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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **Hungary\***

The present report is a summary of 8 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. The Hungarian Helsinki Committee (HHC) and Joint Submission 1 (JS1) recommended that Hungary sign and ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and designate the national preventive mechanism.<sup>2</sup> The European Commission against Racism and Intolerance (CoE ECRI) recommended that Hungary ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>3</sup>

### **B. Constitutional and legislative framework**

2. HHC reported that the new Government started to prepare a new Constitution without giving proper reasons on why it was necessary. HHC recommended, inter alia, that the Constitution should not be amended on an ad hoc basis.<sup>4</sup>

3. The Society for Threatened Peoples (STP) indicated that discrimination was prohibited in the Constitution.<sup>5</sup> The Council of Europe Advisory Committee on the Framework Convention for the Protection of Minorities (CoE ACFC) noted with satisfaction that substantial measures had been taken with a view to improving the legislative framework to prevent and combat discrimination, including the 2003 Equal Treatment Act.<sup>6</sup> STP recommended that laws against discrimination and racism must be made stricter.<sup>7</sup>

### **C. Institutional and human rights infrastructure**

4. CoE ACFC stated that the Equal Treatment Authority (ETA) was set up in 2005 and was competent for receiving complaints on discrimination and investigating matters on its own initiative.<sup>8</sup> CoE ECRI noted that, the role of the Parliamentary Commissioner for the Rights of National and Ethnic Minorities in protecting the rights of members of national and ethnic minorities was distinct from the anti-discrimination role played by the ETA. Whereas the ETA could impose a fine on parties that had breached the requirement of equal treatment, the Parliamentary Commissioner primarily sought an amicable solution and might make recommendations for broader change.<sup>9</sup> CoE ECRI recommended that Hungary make available clear and comprehensive information to the public regarding the various avenues of redress available to individuals where they feel that they have been victims of violations of the principle of equal treatment or, of their rights as members of national or ethnic minorities. It also reiterated its recommendation that Hungary ensure that sufficient resources are given to the anti-discrimination network to enable it to act as an efficient tool to combat any form of discrimination against Roma throughout Hungary.<sup>10</sup>

### **D. Policy measures**

5. CoE ACFC noted that the Parliament, in 2007, passed a resolution on the Strategic Plan to implement the Decade of Roma Integration programme for 2005–2015 laying down a set of tasks geared to equal treatment in the areas of education, employment, housing and health care.<sup>11</sup>

## II. Promotion and protection of human rights on the ground

### Implementation of international human rights obligations

#### 1. Equality and non-discrimination

6. CoE ACFC noted Hungary's efforts to combat discrimination and integrate Roma in society. Nevertheless, the situation of Roma seemed to improve slowly and they still faced discrimination and difficulties in different sectors, in particular in employment, education and housing.<sup>12</sup> Soeurs du Bon Pasteur (SBP) added that Roma women were particularly discriminated against.<sup>13</sup> CoE ACFC urged Hungary to exert more efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma.<sup>14</sup>

7. JS1 stated that the Roma minority still experienced discrimination from the police and they usually faced immediate detention if they were accused of having committed a crime.<sup>15</sup> COE ACFC expressed similar concerns and called on Hungary to carry out effective investigations and punish all instances of abusive conduct and discriminatory acts by police officers.<sup>16</sup>

8. Furthermore, HHC indicated that police officers were biased against the Roma, which might influenced the way the police treated victims of Roma origin and conducted in racially motivated crimes.<sup>17</sup> JS1 indicated that such bias also affected LGBT persons and Jews in the pasts few years.<sup>18</sup>

9. Human Rights First (HRF) indicated that there had been a rise in serious, sometimes deadly, attacks against the Roma population since 2008.<sup>19</sup> JS1, Amnesty International (AI), CoE ACFC and CoE Commissioner expressed similar concerns.<sup>20</sup> HRF added that it was believed that many incidents went unreported, and stated that instances of police ill-treatment and discrimination against Roma contributed to the high level of mistrust of authorities among Roma communities, and thus, to the severe underreporting of racist and other violent acts.<sup>21</sup> It also referred to the absence of adequate system for monitoring and public reporting of hate crimes.<sup>22</sup> AI recommended that Hungary, inter alia, ensure that racially motivated violence and other hate crimes be fully and effectively investigated and that those reasonably suspected of responsibility be prosecuted.<sup>23</sup>

10. CoE ECRI stated that incidents of vandalism against synagogues and Jewish cemeteries were not uncommon and that the expression of anti-Semitic views was on the rise. It recommended that Hungary continue and intensify its efforts to address all manifestations of anti-Semitism.<sup>24</sup>

11. AI stated that the Criminal Code criminalized assaults committed because of a victim's actual or perceived belonging to a national, racial, ethnic or religious group. However, it referred to a concern expressed by CoE ECRI that Hungarian law did not include general provisions under which, for all ordinary criminal offenses, racist motivation constituted an express aggravating circumstances.<sup>25</sup> Furthermore, AI referred to the documented cases, which illustrated that officials often failed to recognize racially motivated crimes as such, despite the fact that it was highly likely that the perpetrators attacked the victims because of their ethnicity, religion or sexual orientation.<sup>26</sup> HRF, HHC and JS1 expressed similar concerns.<sup>27</sup> CoE ECRI recommended, inter alia, that Hungary make specific provisions in the criminal law for racist motivation for ordinary offences to constitute aggravating circumstances.<sup>28</sup>

12. JS1 reported that there were still many public buildings which were not accessible for people with disabilities.<sup>29</sup>

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

13. HHC and JS1 reported that life imprisonment without the possibility of parole still existed and recommended that Hungary eliminate this sentence and make conditional release to all prisoners.<sup>30</sup> HHC and JS1 also expressed concerns at the amendment of the Penal Code making it mandatory for the judges to sentence suspects to life imprisonment if certain conditions were met.<sup>31</sup>

14. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE CPT) referred to a few complaints of excessive use of force by police at the time of apprehension and allegations of abusive language, including of a racist nature, by police staff during apprehension and/or in the course of interrogation. It recommended that Hungary continue to deliver a firm message, including through ongoing training activities that all forms of ill-treatment are not acceptable and that perpetrators of such acts and those condoning them will be severely punished.<sup>32</sup>

15. JS1 indicated that the Roma in pre-trial detention were reportedly more likely to suffer ill-treatment than others.<sup>33</sup> CoE ECRI recommended that Hungary take measures to prevent the occurrence of police misbehavior and mistreatment towards members of minority groups, in particular Roma.<sup>34</sup>

16. HHC and JS1 reported that the independent medical examination of persons who claimed to have been ill-treated by officials was not guaranteed and that physicians employed by the police or the penitentiary institution examined detainees before their placement in the detention facilities.<sup>35</sup> CoE CPT stated that there was no legal provisions guaranteeing the right of persons detained by police to have access to an external doctor. Furthermore, CoE CPT stressed that the presence of police during medical examinations of detained persons could discourage those who have been ill treated from saying so.<sup>36</sup> JS1 and HHC recommended that detainees who claim to have been ill-treated have access to independent medical examination.<sup>37</sup>

17. HHC noted that the existing alternatives to pre-trial detention were underused, and that the courts accepted the prosecution's motion for pre-trial detention in a high percentage of cases.<sup>38</sup> HHC recommended that Hungary use alternatives to pre-trial detention.<sup>39</sup>

18. HHC stated that, in a number of cases, it was established that the requirements obliging the police to allow detainees to notify their relatives and that if the person is taken into a 72-hour detention, the authority has 24 hours to notify the relatives about it and about the place of detention were not met.<sup>40</sup> CoE CPT recommended that Hungary amend the legal provisions with a view to guaranteeing the right of persons detained by the police to inform a relative or third party of their choice of their situation as from the very outset of deprivation of liberty.<sup>41</sup>

19. Joint Submission 2 (JS2) reported that aliens apprehended by the police for unlawful entry or stay, with exception of unaccompanied minors and families with minors were detained even if they apply for asylum.<sup>42</sup> CoE ECRI made similar observations.<sup>43</sup>

20. CoE CPT stated that as a result of legislative changes in 2007 and 2008, the maximum period for which a foreign national could be detained before being brought before a judge had been reduced from five days to 72 hours and detention could be prolonged by a court decision for 30 days and could be renewed every 30 day, up to a maximum of six months.<sup>44</sup> However, JS2 reported that the review of detention by a court remained a merely formal procedure, as courts issued basically identical decisions every 30 days without a proper fact assessment. In addition, courts failed to assess whether the conditions to make use of alternatives to detention were met.<sup>45</sup> JS2 recommended that this judicial review should be made effective and should verify on its merits whether the grounds and conditions for the prolongation of detention are met.<sup>46</sup>

21. JS1 echoed the concerns expressed by the Ombudsman over the detention conditions of juveniles in Tököl and Szirmabesenyő as well the criticism with regard to the high number of violent acts among inmates in these institutions.<sup>47</sup>

22. JS1 and JS2 indicated that the practice of keeping asylum seekers in detention beyond the period of pre-assessment procedure of maximum 15 days continued in 2009-2010, clearly in violation of national law and despite the intervention of the Prosecutor General in April 2010 to put an end to it.<sup>48</sup> JS1 and JS2 recommended that the practice of arbitrarily detaining asylum seekers beyond the period prescribed by the law should be stopped.<sup>49</sup>

23. JS1 indicated that the placement of persons with intellectual and multiple disabilities in large residential institutions was favoured over services that support the participation of persons with disabilities in the community. There were no overall legal regulation and governmental strategy for deinstitutionalization.<sup>50</sup>

24. JS1 reported that detention conditions of irregular migrants were in violation of international standard as access to recreational activities, proper hygienic conditions, and regular access to health care and psycho-social assistance were not provided. It noted that in most of the alien policing jails the detention regime was strict.<sup>51</sup> CoE CPT recommended that Hungary make further efforts to develop the regime applied to foreign nationals held in holding facilities with a view to enlarging the offer of purposeful activities and that Hungary increase the doctor's attendance hours in Nyirbator holding facility.<sup>52</sup> Additionally, JS2 recommended that Hungary ensure the provision of training for the staff of holding facilities for aliens, including on foreign languages, intercultural communication and conflict resolution.<sup>53</sup>

25. While noting information that prison overcrowding had been on the decrease, CoE CPT noted that overcrowding continued to be a serious problem in a number of prisons. It encouraged Hungary to combat prison overcrowding, by, inter alia, placing particular emphasis on non-custodial measures in the period before the imposition of a sentence and increasing the use of alternatives to imprisonment.<sup>54</sup>

26. HHC referred to restrictions of the detention's conditions of grade IV prisoners (inmates who are regarded extremely dangerous) who were placed in special security units or cells. It noted that such prisoners were not provided with a written decision and the reasons on their allocation to grade IV. CoE CPT made similar observations and added that no possibilities of appeal for such decision were provided. HHC recommended that such prisoners should be provided with a written decision including the reasons for their placement in the Grade IV group.<sup>55</sup>

27. CoE CPT noted that the practice of holding remand prisoners in police establishments had been a major theme in the CoE CPT's dialogue with Hungary. It recommended that Hungary completely end the practice of holding remand prisoners in police establishments.<sup>56</sup>

28. JS1 indicated that gender-based violence was officially considered as a social problem.<sup>57</sup> SBP provided statistics on the scope of the phenomenon and reported that sexual violence was common within families and that victims suffered prejudices and were often held responsible for what happened to them within the police and the justice system.<sup>58</sup> JS1 stated that the definition of rape was based on the use of force rather than the lack of consent and that there was no specific law on domestic violence against women.<sup>59</sup> SBP recommended that Hungary draft national preventive programme and establish a national observatory on gender-based violence.<sup>60</sup> JS1 recommended, inter alia, that Hungary provide a clear definition of domestic violence in legislation and introduce it as a crime in the Penal Code.<sup>61</sup>

29. JS1 registered a number of shortcomings in dealing with human trafficking, including the limited scope of its definition in the Criminal Code, lack of assistance to victims, focus on international trafficking leaving victims of internal trafficking without assistance. Victims, even minors, were rather treated as criminals. JS1 added that the majority of identified cases of trafficking were for sexual exploitation and most victims were women.<sup>62</sup>

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

30. HHC reported on a number of shortcomings in the mandate and resources of the Independent Law Enforcement Complaints Board, including the fact that the Board was not vested with the right to hear police officers.<sup>63</sup> Furthermore, CoE CPT mentioned that the Board did not have the power to initiate inquires ex officio.<sup>64</sup>

31. JS1 reported that people who were under guardianship were mostly deprived of their right to participate and act directly in civil and administrative procedures, since it was the guardian who acted on their behalf. In criminal procedures, involving private prosecution, the guardian decided whether or not to go to court.<sup>65</sup>

32. HHC reported that the recent amendments had led to a situation in which juvenile offenders committing petty offences almost inevitably ended up in confinement for up to 45 days. If caught in the act, they could be automatically taken into short-term detention (up to 72-hours).<sup>66</sup> HHC and JS1 recommended that Hungary eliminate this possibility and ensure that alternative sanctions in petty offence proceedings against juveniles are applicable.<sup>67</sup>

33. HHC reported on deficiencies in the appointment of the ex officio defense counsels, which was to a great extent due to the fact that the investigating authority was completely free to choose the lawyer to be appointed.<sup>68</sup> Furthermore, JS1 noted that the free defence attorneys usually did not make efforts in the underpaid cases (free defence attorneys for disadvantaged persons provided by states), especially when Roma persons were involved.<sup>69</sup> HHC recommended that effective steps should be taken in order to address the structural deficiencies of the system of ex officio appointments and enhance the quality of the performance of ex officio defense lawyers.<sup>70</sup>

34. Furthermore, CoE CPT stated that Hungary did not amend the legislation to ensure access to a lawyer as from the very outset of deprivation of liberty, as recommended by CoE CPT in 2005. It noted that the majority of persons interviewed in 2009 stated that they had not been allowed to contact a lawyer while having the status of 'apprehended' persons during an initial period of up to 12 hours in police custody.<sup>71</sup>

35. JS2 reported that some asylum seekers (together with irregular migrants) held in detention were unable to have access to proper legal aid and the provision of the legal assistance was mainly sustained by NGOs and external funding.<sup>72</sup> JS2 recommended that Hungary ensure effective access to free legal aid and reform the free legal aid scheme to enable the reimbursement of costs made by applicants.<sup>73</sup>

### 4. Right to family life

36. JS1 reported that Roma children were over-represented in the child protection system, with a higher proportion placed in professional care institutions or in a children's home. Unlike Roma, a bigger proportion of other children were placed into family-like care or community settings. Roma children appeared to be removed more frequently for economic reasons than others.<sup>74</sup>

37. While Hungarian legislation provided for the right to family reunification, JS2 indicated that refugees from Somalia were *de facto* excluded from this possibility, as travel documents of that country were not accepted and no alternative regime to substitute the

non-accepted travel documents was established by Hungary.<sup>75</sup> JS2 recommended that Hungary elaborate a mechanism to enable Somali citizens granted protection in Hungary to reunite with their family members not holding a valid and recognised travel document.<sup>76</sup>

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

38. CoE ACFC noted the failure to change the current legislation, which made it extremely difficult to punish hate speech.<sup>77</sup> CoE ECRI made similar observations.<sup>78</sup> CoE Commissioner encouraged Hungary to adopt measures to protect human rights of all members of minorities affected by hate speech and to align legislation and practice with the European human rights standards.<sup>79</sup>

39. JS1 referred to reported numerous instances of anti-Roma statements by public authorities and politicians and statements advocating hatred towards the Roma.<sup>80</sup> The Commissioner for Human Rights of the Council of Europe (CoE Commissioner) and CoE ACFC made similar observations.<sup>81</sup> STP mentioned that the radical right-wing party, "Jobbik," exploited the "anti-Gypsy" sentiment during the 2010 general elections.<sup>82</sup> JS1 considered that, apart from two decisions from the Equal Treatment Authority, Hungary had not taken sufficient steps to ensure effective implementation of the relevant legislation against public authorities in relation to prohibiting incitement to racial discrimination.<sup>83</sup> CoE ACFC called on the authorities to envisage measures for combating and sanctioning the use of hate speech in political discourse.<sup>84</sup>

40. CoE ACFC referred to information that racist articles insulting the Roma had been published in certain privately-owned media and that media often emphasised, without any apparent need, the ethnic origin of alleged perpetrators of criminal offences, if they were Roma. It invited Hungary to take measures to combat the dissemination of stereotypes or hate speech by certain privately owned media, while fully respecting the editorial independence of the media, and to encourage the media to play a more positive role in promoting mutual understanding and respect.<sup>85</sup>

41. JS1 reported that the denial of crimes committed during the National Socialist or Communist regimes was recently criminalised and the relevant law was too vague and consequently, it could be used to create a chilling effect on free speech.<sup>86</sup>

42. JS1 reported that the Public Service Broadcasting Television and Radio and the National Media and Telecommunication Authority were not independent from the government with respect to the nomination process and financing.<sup>87</sup>

43. The Council of Europe Group of States against Corruption (CoE-GRECO) considered that further training to public officials on the implementation of the freedom of information legislation and the general public's awareness raising about their right of access to information were required.<sup>88</sup>

44. JS1 reported on numerous legal provisions barring persons under plenary or partial guardianship from attaining certain positions in or memberships of social organisations.<sup>89</sup>

45. JS1 stated that the legislation required all demonstrations to be announced three day before the demonstration. However, the Hungarian Constitutional Court and the European Court of Human Rights decided that the requirement was not applicable in all matters and therefore, the lack of compliance with the three-day-requirement should not result in the obligation from police to disband an assembly. JS1 recommended that Hungary modify the act on freedom of assembly accordingly.<sup>90</sup>

46. JS1 stated that the annual LGBT demonstrations were attacked by right-wing extremists and the police fell short in protecting the demonstrators.<sup>91</sup>

47. JS1 indicated that the Constitution deprived citizens under guardianship from their right to vote, a situation that the European Court of Human Rights found in contradiction with Article 3 of Protocol No. 1 to the European Convention. JS1 recommended that Hungary amend the Constitution accordingly.<sup>92</sup>

48. JS1 noted that the polling stations were not accessible for persons with disabilities, the election materials were not available in easy-to-read format, and the ballot counting committee could not communicate properly with persons with disabilities.<sup>93</sup>

49. CoE ACFC regretted that there was inadequate representation of national minorities in the Parliament. It stated that a specific mechanism for the representation of minorities in the Parliament was lacking.<sup>94</sup> JS1 referred to a recent proposed bill which stipulated the parliamentary representation of the 13 national and ethnic minorities through a maximum of 13 reserved seats. The number of votes needed to gain a mandate were, however, too high.<sup>95</sup>

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

50. SBP referred to the increasing unemployment rate and listed the major challenges facing the labour market.<sup>96</sup> JS1 indicated that the Roma minority was four to five times more likely to be affected by unemployment than the majority of the population. With the majority of the Roma living in economically disadvantaged regions, the low level of education and training and discrimination in the labour market were aggravating factors.<sup>97</sup> STP, SBP and CoE ECRI raised similar concerns.<sup>98</sup> STP stated that the state training programs, which intended to make it easier for Roma to enter the job market were not specifically geared toward Roma.<sup>99</sup> SBP regretted that programs relating to employment were short-term in nature and addressed only a small number of people.<sup>100</sup>

51. JS1 indicated that people with disabilities had significantly lower education and a high proportion of them were unemployed. Persons with disabilities who belong to the Roma minorities were in a specifically vulnerable situation.<sup>101</sup>

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

52. JS1 indicated that some of the services to persons with disabilities and the conditions of their availability failed to provide appropriate social protection.<sup>102</sup> The European Committee on Social Rights (CoE ECSR) reported that the minimum old age, survivor's, orphan's and disability pensions as well as the minimum monthly job-seeker aid and entrepreneurial benefit were inadequate.<sup>103</sup>

53. JS1 reported that, in general, the equal access to health care services was not ensured for persons with intellectual disabilities regarding quality, fees, infrastructure and geographical accessibility.<sup>104</sup>

54. While welcoming the recent steps taken towards reducing inequalities experienced with respect to the health care system, CoE ECRI observed that the overall health status of Roma remained less favourable than that of non-Roma and that the average life expectancy of Roma was more than ten years shorter than that of non-Roma. It referred to the empirical studies showing that Roma continued to suffer difficulties in receiving treatment in hospitals.<sup>105</sup> CoE ACFC made similar observations.<sup>106</sup>

55. JS1 stated that coercive sterilisation remained a concern for Roma women and reported that Hungary had failed to fully implement the recommendations made by CEDAW in its 2006 decision, which found that Hungary had breached the Convention in the case of *A.S vs. Hungary*, in which a Roma woman had been sterilised without her informed consent.<sup>107</sup> CoE ECRI made similar observations and urged Hungary to



implement the recommendations of CEDAW and to repeal the legal provisions allowing of ‘emergency’ sterilisation to be performed without a woman’s informed consent.<sup>108</sup>

56. JS1 reported that women’s reproductive health care services were often limited, as it was argued that mothers’ right to choose was in conflict with the right to life of the foetus.<sup>109</sup>

57. SBP noted an increase in alcoholism, suicide rate and homelessness.<sup>110</sup>

58. JS1 mentioned that hundreds of thousands of citizens lived in inadequate conditions, including around 130,000 people (mostly Roma) who lived in segregated settlements.<sup>111</sup> CoE ACFC stated that a number of anti-segregation plans had been set up to re-house Roma in areas inhabited by majority communities. However, despite these measures, many Roma families still lived in substandard housing.<sup>112</sup>

59. JS1 noted that Roma faced discrimination when applying for private or social housing. CoE ECRI noted that access by Roma to social housing was hindered, partly by the sale of significant proportions of public housing and in some areas by the adoption by local authorities of arbitrary rules as to eligibility of public housing, which in practice resulted in indirect discrimination against Roma.<sup>113</sup> SBP also underlined the role of local administration in establishing discriminatory rules and practices.<sup>114</sup>

60. CoE ECRI noted that the forced evictions were widely and frequently reported and that Roma families had continued to face disproportionate numbers of evictions. JS1 explained that local governments offering social housing often evicted poor families, because they could not pay their rent and Roma were overrepresented amongst these families.<sup>115</sup> CoE ACFC made similar observations.<sup>116</sup>

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

61. CoE ACFC stated that the rate of Roma children attending schools were lower than those of other children, particularly where girls were concerned, notwithstanding the various remedial tuition programmes and grants provided for young Roma. It noted also that there was a high drop out at the end of primary schooling.<sup>117</sup>

62. CoE ACFC welcomed that an explicit ban on segregation was introduced in legislation. CoE ACFC was concerned that, despite the central authorities’ political will to put an end to segregation of Roma children, segregation of Roma children being placed in special schools or within public schools, subsisted in practice.<sup>118</sup>

63. JS1 reported that an increasing number of Roma children were deprived of equal education due to school segregation.<sup>119</sup> JS1 referred to court decisions that banned a number of municipalities from their segregating practices and closed their schools for exclusively Roma children.<sup>120</sup> CoE ACFC expressed concern, however, that despite a number of court decisions ruling that the ban on segregation had been violated by a number of local authorities, schools concerned had not yet taken adequate measures to remedy the situation.<sup>121</sup>

64. Furthermore, JS1 noted that Roma children were also overrepresented in schools for children with mental disabilities due to discrimination.<sup>122</sup> STP and CoE ECRI raised similar concerns.<sup>123</sup> CoE ECRI noted that the efforts made to combat the disproportionate representation of Roma children in special schools for children with mental disabilities, though they had some positive effects, could not be said to have a major impact in practice so far.<sup>124</sup> JS1 recommended that Hungary eliminate segregated education within a fixed period of time and draft a strategy for the introduction of an inclusive education.<sup>125</sup>

65. JS1 reported that children with severe and multiple disabilities were not guaranteed the right to participate in the public school system.<sup>126</sup>

## 9. Minorities and indigenous peoples

66. CoE ACFC noted that the Parliament, in 2005, amended the Act on the Rights of National and Ethnic Minorities to increase national minorities' powers of self-governments and to rectify some of the problems that had emerged in its implementation and that national minorities had now functional and financial autonomy and had been allowed to take administrative and financial responsibilities for educational and cultural institutions.<sup>127</sup> While referring to a number of concerns about this new system, CoE ECRI, recommended that Hungary continue to keep minority self-government system under review to identify and address new and remained shortcomings.<sup>128</sup>

67. JS1 indicated that minorities' right to give an opinion and to be consulted through the minority self-government system was ensured in law. However, it was in many cases ignored in practice when it comes to issues related to minorities' social and economic rights because that law left to municipal governments a wide margin to manoeuvre.<sup>129</sup>

68. CoE ACFC reported that radiotelevision channels continued to broadcast in the languages of national minorities but at off-peak times.<sup>130</sup>

69. CoE ACFC noted with satisfaction that the teaching of minority languages was incorporated into the public education system. It also noted with interest that Romani and Beash were recognized minority languages and lessons in these languages were also available and that the possibility of using the minority languages in public bodies and administrative procedures was extended to the Romani and Beash languages.<sup>131</sup>

70. CoE ACFC invited the Hungarian authorities to maintain their support for the cultural activities of the national minorities' organizations and to ensure that budgetary cuts will not affect disproportionately persons belonging to national minorities.<sup>132</sup>

71. STP and SBP indicated that the largest minority in Hungary was Romani.<sup>133</sup> STP indicated that the Roma were among the poorest in the population.<sup>134</sup>

72. CoE ACFC was deeply concerned by the persistent lack of effective participation of the Roma in social and economic life, despite the numerous steps taken by the Hungarian authorities to improve the integration of Roma into various spheres of life.<sup>135</sup>

## 10. Migrants, refugees and asylum-seekers

73. JS2 stated that Hungary had failed to elaborate a complex and comprehensive integration strategy that would give refugees and other foreigners granted international protection a chance to better integrate into the society from an early stage.<sup>136</sup> CoE ECRI highlighted the urgent need for integration policy for refugees. Furthermore, it observed that the main problems faced by refugees and other migrants in integrating in society appeared to stem from the deeply entrenched negative stereotypes and attitudes of the public towards them. It noted that the obstacles faced by refugees in integrating in the society, due largely to prejudices towards them, were a major factor in a high departure rate of refugees from Hungary.<sup>137</sup>

74. JS2 noted the difficulties encountered by refugees and other foreigners granted international protection in accessing the labour market, such as communication difficulties, the lack of recognition of diplomas or discrimination due to racism or xenophobia. JS2 also reported that the combination of an unreasonably short-term (one-year) residence entitlement and the obligation to obtain a work permit often led to the *de facto* exclusion from the labour market of persons granted tolerated or stateless status.<sup>138</sup>

75. JS2 noted that housing remained a problematic issue, as refugees faced serious discrimination when attempting to find private housing on the basis of their racial and ethnic background, in addition to administrative burden imposed by the Office of

Immigration and Nationality to receive a housing allowance. As a consequence, refugee homelessness had become an increasing phenomenon in recent years.<sup>139</sup>

76. JS2 reported that, despite the relatively favourable legislative framework on refugees' access of health care, language and cultural barriers, and the lack of medical staff's awareness about the relevant regulation often prevented refugees from accessing the health care services they were entitled to.<sup>140</sup>

77. JS1 reported that police officers sometimes failed to identify asylum seekers in border procedures. JS1 also reported on practices of forced return of asylum seekers to third countries, in breach of the principle of *non-refoulement*.<sup>141</sup> JS1 and JS2 recommended the establishment of adequate mechanisms to identify potential asylum seekers in border procedures.<sup>142</sup>

### III. Achievements, best practices, challenges and constraints

78. SBP stated that the general worsening economic situation led to increasing social tension and that women were particularly affected by the economic crisis.<sup>143</sup>

### IV. Key national priorities, initiatives and commitments

N/A

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

#### *Civil society*

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|-----|---|
| AI  | Amnesty International, London, United Kingdom*  |
| HHC | The Hungarian Helsinki Committee, Budapest, Hungary;  |
| HRF | Human Rights First; New York, United States of America*;  |
| JS1 | Joint Submission 1: Chance for Children Foundation (CFCF), European Roma Rights Centre (ERRC)*, Foundation for the Women of Hungary (MONA), Hungarian Association for Persons with Intellectual Disability (ÉFOÉSZ), Hungarian Civil Liberties Union (HCLU), Hungarian Helsinki Committee (HHC), Legal Defence Bureau for National and Ethnic Minorities (NEKI), Minority Rights Group International (MRG)*, People Opposing Patriarchy (PATENT), The City is For All (AVM); Budapest, Hungary; |
| JS2 | Joint Submission 2: The Hungarian Helsinki Committee (HHC); Menedék – Hungarian Association for Migrants; Budapest, Hungary;  |
| SBP | Sœurs du bon Pasteur, Budapest, Hungary;  |
| STP | Society for Threatened Peoples, Göttingen, Germany*.  |

#### *Regional intergovernmental organization*

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| CoE | Council of Europe  |
|     | • CoE GRECO: Group of States against Corruption (GRECO): Second Evaluation Round, Addendum to the Compliance Report on Hungary adopted by GRECO, 7-11 June 2010, Greco RC-II (2008) 4E Addendum; |

- CoE CPT: Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 24 March to 2 April 2009, CPT/Inf (2010) 16, 8 June 2010;
- CoE ACFC: Advisory Committee on the framework Convention for the Protection of National Minorities, Third Opinion on Hungary adopted on 18 March 2010, ACFC/OPIII/(2010)001;
- CoE ECSR: European Committee of Social Rights, conclusions XIX-2 (2009), Articles 3, 11, 12, 13 and 14 of the Charter, February 2010;
- CoE Commissioner: Letter of Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe to Mr. Gordon Bajnai, Prime Minister of Hungary, CommDH(2009)39, 22 October 2009;
- CoE ECRI: European Commission against Racism and Intolerance, Report on Hungary (fourth monitoring cycle), adopted on 20 June 2008, published on 24 February 2009, CRI(2009)3.

- <sup>2</sup> HHC, p. 5; JS1 Annex, p. 2.  
<sup>3</sup> CoE ECRI, para. 7.  
<sup>4</sup> HHC, para. 1.3 and p. 5.  
<sup>5</sup> STP, p. 1.  
<sup>6</sup> CoE ACFC, para. 45; see also CoE ECRI, paras. 29–33.  
<sup>7</sup> STP, p. 3.  
<sup>8</sup> CoE ACFC, para. 46; see also CoE ECRI, paras. 37–41.  
<sup>9</sup> CoE ECRI, paras. 44 and 46.  
<sup>10</sup> CoE ECRI, paras. 50–51.  
<sup>11</sup> CoE ACFC, paras. 23 and 53.  
<sup>12</sup> CoE ACFC, paras. 53–54.  
<sup>13</sup> SBP, para. 20.  
<sup>14</sup> CoE ACFC, para. 57.  
<sup>15</sup> JS1, paras. 4.1.  
<sup>16</sup> CoE ACFC, paras. 82, 85 and 86.  
<sup>17</sup> HHC, para. 3.3; see also JS1, para. 4.7.  
<sup>18</sup> JS1, para. 4.8; see also CoE ECRI, paras. 69–74.  
<sup>19</sup> HRF, paras. 3, and 9–11.  
<sup>20</sup> JS1, para. 4.5; AI, 1; CoE ACFC, paras. 73–74; CoE Commissioner, p. 2.  
<sup>21</sup> HRF, paras. 8 and 17.  
<sup>22</sup> HRF, para. 15; see also JS1, para. 4.6 and CoE ECRI, paras. 67–68.  
<sup>23</sup> AI, pp. 4–5; see also JS1, para. 4.9 and JS1 Annex, p. 3; CoE ECRI, paras. 188–191.  
<sup>24</sup> CoE ECRI, paras. 72–74.  
<sup>25</sup> AI, pp. 1–2; see also CoE ECRI, paras. 17–18.  
<sup>26</sup> AI, p. 2–3.  
<sup>27</sup> HRF, para. 18; HHC, para. 3.2; JS1, para. 4.6; see also CoE ECRI, paras. 21–22.  
<sup>28</sup> CoE ECRI, para. 19.  
<sup>29</sup> JS1, para. 6.1.  
<sup>30</sup> HHC, para. 2.1 and p. 5; JS1, para. 3.1 and JS1 Annex, p. 2.  
<sup>31</sup> HHC, para. 2.2; JS1, para. 3.1.  
<sup>32</sup> CoE CPT, para. 11.  
<sup>33</sup> JS1, para. 3.2.  
<sup>34</sup> CoE ECRI, para. 176.  
<sup>35</sup> HHC, para. 2.12; JS1, para. 3.1.  
<sup>36</sup> CoE CPT, para. 13.  
<sup>37</sup> JS1 Annex, p. 2.; HHC, p.5; see also CoE CPT paras. 15–25.  
<sup>38</sup> HHC, para. 2.8.  
<sup>39</sup> HHC, p. 5.  
<sup>40</sup> HHC, para. 2.9.  
<sup>41</sup> CoE CPT, para. 23.  
<sup>42</sup> JS2, p. 3.

- <sup>43</sup> CoE ECRI, para. 158.
- <sup>44</sup> CoE CPT, para. 35, see also CoE ECRI, para. 159.
- <sup>45</sup> JS2, p. 5.
- <sup>46</sup> JS2, p. 9.
- <sup>47</sup> JS1, para. 7.5.
- <sup>48</sup> JS1, para. 3.3; JS2, p. 4.
- <sup>49</sup> JS1 Annex, p. 2; JS2, p. 9.
- <sup>50</sup> JS1, para. 6.1.
- <sup>51</sup> JS1, para. 3.4; see also JS2, p. 3.
- <sup>52</sup> CoE CPT, paras. 43–45.
- <sup>53</sup> JS2, p. 9; see also JS1 Annex, p. 2; see also CoE CPT, para. 50.
- <sup>54</sup> CoE CPT, para. 54; see also CoE CPT, para. 79.
- <sup>55</sup> HHC, para. 2.3 and p. 5; CoE CPT, para. 64.
- <sup>56</sup> CoE CPT, para. 9.
- <sup>57</sup> JS1, para. 3.9.
- <sup>58</sup> SBP, paras. 5–6.
- <sup>59</sup> JS1, para. 3.9; see also SBP, para. 6.
- <sup>60</sup> SBP, para. 27.
- <sup>61</sup> JS1 Annex, pp. 2–3.
- <sup>62</sup> JS1, para. 3.7.
- <sup>63</sup> HHC, para. 2.14; see also JS1 Annex, p. 2; CoE ECRI, paras. 182–184.
- <sup>64</sup> CoE CPT, paras. 21, see also JS1 Annex, p. 2; CoE ECRI, paras. 182–184.
- <sup>65</sup> JS1, para. 4.2.
- <sup>66</sup> HHC, para. 2.5; see also JS1, para. 7.4.
- <sup>67</sup> HHC, p. 5; JS1 Annex, p. 5.
- <sup>68</sup> HHC, para. 2.10.
- <sup>69</sup> JS1, para. 4.1.
- <sup>70</sup> HHC, p. 5; see also CoE CPT, para. 24.
- <sup>71</sup> CoE CPT, para. 24.
- <sup>72</sup> JS2, pp. 5–6.
- <sup>73</sup> JS2, p. 9, see also CoE CAT, para. 49.
- <sup>74</sup> JS1, para. 7.1.
- <sup>75</sup> JS2, p. 6.
- <sup>76</sup> JS2, pp. 9–10.
- <sup>77</sup> CoE ACFC, para. 78.
- <sup>78</sup> CoE ECRI, paras. 9–13.
- <sup>79</sup> CoE Commissioner, p. 2.
- <sup>80</sup> JS1, para. 5.2.
- <sup>81</sup> CoE Commissioner, p. 1; CoE ACFC, paras. 21 and 76.
- <sup>82</sup> STP, pp. 1–2; see also CoE ACFC, para. 75.
- <sup>83</sup> JS1, para. 5.2; see also CoE ECRI, paras. 23–24.
- <sup>84</sup> CoE ACFC, para. 81, see also CoE Commissioner, p. 2.
- <sup>85</sup> CoE ACFC, paras. 76–80.
- <sup>86</sup> JS1, para. 5.3.
- <sup>87</sup> JS1, para. 5.5.
- <sup>88</sup> CoE-GRECO, paras. 4 and 8.
- <sup>89</sup> JS1, para. 5.6.
- <sup>90</sup> JS1, para. 5.7 and Annex, p. 4.
- <sup>91</sup> JS1, para. 5.7.
- <sup>92</sup> JS1 para 5.9 and Annex, p. 4.
- <sup>93</sup> JS1, para. 5.10.
- <sup>94</sup> CoE ACFC, paras. 19 and 30.
- <sup>95</sup> JS1, para. 5.11, see also CoE ACFC, paras. 136–139 and p. 32; CoE ECRI, paras. 57–59.
- <sup>96</sup> SBP, para. 24.
- <sup>97</sup> JS1, para. 2.2; see also CoE ACFC, para. 25.
- <sup>98</sup> STP, p. 2; SBP, para. 16; CoE ECRI, paras. 113–119.

- <sup>99</sup> STP, p. 2.  
<sup>100</sup> SBP, para. 16.  
<sup>101</sup> JS1, para. 6.2.  
<sup>102</sup> JS1, para. 6.1.  
<sup>103</sup> CoE ECSR, p. 19.  
<sup>104</sup> JS1, para. 2.5.  
<sup>105</sup> CoE ECRI, para. 132; see also CoE ECSR, p. 10.  
<sup>106</sup> CoE ACFC, para. 56.  
<sup>107</sup> JS1, para. 2.6.  
<sup>108</sup> CoE ECRI, paras. 133 and 136, see also JS1 Annex, p. 1.  
<sup>109</sup> JS1, para. 2.7.  
<sup>110</sup> SBP, para. 24.  
<sup>111</sup> JS1, para. 6.4; see also STP, p. 3; CoE ACFC, paras. 25 and 129–130; CoE ECRI, paras. 120–128; CoE Commissioner, p. 4.  
<sup>112</sup> CoE ACFC, para. 129.  
<sup>113</sup> JS1, para. 6.5; CoE ECRI, para. 122.  
<sup>114</sup> SBP, para. 16.  
<sup>115</sup> JS1, para. 6.5.  
<sup>116</sup> CoE ACFC, para. 130.  
<sup>117</sup> CoE ACFC, para. 104.  
<sup>118</sup> CoE ACFC, paras. 105 and 107.  
<sup>119</sup> JS1, para. 2.4; see also CoE ACFC, paras. 28 and 104–117; CoE ECRI, paras. 86–100; CoE Commissioner, p. 3.  
<sup>120</sup> JS1, para. 2.4; see also CoE ECRI, para. 91  
<sup>121</sup> CoE ACFC, para. 114.  
<sup>122</sup> JS1, para. 2.3; see also CoE ACFC, para. 108.  
<sup>123</sup> STP, p. 2; CoE ECRI, paras. 77–85.  
<sup>124</sup> CoE ECRI, para. 82.  
<sup>125</sup> JS1 Annex, p. 1.  
<sup>126</sup> JS1, para. 6.3.  
<sup>127</sup> CoE ACFC, para. 19; see also CoE ECRI, paras. 53–54.  
<sup>128</sup> CoE ECRI, paras. 55–56.  
<sup>129</sup> JS1, para. 5.12.  
<sup>130</sup> CoE ACFC, paras. 26 and 91–95.  
<sup>131</sup> CoE ACFC, paras. 97 and 120.  
<sup>132</sup> CoE ACFC, para. 68.  
<sup>133</sup> STP, p. 1; SBP, para. 14.  
<sup>134</sup> STP, p. 1; see also SBP, para. 15.  
<sup>135</sup> CoE ACFC, para. 128 and p. 32; see also CoE ECRI, paras. 140–150.  
<sup>136</sup> JS2, pp. 6–7.  
<sup>137</sup> CoE ECRI, paras. 164–165.  
<sup>138</sup> JS2, pp. 6–7, see also CoE ECRI, paras. 163–167.  
<sup>139</sup> JS2, pp. 7–8.  
<sup>140</sup> JS2, p. 8.  
<sup>141</sup> JS1, paras. 3.5–3.6; see also JS2, p. 5.  
<sup>142</sup> JS1 Annex, p. 2; JS2, p. 9.  
<sup>143</sup> SBP, paras. 24–26.