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Hungary

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	4 May 1967	Declaration (arts.17, para. 1, and 18, para. 1)	Individual complaints (art. 14): Yes
ICESCR	17 Jan. 1974	Declaration (art.26.1 and 26.3)	–
ICCPR	17 Jan. 1974	Declaration (art.48.1 and 48.3)	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	7 Sep. 1988	None	–
ICCPR-OP 2	24 Feb. 1994	None	–
CEDAW	22 Dec. 1980	None	–
OP-CEDAW	22 Dec. 2000	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	15 Apr. 1987	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	7 Oct. 1991	None	–
OP-CRC-AC	24 Feb. 2010	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	24 Feb. 2010	None	–
CRPD	20 July 2007	None	–
OP-CRPD	20 July 2007	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Hungary is not a party: OP-ICESCR,³ OP-CAT, ICRMW and CED.

<i>Other main relevant international instruments⁴</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on Economic, Social, and Cultural Rights (CESCR) and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) respectively invited⁹ and encouraged¹⁰ Hungary to consider ratifying ICRMW. UNHCR recommended that Hungary accede to OP-CAT.¹¹ CEDAW encouraged Hungary to accept the amendment to article 20, paragraph 1, of the Convention.¹²

B. Constitutional and legislative framework

2. CESCR noted that, although ICESCR had been incorporated into the domestic law, most of the rights recognized in the Covenant were not directly applicable in the courts. It recommended that Hungary take measures to ensure the direct applicability of all Covenant rights into domestic courts.¹³

C. Institutional and human rights infrastructure

3. As of 22 November 2010, Hungary does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁴ The Human Rights Committee (HR Committee) recommended that Hungary consider establishing a national human rights institution with a broad human rights mandate, and provide it with adequate resources, in line with the Paris Principles.¹⁵

4. CESCR was concerned at the inadequate resource allocation to the Equal Treatment Authority (ETA)¹⁶ and HR Committee was also concerned at the lack of security of tenure of the Office of the President of the ETA following a Government Decree, which gave power to the Prime Minister to relieve the ETA President of his duties without justification.¹⁷ The independent expert on minority issues recommended that ETA should be fully independent from the Government and that its resources should be increased.¹⁸

5. CEDAW was concerned that the national machinery for the advancement of women might lack sufficient authority, decision-making power and resources to coordinate effectively the Government's work to promote gender equality.¹⁹

D. Policy measures

6. CESCR recommended that Hungary adopt a national plan of action on human rights.²⁰

7. HR Committee welcomed the adoption of Government Decree No. 1021/2004 and the parliamentary resolution on the Decade of Roma Inclusion that defined a programme for the promotion of social integration of the Roma people.²¹

8. UNHCR noted that Hungary has no legal or policy framework or strategy dealing specifically with the integration of international protection beneficiaries.²²

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²³</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2002	August 2002		Eighteenth report overdue since 2004
CESCR	2005	May 2007	–	Combined fourth, fifth and sixth reports overdue since 2009
HR Committee	2009	October 2010	Due on 2011	Sixth report due in 2014
CEDAW	2006	August 2007		Combined seventh and eighth report due in 2010
CAT	2004	November 2006	Submitted in November 2007	Combined fifth and sixth reports due in 2010, submitted in 2010
CRC	2004	January 2006	–	Combined third, fourth, and fifth report in 2012
OP-CRC-AC			–	Initial report due in 2012
OP-CRC-SC			–	Initial report due in 2012
CRPD			–	Initial report due in 2010

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Independent expert on minority issues in 2006 (report on 4 January 2007). ²⁴
<i>Visits agreed upon in principle</i>	–

<i>Visits requested and not yet agreed upon</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, four communications were sent. The Government replied to three communications.
<i>Responses to questionnaires on thematic issues</i>	Hungary responded to 6 of the 26 questionnaires sent by special procedures mandate holders, ²⁵ and additionally, the EU responded to the questionnaire referred to in A/HRC/15/32.

3. Cooperation with the Office of the High Commissioner for Human Rights

9. Hungary contributed financially to OHCHR in 2006, 2007, 2008 and 2009, including to the Voluntary Fund for Victims of Torture between 2007 and 2009.²⁶

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. CEDAW was concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, which were reflected in women's educational choices, their situation in the labour market and their underrepresentation on political and public life and decision-making positions.²⁷

11. CESCR noted that, while the Equal Treatment Act and other laws included provisions prohibiting gender discrimination, Hungary had not adopted a comprehensive gender equality law.²⁸ CEDAW was concerned that there was no definition of discrimination against women in accordance with the Convention in legislation.²⁹

12. CEDAW continued to be concerned about the occupational segregation of women and men in the labour market, the gap between their wages and discrimination in hiring women of childbearing age or mothers with small children.³⁰ In 2009, the ILO Committee of Experts noted that the wage gap between women and men had remained unchanged since 2005.³¹ CEDAW recommended that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men.³²

13. HR Committee noted with regret the continuing reports of sexual harassment.³³ CESCR noted the absence and recommended the adoption of criminal law provisions specifically addressing sexual harassment in the workplace.³⁴

14. CESCR noted with appreciation the adoption of measures to combat discrimination and promote equal opportunities for disadvantaged and marginalized individuals and groups in the area of economic, social and cultural rights.³⁵

15. The independent expert on minority issues stressed that data disaggregated by ethnicity and gender was required to measure, monitor and remedy ethnic discrimination.³⁶

16. The independent expert on minority issues noted that the situation of discrimination, exclusion and anti-Roma prejudice remained a cause for concern and that the Roma remained the most deprived group with respect to education, employment, health and housing, and suffered disproportionately high levels of extreme poverty.³⁷ HR Committee,³⁸

CEDAW,³⁹ the Committee against Torture (CAT)⁴⁰ and the Committee on the Rights of the Child (CRC)⁴¹ expressed similar concerns.

17. While noting the Programme for the Decade of Roma Inclusion 2005–2015, CEDAW was concerned about the situation of Roma women and girls, who faced multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status. It was further concerned about the prevalence of violence against Roma women and girls, including harassment and abuse at school, as well as about the gaps in Roma women's formal education and the high rates of school dropout among Roma girls.⁴²

18. In 2010, HR Committee was concerned at indications of rising anti-Semitism.⁴³ In 2007, the Independent Expert on minority issues made similar observations.⁴⁴

2. Right to life, liberty and security of the person

19. CAT observed that all elements of the definition of torture as provided by article 1 of the Convention were still not included in the Criminal Code.⁴⁵

20. In 2007, CAT was concerned at allegations of some cases of ill-treatment by custodial/prison staff, including beatings and verbal abuse. It was also concerned at: the reports of ill-treatment by law enforcement officials, the limited number of investigations carried out in such cases, and the very limited number of convictions in investigated cases.⁴⁶ HR Committee, in 2010, made similar observations and also noted with regret the lack of an independent medical examination body to examine alleged victims of torture.⁴⁷ It recommended that Hungary ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. HR Committee also recommended that Hungary consider establishing an independent medical examination body mandated to examine alleged victims of torture.⁴⁸

21. HR Committee was concerned at the persistent ill-treatment and racial profiling of the Roma by the Police.⁴⁹ CAT expressed similar concerns. It was also concerned about ill-treatment against persons belonging to national minorities and non-citizens.⁵⁰

22. CAT noted with concern some allegations of excessive use of force by law enforcement officials, especially in the course of or in relation to apprehension.⁵¹

23. HR Committee expressed concern that "short-term arrests" of up to 12 hours without charge remained possible and the legal basis remained unclear, and that the length of police detention (up to 72 hours) had not been revised. It reiterated its previous recommendation that Hungary should amend legislation that permitted detention for more than 48 hours and review its practice on short-term arrests and legislation on pretrial detention to ensure that it is in line with the Covenant and that the domestic regulations on short term arrests are sufficiently clear and have a clear legal basis.⁵²

24. CRC was concerned about: reported cases involving minors being arbitrarily detained, ill-treatment by law enforcement officials and reports of ill-treatment by adult inmates due to mixed detention facilities.⁵³

25. UNHCR noted that Hungary imposed prolonged periods of administrative detention on asylum-seekers without providing them with effective remedies to challenge such detention. It stated that asylum-seekers were increasingly kept in administrative detention beyond the legal limit of 15 days and since April 2010 detention of asylum-seekers had become the rule rather than the exception. In 2007, CAT expressed similar concerns.⁵⁴ In its follow-up response to CAT, Hungary informed that detention under immigration laws might be ordered for a maximum duration of seventy-two hours, and could be extended only for a period of maximum thirty days at a time, by the court. Detention ordered under

immigration laws shall be terminated after six months from the date of issue of the order.⁵⁵ UNHCR recommended that Hungary avoid prolongation of administrative detention of asylum-seekers during which freedom of movement is fully deprived and against which asylum-seekers lack effective remedies.⁵⁶

26. UNHCR stated that persons convicted of unlawful entry or stay, faced disproportionately harsh detention conditions.⁵⁷ HR Committee was concerned that asylum-seekers and refugees were detained in facilities with poor conditions and some of them were detained in facilities including the nine detention facilities that were closed down for failing to meet the European standards.⁵⁸ HR Committee recommended that Hungary strengthen its efforts to improve the living conditions and treatment of asylum-seekers and refugees, stating that asylum-seekers and refugees should never be held in penal conditions.⁵⁹

27. UNHCR was concerned about strict administrative detention regime, including the detention conditions, especially in Nyírbátor and Kiskunhalas. Detainees could only leave their locked rooms at specified times and under strict control and families were separated according to gender. UNHCR noted that female detainees could be exposed to even harsher conditions than male detainees. Furthermore, almost all guards in the detention facilities administered by the Border Police were males.⁶⁰

28. Furthermore, UNHCR noted a number of other problems connecting with detention, including: the refugee status determination interviews being conducted in the presence of a guard with the applicant in handcuffs; the inability of guards and detainees to communicate due to language limitations; the difficulties faced by illiterate detainees in making written requests and complaints.⁶¹

29. HR Committee regretted the continuing overcrowding in prisons, further exacerbated by the introduction of the “three strikes rule” which introduced mandatory life sentences. It further regretted that Grade 4 prisoners and prisoners in Special Regime Units serving lengthy sentences were subjected to excessive means of restraint.⁶² CAT expressed similar concerns.⁶³ HR Committee recommended that Hungary should improve the treatment of prisoners and conditions in prisons and detention facilities and consider not only the construction of new prison facilities but also the wider application of alternative non-custodial sentences.⁶⁴

30. The independent expert on minority issues referred to information that, while Roma were only 5–6 percent of the population, however, they were estimated at between 30–40 percent of inmates. The independent expert also referred to the findings suggesting that such situation might partly be attributed to discriminatory practices.⁶⁵ CRC noted with concern the overrepresentation of Roma children within the administration of juvenile justice.⁶⁶

31. HR Committee noted with regret the continuing reports of gender-based violence, and the lack of specific legislation proscribing domestic violence and spousal rape.⁶⁷ CEDAW expressed similar concerns.⁶⁸ CEDAW also reiterated its concern that the definition of rape was based on the use of force, rather than the lack of consent.⁶⁹ HR Committee recommended, inter alia, that Hungary should consider adopting specific legislation that prohibits domestic violence and spousal rape.⁷⁰

32. In 2010, HR Committee was concerned at the lack of data on trafficking in persons despite reports of persistent trafficking of women and girls for sexual exploitations and domestic servitude.⁷¹ In 2008, CESCR expressed similar concerns.⁷² The ILO Committee of Experts noted that Roma women and children as a group were particularly vulnerable to trafficking for the purpose of prostitution.⁷³ HR Committee recommended that Hungary should investigate the root causes of trafficking and compile statistical data on this

phenomenon.⁷⁴ Additionally, CEDAW recommended that Hungary take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.⁷⁵

33. In 2010, the ILO Committee of Experts reiterated that contracts for the use of prison labour concluded with private companies corresponded to what was expressly prohibited by the Forced Labour Convention No. 29. It expressed its hope that the measures would be taken to ensure that free and informed consent is required for the work of prisoners for private companies.⁷⁶

34. CRC was concerned about the number of children who were victims of violence in the family and sexual abuse and about the lack of preventive and reintegration measures available.⁷⁷

35. CRC was concerned that corporal punishment in schools, despite being prohibited by the Hungarian Child Education Act, continued to occur.⁷⁸ CRC recommended that Hungary undertake measures, including corrective ones, in order to sensitize professionals within the educational system, in particular teachers, about their obligation to refrain from resorting to corporal punishment.⁷⁹

3. Administration of justice, including impunity and the rule of law

36. In 2010, HR Committee was concerned at the excessive delay in the conduct of criminal prosecutions following the protests in Budapest in 2006. It was also concerned that out of the 202 criminal proceedings that were launched, only 2 have led to a conviction, and only 7 judgements have been handed down.⁸⁰ CAT expressed similar concerns.⁸¹

37. In 2007, CAT was concerned that pretrial detainees under and over 18 years were accommodated in the same cell.⁸² In 2006, CRC recommended that Hungary fully bring the system of juvenile justice into line with the Convention and with other United Nations standards as well as ensure that persons below 18 were only deprived as a last resort and that children, if detained remained separated from adults.⁸³

38. In 2007, CAT noted with concern that a high number of persons with an ex officio defence counsel remained without actual assistance from their attorney in the investigation phase.⁸⁴ HR Committee also noted that there were lapses in the system to guarantee access to legal counsel, and that video-recording of interrogations was only available if the suspect undertook to pay for it, which greatly affected indigent people.⁸⁵

39. CAT regretted the lack of a specific programme to safeguard the rights of victims of torture and ill-treatment. It recommended that Hungary should strengthen its efforts in respect of compensation, redress and rehabilitation in order to provide victims with redress and fair and adequate compensation.⁸⁶ In its follow-up response, Hungary indicated that victims seeking help from the victim support service were offered individualized support responding to the specific needs arisen in consequence of a crime. The law ensured that victims of crime shall receive the form of support they needed.⁸⁷

4. Right to marriage and family life

40. CEDAW reiterated its concern that a minor between 16 and 18 years of age may legally marry and reiterated its recommendation that Hungary raise the legal age of marriage for women and men to 18 years.⁸⁸

41. The independent expert on minority issues referred to the concerns expressed by Roma women at the disproportionate removal of Roma children into institution on the arbitrary grounds or on the basis of poverty and that the municipal authorities could take a child without a court decision.⁸⁹

42. CESCR was concerned about reports that Hungary had a restrictive approach to family reunification of refugees, and that persons authorized to stay on the basis of subsidiary protection had no right to family reunification.⁹⁰ UNCHR made similar observations and stated that family reunification was not attainable for family members whose national passports were not accepted by the European Union.⁹¹

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

43. HR Committee was concerned at the virulent and widespread anti-Roma statements by public figures, the media, and members of the disbanded Magyar Gárda. It recommended that Hungary should ensure that members or associates of the current or former Magyar Gárda are investigated, prosecuted and, if convicted, punished with appropriate sanctions.⁹²

44. HR Committee was concerned that the evolution of the so-called “memory laws” risked criminalizing a wide range of views on the understanding of the post-World War II history of Hungary. It recommended that Hungary review its “memory laws” so as to ensure their compatibility with the Covenant.⁹³

45. CESCR was concerned about reports on the inadequate protection of trade union officers who were engaged in the defence of employees, having been dismissed in violation of the labour law.⁹⁴ CESCR recommended that Hungary strengthen the protection of trade union officers engaged in the defence of employees’ rights.⁹⁵

46. HR Committee noted that women continue to be underrepresented in public and private spheres of life, notably in decision-making positions.⁹⁶ CESCR⁹⁷ and CEDAW⁹⁸ expressed similar concerns.

47. The independent expert on minority issues stated that there was a requirement to ensure minorities’ representation in the Parliament under the Constitution and legislation; however, no such mechanism had been established.⁹⁹

6. Right to work and to just and favourable conditions of work

48. CESCR was concerned about the extremely high unemployment rate among the Roma and about discrimination against Roma by private and public employers.¹⁰⁰ The independent expert on minority issues made similar observations.¹⁰¹ The ILO Committee of Experts noted the Government’s acknowledgement that Roma’s entrance into the labour market was undermined by negative stereotypes and anti-Roma feelings which resulted in discrimination in recruitment.¹⁰² CESCR urged Hungary to reduce Roma unemployment through specifically targeted measures, including by enhancing professional training and sustainable employment opportunities in communities with significant Roma populations. CESCR recommended that Hungary encourage the private sector to provide employment opportunities for the Roma.¹⁰³

49. CESCR noted with concern that, despite special support schemes in place to promote employment opportunities for persons with reduced working capacity, a very high percentage of persons with disabilities was still unemployed.¹⁰⁴

50. CESCR was concerned that the net minimum wage was not fully sufficient to cover the subsistence costs of a “single household”.¹⁰⁵ CESCR recommended that Hungary ensure that the net minimum wage is periodically reviewed and determined at a sufficient level to provide all workers and their families with a decent standard of living.¹⁰⁶

7. Right to social security and to an adequate standard of living

51. The independent expert on minority issues stated that the Roma were disproportionately affected by severe poverty, which was both a cause and a manifestation of the diminished rights and opportunities available for that community's members.¹⁰⁷

52. CESCR was concerned about the fact that social assistance levels did not ensure an adequate safety net for, in particular, the disadvantaged and marginalized individuals, families and groups, such as the Roma.¹⁰⁸ CESCR urged Hungary to raise the amounts of their social assistance allowances and provide them with a safety net that enables them to enjoy their economic, social and cultural rights, and to establish minimum standards for social assistance operated by local governments to ensure equal treatment for all those in need of social assistance.¹⁰⁹

53. In 2010, WHO stated that the health status of the population was poor compared to its socioeconomic development, with the leading causes of death comprising diseases that could be prevented by screening or early diagnosis.¹¹⁰

54. CESCR noted with concern that every sixth man and every eleventh woman had mental health problems and that the suicide rate was among the highest in the world, especially among women.¹¹¹ CRC, in 2006, was also concerned over the high suicide rates among children and the lack of mental health services.¹¹² CESCR recommended that Hungary intensify its efforts to address the socioeconomic causes of mental health problems and suicide and strengthen the provision of psychological counselling services at the local level, as well as training of health professionals on the causes and symptoms of depression and other mental health problems.¹¹³

55. CESCR was concerned that the average life expectancy of Roma was more than ten years shorter than that of non-Roma.¹¹⁴ The independent expert on minority issues and WHO made similar observations.¹¹⁵ CESCR stated that Roma were reportedly often denied access to health services, segregated in hospitals, and discriminated by health practitioners.¹¹⁶ The independent expert on minority issues stated that, discriminatory practices, including reports of segregated maternity wards for Roma women in some hospitals, and a high incidence of discriminatory treatment by medical staff had been cited as influencing Roma not to seek medical assistance in hospitals.¹¹⁷

56. CRC expressed concern regarding the unequal access to health services throughout the country, in particular the limited access for children in rural areas and Roma children, stating that A concrete strategy should be adopted and implemented in order to ensure that medical services are provided without discrimination.¹¹⁸

57. CEDAW was concerned that, while the abortion rate had decreased, it remained relatively high and that a comprehensive range of contraceptives was not widely available.¹¹⁹ CRC expressed concern over the lack of reproductive health information available to teenagers and the rising cost of contraceptives, in turn linked to the high rates of adolescent pregnancies.¹²⁰

58. CESCR was concerned that one-fifth of the Roma lived in slum settlements, often without access to running water and adequate sewerage and that Roma were frequently denied access to social housing. It was particularly concerned about the increasing number of forced evictions of Roma, often without provision of adequate alternative housing.¹²¹ The independent expert on minority issues made similar observations.¹²² CESCR urged Hungary, inter alia, to: effectively enforce anti-discrimination legislation in the housing sector, increase the availability of social housing, in particular for the Roma; ensure that alternative housing is provided whenever forced evictions take place.¹²³

8. Right to education and to participate in the cultural life of the community

59. CESCR was deeply concerned about the high number of Roma children segregated in special schools for children with mental disabilities, or in separate substandard “catch-up” classes within schools.¹²⁴ The independent expert on minority issues made similar observations.¹²⁵

60. The independent expert on minority issues noted that the Equal Treatment Act banned segregation in schools and ETA had the power to bring legal cases against local authorities in cases of segregation. She referred to a number of cases when courts found that a municipality maintained the segregation of Roma children. However, a finding of violation was not matched by sufficient penalty to prevent continuation of the offence or to act as a deterrent. As part of its Action Plan for the Decade of Roma Inclusion 2005-2015, Hungary had provided financial incentives to local governments to assist in desegregation of schools. However, the take-up had been poor and serious abuses of the system had been reported.¹²⁶

61. CESCR was concerned about the high dropout rate among Roma students at the secondary level and about their low enrolment in higher education.¹²⁷ CRC expressed similar concerns.¹²⁸

62. UNHCR noted that access to education of asylum-seeking Roma children and children placed with their families in the Office of Immigration and Nationality screening facility in Bekescsaba had not been fully facilitated.¹²⁹ Furthermore, UNHCR noted that the current system of three-phase reception which required families to migrate from Bekescsaba to Debrecen, and if recognized, from Debrecen to Bicske was not suitable for families with children, especially those of school age, as the best interest of children demanded a stable environment for the child’s growth and well-being.¹³⁰ It recommended that Hungary adapt the three-phase reception procedure taking into account the need of children to live in a stable environment.¹³¹

63. The independent expert on minority issues stated that aspects of Roma identity and culture, including traditional Roma languages, had suffered decline to the point of vanishing in some communities.¹³²

64. CRC was concerned about the lack of an inclusion policy and integration mechanisms and inadequate assistance for children with disabilities.¹³³ CRC recommended, inter alia, that Hungary pursue efforts to ensure that children with disabilities exercise their right to education to the maximum extent possible and facilitate their inclusion in the mainstream education system.¹³⁴

9. Minorities and indigenous peoples

65. HR Committee was concerned at the legal requirement provided by the 1993 Act on the Rights of National and Ethnic Minorities which prescribed that only those groups of people who represented a numerical minority and had lived in Hungary for at least one century would be considered a minority or ethnic group. It called upon Hungary to consider repealing this condition.¹³⁵

66. HR Committee was concerned at the administrative shortcomings of the minority election register, and the self-government system, which, inter alia, rendered it obligatory for minorities to register their ethnic identity, and, therefore, deterred those who do not wish their ethnic identity to be known, or have multiple ethnic identities, from registering in particular elections. It recommended that Hungary adopt measures to address the shortcomings of the minority election register, and the minority self-government system to ensure that it does not deter and disenfranchise minorities from participating in minority self-government elections.¹³⁶

67. The independent expert on minority issues highlighted that Hungary had demonstrated political will and dedicated considerable resources to address needs of, and problems faced by minorities; however, at the local level, due to high priority needs of Roma communities facing severe discrimination, exclusion and poverty, the system had largely been diverted from its intended function to preserve Roma culture, identity and language.¹³⁷

10. Migrants, refugees and asylum-seekers

68. UNHCR noted that in the absence of a State agency with the specific responsibility to promote refugee integration at community level, many refugees had no effective opportunity to exercise their rights, including the right to adequate housing. They relied mostly on fragmented, under-funded and project-based refugee support services in Budapest.¹³⁸

69. UNHCR recommended that Hungary develop a strategy on integration of refugees, especially homeless refugees, to prevent destitute and spontaneous return back without safeguards in case of risk of torture and/or cruel, inhuman or degrading treatment.¹³⁹

70. UNHCR noted that children born in Hungary of refugee parents were registered as “unknown” nationals, since the authorities did not consider themselves competent to establish the child’s nationality. Consequently, children remained of “unknown” nationality, which might result in statelessness.¹⁴⁰

71. UNHCR reported that access to Hungarian territory and to the asylum procedure for asylum-seekers was not ensured with full respect of the principle of non-refoulement. UNCHR noted that there was no requirement under legislation for a personal interview before the deportation of a foreigner wishing to enter or entering Hungary unlawfully.¹⁴¹ HR Committee was concerned at reports of unlawful expulsions of Somali and Afghan asylum-seekers.¹⁴² CAT noted with concern that individuals might not have been able, in all instances, to enjoy full protection under the Convention in relation to expulsion, return or extradition to another country.¹⁴³ HR Committee recommended that Hungary should fully comply with the principle of non-refoulement and that decisions on expulsion, return or extradition are dealt with expeditiously and follow the due process of the law.¹⁴⁴ UNHCR made similar recommendation.¹⁴⁵

11. Human rights and counter-terrorism

72. HR Committee recommended that Hungary ensure that the Penal Code not only defined terrorist crimes in terms of their purpose but also the nature of those acts with sufficient precision to enable individuals to regulate their conduct accordingly.¹⁴⁶

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

73. In 2006, Hungary made the following voluntary commitments to: (a) ratify the OP-CAT; (b) uphold a standing invitation for mandate holders of human rights special procedures; (c) keep the deadlines with respect to the submission of periodic reports on the

implementation of international human rights and pay special attention to the follow-up of the recommendations issued by the treaty bodies.¹⁴⁷

B. Specific recommendations for follow-up

74. In 2010, HR Committee requested Hungary to provide, within one year, information on the current situation and on its implementation of the recommendations on prohibition of the collection of disaggregated personal data), asylum-seekers and refugees and anti-Roma statements by public figures.¹⁴⁸ Follow-up response is due in 2011.

75. In 2007, CAT requested Hungary to provide, within one year, information on its response to the Committee's recommendations on length of the initial pretrial detention, detention policy applied to asylum-seekers and other non-citizens, data collection and compensation and rehabilitation.¹⁴⁹ Follow-up information was provided in November 2007.¹⁵⁰

76. In 2007, CEDAW was concerned that Hungary has not implemented its recommendations in the views in respect of communication of Ms. A.S., a victim of forced sterilisation.¹⁵¹

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Information relating to other relevant international human rights instruments may be found in the pledges and commitments undertaken by Hungary before the Human Rights Council, as contained in the note verbale dated 22 March, 2006 sent by the Permanent Mission of Hungary to the United Nations addressed to the President of the General Assembly. available at <http://www.un.org/ga/60/elect/hrc/hungary.pdf>
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ E/C.12/HUN/CO/3, para. 55.
- ¹⁰ CEDAW/C/HUN/CO/6, para. 37.
- ¹¹ UNHCR submission to the UPR on Hungary, p. 7.
- ¹² CEDAW/C/HUN/CO/6, para. 34.
- ¹³ E/C.12/HUN/CO/3, paras. 7 and 30.
- ¹⁴ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex I.
- ¹⁵ CCPR/C/HUN/CO/5, para. 7.
- ¹⁶ See also E/C.12/HUN/CO/3, para. 8.
- ¹⁷ CCPR/C/HUN/CO/5, para. 8.
- ¹⁸ A/HRC/4/9/Add.2, para. 91 (b) and (c); see also E/C.12/HUN/CO/3, para. 31.
- ¹⁹ CEDAW/C/HUN/CO/6, para. 14.
- ²⁰ E/C.12/HUN/CO/3, para. 54.
- ²¹ CCPR/C/HUN/CO/5, para. 3.
- ²² UNHCR submission to the UPR on Hungary, p. 8.
- ²³ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |

CRPD Committee on the Rights of Persons with Disabilities.

- ²⁴ A/HRC/4/9/Add.2.
- ²⁵ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para.120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/ 46/Add.1; (y) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ²⁶ OHCHR 2006 Annual Report, p. 158; OHCHR 2007 Report, Activities and Results, pp. 147, 151 and 164; OHCHR 2008 Report, Activities and Results, pp. 174, 179 and 194; OHCHR 2009 Report, Activities and Results, pp. 190 and 206.
- ²⁷ CEDAW/C/HUN/CO/6, para. 16.
- ²⁸ E/C.12/HUN/CO/3, para. 9.
- ²⁹ CEDAW/C/HUN/CO/6, para. 12.
- ³⁰ *Ibid.*, para. 26.
- ³¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009HUN100, first paragraph.
- ³² CEDAW/C/HUN/CO/6, para. 27.
- ³³ CCPR/C/HUN/CO/5, para. 11.
- ³⁴ E/C.12/HUN/CO/3, paras. 13 and 36.
- ³⁵ *Ibid.*, para. 4.
- ³⁶ A/HRC/4/9/Add.2, summary, p. 2.
- ³⁷ *Ibid.*, para. 28.
- ³⁸ CCPR/C/HUN/CO/5, para. 20.
- ³⁹ CEDAW/C/HUN/CO/6, paras. 30–31.
- ⁴⁰ CAT/C/HUN/CO/4, para. 19.
- ⁴¹ CRC/C/HUN/CO/2, paras. 19–20.
- ⁴² CEDAW/C/HUN/CO/6, para. 30.
- ⁴³ CCPR/C/HUN/CO/5, para. 18.
- ⁴⁴ A/HRC/4/9/Add.2, para. 27.
- ⁴⁵ CAT/C/HUN/CO/4, para. 6.
- ⁴⁶ *Ibid.*, paras. 13 and 16.
- ⁴⁷ CCPR/C/HUN/CO/5, para. 14, see also CAT/C/HUN/CO/4, para. 8.
- ⁴⁸ *Ibid.*, para. 14.
- ⁴⁹ *Ibid.*, para. 18.
- ⁵⁰ CAT/C/HUN/CO/4, paras. 19–20.
- ⁵¹ *Ibid.*, para. 14.
- ⁵² CCPR/C/HUN/CO/5, para. 13.
- ⁵³ CRC/C/HUN/CO/2, para. 60.
- ⁵⁴ CAT/C/HUN/CO/4, para. 9.
- ⁵⁵ CAT/C/HUN/CO/4/Add.1, paras. 13–24.
- ⁵⁶ UNHCR submission to the UPR on Hungary, pp. 5–6.
- ⁵⁷ *Ibid.*, p. 4.
- ⁵⁸ CCPR/C/HUN/CO/5, para. 15.
- ⁵⁹ *Ibid.*, para. 15.
- ⁶⁰ UNHCR submission to the UPR on Hungary, p. 6.
- ⁶¹ *Ibid.*, p. 6.

- ⁶² CCPR/C/HUN/CO/5, para. 16.
- ⁶³ CAT/C/HUN/CO/4, paras. 13 and 18.
- ⁶⁴ CCPR/C/HUN/CO/5, para. 16.
- ⁶⁵ A/HRC/4/9/Add.2, para. 48.
- ⁶⁶ CRC/C/HUN/CO/2, para. 60.
- ⁶⁷ CCPR/C/HUN/CO/5, para. 11.
- ⁶⁸ CEDAW/C/HUN/CO/6, para. 18; see also E/C.12/HUN/CO/3, para. 19.
- ⁶⁹ *Ibid.*, para. 20.
- ⁷⁰ CCPR/C/HUN/CO/5, para. 11; see also E/C.12/HUN/CO/3, para. 42, and CEDAW/C/HUN/CO/6, para. 19.
- ⁷¹ CCPR/C/HUN/CO/5, para. 12, see also CAT/C/HUN/CO/4, para. 21.
- ⁷² E/C.12/HUN/CO/3, para. 20.
- ⁷³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010HUN182, para. 7.
- ⁷⁴ CCPR/C/HUN/CO/5, para. 12.
- ⁷⁵ CEDAW/C/HUN/CO/6, para. 23.
- ⁷⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010HUN029, seventh to ninth paragraphs. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062009HUN029, sixth to eighth paras.
- ⁷⁷ CRC/C/HUN/CO/2, para. 36.
- ⁷⁸ *Ibid.*, para. 54.
- ⁷⁹ *Ibid.*, para. 55.
- ⁸⁰ CCPR/C/HUN/CO/5, para. 17.
- ⁸¹ CAT/C/HUN/CO/4, para. 16.
- ⁸² *Ibid.*, para. 7.
- ⁸³ CRC/C/HUN/CO/2, para. 61.
- ⁸⁴ CAT/C/HUN/CO/4, para. 8.
- ⁸⁵ CCPR/C/HUN/CO/5, para. 13.
- ⁸⁶ CAT/C/HUN/CO/4, para. 17.
- ⁸⁷ CAT/C/HUN/CO/4/Add.1, para. 26.
- ⁸⁸ CEDAW/C/HUN/CO/6, paras. 20–21.
- ⁸⁹ A/HRC/4/9/Add.2, para. 47.
- ⁹⁰ E/C.12/HUN/CO/3, para. 21.
- ⁹¹ UNHCR submission to the UPR on Hungary, p. 8.
- ⁹² CCPR/C/HUN/CO/5, para. 18.
- ⁹³ *Ibid.*, para. 19.
- ⁹⁴ E/C.12/HUN/CO/3, para. 16.
- ⁹⁵ *Ibid.*, para. 39.
- ⁹⁶ CCPR/C/HUN/CO/5, para. 10.
- ⁹⁷ E/C.12/HUN/CO/3, para. 10.
- ⁹⁸ CEDAW/C/HUN/CO/6, para. 24.
- ⁹⁹ A/HRC/4/9/Add.2, para. 39.
- ¹⁰⁰ E/C.12/HUN/CO/3, para. 11.
- ¹⁰¹ A/HRC/4/9/Add.2, para. 73.
- ¹⁰² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009HUN111, fourth paragraph.
- ¹⁰³ E/C.12/HUN/CO/3, para. 34.
- ¹⁰⁴ *Ibid.*, para. 12.
- ¹⁰⁵ *Ibid.*, para. 14.
- ¹⁰⁶ *Ibid.*, para. 37.
- ¹⁰⁷ A/HRC/4/9/Add.2, paras. 50 and 52.

- 108 E/C.12/HUN/CO/3, para. 18.
109 Ibid., para. 41.
110 WHO, “Hungary facts and figures”. Available from <http://www.euro.who.int/en/where-we-work/member-states/hungary/facts-and-figures> (accessed on 22 November 2010).
111 E/C.12/HUN/CO/3, para. 24.
112 CRC/C/HUN/CO/2, para. 43.
113 E/C.12/HUN/CO/3, para. 47.
114 Ibid., para. 25.
115 A/HRC/4/9/Add.2, p. 2 and para. 53; WHO, “Hungary facts and figures”.
116 E/C.12/HUN/CO/3, para. 25.
117 A/HRC/4/9/Add.2, para. 47.
118 CRC/C/HUN/CO/2, paras. 41–42.
119 CEDAW/C/HUN/CO/6, para. 28.
120 CRC/C/HUN/CO/2, para. 43.
121 E/C.12/HUN/CO/3, para. 22.
122 A/HRC/4/9/Add.2, paras. 79–80.
123 E/C.12/HUN/CO/3, para. 45.
124 Ibid., para. 27.
125 A/HRC/4/9/Add.2, para. 64.
126 Ibid., paras. 66, 67 and 69.
127 E/C.12/HUN/CO/3, para. 27.
128 CRC/C/HUN/CO/2, paras. 48–49.
129 UNHCR submission to the UPR on Hungary, p. 11.
130 Ibid., p. 11.
131 Ibid., p. 11.
132 A/HRC/4/9/Add.2, para. 30.
133 CRC/C/HUN/CO/2, para. 39.
134 Ibid., para. 40.
135 CCPR/C/HUN/CO/5, para. 22.
136 Ibid., para. 21.
137 A/HRC/4/9/Add.2, p. 2.
138 UNHCR submission to the UPR on Hungary, p. 9.
139 Ibid., p. 9.
140 Ibid., p. 10.
141 Ibid., p. 3.
142 CCPR/C/HUN/CO/5, para. 15.
143 CAT/C/HUN/CO/4, para. 10.
144 CCPR/C/HUN/CO/5, para. 15.
145 UNHCR submission to the UPR on Hungary, p. 4.
146 CCPR/C/HUN/CO/5, para. 9.
147 Pledges and commitments undertaken by Hungary before the Human Rights Council, as contained in the note verbale dated 22 March 2006, sent by the Permanent Mission of Hungary to the United Nations addressed to the President of the General Assembly, available at <http://www.un.org/ga/60/elect/hrc/hungary.pdf> (accessed on 26 November 2010).
148 CCPR/C/HUN/CO/5, para. 23.
149 CAT/C/HUN/CO/4, para. 24.
150 CAT/C/HUN/CO/4/Add.1.
151 CEDAW/C/HUN/CO/6, para. 8.