

Annex to the National report of Hungary on the implementation of 2011 UPR recommendations

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1. Cooperation with the civil society in the preparation of the UPR national report

The Human Rights Working Group and its Human Rights Roundtable

The Human Rights Working Group is an active consultative body of the Government (Gov. Decree 1039/2012.). Its main task is to monitor the realization of human rights in Hungary, consult with a variety of organizations, as well as to follow-up on the UPR recommendations. The Working Group is inter-ministerial body, and is composed of Ministers of State representing relevant fields, while the President is the Parliamentary Minister of State of the Ministry of Justice. During the sessions of the HRWG accession to human rights conventions and the better implementation of the already existing international obligations of Hungary are discussed recurrently.

The Working Group operates the Human Rights Roundtable, which facilitates the consultation with NGOs, advocacy and professional organisations monitoring human rights and formulates recommendations regarding the activities and tasks of the Working Group. In addition to the members of the Working Group members of the Roundtable include the Commissioner for Fundamental Rights (hereinafter: Ombudsman), the Presidents of the Equal Treatment Authority and the Hungarian National Authority for Data Protection and Freedom of Information as well as delegates of human rights civil organisations invited by the President and the Vice President. State actors and civil participants form thematic sub-working groups led by relevant ministries. They are covering the whole spectrum of human rights (upon the request of the NGOs: freedom of opinion, other civil and political rights, rights of Roma, minorities, women, children, disabilities, elderly, homeless, LGBT, and refugees).

Members of the Human Rights Roundtable are listed below: "Összefogás A Magyarországi Románokért" Egyesület, Addetur Alapítvány, Alapjogokért Központ, Amnesty International Magyarország, Autisták Országos Szövetsége, Baptista Szeretetszolgálat, Cigány Tudományos és Művészeti Társaság, Cigányokért Szociális és Kulturális Egyesület, CÖF, Család, Gyermekek, Ifjúság Egyesület, Csodacsalád Egyesület, Czinka Panna Roma Kulturális Egyesület, De Jure Alapítvány, Demokratikus Roma Vezetők Szövetsége, Dunántúli Cigányság Felemelkedéséért Közhasznú Egyesület, Ebony Afrikai Kulturális, Művészeti és Emberi Jogi Egyesület, ÉFOÉSZ-KEM Szervezete, ELTE Bárczi Gusztáv Gyógypedagógiai Kar, Erdélyi Magyarok Egyesülete, ERGO-Európai Regionális Szervezet, Észak-

Magyarországi Német Önkormányzatok Szövetsége Egyesület, Fáy Károly Hallássérült és Fogyatékos Személyek Egyesülete, Fehér Kereszt Gyermekvédő Alapítvány, Felelős Társadalomért Közhasznú Alapítvány, Fogyatékosággal Élő Emberek Szervezeteinek tanácsa (FESZT), Geopolitikai Tanács Közhasznú Alapítvány, Háttér Társaság a Melegekért, Helidonaki Görög Hagyományörző Egyesület, Keresztény Karitás, Kilikia Kulturális Egyesület, Lativ Barátai a Zsidó Reneszánszért Magyarországon Alapítvány, Lungo Drom Országos Cigány Érdekvédelmi és Polgári Szövetség, Magyar Keresztény Misszió Alapítvány, Magyar LMBT Szövetség, Magyar Női Érdekvédelem Szövetség, Magyar Vakok és Gyengénlátók Országos Szövetsége, Magyar Vöröskereszt, Magyarországi Bem József Lengyel Kulturális Egyesület, Magyarországi Bolgárok Egyesülete, Magyarországi Horvátok Szövetsége, Magyarországi Németek Pécs-Baranyai Nemzetiségi Köre, Magyarországi Ruszinok /Rutének/ Országos Szövetsége, Magyarországi Szlovákok Szövetsége Közhasznú Szervezet, Magyarországi Szlovének Szövetsége, Magyarországi Ukrán Kulturális Egyesület, MONA - Magyarországi Női Alapítvány, NAPFIVÉR-HOLDNŐVÉR Közhasznú Egyesület, Nevelők Háza Egyesület, Országos Gyermekvédő Liga, PATENT Jogvédő Egyesület, Református Egyház Missziói Irodája, Református Rehabilitációs Alapítvány, Roma Nővédelmi Közhasznú szervezet, Srpski Forum Egyesület, Századvég Politikai Iskola Alapítvány, Színes Gyöngyök Délvidéki Roma Nőkért Egyesület, Szubjektív Értékek Alapítvány, Születésház Közhasznú Egyesület, Tett és Védelem Alapítvány, Vasutas Nyugdíjasklubok Országos Szövetsége. The following NGOs were also invited to the thematic working group sessions: 3 királyfi, 3 királynő, Ágota Alapítvány, Asszonyok a Nemzeti Egységért Mozgalom, Bázis Gyermek és Ifjúsági Egyesület, Boldog Gizella Alapítvány Gizella Otthon, Csodacsalád Egyesület, Egységes Magyarországi Izraelita Hitközség, Olajág Otthon, Emberi Méltóság Központ (CitizenGo), EMMI Nyugdíjas Bizottság, ESZTER Alapítvány, Fészek Gyermekvédő Egyesület, Idősek Európa Háza Alapítvány, Kék-Vonal Gyermekkrízis Alapítvány, Lehetőség a családoknak 2005 Alapítvány LIGA Nyugdíjas Bizottság, Magyar Asszonyok Érdekszövetsége, Magyar Bölcsődék Egyesülete, Magyar Családi Napközik Közhasznú Egyesülete, Magyar Gyermekorvosok Társasága, Magyar Női Karrierfejlesztési Szövetség, Magyar Nők Szövetsége, Magyar Nyugdíjasok Egyesületeinek Országos Szövetsége (NYOSZ), Magyar Szakszervezeti Szövetség, Magyar Védőnők Egyesülete, Menedék Egyesület, Nagycsaládosok Országos Egyesülete, Nemzeti Család- és Szociálpolitikai Intézet, Nemzeti Gyermekmentő Szolgálat, Nők a Holnapért Alapítvány, Nők a Magyar Nemzetért Közhasznú Egyesület, Nők a Nemzet Jövőjéért Egyesület, Nyugdíjas Tagozat, Nyugdíjasklubok és Idősek "Életet az éveknek" Országos Szövetsége, Nyugdíjasok Szociális Fóruma, Országos Nyugdíjas Polgári Egyesület (ONYPE), Schweitzer Albert Református Szeretetotthon, TEGYESZ, Telefonszolgálat (GYITOSZ), UNHCR Regional Representation, UNICEF Hungary.

2. New legislation, Fundamental Law, cardinal laws

a) The new constitution (entered into force on 1 January, 2012)

The Fundamental Law enhanced the level of protection of human rights with the inclusion of a series of new provisions such as on the individual's right to respect for privacy and family life, home and communications, or the right to a fair trial and the right to have all individual matters being adjudicated within a reasonable time. The Fundamental Law among others incorporates the provisions of the EU Charter of Fundamental Rights.

The third amendment to the Fundamental Law has broadened the list of the so-called cardinal acts (an act of Parliament which may be passed or amended subject to two-thirds majority of

the Members of Parliament present) in order to ensure the protection of arable land and forests as well as sustainable agricultural production.

The fourth amendment to the Fundamental Law added the definition of the basis for family relationships to Article L). It has to be emphasized that this provision defines the basis of family relationships, but not the family itself. Furthermore, this provision of the Fundamental Law does not exclude the legal protection of family relationships in a broader sense.

The amended Article IX of the Fundamental Law is a significant step forward in the field of human rights protection as it provides for an enhanced protection of human dignity. By the first element of this amendment the former case-law of the Hungarian Constitutional Court was incorporated into the text of the Fundamental Law, according to which the right to freedom of expression may not lead to a violation of the right to human dignity. The other innovation of the Amendment entitles members of national, ethnic, racial or religious groups to bring a civil law action before the court alleging a violation of their right to human dignity against any statement considered injurious to the group.

As a result of the fifth amendment to the Fundamental Law the basis of the regulation on the status of churches has been modified. Article VII (2) declares, as an ascertainment of the right to manifest, practice and teach religion as provided for in Article VII (1), that people of the same faith or religious belief shall be entitled to establish religious communities in an organizational form provided for in the relevant cardinal act.

In the framework the Fundamental Law several laws have been significantly amended or replaced in order to modernise their content in line with, among others, developments in international requirements. The most important pieces of legislation are:

- Act CXI of 2011 on the Commissioner for Fundamental Rights,
- Act CXII of 2011 on informational self-determination and freedom of information,
- Act CLI of 2011 on the Constitutional Court.

b) Comprehensive criminal law reform, victim protection, domestic violence

The new Criminal Code (Act C of 2012) was followed by Act CCXL of 2013 on the imposition of punishments, measures, coercive measures and confinement for infraction which replaced the outdated regulation from 1979, entering into force in 2015. As a next step of this reform, the new Criminal Procedure Code is planned to be submitted to the Parliament in 2016.

The new Criminal Code took effect on 1 July 2013, and meets the expectations of the twenty-first century, including those which arise from Hungary's membership of the European Union and international treaties. The new Criminal Code is stricter, granting more protection to vulnerable groups of population such as women, children and elderly people. The new Criminal Code rendered certain violent and non-violent acts committed from racist motivation criminally punishable and introduced additional behaviours to be punished in comparison to the former Criminal Code of 1978. Regarding hate speech or child pornography on the internet it is possible to order rendering electronic data inaccessible either as a coercive measure during the criminal proceedings or as a sanction (the main purpose is to delete the data from the server, but if this is unsuccessful, then the access to such data shall be prevented). In cases where a data provider abroad disposes such content, the provisions of international legal assistance in criminal matters are also available. The new legal definition

of trafficking in human beings complements the previous rules including the exploitation as a new element.

Government Decree 354/2012 on the identification order of victims of trafficking in human beings laid down the system of cooperation of the concerned authorities/organizations in the referral of victims of trafficking and regulates the identification process.

Act CCXL of 2013 on the Implementation of penalties and sanctions took effect on 1 January 2015. Its main goals are reintegration, effective education and employment in order to prevent recidivism. The most important novelties of this Act is to introduce the risk assessment system to evaluate the needs and dangers of convicts and the three level regime system according to which the strictness of the rules on work, behaviour, movement of the convict is determined. If the purpose of imprisonment can be guaranteed, the convict may be placed in reintegration detention for a maximum period of six months prior to the due date of the conditional release, or in case of exclusion or impossibility of the latter, six months prior to the expected date of release. Reintegration detention may be provided in combination with the application of electronic remote monitoring devices. The most important purpose of the reintegration is to prevent a person – convicted for a short period of time – from being torn out of the familial, social and working environment in which he/she lived prior to his/her conviction. In their case the most essential aim is to maintain familial ties, employment and the creation of a detention approximating life in liberty, in which the probation officer must be granted with a significantly bigger role than that of the personnel of the penal institution.

Representatives of the authorities and NGOs jointly prepared among others the following amendments of laws concerning the child-friendly administration of justice:

- Act LXII of 2012 on the amendment of certain laws related to the implementation of child-friendly justice, Act CLXXXVI of 2013 on the amendment of certain criminal law acts and other related acts and Act CCXLV of 2013 on the amendment of certain acts for the purpose of protecting children. Decree 32/2011 (XI. 18.) of the Minister of Public Administration and Justice on the establishment of hearing rooms for children at the investigative authorities of the police replaced by Decree 34/2015 (XI. 10.) of the Minister of Justice on the establishment of hearing rooms for defendants or witnesses under 14 years of age and victims requiring special treatment. As a result of the first one, child-friendly hearing rooms at police stations and courts were set up, the rules of questioning a child became more considerate and stricter, also, children were granted further protection by criminal rules especially regarding sexual crimes and human trafficking. Due to the replacement the already available child hearing rooms shall be changed so that they could be used to question and hear not only children, but other vulnerable victims, such as elder people and women, and in case of children regardless of their role in the criminal proceedings as a witness, offender or victim. Decree 32/2015 (XI. 2.) of the Minister of Justice prescribes the requirements regarding the content of the information brochure on victim's rights prepared by the Victim Support Services.;
- Amendment of 1 January 2014 of Act XXXI of 1997 on the protection of children and on public guardianship administration, Act LXXXVIII of 2013 introducing domestic violence to the Criminal Code and Act CCXI of 2011 on the protection of families also enhance child and victim protection;
- Act LXV of 2014 on the amendment of Act C of 2012 on the Criminal Code for the enhanced protection of children modified the rules of statute of limitation, so crimes included in Chapter XIX on crimes against the freedom of sexual life and sexual morality

that are punishable by more than 5 years of imprisonment cannot be subject to statute of limitation, if the crime was committed against a person under 18 years of age,

- According to the amendment of 2013 of Act XXXI of 1997 on the protection of children and on public guardianship administration children who are younger than twelve are to be placed in foster families when they remain without the care of their own parents for any reason. The amendment introduces the legal institution of child protection guardian, who represents the best interest of the child – regardless of the location of care. All foster parents provide the child care as employees. The important element of this change that the foster parents have right to receive social security care and pension schemes;
- From 2015 a new preventive probation system is in operation to facilitate socialisation and to prevent recidivism. Preventive probation is a child protection measure that can be ordered by the guardianship authority in the interest of vulnerable children. It makes possible to present a more dynamic picture of juvenile offenders to the justice system (the court and the public prosecutor) compared to the previous system, based on the information gathered from the preventive probation officer. This provides an opportunity for the individualisation of the preventive measures or the imposed sanctions.

During the implementation process of the EU Victims Protection Directive (2012/29/EU) several acts and lower level regulations were amended (Act CLII of 2015 on the Implementation of the Directive included the amendment of Act CXXXV of 2005 on Crime Victim Support and State Compensation and Act LXXX of 2003 on Legal Aid) to ensure the fulfilment of the requirements defined in the Directive. Several changes were made to ensure (for example) the possibility of giving legal aid to victims not only in the judicial stage of a criminal proceeding (as previously) but also in the preceding investigational phase. The available victim support services were fine tuned to better meet the specific needs of victims. The de facto already existing psychological aid and the 24/7 Victim Support Hotline were also incorporated in the Victim Support Act.

Effective from 1 July 2013, a specific legal provision governing domestic violence has been adopted (section 212/A of Act C of 2012 on the new Criminal Code) in line with the 2007 and 2012 Concluding Observations of the CEDAW. The new Criminal Code orders a more severe punishment on the so-called sexual extortion, qualifying as sexual coercion (Section 196) and, as a result, the regulation moves towards the direction set by recommendations of the national and international women rights associations and bodies in particular the CEDAW. The new regulation encompassing all conducts when the injured party did not give voluntary and free consent to the sexual activity also complies with the provisions of the Convention on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO Convention), since that Convention requires the lack of consent as an element of the offence.

Section 197 of the new Criminal Code threatens the commitment of sexual violence with 2 to 8 years of imprisonment. The felony may be committed by any person thus by the spouse as well. However, the punishment increases (to 5-10 years) if the perpetrator is a relative (e.g. spouse, brothers/sisters, children, parents, custodians) of the victim, therefore spousal rape is an aggravating factor. The same system (with different years of imprisonment) applies to the other sexual related crimes: sexual coercion (section 196), sexual abuse (section 198), pandering (section 200), and child pornography (section 204).

The 2009 regulations on Restraining Order (Act LXXII of 2009) are applicable in case of violence between relatives and are constantly updated based on the relevant case law. Since the latest amendment a restraining order can be issued also after the start of criminal

proceedings, regardless the family ties between the offender and the victim. The Criminal Proceedings Act contains restraining order as a coercive measure in criminal proceedings, (Sections 138/A-139).

The adoption of the Act CCXI of 2011 on the protection of families provide framework for a longer period for the support of families by stipulating the main elements of governmental commitment in fields like labour participation of parents, financial support of families, rights and responsibilities of family members, inheritance, work-family balance etc.

The new Civil Code (Act V of 2013) integrates the previously separated Family Law setting the best interest of the child as a principal, general provision to be considered when dealing with legal relations of children. In addition the modified Civil Procedure Code contains stronger guarantees for children during the whole civil procedure. Children shall receive a child friendly description of the procedure and may only be asked to testify if there is no other way to obtain the evidence.

c) Protection of minorities

Act CLXXIX of 2011 on the Rights of Nationalities has created a legal environment to ensure wider opportunities for nationalities, with regard to public education, the public institutional use of language, franchise, and other fields. The Act was passed by the Parliament following a widespread and in depth consultation.

The Parliament also adopted Act CCIII of 2011 on the Elections of Members of Parliament, by which – in order to help representatives of nationalities receive mandates – a so-called preferential quota has been established, by the help of which the nationality representative mandate may be earned with a quarter of the number of votes required to enter the Parliament. In case the preferential quota should not help a nationality representative into the Parliament, the law provides for the election of a nationality advocate for the community in question.

Pursuant to Act XXXVI of 2012 on the Parliament any representative receiving a mandate from the nationality list as well as the nationality advocate is a member of the permanent committee representing the nationalities which, concerning nationalities is an initiating, recommending, assessing and controlling contributing organisation of the Parliament. After the general elections in 2014, based on this law, all nationalities – through their advocates – have been officially present in the Parliament, therefore, through the work of the Committee Representing the Nationalities the advocates play a significant role in the legislation process.

Government Decree 428/2012 on the set of conditions and system of settlement of subsidies provided from nationality based appropriations became effective on 2 January 2013.

d) Employment

To tackle poverty the Government of Hungary defined as one of its main objectives to create one million new jobs between 2010-2020. This goal is reflected in the new Labour Code (Act I of 2012) which observes the constitutional principles including the individual rights of employees, promotion of decent work for all as well as freedom of enterprise and the right of association. The Code significantly extends the role of contractual based regularisation, the possibility of individual and collective autonomy. It ensures the principle of equal pay for equal work, and establishes the guarantees of the employment of disadvantaged and marginalized individuals and groups. The new rules gave an impetus to the organisation and integration of the trade unions. Federations and national confederations can function both in

the employee and employer organisations. Sectoral organisations and confederations can agree on more favourable regulations as provided by the Code.

To support the integration of young people into the labour market thus reduce youth unemployment, Hungary in its Act CLXXXVII of 2011 on Vocational Training has reformed the training and education system for better matching young people's qualifications to labour demand. The Government's key partner in this regard, the Chamber of Commerce and Industry consults companies how to better engage apprentices. As of summer 2015 all vocational training students are to accomplish their practical training at companies as apprentices.

e) Freedom of information

In order to ensure the right of informational self-determination and freedom of information Act CXII of 2011 encompasses both the rules on the protection of personal data and the rules on access to public information in line with international standards. The supervision of these rules is entrusted with the new and independent National Authority for Data Protection and Freedom of Information as well as with the judiciary. The Authority is equipped with a wide range of investigatory, corrective, authorisation and advisory powers and tools. The European Commission for Democracy through Law (Venice Commission) has stated that "the Hungarian law on self-determination and freedom of information may be considered, as a whole, as complying with the applicable European and international standards."

f) Asylum seekers, refugees, migrants

Following the unprecedented migratory pressure that has created a crisis situation in Hungary in 2015, Act CXL of 2015 provide the possibility for the Government to initiate a crisis situation due to mass migration while respecting the principles of necessity and proportionality. Based on the proposal of the Minister of Interior, on 15 September 2015 the Government declared crisis situation due to mass migration for 6 months.

Amendments were also adopted to the asylum law (Act LXXX of 2007) aimed at quicker decision-making in the asylum proceedings. The length of the procedure was shortened in order to ensure that protection is provided to those who are in genuine need of it. In line with the EU Asylum Procedures Directive, the accelerated procedure was introduced in order to reinforce tools against abuses of the asylum procedure. The Government adopted the list of safe countries of origin and the list of safe third countries (Government Decree 191/2015).

Moreover, the amended legislation provides for the introduction of border procedures in the asylum procedures. In line with Article 43 (1) of the EU Asylum Procedures Directive, in cases of applications submitted at the transit zone, the admissibility of asylum claims should be examined in a transit zone under an accelerated procedure. If the application is admissible, moreover, if no decision has been made within 4 weeks, the applicant may enter the territory of Hungary and the application is examined under the general provisions. The judicial review procedure fully respects Article 47 of the Charter of Fundamental Rights and the requirements of the Asylum Procedures Directive. It is important to note that in case of persons with special needs including minors, the elderly, pregnant women, single parents, victims of torture, etc. general rules should apply.

g) Equal opportunities

A Chapter of the Equal Treatment Act amended by Act LXXXVI of 2012 promotes the local implementation of the social inclusion strategy and the expectations concerning equal

opportunities. Based on this, local governments may only obtain support awarded by tender from the national budget, EU funds or other programmes after 1 July 2013 if they have adopted their local equal opportunity programme that conforms to statutory regulations. As part this, local governments are required to prepare an analysis of the social, educational, employment, health care and housing situation of disadvantaged social groups and to create an action plan to improve their situation.

h) People with disabilities

Act CXXV of 2009 on Hungarian Sign Language (hereinafter: Sign Language Act) facilitates sign language users to take part in the society as active members and could participate in the decision-making mechanisms on an equal footing. It also guarantees the right of the person concerned to acquire the Hungarian sign language and other special communication systems. This right entitles the parents as well who raise their hearing impaired or deafblind children. An essential element of the regulation is that the right to sign language interpreting services is now defined by the Act, as well as that the basic rules of the respective financing system of sign language interpreting services were laid down. Under certain conditions, the Sign Language Act creates opportunity for free sign language interpreting services.

3. Policy measures, strategies

- Government Resolution 1351/2013 on the 2013-2016 National Strategy against Trafficking in Human Beings. The main priorities of the Strategy are: mapping opportunities for safe return and reintegration, designing supportive action, establishing transitory apartments for those leaving the shelters and helping social reintegration, in particular for Roma victims;
- Government Resolution 1744/2013 on the 2013-2023 National Crime Prevention Strategy builds on the objectives of other policies having relevance to crime prevention, such as family, youth, sport, culture policies, programmes for social inclusion, Roma integration and measures against drug and alcohol use and domestic violence. The Strategy also contains the first detailed action plan for years 2013-15;
- Parliamentary Resolution 30/2015 on the national strategic goals concerning the effective combat against domestic violence replaced Government Resolution 1004/2010;
- Parliamentary Resolution 15/2015 on the 2015-2025 National Disability Program. The new strategy is based on the evaluation of the past years and provides for a new framework for a long-term Hungarian disability policy. It focuses on, among other things, the issue of the disabled person's family, enumerates in a separate chapter the steps to be taken for the multiple vulnerable groups including disabled children, disabled women and people with multiple disabilities. The action plan for the years 2015-18 is adopted recently by the Government Resolution 1653/2015, with the basic aim of rendering tangible and accountable governmental measures to the goals of the Programme;
- Government Decree 1432/2015 set up the high level interministerial committee on disabilities which will coordinate the legal proposals and initiatives relating to disability in accordance with Article 33 of the CRPD. The National Disability Council discussed and unanimously supported the setting up of the Committee. The Presidents of both bodies are participating on the sessions of the other bodies;
- In 2011 the Government adopted the 2011-2041 deinstitutionalization strategy for people with disabilities. The main goal is to ensure the full enjoyment of human rights, increase the quality of life of persons with disabilities and develop and modernize the structure of social service system;
- Within the framework of the 2013 Job Protection Action Plan employers are eligible for contribution allowance in case they employ individuals who belong to the most vulnerable

groups: individuals above the age of 55 or under the age of 25, women with young children, long-term unemployed;

- Government Resolution 1603/2014 on the National Strategy of Preventing Early School Leaving (ESL) which aim to improve the quality of the education and training system and promote access to inclusive, quality mainstream education for all. Measures involved in the ESL Strategy serve preventing and tackling early-school leaving, improving students' skills and competences, improving the rate of school success, fostering smooth labour market transition and employability.
- 2011-2020 National Social Inclusion Strategy determines the medium-term challenges and targets of the social and labour market integration of the Roma, as well as the necessary measures. Hungary sent its Strategy as the first one to the European Commission. The Strategy lays down an immediate Action Plan, assigns long term tasks and systemizes all those areas and actors which deal with inclusion policies. Main programs: Methodological support of Roma inclusion, Support for cooperation of district centre local governments to promote regional cooperation in the convergence regions, Supporting training embedded in employment of Roma people in the social and child welfare system, To support motivation trainings and support services to increase the labour market opportunities of disadvantaged groups, Development of lifestyle competences of the most disadvantaged groups, Complex settlement program, Supporting the equality-based development of public education institutions, Second Chance program, Study Hall Programs, Support for further learning initiatives, Multifunctional Minority - Roma Methodological, Education and Cultural Centre, The development community services' infrastructure in micro regions, Social land program. Results of the Strategy in 2014: program for employment (67.404 Roma people), competence developing program (32.721 Roma people), education program for adults (42.979 Roma people), high-school graduation program (36.922 Roma people between 2011-2014). Funds to support Roma civil society ("Út az érettségihez", "Út a középiskolába", "Arany János Tehetséggondozó" programs): support for operation of organizations - 121 winning Roma organisations received HUF 31.7 million, support for nationality culture initiatives - 148 winning Roma organisations received HUF 24.4 million, support for nationality heritage camps - 25 winning Roma organisations received HUF 9 million.
- In order to facilitate access to the labour market, decentralised employment programmes, Social Renewal Operational Programme and public employment programmes have been launched. Living allowance is given to those participating in EU-funded training programs. Moreover, support programmes were also started with the contribution of the National Public Foundation for Employment.

4. Clustered list of recommendations received during the 2011 UPR of Hungary

During its first UPR Hungary received 148 recommendations, out of which it accepted 122 and rejected 26. The list indicates the Governments' own assessment on the implementation status of the recommendations: Y – implemented or being implemented, P – partially implemented and N – not yet implemented.

1. Media, freedom of expression

94.9	Y	<i>Engage with the UN, the OSCE and the CoE to ensure that their concerns about the media law are accommodated</i>
94.89	Y	<i>Ensure that the recently enacted media laws are implemented in full respect for the right to freedom of opinion and expression</i>
94.90	Y	<i>Comply fully with its obligations and commitments related to freedom of expression,</i>

		<i>including for members of the press</i>
95.21	Y	<i>Monitor the functioning of media regulatory bodies and the application of penalties to ensure they remain separated from outside influence</i>
95.6	Y	<i>Introduce additional measures to ensure that the new Media Act complies with regional and international human rights standards</i>
95.7	Y	<i>Look into the current regulatory framework so as to remove parts of the legislation that may challenge freedom of speech and independence of the press and other media</i>
95.8	Y	<i>Reconsider legislation and laws in connection with freedom of opinion and expression and general freedoms</i>

2. Ratifications, international cooperation in the field of human rights

94.1	Y	<i>Continue the process of ratifying the OP-CAT</i>
94.2	Y	<i>Consider ratifying OP-CAT</i>
94.3	Y	<i>Ratify OP-CAT</i>
94.4	Y	<i>Proceed with the ratification of the OP-CAT without delay</i>
94.5	P	<i>Sign and ratify OP-CAT and the CED and declare to accept the competence of the Committee against Enforced Disappearances provided for in articles 31 and 32 of the Convention</i>
94.6	Y	<i>Study the possibility of becoming a party to the CED</i>
94.7	N	<i>Sign and ratify the CED</i>
95.1	P	<i>Ratify the main UN human rights instruments, particularly the ICRMW, OP-CAT and CED;</i>
95.3	Y	<i>Consider the progressive ratification of pending human rights international treaties</i>
94.15	Y	<i>Ensure that legislation introduced giving effect to the new Constitution complies with Hungary's international human rights obligations</i>
94.34	Y	<i>Issue a standing invitation to human rights special procedures</i>
94.35	Y	<i>Continuity of the standing invitation for mandate holders of human rights special procedures</i>
94.36	P	<i>Eliminate the backlog of reports to the human rights treaty bodies and the responses to thematic questionnaires of HRC special procedures</i>
96.1	N	<i>Consider becoming a party to the ICRMW</i>
96.2	N	<i>Study the possibility to become a party to the ICRMW</i>
96.3	N	<i>Ratify the ICRMW</i>
96.4	N	<i>Accede to the ICRMW as a fundamental step in the protection of human rights</i>
96.5	N	<i>Accede to the ICRMW in accordance with recommendation 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe</i>
95.2	N	<i>Sign and ratify the OP-ICESCR</i>

3. Human rights infrastructure including national human rights institutions

94.17	Y	<i>Consider establishing at the earliest a national human rights institution in full compliance with the Paris Principles</i>
94.18	Y	<i>Consider the possibility of establishing a national human rights institution in conformity with international standards</i>
94.19	Y	<i>Consider establishing a national human rights institution in accordance with the Paris Principles</i>
94.20	Y	<i>Consider the possibility of establishing a national human rights institution in conformity with the Paris Principles</i>
94.21	Y	<i>Establish an independent national human rights institution in accordance with the</i>

		<i>Paris Principles</i>
94.22	Y	<i>Establish a national human rights institution in conformity with the Paris Principles</i>
94.23	Y	<i>Establish a national human rights institution in conformity with the Paris Principles</i>
94.24	Y	<i>Establish the national human rights institution in accordance with the Paris Principles</i>
94.25	Y	<i>Establish a national human rights institution that is fully compliant with the Paris Principles</i>
94.26	Y	<i>Take all necessary measures to establish a national human rights institution according to the Paris Principles</i>
94.27	P	<i>Develop its national human rights institution to fully adapt it to the Paris Principles, with a legal mandate which is clear and as broad as possible, and with sufficient financial resources</i>

4. Cooperation with the civil society on the advancement of human rights

94.28	Y	<i>Examine the possibility of initiating an assessment of all existing mechanisms for the promotion and protection of human rights with a view to strengthening them as needed</i>
94.32	Y	<i>Take steps for further promotion and protection of the human rights in the country</i>
94.33	Y	<i>Continue to engage civil society in the process of implementation of UPR recommendations</i>
94.37	P	<i>Continue to closely consult with civil society in implementing the recommendations made during the UPR</i>
95.15	P	<i>Establish a comprehensive human rights framework upon which to develop more coordinated and effective policy measures and strategies for promoting human rights and that such a framework includes initiatives to set up a national human rights institutions in line with the Paris Principles</i>
95.17	P	<i>Establish a national human rights programme which fully incorporates international instruments to which Hungary is a party</i>
95.18	P	<i>Elaborate a national human rights plan</i>

5. Families

95.22	Y	<i>Increase financial and welfare support to families living in conditions of poverty so that families living in a situation of poverty can raise their children with adequate amenities as required for healthy upbringing of those children</i>
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6. Women, gender equality

94.10	P	<i>Strengthen its current laws and continue robust implementation of the Equal Treatment Law to ensure equality for women, including with regard to employment and educational opportunities, as well as ensuring access to the judicial system to address domestic violence, rape and sexual harassment</i>
94.38	P	<i>Eliminate discrimination against women</i>
94.39	P	<i>Implement the necessary measures to guarantee gender equality in law and in practice in conformity with international human rights standards</i>
94.41	Y	<i>Intensify efforts to combat all forms of discrimination to make effective the equality of opportunities and treatment among all inhabitants in its territory, with particular care and attention to women and children who are in the situation of more vulnerability, such as those who belong to the Roma people</i>
95.9	Y	<i>Incorporate in its national legislation a definition of discrimination against women that is consistent with the CEDAW</i>
95.16	Y	<i>Elevate the status of the national machinery for the advancement of women,</i>

		<i>strengthen its mandate, provide the necessary human and financial resources to endow it with sufficient authority and decision-making power for coordinating effectively the Government's work to promote gender equality</i>
94.11	Y	<i>Consider adopting a comprehensive gender equality law that encompasses a definition of discrimination against women in accordance with the CEDAW and prohibits domestic violence and spousal rape</i>
94.14	Y	<i>Adopt legislation that prohibits domestic violence and marital rape</i>
94.66	Y	<i>Take measures to ensure the protection of the rights of victims of domestic violence and spousal rape</i>
94.67	Y	<i>Continue the work for enhanced protection for victims of domestic violence and take measures with a focus on prevention and accountability in regards to domestic violence</i>
95.10	P	<i>Draft and implement a fully comprehensive law on gender equality and a law on combating gender violence</i>
95.11	P	<i>Adopt a comprehensive gender equality law that contains a definition of discrimination against women in accordance with CEDAW</i>
95.12	Y	<i>Establish legislation to fill the legislative gap of a lack of specific legal provisions to prohibit domestic violence and marital rape</i>
95.13	Y	<i>Take measures towards adopting specific legislation prohibiting domestic violence and spousal rape</i>
95.14	Y	<i>Reconsider the relevant provisions of the new Constitution in order to ensure keeping access to abortion as a safe and legal option, and to ensure that the same protection and rights apply to every person regardless of their sexual orientation</i>
95.20	Y	<i>Elaborate a specific law on domestic violence against women</i>
94.42	Y	<i>Take steps to bring about a change in attitudes with a view to eliminating deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, which are reflected in women's educational choice, their situation in the labour market and their underrepresentation in political and public life and decision making positions</i>
94.92	P	<i>Take the necessary measures to remedy the low participation of women in public and political life</i>
94.98	P	<i>Take effective measures to ensure equal access of women to the labour market and to narrow and ultimately close the wage gap between men and women</i>

7. Children

94.56	P	<i>Take all appropriate measures to protect children effectively from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet</i>
94.76	Y	<i>Ensure, in line with the recommendation of the Committee on the Rights of Child, the implementation in practice the prohibition of corporal punishment in schools</i>
94.78	Y	<i>Take measures, including disciplinary measures, to bring to the attention of those working in the educational system, in particular teachers, their obligation to refrain from corporal punishment</i>
94.79	Y	<i>Adopt measures, including disciplinary measures, in order to raise the awareness of professionals of the education system, in particular teachers, on their obligation of abstaining from resorting to corporal punishment</i>
94.77	Y	<i>Bring fully its system of juvenile justice into line with the CRC and ensure that detention of children under 18 should be separated from adults</i>
94.87	P	<i>Bring the juvenile justice system fully in line with the relevant conventions and United Nations standards</i>

8. Persons with disabilities

94.59	P	<i>Implement the necessary measures to fulfil CRPD so there may be full realization of the rights of this important segment of the population</i>
94.91	Y	<i>Ensure that the restriction of some right, such as the right to vote for people with disabilities, is carried out with all the due guarantees and in line with the provisions of the Convention</i>
94.97	P	<i>Continue its efforts to ensure that children with disabilities exercise their right to education to the fullest extent possible and facilitate their integration into the general education system</i>

9. Sexual orientation and gender identity

94.13	P	<i>Strengthen hate crimes laws to protect against violence motivated by gender identity, sexual orientation and intolerance, and implement public awareness campaigns to include law enforcement officials and to combat intolerance</i>
94.30	Y	<i>Introduce the necessary measures to ensure full respect for the rights of persons with disabilities and women, as well as persons with a different sexual orientation</i>
94.52	Y	<i>Confirm its commitment to equality and non-discrimination by explicitly prohibiting any discrimination on grounds of sexual orientation and gender identity</i>
94.12	Y	<i>Ensure that the cardinal laws, resulting from the new Fundamental Law, do not contain provisions that discriminate against people with disabilities, women and LGBT people</i>

10. Prison conditions, ill-treatment, death penalty, torture

95.4	N	<i>Specify the prohibition of the death penalty in a future organic law</i>
95.5	Y	<i>Amend the Criminal Code (CC) with a view to including all elements of the definition of torture as provided for in article 1 of CAT</i>
94.65	Y	<i>Implement the recently adopted United Nations rules of treatment of women prisoners and non-custodial measures from women offenders, otherwise known as Bangkok rules, to ensure that special needs of women in prisons or in custody are appropriately addressed</i>
94.80	Y	<i>Adopt practical and legislative measures to ensure impartial and effective investigation of cases of ill-treatment by law enforcement bodies</i>
94.88	Y	<i>Adopt a programme to safeguard the rights of victims of torture and ill-treatment</i>
94.63	Y	<i>Improve the treatment of prisoners and prison conditions</i>
94.64	Y	<i>Continue its efforts to combat overcrowding of prisons in order to facilitate the successful reinsertion into society of previously convicted persons</i>

11. Racism, Roma issues, hate crimes

94.8	Y	<i>Continue to revise the criminal law to bring it fully in line with relevant international and regional obligations and in particular to ensure the protection of national, ethnic, religious or linguistic minorities</i>
94.29	Y	<i>Establish as soon as possible a plan of action to prevent racist attacks, so that members of vulnerable groups, including Roma, can live in safety and dignity</i>
94.45	Y	<i>Continue to take necessary measures to combat racism and hate crimes</i>
94.46	Y	<i>Take effective measures to curb racial hatred and discrimination against the Roma population</i>
94.47	Y	<i>Take concrete measures to prevent and combat violence against members of other minorities and vulnerable groups, especially racially motivated hate crimes against and discrimination of the Roma and to promote their integration into society</i>
94.53	Y	<i>Make efforts to actively combat homophobic, anti-Semitic and anti-Roma rhetoric,</i>

		<i>including by ensuring law enforcement and judicial authorities are made aware of guidelines on identifying and investigating racially motivated crime</i>
94.54	Y	<i>Strengthen the implementation of non-discrimination and hate crime legislation by continuing to monitor incidents, by ensuring that racially motivated violence is fully and effectively investigated, and by implementing measures to encourage Roma and other victims to report hate crimes and to ensure their protection from reprisal when they do</i>
94.55	P	<i>Continue its efforts to achieve full social integration of minorities, especially the Roma and take urgent measures to combat and prevent racist incidents and hate crimes</i>
94.57	P	<i>Prevent violence against Roma women and girls, including their harassment at school, and fill the gaps in Roma women's formal education</i>
94.58	Y	<i>Strengthen measures to prevent, combat and sanction inequality, discrimination and racially motivated violence</i>
94.61	P	<i>Ensure that the members of the Roma community, but also of other vulnerable groups, are protected from violence and attacks</i>
94.62	P	<i>Ensure that members of the Roma community, and members of other vulnerable groups, are protected from violence and attack, including when these groups wish to assemble, hold events or organize demonstrations</i>
94.81	P	<i>Ensure that racially motivated violence and other hate crimes are fully and effectively investigated and that those responsible are prosecuted under the laws providing for sanctions which reflect the gravity of the human rights abuses</i>
94.82	Y	<i>Introduce professional training, capacity-building and cooperation for law enforcement and judicial authorities to identify and address racially motivated crimes</i>
94.83	P	<i>Ensure that victims of hate crimes have access to assistance and protection, including counselling and legal assistance</i>
94.84	P	<i>Ensure adequate training for the police and judiciary to promptly and effectively deal with hate crimes</i>
94.85	P	<i>Ensure training for police officers, prosecutors and judges in order to ensure that they can recognize, investigate and prosecute hate crimes</i>
94.86	P	<i>Work with the Roma self-governments, NGOs and human rights organizations to implement measures to encourage Roma and other victims to report hate crimes and, when they do, to protect them from reprisals</i>
94.107	P	<i>Take further measures to ensure that Roma people fully enjoy their human rights, including by preventing and combating discrimination and racially motivated crimes against Roma people</i>
95.19	Y	<i>Establish and operate a country-wide system to monitor and record racist incidents and hate crimes</i>
94.50	Y	<i>Introduce national measures to reduce school segregation and actively promote participation in society through education among the Roma community</i>
94.93	P	<i>Take all necessary measures to promote equality in education in favour of all members of minority groups, especially Roma children</i>
94.94	Y	<i>Take measures to guarantee the right to equal education for Roma children</i>
94.95	P	<i>Commit to improving school results of Roma pupils by 2015</i>
94.96	Y	<i>Aim to eliminate segregated education, which is not based on strict individual assessment, and draft a national strategy for the introduction of an inclusive education</i>
94.40	Y	<i>Adopt measures to combat discrimination and promote equal economic and social opportunities for disadvantaged and marginalized individuals and groups</i>

94.44	Y	<i>Intensify measures to tackle extremism and discrimination against religious and ethnic minority groups, including the Roma people</i>
94.48	Y	<i>Strengthen measures directed towards the protection from discrimination and further integration of the Roma</i>
94.49	P	<i>Take concrete and stern action to ensure equal treatment for all in the society, in particular to remove de facto discrimination against Roma people</i>
94.51	P	<i>Take further efforts aimed at broad social inclusion, in particular in the labour market, of Roma populations</i>
94.60	Y	<i>Continue to be committed, via its Equal Treatment Authority, to implement and train its citizens as regards to equal treatment for all, and to eradicate violence and discrimination against women and offer greater protection and equal opportunities to the Roma community</i>
94.99	P	<i>Take the necessary measures to reduce the unemployment rate among Roma minority in the public and private sectors, including if necessary taking affirmative actions</i>
94.100	P	<i>Investigate, and in the future prevent, cases mentioned by CESCR of the denied access of Roma to health services and their segregation in hospitals, including the existence of separate maternity wards for Roma women in some hospitals</i>
94.102	Y	<i>Intensify the fight against prejudices towards minority groups, the Roma in particular</i>
94.106	Y	<i>Place special emphasis on addressing the socio-economic disadvantages of the Roma, particularly in the areas of employment, education, housing and access to health services. Segregation in school should be eliminated through both incentives and sufficient penalty in case of violation</i>
94.108	Y	<i>Increase public actions to allow the access to education, health, employment and decent housing for the Roma community, and put emphasis on combating violence against Roma women</i>
94.109	Y	<i>Support the integration of the Roma and other minorities in Government institutions, by recruiting and promoting these minorities in the police, in the education sector and the public service</i>
94.110	Y	<i>Strengthen its efforts to improve the social, political, living, and health conditions for Romani citizens through legal, administrative and socioeconomic means</i>

12. Protection of minorities

94.16	Y	<i>Take steps to ensure that the constitutional changes concerning minority rights will not entail lowered guarantees compared to the current legal framework</i>
94.43	P	<i>Ensure the collection of necessary statistical data disaggregated by ethnicity and gender in order to measure, monitor, and remedy ethnic discrimination as proposed by the independent expert on minority issues</i>
94.101	Y	<i>Continue the implementation of the measures to effectively protect minorities</i>
94.103	Y	<i>Persevere in its policy of promotion and protection of the rights of minorities and vulnerable persons</i>
94.104	Y	<i>Ensure urgently, through stable and systematic funding, continued functioning of the two bilingual Slovenian-Hungarian schools in Gornji Senik/Felsősözölnök and Stevanovic/Apátistvánfalva</i>
94.105	Y	<i>Ensure stable and systematic funding for the media of the Slovenian minority in Hungary, namely for Radio Monoster/Szentgotthárd, the Porabje weekly and the Slovenian TV programme</i>
95.23	P	<i>Reconcile policies related to ethnic Hungarians abroad with neighbouring countries primary responsibility for minority protection</i>

95.24	Y	<i>Implement fully the Agreement on Guaranteeing Special Rights of the Slovenian Minority in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia and the recommendations of the mixed Slovenian-Hungarian Commission tasked with the monitoring of the implementation of the Agreement</i>
96.6	N	<i>In line with the recommendations of the CESCR, revoke the condition which requires a minority group to have lived in the county at least one hundred years in order to be considered a national minority</i>

13. Migrants, refugees and asylum-seekers

94.31	Y	<i>Establish and implement a comprehensive integration strategy for an early-stage integration of migrants, refugees and asylum-seekers</i>
94.112	Y	<i>Improve the living conditions of asylum-seekers</i>
94.113	Y	<i>Step up efforts directed towards the improvement of conditions and treatments of asylum-seekers and refugees</i>
94.111	Y	<i>Proceed to forced expulsions only in strict compliance with international and regional standards</i>
95.25	Y	<i>Reduce to the minimum possible administrative detention of migrants, asylum-seekers and refugees, and only use it in exceptional cases</i>
95.26	P	<i>Take all relevant measures to avoid prolongation of administrative detention of asylum-seekers during which the freedom of movement is considerably restricted</i>
95.27	Y	<i>Establish adequate mechanisms to identify potential asylum-seekers in border procedures, undertake measures aimed at avoiding prolongation of administrative detention of asylum-seekers and at improving the living conditions and treatment of asylum-seekers and refugees</i>
95.28	Y	<i>Recognize and guarantee the human rights of all foreigners, independent and regardless of their migratory status</i>

14. Human trafficking

94.68	Y	<i>Rehabilitate and socially integrate women and girl victims of trafficking</i>
94.70	Y	<i>Take further measures for the rehabilitation and social integration of women and girls who are victims of trafficking</i>
94.71	Y	<i>Strengthen measures for the rehabilitation and social integration of women and girls victims of trafficking</i>
94.72	Y	<i>Increase efforts to effectively prevent trafficking in women and girls for sexual exploitation and domestic servitude and take measures for rehabilitation and social integration of women and girls who are victims of trafficking</i>
94.69	P	<i>Investigate the causes of human trafficking and compile statistical data on the subject in order to find the most effective means to combat this phenomenon</i>
94.75	P	<i>Adopt measures to collect disaggregated data on the phenomenon of human trafficking and adopt and implement policies to address it</i>
94.73	Y	<i>Step up efforts to combat the trafficking in human beings, including the development of international cooperation with interested Governments, international organizations and NGOs</i>
94.74	Y	<i>Consider the question of toughening the criminal liability for trafficking in human beings</i>

15. Development

95.29	P	<i>Bring official development assistance (ODA) up to the internationally committed 0.7 per cent of GDP</i>
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5. Ratifications of human rights instruments

Since its first UPR Hungary has ratified the following human rights treaties: OP-CAT (as of 1 January 2015 the Ombudsman has been designated as the National Preventive Mechanism), the European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe, Council of Europe Convention on Action Against Trafficking in Human Beings, Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention) and the Maritime Labour Convention. It has signed, but not yet ratified the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The 2014 Protocol to the Forced Labour Convention (1930) is currently going through the ratification process.

6. Information on the country visits of and on the communication with mandate holders of international human rights organisations

- Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression visited Hungary twice in 2011 in connection with the new media law. He inquired in writing about the implementation of his recommendations in 2012;
- Githu Muigai, UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Hungary in 2011 regarding the discrimination of the Roma and the Jews. His successor, Ruteere Mutuma inquired in writing about the implementation of Mr Muigai's recommendations in 2012;
- Magdalena Sepúlveda, UN Special Rapporteur on extreme poverty and human rights and Raquel Rolnik, UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context inquired in writing in 2011 on the new legislation and measures regarding homeless;
- Gabriela Knaul, UN Special Rapporteur on the independence of judges and lawyers inquired regarding the new legislation on the status of judges in 2012 and 2013;
- Calin Georgescu, UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes visited Hungary in 2012 regarding an industrial accident;
- Frank La Rue UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Margaret Sekaggya UN Special Rapporteur on the situation of human rights defenders inquired about the situation of Mr Gábor Szöllösi in 2013;
- The UN Working Group on Arbitrary Detention visited Hungary in 2013;
- Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and Michel Forst, UN Special Rapporteur on the situation of human rights defenders inquired about certain funds supporting NGOs in 2014;
- Francois Crépeau, UN Special Rapporteur on the human rights of migrants; Mutuma Ruteere, UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment inquired about the legislation and measures introduced regarding migrants;
- In addition the UN High Commissioner for Human Rights inquired three times the Government (2012 - new cardinal laws, 2013 – the Fundamental Law, 2014 – NGO funds)

The letters and the comprehensive responses by the Government can be found on the OHCHR's website¹.

7. Specific information on procedures regarding hate crime cases compiled by the National Office for the Judiciary, the Supreme Prosecutor's Office, the Ministry of Justice and the Ministry of Interior

- The accused person posted various – inter alia “Holokamu” – labelled stickers on his car on several occasions. The accused, with “Holokamu” expression, insinuated that the Holocaust was not an established fact but he pleaded not-guilty saying that Judaism monopolize conception of Holocaust. The “Holokamu” labelled sticker was distinct and readable for anyone because he took part in road traffic continuously.
- On 2 July 2014, the Central District Court of Pest found the accused guilty due to continuously committed Public Denial of the Crimes of National Socialist or Communist Regimes and sentenced him to 1 year of imprisonment but the execution of imprisonment was suspended to 2 years. When imposing penalty, the Court considered the increase of hate crime type criminal offences. The judgement is not final yet.
- The police conducted an investigation regarding the crime of incitement against a community as defined by Section 332 point b) of Act C of 2012 on the Criminal Code. At 14 Kossuth square, Siklós, the patrols of the Siklós Police Station caught three men in the act of sticking racist posters inciting to hatred on poles. The posters contained the following pictures and captions:
 - one of the posters was showing a person wearing military uniform and holding a drawn sword in his right hand and grabbing a person by their hair (earlock) who was wearing a star of David. Under the drawing was the caption “Join the fight! www.kitartas.net”;
 - the other poster was showing the same person and a map contour of Europe with arrows pointing to Middle-Europe which, along with a depicted death's-head, was showing the captions “Africa”, “the Middle East”, and “China”, as well as further captions of “Alarm! More immigrants, less work, more taxes with public safety getting worse! Stop the epidemic! www.kitartas.net.”
- It is the obligation of the authorities acting in criminal cases to investigate and establish a racist or xenophobic motivation especially in cases where the malicious motive constitutes an aggravating circumstance de jure, and to apply more serious criminal penalties. This was established in a case initiated at Pest County Prosecutor General's Office regarding a series of homicide where the accused persons attacked the home of Roma persons at nine different places in 2008-2009. Six victims, including a child lost their life during these attacks, five persons were seriously injured. The prosecutor and the court established the racist motivation as a “malicious motive”. The Metropolitan Court sentenced three accused to life imprisonment in a penal institute of high security level, and the fourth accused was sentenced to 13 years of imprisonment in a penal institute of high security level. The judgment is not final yet.
- On 30 November 2013, three persons dilapidated Menorahs and memorial tablets which were exhibited on the occasion of Hanukkah in several points of Budapest. The Central District Court of Pest found the accused persons guilty in vandalism and public nuisance. The court sentenced the first degree accused to 1 year and 2 months of imprisonment, the second degree accused was sentenced to 1 year of imprisonment, and the third degree accused was sentenced to 10 months imprisonment. The executions of imprisonment were suspended for 2 years. Furthermore, the Court ordered – as specific rules of conduct – that

¹ <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>

the accused have to read two books (Hungarian, Judaism by Ferenc Fejtő; Questions and answers from the Romas by Gábor Fleck and Péter Szuhay). According to the information of the Metropolitan County Court, the perpetrators also have to write book journal on what they have read which is have to be presented to the probation officer.

- There was a case at Csongrád County Police Headquarters against an unknown suspect where on 17 September 2013 early morning somebody placed 6 soap bars on the wrought iron gate of the Synagogue of Szeged. Each soap bar had a different name on it, including Efraim Zuroff and Simon Perez. However, the investigation was conducted due to the crime of violence against a member of a community and not incitement against a community, but the interpretation of “certain groups of the population” is the same regarding the two criminal offences.
- The Kaposvár Local Prosecutors’ Office conducted a procedure because the perpetrator used pepper spray and covered the coloured victim’s face because of the victim’s skin colour (belonging to an ethnic group). The victim was from the Republic of Equatorial Guinea (Case No.: B.3677/2011.).
- The Szabolcs-Szatmár-Bereg Count Police Headquarters conducted an investigation, because on the night of 17 September 2013 the perpetrator drew a picture that resembled the swastika and wrote “effing gipsies, you are going to be shot dead” on the gate of an apartment building of five flats of Roma persons.
- The police conducted an investigation regarding the crime of incitement against a community as defined by (Section 332 point b). Because of the existing disagreement between the suspect and the offended party, the suspect published posts on his social Facebook profile on 6 December 2013 which expressed incitement to hatred against the local Roma population.
- The Balassagyarmat District Prosecutors’ Office is conducting a procedure on the charge of Incitement against a Community where the perpetrator made a Facebook comment calling the members of the Roma minority crows, and suggested that they should be “bleached to the bone” with napalm.
- The police conducted an investigation regarding the crime of incitement against a community (Section 332). On 29 January 2014 a video was uploaded to the website of the Magyar Hajnal Mozgalom (Hungarian Dawn Movement; magyarhajnal.com) the content of which was considered as incitement against the Gypsies and the Jews.
- The Budapest Police Headquarter is conducting a criminal procedure regarding an act committed in the media/press by an unknown person. According to the denunciation the unknown person uploaded lyrics of a musical band called Divízió 88 which calls itself national socialist rock band to the webpage <http://rockerek.hu>, and the lyrics incite hatred against the Jewish and Roma population. Upon the request of the investigating authority the abusive content was removed from the above mentioned webpage.
- The first person who was convicted for committing Public denial of the crimes of the national socialist or communist regimes (section 333 of the new Criminal Code) received an unconventional punishment: in addition to an 18 month suspended prison sentence, he was ordered to visit the Budapest Holocaust Memorial Centre, Auschwitz-Birkenau or the Yad Vashem memorial in Israel and record his observations.
- In July 2013, the extremist kuruc.info published an article in which the unknown author and commenters denied, questioned or dismissed as insignificant the fact of Holocaust in front of a large audience. The court ordered the rendering electronic data permanently inaccessible against this article and its comments and issued a one working day deadline to the US web hosting provider to delete permanently the article and its comments. If it fails to comply within the given deadline, the court will imitate execution as part of international legal assistance, and as a last resort, it orders the National Media and

Infocommunication Authority of Hungary to order all the internet providers in Hungary to make the article inaccessible.

- Upon the denunciation of the Ambassador of Israel, the mayor of Érpatak called Israel and thus the people of Israeli sinful and that it (they) should be destroyed in his speech at a public event at the main square of the village on 2 August 2014, then treaded on the flag of Israel, scattered it to pieces, and hanged two puppets imitating leaders of Israel. The colleagues of the mayor filmed the events and made them accessible on the internet. The Ambassador of Israel filed another denunciation on 14 August 2014 with the Prosecutors' Office saying that the mayor continues the injurious expressions against Israel according to a video accessible on the internet. The video shows that the mayor shares bias and offensive thoughts on the exclusion of people based on their political belief and nationality, and that children repeat these statements alongside. The court ordered the rendering electronic data temporarily inaccessible against the web hosting provider which enabled the public access to the videos containing the statements and actions.
- The local court of Szeged issued a final judgment on 16 April 2015 against V. Z. for the criminal offence of public denial of the crimes of national socialist or communist regimes and sentenced the perpetrator to probation of one year and six months and ordered him as special behavioural rules to visit Holocaust Memorial in Páva Street, Budapest. At the court hearing, the accused plead guilty and expressed his regret.
- The prosecutor postponed charges against a man who posted a picture on Facebook in September 2014 that showed a photo of concentration camp Birkenau having a sentence above saying „Auschwitzland, the World's Biggest Fiction Camp”. However, the man was placed under the supervision of a probation officer for two years and during this time he is obliged to go to the Holocaust Memorial in Páva Street, Budapest and to read a book called Holocaust by László Karsai, and he also has to give account of these to his probation officer.
- The local court of Debrecen found guilty Tibor Ágoston a local representative of Jobbik also former member of the Parliament on 26 March 2015 of committing the crime of public denial of the crimes of national socialist or communist regimes and sentenced him to 750 000 HUF (approx. 2500 Euro), that can be changed into confinement of 300 days. The representative of Jobbik used the words „holokamu” (kamu meaning nonsense), „hólló-kaszt” (meaning raven-caste), and „holokaszt” (meaning holo-caste). The judgment is not final, the prosecutor appealed for heavier sentence and the defence counsel appealed for acquittal.
- The Pest Central District Court sentenced a young woman to executable imprisonment of three years and to deprivation of civil rights for three years for committing violence against a member of a community on 29 April 2015. The woman posted an inciting picture of Facebook and assaulted a person with a homophobic intent at the Pride Parade of 2013. This is the first judgment in Hungary establishing guilt for violence against a member of a community based on sexual orientation. The court of second instance changed the punishment for two years of suspended prison sentence.
- On 25 August 2012 a man stabbed his homosexual victim 20 times. The offender met the victim through an internet dating site in order to kill him. The offender confessed that he has strong feelings against gay people and wanted to kill them all. The final judgment sentenced him to life imprisonment for premeditated homicide, committed with particular cruelty, and for a base reason. This was the first known case in which homophobic motive was considered as base reason by the court.
- After the 2012 Budapest Pride March an approx. 10 far-right contra-demonstrators dressed in black harassed a group of participants of the Pride, chanted homophobic slogans, and kicked one of them. The court found one member of the far-right group guilty in violence

against a member of a community and sentenced for two-year suspended imprisonment. The verdict is not final.

- The local court of Esztergom sentenced a man to 800 000 HUF fine or 400 days of imprisonment in a penal institute of the lowest security level for committing the crime of public denial of the crimes of national socialist or communist regimes. The perpetrator posted a comment on Facebook to an online article titled “How to talk about Holocaust?” in August 2015 where he – among other – denied Holocaust.

8. Programs for integrated education for disadvantaged children, in particular the Roma

- In 2013, the EU-funded Children’s Centres were integrated into the national system: they are now regulated by the national law on child protection, and since 2012 the national budget contributes to their funding. For the time being, 114 Sure Start Children’s Centres operate, and until December 2014, 11,000 children visited them together with their parents.
- The Integrated Pedagogical System (IPS) is a methodology-focused pedagogical framework that is intended to enforce the equality of disadvantaged children within the practice of national education. The program supports public educational institutions in the implementation of integrated education. In addition to this, it also supports disadvantaged students by purchasing smaller educational tools. The program is open to only those public educational institutions that fulfil the integration ratio conditions required by law. The IPS has reached over 92,182 disadvantaged students through 1611 public educational institutions in the academic year 2014/2015.
- The Útravaló (“For the Road”) Scholarship Program (including the “Road to Secondary School”, the “Road to Secondary School-leaving Exam”, and “Road to Profession”) provides scholarship and mentoring for socially disadvantaged students from the 7th grade to the end of secondary school and tuition support or scholarship for disadvantaged students in higher education. In the academic year 2014/2015 approximately 124,000 students and 7000 mentors participated. In the same academic year, 816 students were involved in the university component of the program „Road to Higher Education”. In the „For the Road” Program, 50 % of the students have to be of Roma origin. In the academic year 2014/2015, 52 % of the participants declared themselves to be a member of the Roma community.
- The “Tanoda”-type (“Study Hall”) programs are extracurricular learning programs that include personalized activities tailored to the needs of disadvantaged – especially Roma – students, in order to enhance their success at school. During the last two years, the number of study halls has tripled. Now there are 178 study halls, which assist about 5000 disadvantaged students in order to help their progress at school, to prevent drop-outs, and to reinforce the path towards the continuation of their studies.
- “Second Chance”-type programs provide assistance to the re-integration of drop-out students to the public education system, and to help students acquire a qualification. So far, 560 students were involved in the program.
- The “Arany János Talent Fostering Program” aims at enabling the children of the poorest parents with the lowest qualifications to successfully participate in secondary education in order to provide them a chance to enter higher education. Between 2011-2014 3,000 students participated in the program each year. 80% of the participants were admitted to tertiary education, with drop-out rates of 10%. 95% obtained a driving license, 89% were awarded ECDL certificates and 93% passed language examinations.
- The “Arany János Dormitory Program” provides multiple disadvantaged students and students with special needs with personalized development, career guidance, and social assistance to achieve final examination, enter tertiary education, and to successfully enter the labour market. Between 2011-2014, 890 students participated in the program, the drop-

out rates were at 10%, and participants had academic averages higher or the same as those of the other grades at the institution.

- The “Arany János Vocational Training Program” helps multiply disadvantaged students and students with special needs to obtain qualifications by enhancing inter-institutional cooperation, establishing personalized development plans, gaining continuous feedback about students’ personal progress, and providing career guidance. Between 2011-2014 an average of 600 students participated in the program, with drop-out rates well below national averages (30%), 13% in four years’ time.
- The National Talent Program includes measures aiming at the improvement of the proportion of disadvantaged and multiply disadvantaged students who participate in talent-support programs. In 2014, 30 participants received a total amount of 25 million HUF.
- The Network of Christian Roma Vocational Boarding Schools involves more than 170 students. Programmes for disadvantaged children and youth offer recreational sports and music courses.
- A new pilot project is to be launched for Roma girls and women intended to prevent dropping out of school, early school leaving, and the project also endeavours to help delay the age at which these girls have children. Objectives also include improving the health of Roma girls and decreasing the likelihood of their victimization.
- Thematic school programs of the Police contain tolerance topic for different age of students (12-14, 14-18 years old). To improve the different level of protection mechanism of the most vulnerable groups (women, children, youth) the police crime prevention units started programs, organised conferences and forums on hate-crime prevention and sensitisation. Hungary was the first country to incorporate studies on Roma culture and history including the Roma Holocaust in its National Curriculum.
- In November 2014, the Government adopted a mid-term school development strategy and a strategy on the prevention of early school leaving (hereinafter: ESL). Main objectives are to promote access to inclusive, quality mainstream education for all. Measures involved in the ESL Strategy serve preventing and tackling early-school leaving, improving students’ skills and competences, the rate of school success fostering smooth labour market transition and employability. ESL Strategy has a focus on students at risk of drop out, especially socially disadvantaged and multiple disadvantaged – including Roma – students. One of the most important measures was the introduction of an ESL data-collection and early warning system. More than EUR 344M has been allocated for the period of 2014-2020 to fight against early school leaving and improve the quality of compulsory education.
- In the framework an inclusion policy project with a budget of 500 million HUF Roma inclusion rapporteurs formulated 205 good practices concerning inclusion, reviewed 189 national and 433 local legislations and elaborated 384 legislation amendments at ministries, at the Central Statistical Office and at the National Roma Self-Government. Another project in cooperation with the National Self-Government gave opportunity to 100 young Roma to work in their offices. The Police also provide scholarships (and subsequently job opportunities) for Roma high school and university students in law enforcement education institutions.

9. Information on the support for the Slovenian minority

Since the last UPR report, Slovenia has acknowledged the progress made by Hungary in the points of the recommendations. The National Slovene Self-Government (hereinafter: NSS) took over the maintenance of the Slovene nationality educational institutions in Felsőszölnök

and in Apátistvánfalva on 1 July 2012. The NSS receives the normative support pro rata from the Hungarian State. The operation of NSS' two educational institutions is secure.

The Slovenian language "Radio Monošter" – owned by the National Slovene Self-Government – plays a determinative role in the field of Slovene nationality media. Instead of the former 8-hour-a-week broadcasting period it has been broadcasting 4 hours a day from 1 January 2012 and the necessary budgetary resources are continuously available for its operation, as the central budgetary support of the Slovenian language radio was incorporated into the budget of the NSS. From 2011 the budgetary support for the weekly paper Porabje was also included into the budget of the NSS. In 2014 the support for the radio broadcast increased to 32 million HUF, which grew slightly in 2015. The total support (which includes all media) for the NSS in 2014 was 110,4 million HUF and 138,4 million HUF in 2015. The broadcast of nationality programmes at the Hungarian National Television began more than 30 years ago. The German and Serbian-Croatian programme started in 1978. Today Serbian, Croatian and Slovene magazine programmes are operated separately.

The Hungarian-Slovene Minority Joint Committee monitoring the implementation of the Agreement between the two countries held its inaugural session in 1995. Recent sessions were: 12th - 2011, 13th - 2012, 14th - 2013 and the last one in November 2015. The Committee reviews the current issues of the Hungarian and Slovenian national minorities living in the two countries, and oversees the implementation of the recommendations of previous sessions which are approved by Governmental decree after each session to ensure proper follow-up.

10. Hungary's International Development Cooperation

The basic principles of Hungary's development co-operation are set out in its International Development Cooperation Strategy and Strategic Concept for International Humanitarian Aid, approved by the Government in 2014. It covers the period from 2014 to 2020 and defines the objectives and priorities of Hungary's development co-operation policy. The Act XC of 2014 on International Development Cooperation and International Humanitarian Assistance serves as an important tool to implement the goals set by the Strategy. The Act determines the basic rules of the planning, funding, implementation and controlling of international cooperation programs, aims to improve bilateral cooperation with partner countries and to increase efficiency of implementation.

The Ministry of Foreign Affairs and Trade (Department for International Development and Humanitarian Aid) is responsible for planning and co-ordinating Hungary's development co-operation and humanitarian policy. The Ministry prepares the development co-operation strategy and annual action plans (with the Ministry of Finance), manages multilateral contributions (UN, EU, EDF, GEF), implements bilateral projects and provides humanitarian assistance. Line ministries also manage some multilateral contributions (WB, IMF, EBRD, IOM, FAO) and implement development-related projects in their areas of competence. The Interministerial Working Committee, which is chaired by the Deputy State Secretary for International Cooperation of MFAT of Hungary, sets out the priority partner countries of Hungarian IDC and serves as an advisory body in IDC matters. The Civil Advisory Board, consisting of representatives of the Ministry of Foreign Affairs and Trade, political parties, Chambers of Commerce, employers' associations, academic communities, NGOs as well as individual experts, provides advice on the strategic direction of Hungary's development co-operation and humanitarian assistance.

Hungarian development cooperation focuses on sectors and areas where we represent an added value, in compliance with the development needs and priorities of our partner countries. In view of this, the strategy outlines the following priority sectors and thematic areas: institution building, green growth, environmental and climate protection, and human development. Most of our bilateral projects take the form of technical assistance, aimed at sharing knowledge and experience. Assistance provided in form of scholarships and aid to refugees represented a significant share in Hungary's ODA. Projects were implemented in areas where Hungary has a comparative advantage, such as sharing the experiences gained during political and economic transition processes, institutional capacity building, strengthening of civil society, education, public health, water management and sanitation. Civil society organizations and public administrations play a pivotal role in the implementation of the Hungarian development cooperation.