action trail and the tools for achieving the goals in the field of visas, admission and residence, integration, international protection as well as fight against illegal migration and return policies in a comprehensive manner.		
94.112	Y	• <i>Improve the living conditions of asylum-seekers</i>
94.113	Y	• <i>Step up efforts directed towards the improvement of conditions and treatments of asylum-seekers and refugees</i>
Hungary is constantly striving to improve the living conditions of refugees and asylum seekers. Care and support provided for asylum seekers are in line with the rules of European Union governing this issue. The asylum authority provides accommodation and care, as well as financial allowances for asylum seekers during the asylum procedure. Moreover, health care is free for asylum seekers. Refugees and beneficiaries of subsidiary protection enjoy – with a few exceptions – the same rights as Hungarian citizens. In addition, domestic asylum and other sectorial legislation provide support for language teaching, education, housing, health and social services, the acquisition of citizenship etc. The Ministry of Interior supports projects aiming to		

improve the living conditions of persons granted international protection and asylum seekers using the sources of the European Refugee Fund to complement national actions.

94.111	Y	<i>Proceed to forced expulsions only in strict compliance with international and regional standards</i>
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In Hungary, the ordering of an **expulsion** and its forced implementation by official escort (removal) are concluded with respect to human rights obligations under international and regional conventions as well as the EU Return Directive. Moreover, Hungary has been operating a forced return monitoring system, carried out by public prosecutor, in which compliance with human rights standards is ensured. In line with the EU Return Directive the national law prefers voluntary return but Hungary has external borders and realization of expulsions mainly closed by readmission agreements. During the expulsion procedure the principle of **non-refoulement** is always examined. The public prosecutor shall oversee the deportation procedure in accordance with the relevant regulations.

The Hungarian legislation for **alien policing detention** and for asylum detention, being two separate regimes legally and infrastructurally, as well as their implementation meets requirements stemming from recommendations of UN High Commissioner for Refugees (UNHCR) as well as the international standards deduced from the case law of European Court of Human Rights and the jurisprudence of the Court of Justice of the EU. Detention of third country nationals can only be ordered in the cases set out in national law and only unless other sufficient but less coercive measures can be applied effectively in a specific case. Persons recognised as **refugees** in Hungary cannot be placed in administrative detention.

According to the existing tripartite memorandum among the Police, UNCHR Regional Representation for Central Europe and Hungarian Helsinki Committee the **civil control** is ensured in connection with international protection and alien policing measures.

VIII. Trafficking

N°	Sts	Recommendation and Implementation
94.68	Y	<ul style="list-style-type: none"> • <i>Rehabilitate and socially integrate women and girl victims of trafficking</i>
94.70	Y	<ul style="list-style-type: none"> • <i>Take further measures for the rehabilitation and social integration of women and girls who are victims of trafficking</i>
94.71	Y	<ul style="list-style-type: none"> • <i>Strengthen measures for the rehabilitation and social integration of women and girls victims of trafficking</i>
94.72	Y	<ul style="list-style-type: none"> • <i>Increase efforts to effectively prevent trafficking in women and girls for sexual exploitation and domestic servitude and take measures for rehabilitation and social integration of women and girls who are victims of trafficking</i>

A state-funded **temporary shelter** provides safe accommodation, complex services and assistance for victims of trafficking in human beings. The service includes accommodation, full supply according to individual needs (meeting the physical needs, meals, clothing, bed linen, medicines), assistance in administrative issues, availability of professionals for improving the status of the victims, hygiene care. The shelter can provide services for victims for 90 days, the duration of stay can be extended once with 90 days. NGOs are also able to provide safe accommodation and rehabilitation programmes for victims of human trafficking.

The main priorities of the **National Strategy against Trafficking** in Human Beings for 2013-16 are mapping opportunities for safe return and reintegration, designing supportive action, establishing transitory apartments related to the Shelters, helping victims' social reintegration. The transitory apartments provide accommodation for five years to ensure reintegration into the society. Priority A and B aim to operate an appropriate and well-running victim identification, referral and protection system and to implement efficient prevention, awareness building and awareness raising. In order to prevent victimization and to facilitate awareness raising in authorities involved in the fight against trafficking in human beings (ministries, police, victims assistance service, labour inspectorate, NGOs) continuously organize prevention and awareness raising campaign, education programmes.

94.69	P	<ul style="list-style-type: none"> • <i>Investigate the causes of human trafficking and compile statistical data on the subject in order to find the most effective means to combat this phenomenon</i>
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94.75	P	<ul style="list-style-type: none"> • <i>Adopt measures to collect disaggregated data on the phenomenon of human trafficking and adopt and implement policies to address it</i>
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The practice of **data collection** related to human trafficking is rudimentary; it needs harmonisation and development at national and at EU level as well. Since 2012 anonym data is collected through an electronic data sheet in cooperation with the authorities concerned (police, prosecutors' office, court, temporary shelter, victim assistance service, consular service). The **National Strategy against Trafficking in Human Beings** for the period 2013-16 defined several measures in connection with the development of the data collection system as well as research and studies in the field of human trafficking. It aims to set-up an anonymous database to examine the trends of human trafficking and making a map of intervention especially considering age, gender and the form of exploitation. Data provision by organisations cooperating in the identification of victims is encouraged. The set of criteria for annual, statistics-based assessments has to be developed.

The Government adopted a **4-year plan** related to the Directive against Human Trafficking and the European Strategy towards the Eradication of Trafficking in Human Beings and a Decree (354/2012. (XII.13.) about identification of victims of trafficking. The **Ministry of Interior** regularly collects and analyses data about victims and traffickers with the involvement of the National Police Headquarters, National Bureau of Investigation, Office of Public Administration and Justice, National Crisis Telephone Information Service, Chance for Families Foundation 2005 (provides shelter for victims of trafficking in human beings). Consular services perform separate data collection on human trafficking cases. The NPH annually analyze-assess within a comprehensive examination the phenomenon of trafficking human beings, in context of criminal prosecutions and experiences.

In the field of justice, it is in the **Unified Criminal Statistics of Investigation Authorities and Public Prosecution** (ENYÜBS) where data on criminal cases are recorded, up to the moment when criminal proceedings are launched. At the same time, this system does not give a genuine picture on the ongoing cases because the authorities concerned are only obliged to provide statistical data after the decision in their competence has been made, i.e. at the end of the investigation and prosecution phase. Data on final judgments are collected in court statistics.

94.73	Y	<ul style="list-style-type: none"> • <i>Step up efforts to combat the trafficking in human beings, including the development of international cooperation with interested Governments, international organizations and NGOs</i>
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The previous National Strategy against trafficking in human beings (2008-2012) established the National Coordination Mechanism (NCM) which meets

quarterly. Aim of the NCM is to serve the cooperation of the National Coordinator on trafficking and government organisations, to enhance information-exchange on the activities of the parties, and the mapping of potential fields of cooperation between the participants. Since December 2011 an informal NGO Roundtable exists to further help the NCM. Besides of the above-mentioned two forum authorities have good cooperation with partner-organisations at international and EU level through joint investigations, projects, and victims' assistance.

94.74	Y	<i>Consider the question of toughening the criminal liability for trafficking in human beings</i>
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Significant legislative changes have been taken as regards the regulation of trafficking in human beings offence. The new Criminal Code (entered into force on 1 July 2013) formulates a new definition of the crime of human trafficking in line with the relevant international obligations of Hungary. The legal definition of human trafficking remains to be complemented in the system of the new Criminal Code by provisions on what are referred to as parasite crimes, related to prostitution, on sexual crimes and provisions serving the protection of children. In addition, labour exploitation is punished in the new Criminal Code.

IX. Other

N°	Sts	Recommendation and Implementation
95.29	P	<i>Bring official development assistance (ODA) up to the internationally committed 0.7 per cent of GDP</i>
<p>The 12 new EU Member States ODA target was set to 0.33 per cent by 2015. None of the countries managed to meet this obligation, Malta (0,25%), Cyprus (0,17%), Slovenia (0.13%) and the Czech Republic (0.125%) getting closest to the target ratio. Hungary is making every effort to maintain its ODA contribution despite austerity measures adopted each year since 2006. The current level is 0,10%.</p>		

X. Recommendations not accepted, yet processed

95.2	N	<i>Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>
<p>The ratification of the ICESCR is currently being examined by the ministries in charge.</p>		
95.4	N	<i>Specify the prohibition of the death penalty in a future organic law</i>
<p>Several legal norms are in place to ensure that the practice of death penalty is fundamentally and strictly prohibited:</p> <ul style="list-style-type: none"> • The Hungarian Constitutional Court has derived the prohibition of the death penalty from the inviolable nature of the right to life and human dignity in its decision 23/1990 (X. 31.). With regard to the fact that the new Fundamental Law of Hungary purports the inviolable right to life and human dignity, the above decision of the Constitutional Court remains valid. • Hungary has joined the Convention for the Protection of Human Rights and Fundamental Freedoms and to its eight Protocols in 1993. Article 1 of the Protocol No. 6 prescribes the abolition of death penalty. • Hungary is also part of the Second Optional Protocol to the ICCPR which purports the abolition of death penalty. • Being a member of the European Union the EU Charter of Fundamental Rights is a binding legal instrument for the country since the entry into force 		

of the Lisbon Treaty. The EU Charter declares the abolition of death penalty without any doubt in its Article 2 (Right to life): “Everyone has the right to life. No one shall be condemned to the death penalty, or executed.”		
95.6	Y	<ul style="list-style-type: none"> • <i>Introduce additional measures to ensure that the new Media Act complies with regional and international human rights standards</i>
95.7	Y	<ul style="list-style-type: none"> • <i>Look into the current regulatory framework so as to remove parts of the legislation that may challenge freedom of speech and independence of the press and other media</i>
95.8	Y	<ul style="list-style-type: none"> • <i>Reconsider legislation and laws in connection with freedom of opinion and expression and general freedoms</i>
<p>Current rules contain exclusively such limitations on the right to the freedom of expression which are fully recognized by international law. For example members of the press may only be obliged to reveal the information source by a decision of a court and only in exceptional cases. If right to freedom of expression conflicts with the fundamental rights of individuals the media authority (National Media and Info-communications Authority, NMIA) can only take measures when the core content of human dignity is violated. All decisions of the NMIA may be challenged before the courts. Hungary was and will remain ready for dialogue, in case there are concrete questions and observations related to the specific provisions of the laws.</p>		
95.10	P	<ul style="list-style-type: none"> • <i>Draft and implement a fully comprehensive law on gender equality and a law on combating gender violence</i>
95.11	Y	<ul style="list-style-type: none"> • <i>Adopt a comprehensive gender equality law that contains a definition of discrimination against women in accordance with CEDAW</i>
95.12	Y	<ul style="list-style-type: none"> • <i>Establish spec legislation to fill the legislative gap of a lack of specific legal provisions to prohibit domestic violence and marital rape</i>
95.13	Y	<ul style="list-style-type: none"> • <i>Take measures towards adopting specific legislation prohibiting domestic violence and spousal rape</i>
95.14	P	<ul style="list-style-type: none"> • <i>Reconsider the relevant provisions of the new Constitution in order to ensure keeping access to abortion as a safe and legal option, and to ensure that the same protection and rights apply to every person regardless of their sexual orientation</i>
95.20	P	<ul style="list-style-type: none"> • <i>Elaborate a specific law on domestic violence against women</i>
<p>Regarding domestic violence and marital rape, please refer to 94.11.</p> <p>Similarly to the previous Constitution, the new Fundamental Law of Hungary, being in effect since the 1st of January 2012, declares the prohibition of every form of discrimination between men and women, the protection of women, the promotion of equal treatment and equality between women and men. The CEDAW noted in 2013 that the Fundamental Law recognizes the general principle of non-discrimination and that every legal initiative undergo gender impact assessment. Standalone acts of legislation are in place on equal treatment and the promotion of equality (Act CXXV of 2003) and on the rights and equal opportunities of persons with disabilities (Act XXVI of 1998). They give a very broad definition of discrimination which covers all aspects of any form of discrimination. The Equal Treatment Act establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among them, women and mothers (separately). It defines the concept of discrimination, names indirect discrimination as punishable and introduces the possibility of positive discrimination to remedy disadvantages. The provision of the Fundamental Law concerning the right to the human dignity of the foetus was not intended to change the access to abortion as a legal and safe option in case the conditions required by law are fulfilled. It should be emphasized that these conditions were the same under the previous Constitution which did not contain the provision referring to the foetus. The entry into force of the Fundamental Law did not change the circumstances in which it is possible to solicit an abortion. Regarding sexual orientation please refer to 94.30, 94.52 and 94.12.</p>		

95.15	P	<ul style="list-style-type: none"> • <i>Establish a comprehensive human rights framework upon which to develop more coordinated and effective policy measures and strategies for promoting human rights and that such a framework includes initiatives to set up a national human rights institutions in line with the Paris Principles</i>
95.17	P	<ul style="list-style-type: none"> • <i>Establish a national human rights programme which fully incorporates international instruments to which Hungary is a party</i>
95.18	P	<ul style="list-style-type: none"> • <i>Elaborate a national human rights plan</i>

The Commissioner for Fundamental Rights was accredited as a “B” status **National Human Rights Institution** by the International Coordinating Committee of National Human Rights Institutions (ICC) in May 2012. Accreditation for “A” status is currently under consideration by the ICC. Hungary has **national human rights strategies** relating to numerous fields (social equality of men and women, elderly people, youth, environmental protection, healthcare, Roma) which serve the strengthening of human rights. Since 2011, the Hungarian legislator reviewed and re-regulated the most important mechanisms for the promotion and protection of human rights with a view to strengthening them. As a result, parallel to the preparation of the Fundamental Law of Hungary, Acts on the Commissioner for Fundamental Rights and on the Freedom of information were updated. With regard to the role of the Human Rights Working Group see 94.28 above.

95.22	Y	<ul style="list-style-type: none"> • <i>Increase financial and welfare support to families living in conditions of poverty so that families living in a situation of poverty can raise their children with adequate amenities as required for healthy upbringing of those children</i>
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In order to enhance the social security of families and ease the financial burden of bringing up children, the family supporting system – in harmony with the recommendations made in Closing Observations No. 46 of the Committee on the Rights of the Child (CRC) – provides to families with children a broad scope of one-time payments, regularly disbursed benefits, various benefits on the basis of civic rights or insurance and allowances tied to income assessment. From 1st January 2014 **child care benefits** [child care fee (gyermekgondozási díj) and child care allowance (gyermekgondozási segély)], granted on the basis of having children born consecutively after each other, can be disbursed simultaneously. This means, that the parent will not lose the allowance, when in the eligibility period of the former benefit a new baby is born, in regard of whom a new child care benefit is granted. According to the new regulations parents receiving child care benefits (child care fee or child care allowance) can pursue a gainful activity without time limit after the first birthday of their child. Another new step towards the reduction of the number of families living in poverty was the expansion of the family tax allowance from 2014. This enables parents not only to reduce the tax base of their personal income tax, but also to reduce the combined 17% compulsory state pension and health insurance contribution. This new measure is primarily benefits larger families with relatively low level of income, thus it effectively helps to reach the goals of this recommendation.

Within the framework of the **programme against child poverty**, the so-called summertime social child catering aims to provide at least one hot meal per day during the summer vacation for children with disadvantages or multiple disadvantages. To this end, the central budget allocated a yearly 2.4 billion HUF in years 2011, 2012 as well as in 2013. Regarding 2013, 1170 communities participated in the programme, ensuring catering for 112 833 children. In 2014 the budget was raised to 2.64 billion HUF.

Besides social assistance there are several different **social transfers and other tools**, which help families to access to the income and goods needed for

maintaining a decent standard of living. Since the beginning of 2013, the reduction of utility costs by about 35% (depending on cost item) helps those living in poverty to pay their bills and raise their children. Measures aiming to save the housing of those with foreign currency debts also support this goal. Living allowance (instead of general social assistance) is paid to those (mostly living in deep poverty) involved in training programmes. From 1 September 2011 the income threshold of the entitlement to housing support – preventive tool to preserve housing – increased from 150% to 250% of the prevailing minimum old-age pension, consequently, more people in need have access to this benefit. The amount of the cash benefit provided to the carers of relatives in need of intensive nursing, the so-called nursing fee in higher amount has been increased by 15%, and a new form of nursing fee has been introduced to those in the most severe status from 1 January 2014. 13% of the carers who receive nursing fee in an increased amount take care of children. The Government launched the system of Solid Start Children Centres to guarantee the best possible chance for children in early childhood (age of 0-3) to foster their skills and competencies and primarily target children living in extreme poverty, many times in unacceptable social and housing environments, helping to ensure their healthy physical, intellectual, emotional and moral development. By the end of 2013, 113 Solid Start Children Centres operated in total.

95.23	N	<ul style="list-style-type: none"> • <i>Reconcile policies related to ethnic Hungarians abroad with neighbouring countries primary responsibility for minority protection</i>
96.6	N	<ul style="list-style-type: none"> • <i>In line with the recommendations of the CESCR, revoke the condition which requires a minority group to have lived in the county at least one hundred years in order to be considered a national minority</i>

Hungary supports the efforts of Hungarians living abroad to preserve their cultural identity in line with international standards. Regarding Hungarian minorities living under the jurisdiction of another State the Government acts as a responsible member of the international community, in line with the Bolzano Recommendations.

95.25	Y	<ul style="list-style-type: none"> • <i>Reduce to the minimum possible administrative detention of migrants, asylum-seekers and refugees, and only use it in exceptional cases</i>
95.26	P	<ul style="list-style-type: none"> • <i>Take all relevant measures to avoid prolongation of administrative detention of asylum-seekers during which the freedom of movement is considerably restricted</i>
95.27	Y	<ul style="list-style-type: none"> • <i>Establish adequate mechanisms to identify potential asylum-seekers in border procedures, undertake measures aimed at avoiding prolongation of administrative detention of asylum-seekers and at improving the living conditions and treatment of asylum-seekers and refugees</i>
95.28	Y	<ul style="list-style-type: none"> • <i>Recognize and guarantee the human rights of all foreigners, independent and regardless of their migratory status</i>

The different **types of detention of non-citizens** existing in the Hungarian legislation need to be clearly distinguished: immigration detention (alien-policing detention and detention prior to expulsion) and asylum detention. The purpose and legitimate aim of the **alien policing detention** is to ensure the implementation of the expulsion order of illegal migrants whilst the primary aim of the **asylum detention** is to ensure the presence of the asylum-seeker in the asylum procedure. In accordance with the EU Return Directive the term of administrative detention (of third country nationals) amounts to a maximum of 6 months (in the case of a family with minors, thirty days) that can be prolonged by the court with a maximum of 6 months in certain cases laid down in national law. The alien-policing detention can be ordered by the Alien Policing Authority and is implemented in detention centres which have a severe regime.

The specific regime for detention for asylum seekers (**asylum detention**) serves as a last resort in order to ensure the presence of the applicant and

possible alternative measures to detention shall be used as a priority measure before proceeding with the asylum detention. The legislation on asylum detention and its implementation fully comply with the relevant UNHCR recommendations as well as the international standards deduced from the case law of European Court of Human Rights and the jurisprudence of the Court of Justice of the EU. The legitimacy of the detention is ensured by continuous judicial control: the Asylum Authority can only order detention that can be prolonged by the court. The period of the asylum detention is much shorter than the period of detention for aliens policing purposes and is carried out in special facilities serving the sole purpose for asylum detention. The asylum detention lasts for a maximum of 72 hours which can be extended by the competent court maximum two times, by a maximum of sixty days, for a maximum total length of 6 months. Families with children may only be detained exceptionally and for a maximum period of 30 days, if the detention is in the best interest of the child. Since 1 July 2013 (the introduction of the asylum detention) no asylum-seeking families with children were detained. Asylum detention may only be ordered on the basis of an individual assessment and the full consideration of alternative options. The detention of asylum seekers must only be exceptional and has to be proportionate to the objectives to be achieved. It should serve as a last resort in order to ensure the presence of the applicant and possible alternative measures to detention (designated place of residence, asylum bail, regular reporting before the refugee authority) shall be used as a priority measure before proceeding with the asylum detention. For asylum-seekers the place of detention is a guarded asylum reception centre. The asylum-seekers are entitled to move freely inside the premises of the guarded closed reception centre, but cannot leave the centre during the procedure.

The asylum seeker may **file an objection** against an order of asylum detention or the use of a measure securing availability. The objection shall be decided upon by the local court having jurisdiction based on the place of residence of the asylum seeker within eight days. Any costs of the court procedure will be borne by the state. The asylum seeker placed in asylum detention shall be entitled to make objections, **complaints** and public announcements and to submit requests. If the complaint of the asylum seeker refers to abuse or inhuman or degrading treatment, the director of the guarded asylum reception centre shall transfer the complaint to the public prosecutor who carries out the legal oversight of the guarded asylum reception centre within five days of the submission of the complaint. In cases relevant to the implementation of detention, an asylum seeker may directly turn to the public prosecutor, to the Parliamentary Commissioner for Fundamental Rights, and to NGOs operating in the field. The director of the guarded asylum reception centre shall ensure the right to appeal of the asylum seeker. Furthermore the Prosecution Service also has the possibility to examine the legality of the infringement of personal freedom ex officio.

The Hungarian authorities have the **appropriate mechanisms** to identify those persons who are in need of international protection and to ensure their protection. The apprehended third country nationals are informed about their rights and obligations including the right to apply for international protection during the alien policing procedure. During the asylum procedure the reasons for seeking have to be proved. According to the existing tripartite memorandum among the Police, UNCHR Regional Representation for Central Europe and Hungarian Helsinki Committee the **civil control** is ensured in connection with international protection and alien policing measures.

In 2012 the Police (co-financed by European Return Fund) completed an annotation for the **training of law enforcement** officials under the title 'Human right guarantees and international migration'. During the project there were 2 trainings for 43 police officers and the publication was sent for all

alien policing officers. In 2013, the alien policing officers of the Police took part in trainings organised by the UNHCR and the Cordelia Foundation about the special needs of vulnerable persons, the needful legal and psycho-social knowledge and the use of the PROTECT-questionnaire.

Hungary is constantly striving to improve the **living conditions** of refugees and asylum seekers in every stage of asylum procedure and they comply with the relevant EU legislation (2003/9/EC). Furthermore the Ministry of Interior supports projects aiming to better the living conditions of both persons granted international protection and asylum seekers using the sources of the European Refugee Fund to complement national actions.

The basic guarantee of the **respect of the human rights of foreigners** is enshrined in the Fundamental Law of Hungary that requires respect of human rights of all persons regardless of their nationality. Furthermore the EU acquis (first and foremost the EU Charter of Fundamental Rights) and the international human rights instruments ratified by Hungary (such as the European Convention of Human Rights and the International Covenant on Civil and Political Rights) also guarantee human rights for all persons therefore these rights are granted by Hungary to all persons regardless of their nationality. Respect for human rights is ensured at all stages of the asylum and the aliens policing procedure. Special rules are applied during these procedures and the reception of persons with special needs providing more favourable treatment for them. Hungary provides separate, autonomous legal status for stateless persons, for beneficiaries of temporary protection, for victims of trafficking and for unaccompanied minors.

Third-country nationals who, although would be subject to a return decision, cannot be removed from the territory of the Member State concerned either for legal reasons due to the principle of non-refoulement obligations provided by international refugee treaties or for practical reasons (e.g. do not have travel/identity documents, lack of co-operation of embassies representing certain countries of origin, in terms of identification of their citizens) receive the “exile” status which is not a legal status, therefore, is not equivalent to the legal status of beneficiaries of temporary protection, they are simply referred to as ‘tolerated stay persons’. “Exile” shall mean any person who is provided temporary shelter and may not be returned to the country of his/her nationality, or in the case of a stateless person to the country of domicile, for fear of being subjected to capital punishment, torture or any other form of cruel, inhuman or degrading treatment, and there is no safe third country offering refuge, and who is not entitled to asylum or treatment as a stateless person, nor to any subsidiary form of protection or temporary protection. According to the Hungarian legislation, a residence permit on humanitarian grounds is issued to the person who has been granted the status of exile by Hungary.

96.1	N	• <i>Consider becoming a party to the ICRMW</i>
96.2	N	• <i>Study the possibility to become a party to the ICRMW</i>
96.3	N	• <i>Ratify the ICRMW</i>
96.4	N	• <i>Accede to the ICRMW as a fundamental step in the protection of human rights</i>
96.5	N	• <i>Accede to the ICRMW in accordance with Recom. 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe</i>

These recommendations were not accepted as several provisions of this Convention are governed by EU regulations, therefore none of the EU member states are parties to it, including Hungary.