

**Statement by His Excellency Mr. Zoltán Balog, Minister of State for Social Inclusion, at the
consideration of the UPR Outcome of Hungary**

Geneva, 23 September, 2011

Thank you Madam President,

It is my pleasure and privilege to address the UN Human Rights Council today on the occasion of the consideration and adoption of the final UPR report of Hungary. My government is strongly committed to the promotion and protection of human rights in both our domestic and foreign policies. In this spirit Hungary became a member of the Human Rights Council, actively contributing to its work with several initiatives. It is also worth mentioning that Hungary, as one of the vice-presidents serving in the Bureau of the Council leads the Task Force on accessibility for persons with disabilities.

Hungary is also strongly committed to the UPR mechanism, since in our view it has the potential to make a difference on the ground, if recommendations are implemented. Due to the fact that its principles are applicable to all member states without discrimination, the Universal Periodic Review is the real success story of the Council. This is one of its *raison d'être*, having very positive effect on the Council's credibility.

This UPR process also helped us to improve our cooperation with the civil society. During the preparations for our review we conducted 8 thematic expert meetings with NGOs on the most pertinent issues the UPR including: roma, gender, disabilities, law enforcement etc.

At our UPR Review last May, Hungary received 148 recommendations from 48 delegations. After intensive consultations on the 29 remaining recommendations which were left for

further consideration by the Government, I am pleased to announce that in total, Hungary will accept 122 out of the 148 recommendations. At this point I would like to underline that several recommendations did not receive our support exclusively due to the fact that the suggested course of action has already been completed, therefore there is no need for further consideration or action.

Madam President,

Please, allow me to inform the Council about our positions with regard to these 29 remaining recommendations, which can be also found in the addendum to the Report of the Working Group on the UPR. Finally, I would like to update the Council regarding recent developments in the field of human rights protection in my country, since our UPR review last May.

Taking into account the important role **national human rights institutions** can play we are pleased to announce that this year the Parliamentary Commissioner for Civil Rights (Ombudsman) was accredited by the International Coordination Committee of the National Human Rights Institutions as a national human rights institution. Therefore, it is our hope that he will have a significant role in the course of the implementation of accepted recommendations and in the preparation for the second cycle of our UPR.

There were many recommendations with regard to the **ratification and accession to different international human rights treaties**. I am pleased to inform the Council that the ratification of OPCAT and the International Convention for the Protection of all Persons from Enforced Disappearance is under way.

The Government has also recently started the process of the codification of a new Criminal Code and sees no difficulty in harmonising the definition of torture with the one contained in Article 1 of the CAT.

Hungary constantly reviews both new and existing international treaties and conventions in order to consider its accession to those human rights conventions to which Hungary is not yet a party. The Government is ready to examine the accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, but as it is a complex task, the implementation of which will take up a longer period and therefore it cannot be guaranteed that the process will be completed by the next UPR examination of Hungary.

Regarding the International Convention on the Rights of Migrant Workers and members of their families, none of the EU member states, including Hungary, are parties to it, since several provisions of this Convention are governed by EU regulations.

Hungarian legislative framework and practice regarding **migration and refugees** is fully in line with Hungary's international obligations as well as with its obligations arising from the EU acquis on the free movement of EU nationals, migration and asylum.

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

Regarding the **Slovenian minority**, Hungary, as it has done previously, will implement the recommendations of the Slovenian-Hungarian Mixed Commission to the maximum extent possible, nevertheless the full implementation depends on the budgetary allocations.

Hungary has **national human rights strategies** relating to numerous fields (social equality of men and women, elderly people, youth, environmental protection, healthcare, Roma) which serve the strengthening of human rights and a general plan or program in the Government's view would not have any added value.

The Government is convinced that the new laws on **Media** (the Act on mass communications and media services and the Act on the freedom of the press and the basic rules for media) are in conformity with the international human rights obligations of Hungary and therefore respect the freedom of expression and the press. Hungary was and will remain ready for dialogue, in case there are concrete questions and observations related to the specific provisions of the laws, as well as their implementation.

The new Media Law requires the regulatory authority, the so-called Media Council, to submit a yearly report to the Parliament. This document will contain, among others, information on the regulatory activities of this body, and will be made public on the website of the Media Council.

The statutory provisions under the Hungarian Criminal Code and the Law on misdemeanours fully cover and prosecute all acts falling under the scope of **domestic violence**. Spousal rape is punishable since 1997. The Act on Equal Treatment and the Promotion of Equal Opportunities protects women against discrimination, as well as guarantees their equal treatment. Therefore, in our view, it is not necessary to draft and implement a fully comprehensive law on **gender equality** and a law on combating gender violence.

Both the current Constitution and the new one, entering into effect next year require the harmonisation of national legislation with international law. This was taken into account

when Hungary ratified the CEDAW and incorporated its general prohibition of discrimination into its domestic legislation. Moreover, the Act on equal treatment and the promotion of equal opportunities (2003) provide further details regarding gender equality and prohibits acts of discrimination.

The Act on equal treatment and the promotion of equal opportunities created the **Equal Treatment Authority** which conducts proceedings in case the principle of equal treatment may have been violated, either at the request of the injured party or upon its own motion (ex officio) in cases set forth by law, in order to establish whether any discrimination has occurred. In our opinion the recommendation on elevation of the status of national machinery for the advancement of women has already been realized in Hungary as the Authority is autonomous and the number of its staff has doubled since its creation. In addition, after the new government took office in 2010, the position of the Authority within the public administration has been strengthened.

Although the incompatibility of **capital punishment** with the Hungarian legal system is not explicitly enshrined at the constitutional level, several legal norms are in place to ensure that the practice of death penalty is fundamentally and strictly prohibited. First, in 1990 the Constitutional Court with its decision derived the prohibition from the right to life and dignity. This decision will remain in effect after the new Constitution will enter into force next year. Second, the list of applicable punishments in the Criminal Code – in conformity with the above mentioned decision of the Constitutional Court, as well as with the international obligations of Hungary – does not include the death penalty. These international obligations stem from the ratification of the Second Optional Protocol of the

ICCPR, the 6th and the 13th Protocols to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Hungarian statutory regulation in force provides safe and lawful freedom of choice in terms of **abortion**. This legislation is fully in line with international standards; hence its amendment would not be justified. However, we would like to underline that according to Article II of the Fundamental Law of Hungary: „Human dignity shall be inviolable. Every human being shall have the right to life and human dignity; embryonic and foetal life shall be subject to protection from the moment of conception.” In this respect we are committed to provide women with the opportunity of offering the newborns for adoption, as an alternative to abortion, and to enable them to consider this option as well.

The Constitution also prohibits discrimination based on different grounds, as listed by way of example. This is not an exhaustive list, thus protected categories not explicitly listed are also covered, including **discrimination based on sexual orientation**. This prohibition is also spelt out unequivocally by the consistent jurisprudence of the Constitutional Court and the Act on equal treatment and promotion of equal opportunities.

In our view the increase of financial support is by no means the sole tool to **fight poverty**. This objective can be reached by measures aimed at the decrease of the transmission of social disadvantages, by complex programs for the amelioration of the situation of children and families with children, by scholarship programs to support students with multiple disadvantages, by the development of the child-healthcare system, or by reducing unemployment. all of which can be ensured by measures aiming at social support, the

increase of labour market chances and the amelioration of access to public services of groups in the most disadvantageous situation.

Hungary is making every effort to gradually increase its **ODA** contribution despite austerity measures adopted each year since 2006. Please note that the 12 new EU Member States' ODA target was set to 0.33% by 2015. Despite our financial difficulties and as a proof of our commitment towards the plight of the people in need around the world, in close cooperation with the UN Office for the Coordination of Humanitarian Affairs (OCHA) we will organise the **European Humanitarian Partnership Forum** in Budapest on 6 October 2011 to address the current challenges facing the humanitarian and development actors.

The Criminal Record System and the Criminal Statistics System of Hungary already contains information on **racist and hate-crimes**.

Finally Madam President,

I would like to inform the Council about a few recent developments within the scope of our UPR review.

Many delegations welcomed the organization of the **Budapest Human Rights Forum**, this annual initiative by the Ministry of Foreign Affairs of the Republic of Hungary. It is my honour to inform you that the Fourth Budapest Human Rights Forum takes place on 26-27th October 2011.

There were several delegations who commended the establishment of the **Foundation for the International Prevention of Genocide and Mass Atrocities**. The Foundation has been established on the basis of the feasibility Study prepared by the Hungarian Government

between 2008 and 2010. The registration of the Foundation took place on 14 January 2011.

The Foundation for the International Prevention of Genocide and Mass Atrocities declared as one of its main objectives to narrow the gap between early warning and early action and facilitate the cooperation among the stakeholders including the representatives of academia committed to the prevention of genocide and mass atrocities.

The tragic historical events in the last century have clearly proven that one of the most volatile regions of the world from the angle of genocide and mass atrocities is the Great Lakes Region, therefore, the Foundation has decided to give priority to that region in its activities. The Foundation is going to organise a roundtable on 26 October, as a pre event of the Fourth Budapest Human Rights Forum on the possible cooperation to prevent genocide and mass atrocities in the Great Lakes Region.

Thank you for your attention, and I am more than happy to answer to your questions.